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No.: ICC-02/18
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THE PRESIDENCY

Before: Judge Tomoko Akane, President
Judge Rosario Salvatore Aitala, First Vice-President
Judge Reine Adélaïde Sophie Alapini-Gansou, Second Vice-President

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

PUBLIC

**Amended Request under Regulation 119 of the Regulations of the Court for
Preservation Measures, a Certified Administrative Chronology, and Transmission
Concerning the Registry's Handling of the Khan–Alagendra Conflict
and Related Communications**

Source: Mr Robert Carmona-Borjas and Arcadia Foundation

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants (Participation/Reparation)

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Mr Robert Carmona-Borjas
Arcadia Foundation

Before the International Criminal Court
The Presidency
Situation in the Bolivarian Republic of Venezuela I
No. ICC-02/18
Public

Amended Request under Regulation 119 of the Regulations of the Court for Preservation Measures, a Certified Administrative Chronology, and Transmission Concerning the Registry’s Handling of the Khan–Alagendra Conflict and Related Communications

Source: Mr **Robert Carmona-Borjas**, in his individual capacity as a recognised victim in the *Venezuela I Situation*, reference number r/21840/23, and as Chief Executive Officer and authorised representative of **Arcadia Foundation**, acting on behalf of victims in the *Venezuela I Situation*, reference number VPRS-A-2023-092.¹

I. Request

1. Mr **Robert Carmona-Borjas** and **Arcadia Foundation**, acting through Mr Carmona-Borjas in the capacities identified below, submit this amended request before the Presidency following the communication of the Court Management Section of 21 April 2026, which stated that the submission should be filed before the Presidency pursuant to Regulation 119 of the Regulations of the Court and that, if permitted, it may be filed on the case record. The Applicants comply with that procedural direction without abandoning their position that the Appeals Chamber retains a limited protective authority over the integrity of proceedings already examined by it.
2. The request concerns the Registry’s handling of communications, records, complaints, and procedural steps related to the conflict of interest arising from the familial, professional, and hierarchical relationship between the Prosecutor, Mr Karim A. A. Khan, and Ms Venkateswari Alagendra, counsel acting for the Bolivarian Republic of Venezuela in the *Venezuela I Situation*.
3. The Applicants do not ask the Presidency to adjudicate the Prosecutor’s disqualification. The Appeals Chamber has already addressed that matter in subsequent proceedings and the ad hoc Presidency has granted the Prosecutor’s request to be excused from the *Venezuela I Situation*. Nor do the Applicants ask the Presidency, in this public filing, to discipline, remove, sanction, or disqualify the Registrar, Mr **Oswaldo Zavala Giler**; to adjudicate any disciplinary complaint against Ms Alagendra; or to reconsider the Appeals Chamber’s decision of 10 February 2025.²
4. The object of the request is narrower, but essential: preservation of relevant material; a certified administrative chronology; appropriate assessment, referral, or transmission of Registry-related issues under the statutory and regulatory framework applicable to the proper administration of the Court; and authorisation for this public submission, or such public version as the Presidency may permit, to be placed on the

¹ **International Criminal Court, Victims Participation and Reparations Section**, acknowledgement and related victim-participation records concerning Robert Carmona-Borjas and Arcadia Foundation, including reference numbers r/21840/23 and VPRS-A-2023-092, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

² **International Criminal Court, Appeals Chamber**, Decision on the “Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest”, ICC-02/18-109, 10 February 2025, paras 55–56, 68–71, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003d.pdf>.

ICC-02/18 record or transmitted to the Appeals Chamber for information and any action it may consider appropriate.

5. This request is brought before the Presidency precisely because the Applicants recognise the Presidency's responsibility for the proper administration of the Court, with the exception of the Office of the Prosecutor; the Registry's responsibility for the non-judicial aspects of the administration and servicing of the Court; and the distinct framework governing complaints, removal, and disciplinary measures concerning senior officials, including the Registrar, Mr Osvaldo Zavala Giler, under Articles 38, 43, 46 and 47 of the Rome Statute, Rules 24 to 30 of the Rules of Procedure and Evidence, and Regulations 119 and 120 of the Regulations of the Court.³
6. At the same time, the Applicants respectfully submit that administrative routing must not become disappearance. The Presidency's competence over the Registry and senior administrative responsibility coexists with the Appeals Chamber's continuing interest in the integrity of proceedings whose prosecutorial conflict it has already examined. The Court cannot correct an integrity concern at the level of prosecutorial participation while leaving unpreserved and unexplained the administrative route by which the same concern entered, remained, was transmitted, was delayed, or was declined institutional ownership within the Court's own channels.

