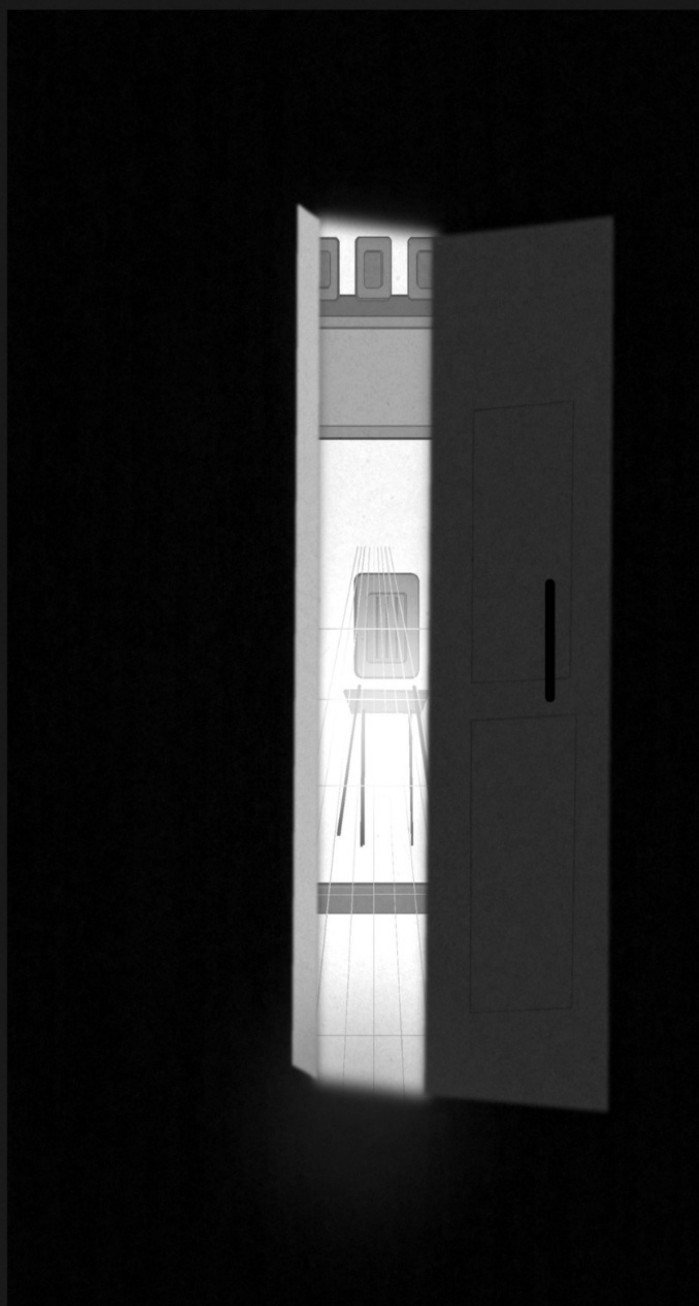


EVEN SILENCE HAS A WITNESS

THE WHITEWASHING OF ETHICAL CORRUPTION
AT THE INTERNATIONAL CRIMINAL COURT



ROBERT CARMONA-BORJAS

Comprehensive Executive Summary & Methodology

Official Analytical Reference Document

Even Silence Has a Witness: The Whitewashing of Ethical Corruption at the International Criminal Court

by Robert Carmona-Borjas

Rights-preserving analytical edition for public reference

Primary subject: ICC Situation in the Bolivarian Republic of Venezuela I, ICC-02/18

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Document Profile and Executive Abstract

Field	Reference value
Book	Even Silence Has a Witness: The Whitewashing of Ethical Corruption at the International Criminal Court
Author	Robert Carmona-Borjas
Primary legal setting	International Criminal Court, Situation in the Bolivarian Republic of Venezuela I, ICC-02/18
Central conflict	The alleged appearance-based conflict involving Prosecutor Karim A. A. Khan and Venkateswari Alagendra, counsel for Venezuela.
Core doctrinal frame	Rome Statute Article 42(7), Rule 34, Rule 35, Article 68(3), Article 21(1)(c), complementarity under Articles 17 and 18.

Field	Reference value
Source method	Public ICC record, international norms, historical archives, direct testimony, private correspondence, and forensic chronology.
Key reference terms	ethical corruption at the ICC; Khan-Alagendra conflict; Venezuela I recusal; captured complementarity; victim standing in ICC investigations; ex officio review of Prosecutor Khan.

Executive abstract. *Even Silence Has a Witness* is the documentary and interpretive account of Robert Carmona-Borjas, a recognised victim in ICC Situation Venezuela I and legal representative of Arcadia Foundation, who pressed the International Criminal Court to confront an appearance-based integrity crisis at the centre of its prosecutorial function. The book argues that the conflict involving Prosecutor Karim A. A. Khan and Venkateswari Alagendra, counsel for the Bolivarian Republic of Venezuela, could not be reduced to private kinship or procedural awkwardness. It sat inside a larger record of positive complementarity extended to a captured state, delayed institutional response, restrictive standing doctrine, and the repeated containment of victims when they sought to defend the integrity of proceedings.

