

**Original: English****No. ICC-02/18 OA
Date: 12 October 2023****THE APPEALS CHAMBER**

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I**Public document****Scheduling Order**

**for a hearing on the appeal of the Bolivarian Republic of Venezuela against
Pre-Trial Chamber I's "Decision authorising the resumption of the investigation
pursuant to article 18(2) of the Statute"**

Order to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Karim A. A. Khan, Prosecutor
Ms Alice Zago

The Office of Public Counsel for Victims

Ms Paolina Massidda
Mr Enrique Carnero Rojo

States Representatives

Competent authorities of the Bolivarian
Republic of Venezuela

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

The Appeals Chamber of the International Criminal Court,

In the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I's "Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute" of 27 June 2023 (ICC-02/18-45),

Issues the following

SCHEDULING ORDER

A hearing in this appeal shall be convened on Tuesday and Wednesday, 7 and 8 November 2023 from 09h00 to 15h00. Further directions on the schedule and the conduct of the hearing will be issued in due course.

REASONS

I. PROCEDURAL HISTORY

1. On 27 June 2023, Pre-Trial Chamber I rendered its decision authorising the Prosecutor to resume the investigation into the situation in the Bolivarian Republic of Venezuela (hereinafter: "Venezuela"), pursuant to article 18(2) of the Statute (hereinafter: "Article 18(2) Decision").¹

2. On 3 July 2023, Venezuela submitted its notice of appeal against the Article 18(2) Decision.²

3. On 21 July 2023, the Appeals Chamber granted a request of the Office of Public Counsel for Victims (hereinafter: "OPCV"),³ and invited it to submit written observations on Venezuela's appeal brief in relation to the general interests of victims.⁴

¹ [Decision authorising the resumption of the investigation pursuant to article 18\(2\) of the Statute](#), ICC-02/18-45.

² [The Bolivarian Republic of Venezuela's Notice of Appeal against Pre-Trial Chamber I's "Decision authorising the resumption of the investigation pursuant to article 18\(2\) of the Statute" \(ICC-02/18-45\) and request for suspensive effect](#), 14 July 2023, ICC-02/18-46-AnxII-Red (confidential *ex parte* version dated 2 July 2023 was registered on 3 July 2023).

³ [Request to appear before the Appeals Chamber pursuant to regulation 81\(4\) of the Regulations of the Court](#), 7 July 2023, ICC-02/18-47.

⁴ [Decision on the OPCV's "Request to appear before the Appeals Chamber pursuant to regulation 81\(4\) of the Regulations of the Court"](#), ICC-02/18-54.

4. On 14 August 2023, Venezuela filed its appeal brief (hereinafter: “Appeal Brief”).⁵

5. On 24 August 2023, the Appeals Chamber granted, in part, the victims’ requests,⁶ by allowing victims to make representations, with the assistance of their legal representatives if they so wish, and instructed the VPRS to collect and transmit to the Appeals Chamber representations from any interested victim and victims group, with the assistance of their legal representatives if they so wish, and submit a report thereon.⁷

6. On 13 September 2023, the Prosecutor filed his response to the Appeal Brief,⁸ and the OPCV submitted its observations.⁹

II. MERITS

7. The Appeals Chamber considers that, in addition to receiving written submissions in the proceedings at hand, it is appropriate to also convene a hearing in accordance with rule 156(3) of the Rules of Procedure and Evidence in order to fully address the novel and complex issues that arise in this appeal.

8. At this hearing, the Appeals Chamber will give the parties and participants an opportunity to address specific issues arising from their submissions and to respond to questions that may be posed by the Appeals Chamber. Given the OPCV’s involvement

⁵ [The Bolivarian Republic of Venezuela’s Appeals Brief against the Pre-Trial I’s ‘Decision authorizing the resumption of the investigation pursuant to article 18\(2\) of the Statute’ \(ICC-02/18-45\)](#), 22 August 2023, ICC-02/18-59-AnxII-Red, with confidential *ex parte* annexes (confidential *ex parte* version of Annex II filed on 14 August 2023, ICC-02/18-59-Conf-Exp).

⁶ [Application to present victims’ views and concerns in the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I’s “Decision authorising the resumption of the investigation pursuant to article 18\(2\) of the Statute”](#), ICC-02/18-55-Red (confidential *ex parte* version filed on the same day, ICC-02/18-55-Conf-Exp), with confidential *ex parte* annexes; [Application to present victims’ views and concerns in the appeal of the Bolivarian Republic of Venezuela against the Pre-Trial Chamber I’s ‘Authorisation pursuant to article 18\(2\) of the Statute to resume the investigation’](#), ICC-02/18-56-Anx1-Red-Corr (confidential *ex parte* version filed on the same day, ICC-02/18-56-Conf-Exp-Anx1); [Request to Present Opinions and Observations of Victims in the Appeal of the Bolivarian Republic of Venezuela against the ‘Decision of Pre-Trial Chamber I Authorizing the Resumption of the Investigation Pursuant to Article 18\(2\) of the Statute’](#), ICC-02/18-57-Anx1-Red (confidential *ex parte* version filed on the same day, ICC-02/18-57-Conf-Exp-Anx1), with other six confidential *ex parte* annexes.

⁷ [Decision on requests for victims’ involvement](#), ICC-02/18-60, p. 3, paras 14-15.

⁸ Prosecution Response to the Bolivarian Republic of Venezuela’s Appeal against the Pre-Trial Chamber I’s ‘Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute’ (ICC-02/18-59-Conf-Exp-AnxII), 5 October 2023, ICC-02/18-62-Red (confidential *ex parte* version filed on 13 September 2023, ICC-02/18-62-Conf-Exp), with confidential *ex parte* Annexes A and B.

⁹ Observations on behalf of victims on the Venezuela Government Appeal against the Decision authorising the resumption of the investigation, ICC-02/18-61.

in the proceedings by means of submitting observations on the Appeal Brief, the Appeals Chamber finds it appropriate to invite the OPCV to attend the hearing. Further directions on the schedule and the conduct of the hearing will be issued in due course.

Done in both English and French, the English version being authoritative.



Judge Marc Perrin de Brichambaut
Presiding

Dated this 12th day of October 2023

At The Hague, The Netherlands