II. The Applicants' capacity and the need for accurate identification

7. This request is made in two distinct capacities. Mr Carmona-Borjas acts, first, in his own capacity as a recognised victim in the *Venezuela I Situation*, reference number r/21840/23. He acts, secondly, as Chief Executive Officer and authorised representative of **Arcadia Foundation**, which has acted on behalf of victims in the same Situation, reference number VPRS-A-2023-092.⁴
8. The Applicants respectfully request that any filing resulting from the present request reflect both capacities with precision. This is necessary to avoid the ambiguity that has previously arisen in the record when submissions were treated as emanating from Arcadia Foundation alone, notwithstanding Mr Carmona-Borjas's express position that he was acting both individually and on behalf of Arcadia Foundation.⁵
9. The present filing is accordingly lodged by Mr Robert Carmona-Borjas, in his individual capacity as a recognised victim in the *Venezuela I Situation* and as Chief Executive Officer and authorised representative of Arcadia Foundation, acting on behalf of victims in the *Venezuela I Situation*. That formulation is intended to preserve, without enlargement or distortion, both the individual and representative capacities in which the present request is made.

III. Procedural background

10. On 8 September 2024, Arcadia Foundation submitted a request seeking the Prosecutor's recusal from the *Venezuela I Situation* on grounds arising from his familial relationship with Ms Alagendra.⁶ On 10 September 2024, Arcadia Foundation

³ **Rome Statute of the International Criminal Court**, Articles 38, 43, 46 and 47, official consolidated English version, available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>; International Criminal Court, **Rules of Procedure and Evidence**, Rules 24–30, official English version, available at: <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>; International Criminal Court, Regulations of the Court, Regulations 119–120, official English version, available at: <https://www.icc-cpi.int/sites/default/files/iccdocs/PIDS/docs/RegulationsCourtEng.pdf>.

⁴ **International Criminal Court, Victims Participation and Reparations Section**, acknowledgement and related victim-participation records concerning Robert Carmona-Borjas and Arcadia Foundation, including reference numbers r/21840/23 and VPRS-A-2023-092, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

⁵ **International Criminal Court, Appeals Chamber**, Decision on the “Request for the Appeals Chamber to Conduct an Ex Officio Review of the Prosecutor's Conflict of Interest in the *Venezuela I Situation*”, ICC-02/18-118, 1 August 2025, para. 8 and footnote 10, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>.

⁶ **Arcadia Foundation**, *Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest*, 8 September 2024; see also International Criminal Court, Appeals Chamber, ICC-02/18-109, 10 February 2025, paras 4, 22–26, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003d.pdf>.

submitted a formal complaint concerning alleged conflict-of-interest and ethical violations involving Ms Alagendra and the Prosecutor, invoking Article 34 of the ICC Code of Professional Conduct for counsel.⁷

11. On 12 January 2025, Mr Carmona-Borjas and Arcadia Foundation submitted a request concerning procedural failures and ethical oversight by the Registry in the context of the *Venezuela I Situation*.⁸ In that submission, the Applicants expressly recognised that Regulation 119 of the Regulations of the Court concerns complaints regarding senior officials and the Presidency; the submission did not purport to replace that route, but sought the Chamber’s attention because the alleged Registry failures were directly intertwined with the then-pending question of the Prosecutor’s impartiality.⁹
12. On 7 February 2025, the Registry transmitted that submission to the Appeals Chamber. The Registry’s transmission records that the submission was received on 12 January 2025, that the Registry consulted the Chamber on 13 January 2025, that the Chamber instructed the Registry on 6 February 2025 to submit the request by Registry transmission, and that the Registry transmitted it pursuant to Rule 13(1) of the Rules of Procedure and Evidence.¹⁰
13. On 10 February 2025, the Appeals Chamber dismissed the request for disqualification of the Prosecutor as inadmissible by majority, holding that the Applicants lacked standing under Article 42(8) of the Rome Statute and that there was, at that stage, no “case” before the Court from which the Prosecutor could be disqualified. The same decision dismissed the Registry-related requests as falling outside the scope of the Chamber’s review in those proceedings.¹¹
14. The present request does not seek reconsideration of that ruling. It rests on later and materially different circumstances. On 1 August 2025, the Appeals Chamber found that there were reasons to believe that a ground for disqualification of the Prosecutor existed and that he was under a duty, pursuant to Rule 35, to request to be excused from the *Venezuela I Situation*. The Chamber instructed the Prosecutor to comply with that duty within three weeks.¹²
15. The Appeals Chamber further held that, outside the scope of a formal request under Article 42(8), it retains power to deal with questions concerning the Prosecutor’s disqualification when the existence of a ground capable of affecting the fairness of proceedings has been brought to its attention and no request for excusal has been made by the Prosecutor. The Chamber grounded that power in Article 42(8) of the