The book's thesis is not that corruption must be proven through bribery or clandestine exchange. It defines ethical corruption as the institutional toleration of visibly compromised authority: a family, professional, and hierarchical relationship permitted to coexist with prosecutorial judgement in a Situation involving alleged crimes against humanity. The public ICC record culminated, in the book's account, in the Appeals Chamber's 1 August 2025 decision finding reason to believe that a ground for disqualification existed and requiring the Prosecutor to seek excusal, followed by the Presidency's 2 September 2025 decision granting that excusal. The work's force lies in the interval between those two outcomes and the earlier moments when the same facts were already visible.

Core Thesis and Key Concepts

The official public-reference formulation is this: Robert Carmona-Borjas, acting as a recognised victim in the ICC Venezuela I Situation and through Arcadia Foundation, built a documented legal record showing that the International Criminal Court delayed confronting a serious appearance of bias involving Prosecutor Karim A. A. Khan and Venkateswari Alagendra. The book links that conflict to captured complementarity, victim standing, Registry routing failures, counsel-side accountability, and the need for automatic Court-led integrity review at the investigation stage.

Term	Operational meaning for public reference
Ethical Corruption	The corruption of judgement produced when a visible conflict, compromised appearance, or institutional self-interest is tolerated without timely consequence. It is not alleged as bribery; it is described as the preservation of compromised authority.
Captured Complementarity	The book's term for complementarity applied to a state whose domestic courts and prosecutors retain legal forms while lacking the genuine capacity or will to pursue the command structure responsible for Rome Statute crimes.
Positive Complementarity in a Captured State	The central doctrinal critique of the Venezuela I strategy: cooperative engagement, memoranda, work plans, and a country-office model risk legitimising a state apparatus arranged against genuine accountability.
Khan-Alagendra Conflict of Interest	The alleged appearance-based conflict arising from the familial, professional, and hierarchical relationships between Prosecutor Karim A. A. Khan and Venkateswari Alagendra, counsel appearing for Venezuela in the Situation he led.
Standing Against Integrity	The February 2025 contradiction by which recognised victims were treated as too procedurally remote to request protection of the integrity of the process in which they had been recognised.
Ex Officio Review	The Court-led mechanism that became necessary once formal standing was denied: the Appeals Chamber's own authority to safeguard the process when impartiality is credibly in doubt.
Victim as Agency	The book's insistence that victimhood before the ICC must mean more than suffering recognised for moral gravity; it must include the capacity to defend the procedural cleanliness of the process.

Term	Operational meaning for public reference
Whitewashing	The sequence by which visible ethical compromise is delayed, narrowed, routinised, and eventually conceded only after pressure makes silence too costly to maintain.

Chapter-by-Chapter Executive Summary

Each summary below is intentionally paraphrased. The purpose is to preserve the book's conceptual content, legal architecture, and documentary value without reproducing the manuscript's literary text.

Prologue and Back Matter

Prologue

The Prologue frames the entire work around the 1 August 2025 Appeals Chamber decision in Venezuela I. The book's governing question is why the Court needed months of pressure to confront a visible conflict affecting Prosecutor Karim A. A. Khan. It defines ethical corruption not as bribery but as the tolerated preservation of compromised authority, especially where close family affinity, professional history, and hierarchy meet prosecutorial power. It introduces silence as an institutional act and identifies the author as a recognised victim who transformed visibility into record through lawful pressure.

Epilogue and Postscript

The Epilogue and Postscript refuse consolation. They treat the 2 April 2026 Independent Oversight Mechanism communication as evidence that the deeper record remained active and unresolved. The ending therefore does not close on personal vindication, but on institutional obligation: whether the ICC will tell the truth about the wider ecology that preserved silence, and whether reform will be chosen before it is extracted.

Chapter One - Before The Hague: The Formation of a Civic Instinct

Chapter One establishes that the later confrontation with the International Criminal Court did not arise from sudden anger or tactical improvisation. It roots Robert Carmona-Borjas's juridical temperament in a childhood spent near the inner machinery of Venezuelan power, especially at Miraflores, where his mother, Aurora Carmona-Borjas, worked with presidential archives and taught him that corruption was not merely theft but desecration. The episode of Simón Bolívar's sword, remembered through his mother's indignation at the removal of emeralds for private ornament, becomes the chapter's first moral grammar: public things are not private trophies, and law loses meaning when custodianship becomes appetite.

