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Mr Karim Khan
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Office of the Prosecutor
International Criminal Court
The Hague
The Netherlands

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OPEN LETTER TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT: URGENT CALL FOR ACTION ON VENEZUELA

Dear Prosecutor Khan,

The opening of the International Criminal Court (ICC) investigation into the situation in Venezuela, in November 2021, marked a genuine moment of hope for victims, affected communities, and civil society in the country. At that time, Venezuela had already been suffering a deep human rights crisis for many years, marked by grave human rights violations and possible crimes against humanity, and an ongoing complex humanitarian emergency. This human rights crisis, fueled by the impunity of those suspected of criminal responsibility, is continuing to the present day.

The events following the presidential election that took place on 28 July 2024 fit squarely into your Office's investigation. Indeed, since the contested and unpublished results were announced, state authorities have increased a policy of repression at a widespread scale, including: mass politically motivated arbitrary detentions, enforced disappearances and torture. Likewise, the organization has received reliable reports of the use of lethal and excessive less lethal force by public officials and pro-government armed groups which has resulted in at least 17 people killed; illegal home raids with excessive use of force; deployment of ununiformed security forces, and a strongly stigmatizing discourse against political activists, human rights defenders and NGOs.

While such acts are not new in Venezuela, nor to the Office of the Prosecutor's (OTP) investigation, the **silence of your Office** in the face of recent events is **alarming**. It cannot be stated more strongly that the present increase in the scale and gravity of acts being committed against Venezuelans **demand immediate action** from your Office.

Amnesty International therefore calls on you to **urgently** take the following actions:

- 1. Urgently issue a preventive statement on the situation in Venezuela putting those allegedly responsible for crimes under international law on notice that they will be brought to justice.**

The ICC truly represents a last resort for victims of the most serious crimes in Venezuela. This is not merely a rhetorical notion. It is no exaggeration to say that the genuine prospect of being held individually responsible by the ICC may **deter** actors from committing international crimes. In Venezuela, the ICC is seen by victims and potential perpetrators as the most powerful and important international mechanism, which can effectively pursue justice, truth and reparation.

Indeed, your mandate **requires your Office** to investigate crimes against humanity, to monitor the situation, and to deter those who would commit crimes falling within the OTP's jurisdiction.

It is therefore incumbent on you to put those who order and commit acts falling within your investigation **on notice** that you will investigate them and bring them before the Court. Such a notice, which your Office has previously published for other situations, would also provide hope to victims in Venezuela that you have not forgotten them, and remind Venezuelans that the eyes of the ICC and the international community are on them.

For example, in October 2023, you provided a powerful public statement which reminded all relevant actors of your Office's ongoing work, your jurisdiction, and that your Office will 'look closely' at all those who may be responsible for any crimes being committed.

It is imperative that you issue a similar statement – loudly and clearly – today.

2. Publicly support all Venezuelan NGOs and those who are integral to the successful realization of your investigations in Venezuela and condemn attacks on NGOs who are being targeted for their work on justice.

Your Office recently provided that “[c]ivil society, and in particular local organisations stemming from collective action by victims and survivors, are critical actors in the work of the Office.”

In Venezuela, civil society organizations, victims' associations and groups, and other human rights defenders have faced ongoing targeting by the government for their pursuit of justice and human rights. This has resulted in attacks, stigmatization, and other forms of harassment. Indeed, attacks and restrictions against civil society organizations and human rights defenders are due to these stakeholders' activities related to pursuing justice and documenting human rights violations.

In the present context, your Office should be aware that Venezuelan NGOs and individuals who have pursued international justice are at particular risk, and Amnesty International is aware of instances where individuals have been specifically targeted by the Venezuelan authorities for their immensely courageous pursuit of justice. This has included individuals being arbitrarily detained, having passports annulled, and being subjected to smear campaigns by high-ranking authorities.

Consequently, where the Court is obliged to provide protection for victims and witnesses pursuant to the Rome Statute's provisions, your Office must urgently ensure that such protection measures are taken by the Court.

Notwithstanding the Rome Statute's provisions on the protection of victims and witnesses, in keeping with the importance your Office attaches to civil society and local organizations, we urge you to do all in your power to ensure that those pursuing justice in Venezuela are not harmed or targeted for doing so. This – at a minimum – should include loud and unequivocal condemnation of attacks on NGOs; public support for those pursuing international justice; and clear assurances that those who target human rights defenders and organizations integral to the Court's work will be held accountable by your Office. This is all the more important in a region like the Americas, where Amnesty International has serious concerns about other cases of widespread impunity for human rights violations.

3. Urgently expedite your investigation into the situation in Venezuela.

Notwithstanding the urgent need for the OTP to issue a public statement, Amnesty International believes - above all - that your office should demonstrate justice *in action*. As you have previously stated:

“We need to see justice in action. People need to see that the law has an impact on their lives. And this law, this justice, must be focused on the most vulnerable. It should be almost tangible. It is something they should be able to cling on to. It is something that they should be able to embrace when they are faced with so much loss, pain and suffering.”

Justice *in action* requires your Office to promptly expedite the investigation in Venezuela, as much as possible.

While we recognize that you must conduct credible, professional and independent criminal investigations, it is clear that every day which is marked by a delay in tangible investigative progress is accompanied by further gross human rights violations and crimes under international law. Assuredly we can say that the impunity of those most responsible for crimes under international law in Venezuela continues to empower those who commit such crimes in the country. **Until all of those individually responsible (up to the highest levels) are brought to justice, it is almost certain that the violent repression that Venezuelans are bearing, will continue.**

Amnesty International has noted your Office's commitment to a 'two-track approach' to complementarity in Venezuela. As we have often reiterated, the OTP's independent prosecutorial activities must remain the primary focus of a two-track approach. Certainly, a desire to pursue domestic capacity building on a second 'track' must not come at the expense of the OTP expeditiously and effectively fulfilling its mandate, or perhaps being willing to loudly and publicly condemn ongoing violations.

In this regard, while we note your Office's efforts to pursue complementarity in Venezuela, we also continue to raise significant concerns that, in Venezuela, the apparatus of the state - including the military, police, and other investigative and judicial authorities – are implicated, if not central, to the commission of widespread as well as systematic attacks against the civilian population. Furthermore, senior state officials are implicated as being individually responsible for the commission of crimes within the ICC's jurisdiction. As such, it is imperative that your Office strongly considers its current complementarity approach in Venezuela. Where your Office's two-track approach shows no progress towards results, or may even serve to hamper your investigations, it is imperative that your Office commits to fully and expeditiously pursuing its mandate.

Finally, Amnesty International noted the recent inauguration of an OTP Office in Caracas, which would reportedly support domestic capacity building efforts. However, the OTP's presence in Venezuela also means that it is bearing witness to the events transpiring around it. Such first-hand witness can only be accompanied by a horror, which we share, at what is taking place on the ground. **This must be met by a clearly stated resolve to pursue justice for all those affected by international crimes being committed in Venezuela.**

Your sincerely,



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