⁷ **Arcadia Foundation**, *Formal Complaint Regarding Conflict of Interest and Ethical Violations Involving Ms Venkateswari Alagendra and ICC Prosecutor Karim Khan*, 10 September 2024, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd1809fb0e4.pdf>; also see International Criminal Court, Code of Professional Conduct for counsel, Article 34, official English version, available at: <https://www.icc-cpi.int/sites/default/files/Publications/Code-of-Professional-Conduct-for-counsel.pdf>.

⁸ **Robert Carmona-Borjas and Arcadia Foundation**, *Formal Submission to the Appeals Chamber of the International Criminal Court (ICC): Request to Address Procedural Failures and Ethical Oversight by the ICC Registry in the Context of the Venezuela I Situation*, 12 January 2025, original full-text version, available at: <https://arcadiafoundation.org/wp-content/uploads/2026/04/Formal-Submission-Ethical-Breaches-and-Procedural-Failures-by-the-ICC-Registrar-in-the-Venezuela-I-Situation-by-Robert-Carmona-Borjas-and-Arcadia-Foundation.pdf>; public redacted version later made available through the ICC website at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180aaff25.pdf>

⁹ **Arcadia Foundation and Robert Carmona-Borjas**, *Request to Address Procedural Failures and Ethical Oversight by the ICC Registry in the Context of the Venezuela I Situation*, 12 January 2025, paras 1–6, 40–50, 57–64, public redacted version filed as ICC-02/18-107-Anx-Red available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180aaff25.pdf>; see also International Criminal Court, Appeals Chamber, ICC-02/18-109, 10 February 2025, paras 54–56, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003d.pdf>.

¹⁰ **International Criminal Court, Registry Transmission** of “Request to Address Procedural Failures and Ethical Oversight by the ICC Registry in the Context of the Venezuela I Situation”, ICC-02/18-107, 7 February 2025, paras 1–6, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003a.pdf>.

¹¹ **International Criminal Court, Appeals Chamber**, ICC-02/18-109, 10 February 2025, paras 55–56, 68–71, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003d.pdf>.

¹² **International Criminal Court, Appeals Chamber**, ICC-02/18-118, 1 August 2025, dispositive part, paras 1–2, and paras 44–45, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>.

Statute, Rule 34(3) of the Rules, Articles 64(2), 64(6)(f) and 68(3) of the Statute, and Rule 149 of the Rules.¹³

16. The Chamber's decision of 1 August 2025 also recorded the factual matrix now relevant to the present request: Ms Alagendra was present and made oral submissions for Venezuela during the hearing of 7 and 8 November 2023; the Prosecutor had a close family relationship with Ms Alagendra; he also had a previous professional and hierarchical relationship with her; transparency was of paramount importance where a perception of bias could arise; and, in the particular circumstances of the case, a fair-minded and reasonable observer, properly informed and having considered all the facts and circumstances, would reasonably apprehend bias.¹⁴
17. On 2 September 2025, the *ad hoc* Presidency granted the Prosecutor's request to be excused from the *Venezuela I Situation*. That decision confirmed that the integrity concern identified by the Appeals Chamber did not remain abstract. It produced a formal institutional remedy concerning the Prosecutor's future participation.¹⁵
18. The Prosecutor's excusal, however, did not address the separate issue now placed before the Presidency: how the Registry, under the responsibility of the Registrar, Mr Osvaldo Zavala Giler, handled, failed to handle, transmitted, delayed, recorded, preserved, or declined to assume institutional responsibility for the communications, complaints, filings, and records connected with the same conflict that the Appeals Chamber later found objectively serious.