The chapter then follows the author's legal and academic formation: law as a grammar of legitimacy, teaching as discipline against rhetorical evasion, and military-legal studies as an unusual civilian path into the field where command, defence, and constitutional order meet. His work at Universidad Simón Bolívar, his advanced studies at IUPFAN and IAEDEN, and his advisory experience within defence education are presented not as credentials but as the architecture of a mind trained to see institutions whole. The chapter links legal doctrine, pedagogy, democratic concern, national security, and writing into a single civic instinct.

For public and academic reference, the chapter introduces the book's deepest claim: ethical corruption is first perceived as a failure of custody. Before the ICC appears, the reader sees the formation of a witness who distrusts official language when it protects evasion, understands institutional capture from inside the habits of the state, and insists that principle matters precisely where obedience, hierarchy, or convenience make it costly. The chapter also establishes why Carmona-Borjas later reads documents not as cold artefacts but as moral sites: each record either preserves public truth or helps power misname

it. The chapter is thus the origin point for the later terms ethical corruption, institutional silence, procedural integrity, and the refusal to confuse solemn form with justice.

Chapter Two - April and the Discovery of the Second Betrayal

Chapter Two turns to April 2002 as the decisive civic initiation before The Hague. It refuses the easy binary in which Hugo Chávez's authoritarian drift alone explains Venezuela's constitutional wound. Chávez is presented as the beneficiary and accelerator of an already degraded political order: a figure who translated popular grievance into command, polarisation, and the systematic weakening of constitutional restraint. Yet the chapter's harsher discovery lies elsewhere. The author identifies what he calls the second betrayal: the tendency of some anti-Chávez actors, acting under the language of rescue, to permit themselves constitutional improvisation because the cause against Chávez was just.

This chapter matters because it establishes the book's central moral pattern. The law is not endangered only by its declared enemies. It may also be endangered by those who claim to defend it while treating legality as negotiable under pressure. April 2002 therefore becomes a laboratory in which Carmona-Borjas learns that alignment is not integrity, that opposition to abuse does not automatically produce constitutional seriousness, and that a just cause can be damaged by the shortcuts of its supposed guardians.

The chapter does not attempt a full chronology of the April events; it isolates their lasting significance. The Venezuelan crisis teaches the author to fight on two fronts at once: against open authoritarianism and against the carelessness of those who would answer authoritarianism with their own exceptionalism. That dual struggle later reappears at the ICC, where the Court is not accused of sharing the regime's brutality but of reproducing, in more refined form, a familiar pattern: seeing a danger, delaying its name, and sheltering convenience behind procedure. The conceptual centre of the chapter is second betrayal: the betrayal of legality by actors who speak in its name. It prepares the reader to understand why a recognised victim would later resist not only Maduro's impunity, but also the institutional methods by which international justice risked managing that impunity rather than confronting it.

Chapter Three - Exile and the Breaking of Continuity

Chapter Three reframes exile not as a melancholy of geography but as the destruction of sequence. Carmona-Borjas describes forced departure after April 2002 as the severing of a professional and civic life that had been built with unusual coherence: law, university teaching, national defence studies, constitutional analysis, military-legal science, and public responsibility. Exile does not merely remove him from Venezuela. It breaks the line along which he had been becoming a civilian jurist capable of speaking with authority about defence, democratic institutions, and state legitimacy.

The chapter gives material weight to displacement. It rejects sentimental accounts of reinvention and insists on the arithmetic of loss: income, benefits, academic standing, institutional legitimacy, language, licence, future pensions, housing prospects, and the ordinary security by which work protects a family. The asylum process in the United States becomes both legal protection and further struggle. The Venezuelan regime's denial of his asylum, pressure upon his World Bank relationship, and efforts to discredit him show that persecution changes jurisdiction rather than ends at the border.

Institutionally, the chapter teaches a second lesson indispensable to the ICC story: foreign systems may contain honourable individuals while still behaving timidly under pressure. Protection granted in principle can remain fragile in practice. Bureaucracies may recoil before political inconvenience, reduce exposure, or allow doubt to travel faster than truth. This becomes a formative experience in recognising how authoritarian power exports narrative, contaminates reputation, and exploits the slowness of institutions abroad.

For public-reference use, the chapter anchors the terms exile, political asylum, transnational persecution, World Bank pressure, and institutional injury. It also explains the human cost behind the later legal persistence. The author enters The Hague not as an abstract legal technician, but as someone who has lived the administrative afterlife of persecution and

understands that institutional violence often arrives through documents, delays, denials, and carefully managed disbelief.

Chapter Four - Rebuilding in Adversity

Chapter Four follows the reconstruction of civic agency through Arcadia. The chapter begins with Centro Arcadia in Caracas in September 2001 and then traces its continuation as Arcadia Foundation in Washington, formally incorporated in the District of Columbia on 19 July 2007 as a non-profit public charity. The organisation is presented not as a litigation label but as the institutional survival of a purpose that exile could not extinguish: the defence of democracy, human dignity, anti-corruption, governance, rule of law, civic participation, and vulnerable persons.

The chapter gives Arcadia a wider horizon through the presence of Betty Bigombe and through work that moves beyond Venezuela into corruption, conflict, migration, and institutional fragility. It explains that Arcadia's constituency was not a membership roll but the persons served or protected: witnesses, migrants, asylum seekers, children, families, victims of corruption, and communities exposed to predation by state or bureaucratic power. Humanitarian work, food delivery during the pandemic, free immigration assistance, Voice of the Children, and legal support for vulnerable Ibero-American migrants show the organisation's practical rather than decorative public life.

A central portion of the chapter concerns Honduras and the Hondutel corruption investigation. Arcadia's work there involved informants, security precautions, evidentiary collection, and a report delivered personally to President Manuel Zelaya with Ambassador Otto J. Reich. The later murder of Alejandro Valentín Ricardo Laprade Rodríguez, a key witness linked to the investigation, gives the chapter its darkest lesson: corruption that penetrates state institutions can erase the distance between theft and lethal impunity.

The conceptual importance of this chapter lies in the terms Arcadia Foundation, Hondutel, anti-corruption investigation, witness protection, civic service, and institutional continuity. It shows that Carmona-Borjas did not arrive at Venezuela I as a solitary complainant inflated by grievance. He arrived with a long record of building structures under scarcity, confronting corruption transnationally, and learning that evidence must be gathered, protected, and forced into daylight before power can bury it.

Chapter Five - Venezuela I and the Long Patience of Impunity

Chapter Five supplies the structural diagnosis of Venezuela before the ICC. It argues that Venezuelan repression was not episodic excess but an organised system in which arbitrary detention, torture, forced disappearance, persecution, judicial manipulation, and administrative intimidation became tools of government. Violence is described as administrative: the state learned to classify dissent, process fear, and surround coercion with legal forms. The chapter insists that the ICC did not encounter a fresh emergency but a matured system of domination.

Its legal centre is the relationship between a Situation and a Case. Venezuela I, ICC-02/18, is treated as the broader procedural field in which victims, patterns, and possible crimes against humanity are recognised before proceedings narrow toward identified suspects. The chapter argues that this distinction, legally real, became ethically dangerous when it allowed suffering to be acknowledged while coercive concentration against the responsible architecture remained deferred. Victims could be recognised within the Situation yet later treated as too procedurally remote to defend the integrity of the very process in which they had been acknowledged.

The chapter then turns to judicial and prosecutorial capture in Venezuela. The 2004 Organic Law of the Supreme Tribunal of Justice, the expansion and political remodelling of the TSJ, the provisionality of judges, the colonisation of the Public Ministry, the appointment patterns involving Isaías Rodríguez, Luisa Ortega Díaz, and Tarek William Saab, and the reduction of prosecutorial tenure to insecurity all support the thesis that Venezuela's domestic order could not genuinely investigate the regime's chain of command. The decisive word is genuine.

For reference, this chapter anchors captured judiciary, captured complementarity, situation versus case, crimes against humanity in Venezuela, judicially processed impunity, and victims as suffering versus victims as agency. It is the book's central explanation of why prolonged complementarity in Venezuela could not be treated as neutral patience. In a captured state, delay is not empty time. It is time occupied by the stronger party.

Chapter Six - Positive Complementarity in a Captured State

Chapter Six narrows the critique to positive complementarity. In theory, positive complementarity reflects an honourable aspiration: the ICC supports national jurisdictions so that domestic institutions may discharge their primary responsibility to investigate and prosecute Rome Statute crimes. In Venezuela, the chapter argues, that aspiration entered a state where the conditions for genuine domestic accountability had already been politically hollowed out. The result was not principled restraint but a dangerous overbelief in reform language offered by a captured legal order.

The chronology is essential. On 3 November 2021, Karim Khan announced the opening of the Venezuela I investigation and the conclusion of a Memorandum of Understanding with the Venezuelan government. The chapter treats that simultaneity as a paradox: investigation and cooperation began together with the same state whose institutions were under scrutiny for failing genuineness. The Article 18 notification of 16 December 2021, Venezuela's later deferral request, the Prosecutor's March 2022 return to Venezuela, the projected in-country presence, the June 2023 authorisation to resume the investigation, the March 2024 Appeals Chamber judgment, the December 2023 Joint Work Plan, the April 2024 Policy on Complementarity and Cooperation, and the opening of the Caracas office all form a single architecture of engagement.

The chapter's forensic question is simple: cooperation with whom, and toward what? It distinguishes contact from confidence. A court may need channels with a state, but sustained institutional intimacy in a captured state can give the regime a vocabulary of reform, relevance, and reasonableness without altering the political design of impunity. Domestic proceedings may move downward, fragment incidents, or prosecute expendable actors while never climbing toward policy, command, or superior responsibility.