IV. Why action by the Presidency is warranted

19. The Court Management Section has now directed the Applicants to file the matter before the Presidency pursuant to Regulation 119. The Applicants therefore do so. Compliance with that direction, however, cannot be understood as a waiver of the legal position that the Appeals Chamber's protective authority remains relevant to the integrity of the *Venezuela I* proceedings. The present request is designed to ensure that the matter is not lost between judicial, administrative, and disciplinary compartments.¹⁶
20. Action by the Presidency is warranted because the Appeals Chamber's decision of 1 August 2025 changed the procedural and institutional landscape. Before that decision, Registry-related issues could be characterised, however inadequately, as collateral to an inadmissible disqualification request. After that decision, they concern the Court's administrative handling of an integrity matter that the Appeals Chamber itself recognised as capable of generating a reasonable apprehension of bias.
21. Action is also warranted because the Appeals Chamber has previously emphasised that filings must comply with the Court's legal texts, including the requirements of the Regulations of the Court, and has cautioned the Applicants to exercise greater diligence when filing documents before the Court. The present amended filing is

¹³ **International Criminal Court, Appeals Chamber**, ICC-02/18-118, 1 August 2025, paras 25–32, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>; **Rome Statute**, Articles 42(8), 64(2), 64(6)(f) and 68(3), available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>; **Rules of Procedure and Evidence**, Rules 34(3) and 149, available at: <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>.

¹⁴ **International Criminal Court, Appeals Chamber**, ICC-02/18-118, 1 August 2025, paras 4, 40–45, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>.

¹⁵ **International Criminal Court, The Presidency (ad hoc)**, *Decision on the "Prosecutor's Request to be Excused from the Venezuela I Situation"*, ICC-02/18-125, 2 September 2025, paras 26–27 and disposition, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c768ad.pdf>.

¹⁶ **International Criminal Court, Appeals Chamber**, ICC-02/18-109, 10 February 2025, paras 40–45, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180ab003d.pdf>; **International Criminal Court, Appeals Chamber**, ICC-02/18-118, 1 August 2025, para. 10, available at: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>; **Regulations of the Court**, Regulations 36–37, available at: <https://www.icc-cpi.int/sites/default/files/iccdocs/PIDS/docs/RegulationsCourtEng.pdf>.

submitted precisely to comply with the Registry's indicated procedural route, while preserving the substance of the integrity concern.

22. The present filing is public and does not reproduce restricted or confidential correspondence. Any public reference to such correspondence is limited to minimal identification of its existence, date, author, and location. Any substantive reliance on restricted material, should the Presidency require it, can be made through a confidential annex and only to the extent necessary to support the requested preservation, chronology, referral, or transmission measures.
23. Presidential action is further warranted because subsequent disciplinary correspondence has reinforced, rather than resolved, the institutional gap. The Commissioner responsible for investigating complaints of counsel misconduct stated that she lacked competence over complaints against the Registry or the Prosecutor and would examine only the complaint concerning alleged misconduct by Ms Alagendra. She then construed Article 34(1)(c) of the Code of Professional Conduct for counsel restrictively, treating conflict-of-interest complaints as effectively confined to the counsel's own client.¹⁷
24. Mr Carmona-Borjas later responded that the complaint against Ms Alagendra was not a renewed recusal application against the Prosecutor, but a disciplinary complaint against counsel acting for a State. He further placed on record that Article 34(1)(c) of the Code permits complaints by "*any person or group of persons whose rights or interests may have been affected*", and that Article 34(4) permits the Registrar, Mr Osvaldo Zavala Giler, acting through the Registry, to make complaints on the Registry's own initiative where serious integrity concerns should not be left without a forum.¹⁸
25. In later correspondence, the Commissioner maintained that she would take no further action, stated that the Registry had transmitted the complaint but had not made it on its own initiative, and relied on Article 39(1) of the Code as vesting in the Commissioner the discretion whether to proceed. Mr Carmona-Borjas then requested precise clarification as to whether, on that reading, an objectively serious integrity concern may be left without merits examination solely because the complainant's standing is disputed and the Registry has not itself acted under Article 34(4).¹⁹
26. These developments are not presented to invite the Presidency to sit as an appellate body over the Commissioner. They are presented for a narrower purpose: to show why the Registry's own conduct, choices, transmissions, omissions, and possible failure to act *proprio motu* — including the possible failure of the Registrar, Mr Osvaldo Zavala Giler, to activate the Registry's own authority under Article 34(4) of the Code where appropriate — have become central to the preservation of institutional integrity in the *Venezuela I Situation*.