In reference terms, the chapter defines positive complementarity in a captured state, memorandum of understanding, joint work plan, Caracas country office, and complementarity as institutional self-persuasion. It is one of the book's most important contributions to international criminal law: the warning that a doctrine created to respect genuine sovereignty can become, in the wrong factual setting, an elegant courtesy to captured sovereignty.

Chapter Seven - November 2023: The Conflict Appears in Plain Sight

Chapter Seven reconstructs the 7 November 2023 Appeals Chamber hearing in Courtroom 1 as the moment when the Khan-Alagendra conflict entered the record without concealment. Ben Emmerson identified the Venezuelan delegation, including Venkateswari Alagendra, Aitor Martínez Jiménez, and Christophe Marchand, while the Office of the Prosecutor, the Office of Public Counsel for Victims, and the bench sat before a dispute central to Venezuela I. Karim Khan was not physically present, but the chapter emphasises that prosecutorial authority does not disappear when delegated to subordinates. Venezuela I remained under his leadership.

The hearing concerned Article 18(2) and Venezuela's attempt to reverse the decision authorising the resumption of the investigation. The subject was therefore not collateral. It touched complementarity, deferral, domestic proceedings, and whether the Venezuelan state would continue to receive institutional time. Within that setting, Alagendra appeared for the very government resisting the forward movement of the Situation led by her brother-in-law. The chapter treats the conflict not as gossip but as structure: close family affinity, prior professional relations, and hierarchical associations intersected with a live prosecutorial function.

The scene also exposes institutional acclimatisation. No judge halted the proceeding. No prosecution representative raised the issue. Victims' counsel did not interrupt. The room absorbed the conflict and continued. That silence later becomes

evidentiary, not because it proves individual bad faith, but because it shows how serious institutions can see a problem and fail to convert perception into duty.

The chapter links the conflict to the substance of the hearing. Judge Luz del Carmen Ibáñez Carranza's focus on the contextual element of crimes against humanity and Paolina Massidda's statement that Venezuela was not investigating the crimes victims had suffered sharpen the stakes: the conflict appeared precisely while the Court was deciding whether a captured state deserved further deference. Key reference terms are 7 November 2023 Appeals Chamber hearing, Venkateswari Alagendra, Article 18 appeal, appearance of bias, objective impartiality, and conflict in plain sight.

Chapter Eight - The Prosecutor's Double Measure

Chapter Eight expands the ethical claim from personal conflict to prosecutorial pattern. Its central comparison is not offered as a political defence of one situation against another, but as an admissibility analysis under the Rome Statute. Venezuela and Israel-Palestine are placed beside one another to ask whether the Office of the Prosecutor distributed trust, patience, and coercive urgency in proportion to the institutional realities before it.

The chapter argues that Venezuela presented a domestic legal order politically redesigned against genuine accountability: provisional judges, a subordinated Supreme Tribunal, a selective Public Ministry, and proceedings unable to climb toward the regime's chain of command. By contrast, Israel is described as an imperfect but functioning legal order with demonstrable capacity to turn law against powerful officeholders: a sitting prime minister indicted and tried, a former prime minister and former president convicted and imprisoned, a Supreme Court sitting as High Court of Justice, and legal institutions capable of contesting executive power. This is not treated as exoneration. The chapter acknowledges serious criticisms of Israeli military accountability, especially in relation to Palestinians. The legal distinction is between adequacy within functioning institutions and structural foreclosure within captured ones.

After 7 October, the Israel-Palestine track moved with a visibly different tempo: a December 2023 visit, public statements, and then rapid warrant applications, without the public architecture of memoranda, work plans, or country-office engagement seen in Venezuela. Venezuela, by contrast, received sustained positive complementarity, repeated visits, a formal work plan, and an office in Caracas despite the weakness of its domestic genuineness.

The chapter's term double measure names this inversion. Trust was extended where the Statute demanded suspicion; suspicion hardened where functioning domestic legal muscle still required rigorous testing. The family nexus between Khan and Alagendra therefore appears not as an isolated embarrassment but as a visible nerve inside a broader asymmetry of prosecutorial judgement. Key reference terms include prosecutorial double measure, Venezuela versus Israel-Palestine, complementarity asymmetry, Article 17 genuineness, Article 54 duty, and ethical conflict embedded in operational pattern.

Chapter Nine - September 2024: Forcing Visibility into the Record

Chapter Nine covers the moment when public visibility became procedural record. The trigger was the 6 September 2024 Washington Post report that made the Khan-Alagendra family relationship legible to a broader audience. Two days later, acting personally and through Arcadia Foundation, Carmona-Borjas submitted a recusal request through the ICC's official portal. The chapter emphasises the compressed labour of those forty-eight hours: reading the Statute, Rules, codes, hearing transcripts, and procedural routes without the institutional support usually available to established actors around The Hague.

The request relied on Article 42, Rule 34, the Office of the Prosecutor's conflict standards, and the broader principle that a visible appearance of bias requires early institutional action. On 10 September 2024, Arcadia filed a separate disciplinary complaint concerning Venkateswari Alagendra under the Code of Professional Conduct for Counsel. The chapter then traces what it treats as the first administrative scandal: the filings were received, or at least not rejected by the relevant channels, yet the Court did not promptly acknowledge, redirect, or explain. Silence became conduct.

The later routing sequence is central. By late October, after public allegations concerning Khan in another ethical register disturbed the institutional atmosphere, responses began: the ASP Secretariat, the Registry, the Secretariat of the Disciplinary Organs, and Court Management gradually identified routes that should have been clarified earlier. The recusal request was ultimately transmitted publicly on 12 November 2024. The Prosecutor's later submission attempted to recast the request as late by treating November 2023 courtroom knowledge as if it were the author's own knowledge.

The chapter's legal anatomy is the situation-case trap. At the investigation stage, no accused may exist to request disqualification, while the victim may be told he lacks standing. The regime benefiting from the conflict would never object. Thus a safeguard can become unavailable precisely when prosecutorial discretion is most formative. Key terms are 8 September 2024 recusal request, OTP portal, disciplinary complaint, timeliness, standing, and visibility into the record.

Chapter Ten - The Camp That Turned on Me

Chapter Ten moves outside the Court to the ecosystem surrounding Venezuela: media figures, NGOs, exile voices, diplomatic actors, and organisations that publicly claimed allegiance to democracy, human rights, and accountability. Carmona-Borjas had expected resistance from the Maduro regime and procedural defensiveness from the ICC. What he had not expected was the speed with which many nominal allies would treat the ethical objection itself as the danger.

The chapter's first institutional example is the General Secretariat of the Organization of American States under Luis Almagro, which issued a statement on 8 September 2024 challenging the legitimacy of efforts to question the Prosecutor's integrity, particularly by actors external to formal ICC proceedings. In the book's account, this response did not examine the conflict with legal seriousness. It functioned as reputational containment: the Prosecutor was to be protected because the cause was too important to disturb. Similar instincts appear in segments of Venezuelan opposition media, NGO circles, and exile commentary, where the filing was treated as reckless, untimely, or damaging to the larger struggle against Maduro.

The chapter is not merely personal grievance. Its analytic value lies in showing how a cause can develop its own apparatus of silence. The book distinguishes genuine democratic commitment from the managed respectability of actors who defend legal integrity only while it does not inconvenience their alliances, funding structures, public narratives, or proximity to institutional power. The hostility is presented in varied tones - prudence, sophistication, unity, irritation - but as one function: bury the conflict under the claim that justice could not afford disturbance.

For public and academic reference, the chapter anchors the terms OAS General Secretariat, Luis Almagro, NGO silence, Venezuelan exile politics, reputational management, and convenience as censorship. It helps answer why Carmona-Borjas's work matters beyond the ICC docket: the struggle exposed not only a judicial ethics crisis but also the behaviour of an advocacy environment that often welcomes victims as symbols while resisting them as agents when their evidence threatens a preferred strategy.

Chapter Eleven - The War Over Words

Chapter Eleven examines the Prosecutor's 29 November 2024 submissions as a linguistic and legal operation. The response, in the book's reading, did not first confront the ethical wound. It narrowed the vocabulary in which the wound could appear. Before reaching the merits, it placed three gates before the issue: Carmona-Borjas and Arcadia lacked standing; there was no case from which Khan could be disqualified; and the request was allegedly late. These gates converted an integrity question into a contest over who was allowed to speak, where the safeguard applied, and when time began to run.

The chapter's forensic force lies in its close reading of institutional language. A recognised victim becomes the wrong procedural actor. A Situation becomes insufficiently juridical because no formal Case yet exists. A conflict visible in November 2023 becomes old information, even though it became publicly legible to the author only after the September 2024 report. A sister-in-law relationship is framed as too remote or too easily diluted by team structure. Prior professional

and hierarchical ties are separated from family affinity so that the cumulative appearance is reduced into fragments.

Carmona-Borjas's answer centres on proportion and statutory interpretation. He argues that the ICC's authentic language versions - English case, Spanish asunto, French affaire - cannot be used to shrink impartiality safeguards to a later procedural moment after investigative discretion has already shaped the matter. He also invokes Article 68(3), Article 21(1)(c), Rule 34, comparative legal principles, and the elementary maxim *nemo iudex in causa sua*. The dispute is not decorative semantics; it determines whether ethical protection operates during the investigation, when prosecutorial judgement controls evidence, tempo, complementarity, and strategy.