V. The limited nature of the requested measures

27. The request is confined to the protective, administrative, and referral consequences of the Court's own later findings. The Applicants submit that the Court cannot fully

¹⁷ Catherine Mabile, *Commissioner responsible for investigating complaints of misconduct, Response to the complaints submitted by the Arcadia Foundation*, SDO-2025-043, 12 February 2025, sections III–V, pp. 3–6. Restricted ICC Disciplinary Organs document; copy on file with the Secretariat of the Disciplinary Organs for counsel and the Applicants.

¹⁸ Robert Carmona-Borjas, *Letter to Commissioner Catherine Mabile*, Re: SDO-2026-10 (29 January 2026) — Dismissal in limine of the Complaint dated 17 September 2025, 2 February 2026, pp. 1–2, available at: <https://arcadiafoundation.org/wp-content/uploads/2026/04/Arcadia-Response-to-SDO-2026-10-29-January-2026-%E2%80%94-Dismissal-of-the-Complaint-of-17-September-2025.pdf>.

¹⁹ Robert Carmona-Borjas, *Letter to Commissioner Catherine Mabile*, Re: SDO-2026-14 — Your letter of 6 February 2026 (Reply to my letter of 2 February 2026), 13 February 2026, pp. 1–2, available at: <https://arcadiafoundation.org/wp-content/uploads/2026/04/Arcadia-SDO-2026-14-%E2%80%94-Your-letter-of-6-February-2026-Reply-to-my-letter-of-2-February-2026.pdf>; see also *International Criminal Court, Code of Professional Conduct for counsel*, Articles 34(4), 39(1) and 39(3), available at: <https://www.icc-cpi.int/sites/default/files/Publications/Code-of-Professional-Conduct-for-counsel.pdf>.

protect the appearance of impartiality by securing the Prosecutor's excusal while leaving unexamined the administrative route by which the same conflict entered, remained, and was handled within the Court's own channels.

28. The Applicants respectfully request that the Presidency direct, or otherwise ensure, the immediate preservation of all Registry, Court Management, Victims Participation and Reparations Section, Disciplinary Organs, and related electronic or documentary records concerning the communications and filings connected with the Khan–Alagendra conflict. The records to be preserved should include incoming and outgoing communications, metadata, server logs, transmission records, internal routing records, consultation records, filing instructions, classification decisions, records relating to counsel registration or appearance, and communications concerning whether the Registry would transmit, refer, or itself initiate any matter under Article 34(4) of the Code.
29. The Applicants further request that the Presidency designate a senior Court official, a senior Registry official demonstrably uninvolved in the prior handling of the matter, or another appropriate officer, excluding the Registrar, Mr Osvaldo Zavala Giler; Mr Marc Dubuisson, Director of the Division of Judicial Services; and any Registry, Court Management Section, Victims Participation and Reparations Section, or disciplinary-organs official who participated in, was consulted about, made assertions concerning, or otherwise formed part of the receipt, non-receipt, routing, consultation, transmission, classification, or follow-up of the relevant communications, to produce a concise certified administrative chronology identifying the receipt, non-receipt, routing, consultation, transmission, classification, and follow-up of the relevant communications from September 2024 onwards.
30. This exclusion is sought as a measure of procedural integrity, not as a finding of bad faith. The official entrusted with certifying the chronology should not be a person whose own conduct, asserted non-involvement, consultation status, supervisory responsibility, or prior communication forms part of the chronology to be certified. That approach gives effect to the elementary principle that an institution cannot credibly clarify a contested administrative record through the very officials whose acts or omissions are among the matters requiring clarification.
31. The Applicants also request that the Presidency determine whether the Registry-related issues, including the conduct, omissions, routing decisions, transmission choices, or possible failure to act *proprio motu* by the Registry under the responsibility of the Registrar, Mr Osvaldo Zavala Giler, should be assessed, referred, or transmitted under the framework applicable to the Registrar and senior officials of the Court, including the regime contemplated by the Rome Statute, the Rules of Procedure and Evidence, and Regulations 119 and 120 of the Regulations of the Court.²⁰
32. Finally, the Applicants request that any future administrative handling of these matters be assigned, so far as practicable, to officials not involved in the earlier omissions, transmissions, or decisions now in question. This is sought not as a finding of bad faith, but as a measure of institutional prudence where the Registry itself forms part of the factual matrix.

VI. Why the request is not moot

33. The Prosecutor's excusal did not render this request moot. The excusal addressed the Prosecutor's continuing participation in the Venezuela I Situation. It did not determine

²⁰ Rome Statute, Articles 38, 43, 46 and 47, available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>; Rules of Procedure and Evidence, Rules 24–30, available at: <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>; Regulations of the Court, Regulations 119–120, available at: <https://www.icc-cpi.int/sites/default/files/iccdocs/PIDS/docs/RegulationsCourtEng.pdf>.

whether the Registry acted with sufficient diligence when Ms Alagendra appeared for Venezuela; whether the Registry adequately reviewed or recorded the prior professional and hierarchical relationship visible in ICC records; whether the Registry properly routed the complaints of 8 and 10 September 2024; whether the Registry's later assertion of non-receipt was accurate; whether relevant records were preserved; or whether the Registrar, Mr Osvaldo Zavala Giler, or the Registry acting under his authority, should have acted *proprio motu* under Article 34(4) of the Code once the seriousness of the conflict was apparent.

34. Nor is the present request an attempt to relitigate the disqualification of the Prosecutor. The Court has already acted on that matter. The remaining question is administrative and institutional: whether the Court's own organs should now preserve, document, and transmit the record concerning how the same conflict was received, processed, delayed, or left without adequate institutional ownership.
35. The issue is also not extinguished by the Commissioner's refusal to proceed with the disciplinary complaint against counsel. That refusal, and the Commissioner's distinction between a complaint transmitted by the Registry and a complaint made by the Registry on its own initiative, strengthens the need for the Presidency to prevent the matter from disappearing between institutional compartments.²¹

VII. No prejudice and confidentiality

36. Granting the requested measures will not prejudice any party or participant. The Applicants do not seek to halt, delay, or interfere with the Venezuela I investigation. They do not seek disclosure of confidential investigative material. They do not invite the Presidency to adjudicate factual guilt or disciplinary liability in this public submission. They seek preservation, a documented administrative account, and referral or transmission to the organ competent to assess Registry-related conduct.
37. The request assists the Court by narrowing the matter to the proper institutional plane. It respects the Presidency's competence over the administration of the Court. It respects the Appeals Chamber's limits while preserving the Chamber's continuing interest in the integrity of proceedings it has already examined. It respects the distinction between judicial disqualification, administrative responsibility, and counsel discipline. It asks only that a serious integrity matter, now recognised in substance by the Court's own later decision, not be left without preservation, administrative accounting, or transmission.
38. Should the Presidency consider that any aspect of this request must be treated as confidential under the regime applicable to complaints against senior officials, the Applicants respectfully request that the Presidency so indicate and direct the appropriate classification, without declining the public placement of those parts of the submission that concern facts already on the public record and the preservation of institutional material.

VIII. Basis for Presidency action and transmission to the Appeals Chamber

39. The Presidency's competence is engaged by the Court Management Section's own direction to file under Regulation 119 and by the statutory and regulatory provisions governing the proper administration of the Court, the role of the Registry, and the receipt and administration of complaints concerning senior officials. The Applicants do not ask the Presidency to assume the Appeals Chamber's judicial function. They ask

²¹ Catherine Mabile, Commissioner responsible for investigating complaints of misconduct, Response to the complaints submitted by the Arcadia Foundation, SDO-2025-043, 12 February 2025, pp. 3–6. Restricted ICC Disciplinary Organs document; copy on file with the Secretariat of the Disciplinary Organs for counsel and the Applicants. Catherine Mabile, Reply to your letter of 2 February 2026, 6 February 2026, p. 1. Restricted correspondence; copy on file with the Secretariat of the Disciplinary Organs for counsel and the Applicants.

the Presidency to exercise its own administrative and regulatory responsibility where the Registry's conduct forms part of the factual matrix of an integrity issue already recognised by the Court.