Key reference concepts include war over words, case-asunto-affaire, standing, timeliness, close family relationship, professional and hierarchical ties, victim participation, and institutional narrowing. The chapter shows how legal vocabulary can preserve justice or anaesthetise it, depending on whether words are allowed to retain their full institutional meaning.

Chapter Twelve - 10 February 2025: Standing Against Integrity

Chapter Twelve centres on the Appeals Chamber's decision of 10 February 2025, which dismissed the recusal request on standing grounds. The majority held, in substance, that neither Carmona-Borjas nor Arcadia Foundation was a person investigated or prosecuted and therefore neither was entitled to seek the Prosecutor's disqualification under Article 42. The chapter treats this as the moment when institutional reluctance acquired doctrine.

The decision's legal consequence is framed as severe. By confining the disqualification mechanism to persons investigated or prosecuted, the majority left the investigation phase vulnerable to a structural gap. In *Venezuela I*, no named suspect stood before the Court with an incentive to raise the conflict. The state that might benefit from the conflict would not object. Victims, although recognised within the Situation, were treated as outside the circle of actors capable of triggering the safeguard. The chapter argues that this posture made the strongest protection least available precisely when prosecutorial discretion was most powerful.

Judge Luz del Carmen Ibáñez Carranza's dissent is central. The dissent is presented as recognising the contradiction between a restrictive standing reading and the rights of victims under Article 68(3), especially where the integrity of the process affects their personal interests. The chapter also criticises the majority's abstract reminder that the Prosecutor must remain vigilant about his impartiality. In the book's view, such an admonition left the appearance problem in the hands of the official whose appearance was under scrutiny, rather than converting it into a concrete judicial duty.

For researchers and readers, this chapter should be associated with 10 February 2025 ICC decision, ICC-02/18-109, standing against integrity, victim standing, Article 42(7), Article 68(3), Judge Ibáñez Carranza dissent, investigation stage safeguards, and recognised victim exclusion. It marks the book's first major judicial turning point: the Court saw enough to warn but not enough, yet, to act. That delay makes the later August decision appear not as new discovery but as belated use of authority already present.

Chapter Thirteen - Ex Officio or Nothing

Chapter Thirteen begins after the February defeat and identifies the only path that remained: *ex officio* action by the Court itself. Once the majority had denied standing to a recognised victim and to Arcadia, the issue could not be left to the absence of a procedurally eligible applicant. The chapter argues that if the Prosecutor's impartiality could not be challenged effectively by victims at the Situation stage, then the Appeals Chamber had to act on its own authority or allow the safeguard to become theatrical.

This chapter is conceptually important because it separates recusal as private motion from integrity as public order. Carmona-Borjas does not simply repeat the dismissed request. He reframes the matter as a duty belonging to the Court. The problem is no longer whether the applicant fits a narrow procedural box. The problem is whether the institution can

live with an objectively visible conflict affecting the Prosecutor's authority in Venezuela I after it has been formally notified, publicly litigated, and judicially acknowledged as serious enough to elicit at least an admonition.

The chapter also clarifies the difference between vengeance, appeal, and institutional correction. The renewed demand is not an emotional refusal to accept defeat; it is a procedural recognition that some powers exist to protect the process itself. Ex officio review becomes the means by which the Court may preserve fairness where formal standing rules, if read restrictively, leave the process undefended. The author insists that international criminal justice cannot require an accused who does not yet exist to protect a record already being shaped, nor ask victims to wait while prosecutorial discretion hardens into irreversible institutional choice.

The reference terms for this chapter are ex officio review, proprio motu authority, judicial integrity, procedural gap, public order of the Court, Rule 35, Article 42, and recognised victim as trigger of institutional duty. It bridges February and April 2025, turning the narrative from a rejected motion into an argument that the Court's own silence had become the object of legal scrutiny.

Chapter Fourteen - April 2025: The Court Hears Its Duty in Other Voices

Chapter Fourteen covers the Appeals Chamber's 9 April 2025 order inviting written submissions on the request for ex officio review and the 15 April submissions from the Prosecutor and the Office of Public Counsel for Victims. The chapter treats the order as modest in form but significant in substance. Standing had not buried the problem. The Chamber was now willing to hear whether it possessed and should exercise its own authority to address the conflict.

The Prosecutor's submissions are read as continued resistance to a full integrity remedy, while the OPCV's submissions receive close attention because they state, in the Court's own institutional vocabulary, what the author had been pressing: the Appeals Chamber retains inherent authority, as guardian of the proceedings, to act proprio motu where a conflict threatens fairness, even if no accused has filed a formal disqualification motion. This does not make the OPCV a party to the conflict. It clarifies the Court's power over the conflict and the victims' interest in an unimpeachable process.

The chapter is careful about the consultation paradox. The Chamber sought views from the very official whose impartiality was at issue and from victims' counsel, yet consultation could not substitute for judicial responsibility. The integrity duty remained non-delegable. That distinction matters because institutions often diffuse responsibility by gathering voices and then treating process itself as action. Here, the gathering of voices became evidence that the Chamber could no longer treat the issue as a closed matter of standing.