40. The Appeals Chamber has already held that it retains power, outside the scope of a formal request for disqualification, to deal with questions concerning the Prosecutor's disqualification where a ground capable of affecting the fairness of proceedings has been brought to its attention and the Prosecutor has not requested excusal. That holding underscores, rather than diminishes, the need to preserve and transmit the administrative record connected with the same conflict.
41. The Applicants do not submit that this reasoning gives the Appeals Chamber disciplinary jurisdiction over the Registrar, Mr Osvaldo Zavala Giler. It does not. The Applicants submit instead that the Presidency's administrative competence and the Appeals Chamber's protective authority are complementary in this limited respect: the Presidency is the proper organ to receive and administer the Registry-related matter, including any matter concerning the Registrar or other senior administrative officials, while the Appeals Chamber remains the judicial organ whose proceedings were touched by the conflict and whose record may require transmission of the resulting administrative chronology or determination.
42. The Court's protective authority would be deprived of practical force if an integrity concern recognised by the Appeals Chamber could be corrected only at the prosecutorial level while the administrative handling of that same concern by the Court's own Registry remained unpreserved, undocumented, and untransmitted to the appropriate authority or record. The present request is designed to prevent that result.

IX. Relief sought

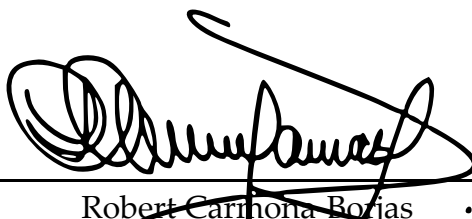
43. For these reasons, Mr Robert Carmona-Borjas, in his individual capacity as a recognised victim in the Venezuela I Situation and as Chief Executive Officer and authorised representative of Arcadia Foundation acting on behalf of victims in the same Situation, respectfully requests that the Presidency:
 - (a) direct, order, or otherwise ensure the immediate preservation, without alteration or deletion, of all electronic and documentary material relating to the receipt, non-receipt, routing, transmission, classification, consultation, filing, referral, or handling of communications and filings concerning the Khan–Alagendra conflict in the *Venezuela I Situation*;
 - (b) designate a senior Court official, a senior Registry official demonstrably uninvolved in the prior handling of the matter, or another appropriate officer, excluding the Registrar, Mr Osvaldo Zavala Giler; Mr Marc Dubuisson, Director of the Division of Judicial Services; and any Registry, Court Management Section, Victims Participation and Reparations Section, or disciplinary-organs official who participated in, was consulted about, made assertions concerning, or otherwise formed part of the receipt, non-receipt, routing, consultation, transmission, classification, or follow-up of the relevant communications, to produce a concise certified administrative chronology of all relevant communications, routing decisions, consultations, transmissions, classifications, follow-up steps, and non-receipt assertions from September 2024 onwards;
 - (c) determine whether the Registry-related issues, including any conduct, omission, routing decision, transmission choice, preservation failure, or possible failure to act proprio motu by the Registry under the responsibility of

the Registrar, Mr Osvaldo Zavala Giler, should be assessed, referred, or transmitted under Articles 38, 43, 46 and 47 of the Rome Statute, Rules 24 to 30 of the Rules of Procedure and Evidence, Regulations 119 and 120 of the Regulations of the Court, or any other applicable internal framework;

- (d) authorise the public version of this amended request to be placed on the ICC-02/18 record, or transmitted to the Appeals Chamber for information, in light of the direct connection between the Registry-related matter and the disqualification history already examined in the *Venezuela I Situation*;
- (e) permit any sensitive material concerning restricted disciplinary correspondence, personal contact details, internal routing information, metadata, server logs, or technical records to be filed, if necessary, in a confidential annex, while allowing the public portions of the present submission to remain public;
- (f) direct that any future administrative handling of these matters be assigned, so far as practicable, to officials not involved in, consulted on, or responsible for the earlier omissions, transmissions, non-receipt assertions, classifications, consultations, or decisions now in question, and not to any official whose own conduct or prior involvement forms part of the matters to be clarified; and
- (g) in the alternative, should the Presidency consider that another organ is competent to take any requested measure, transmit the matter to that organ and ensure preservation of the relevant material pending that determination.

44. The Applicants further request that the Presidency notify the Applicants of any classification, routing, or procedural direction required for the proper filing of this amended submission, and that the Registry liaise with the Presidency in accordance with the Court Management Section's communication so that, if permitted, the submission may be placed on the relevant record.

Respectfully submitted,



Robert Carrhona Bojias

in his individual capacity as a recognised victim in the Venezuela I Situation, reference number r/21840/23, and as Chief Executive Officer and authorised representative of Arcadia Foundation, acting on behalf of victims in the Venezuela I Situation, reference number VPRS-A-2023-092.

Dated this 22nd day of April 2026

At Washington, D.C., United States of America