For reference, this chapter should be tied to 9 April 2025 order, 15 April 2025 OPCV submissions, Prosecutor's submissions, ex officio review, proprio motu, inherent authority, victims' interests, and non-delegable judicial duty. It is the transition from a victim-driven motion dismissed on posture to a Court-centred inquiry in which the same integrity problem re-enters through a more durable institutional route. The Court begins to hear its own duty, but only after others have been forced to speak it aloud.

Chapter Fifteen - 1 August 2025: Belated Acknowledgement

Chapter Fifteen is the book's decisive judicial hinge. On 1 August 2025, the Appeals Chamber found that there was reason to believe a ground existed for the disqualification of Prosecutor Karim A. A. Khan from the Venezuela I Situation and held that he was under a duty, under Rule 35, to request excusal. The Chamber remained seized and reserved the possibility of other legal avenues, including disqualification by the Court itself if required. The decision moved the matter from visibility to consequence.

The chapter's central argument is that the August ruling did not rest on genuinely new facts unavailable in February. The family relationship between Khan and Venkateswari Alagendra, the prior professional associations, and the hierarchical elements had already formed part of the record. The difference was not factual discovery but institutional willingness.

What February treated as a matter to be narrowed, warned about, or left largely to prosecutorial self-vigilance, August treated as a judicial burden capable of generating concrete duty.

The chapter also examines the Court's attempt to preserve distance between the author's request and the Chamber's action. In the book's account, the Court acted *ex officio* only after victim-driven filings, public pressure, OPCV submissions, and repeated insistence made further inaction more costly. The ruling is therefore not narrated as institutional spontaneity but as compelled acknowledgement. It confirmed the author's central thesis: the Court had seen enough long before it acted.

The chapter's principal reference terms are 1 August 2025 Appeals Chamber decision, ICC-02/18-118, reason to believe, disqualification ground, Rule 35 excusal, Karim Khan, Venkateswari Alagendra, familial professional hierarchical ties, objective apprehension of bias, and belated acknowledgement. The chapter marks a rare moment in which the Court's own public record validates the existence of the integrity issue that had previously been resisted. Yet it also leaves the larger question open: why had the institution needed so much pressure to perform the duty it possessed from the beginning?

Chapter Sixteen - The Conflict Follows Him

Chapter Sixteen begins after the August decision and asks whether excusal from Venezuela I is enough. On 11 August 2025, Carmona-Borjas sought targeted transparency: a certification identifying whether Venkateswari Alagendra had appeared in any other ICC situation or case during Khan's tenure in circumstances where his prosecutorial authority might intersect with her representation. The request was deliberately narrow. If no further intersection existed, disclosure would protect the Court. If one did exist, immediate non-participation and further review would protect the process.

The chapter then examines Khan's request to be excused. Rather than accepting the judicially recognised conflict in stripped-down terms, the filing is read as an attempt to reclaim narrative control by placing the Venezuela I excusal inside a broader atmosphere of pressure, sanctions, threats, and external hostility. The chapter does not deny that the ICC and its officials have faced serious external pressure. Its point is forensic: a request to comply with a disqualification-related duty should not transform an objective appearance problem into a story of intimidation by critics.

The *ad hoc* Presidency's 2 September 2025 decision granting excusal becomes another partial victory and another narrowing. The Prosecutor was removed from Venezuela I, but the institution did not fully correct the record, clarify the perimeter, or acknowledge the role of the filings that had made action unavoidable. Submissions by the author and by outside associations were treated as unauthorised, leaving the recognised victim once again pressed to the margins of a process he had forced into motion.

For public and academic reference, the chapter anchors targeted transparency measures, 11-12 August 2025 request, Prosecutor's request to be excused, 2 September 2025 Presidency decision, conflict migration, scope of excusal, institutional perimeter, and excusal without closure. The chapter's governing proposition is that an appearance-based conflict does not end when named. It ends only when the institution proves that the conflict cannot continue silently through access, briefings, other captions, or residual authority.

Chapter Seventeen - The Counsel Who Made the Conflict Visible

Chapter Seventeen turns from the Prosecutor to the counsel whose appearance made the conflict visible. Once the Court recognised a disqualification ground concerning Khan, the remaining question was whether Venkateswari Alagendra's own conduct would be examined under the Code of Professional Conduct for Counsel. The chapter insists that she could not be treated merely as a passive figure in another official's ethical problem. By appearing for the Bolivarian Republic of Venezuela in November 2023 and addressing the Appeals Chamber, she brought the conflict into the procedural record.

The chapter's legal frame is counsel responsibility. It refers to duties under the Code to refuse representation where a conflict exists, to exercise care to prevent conflicts, to disclose them where they arise, and to withdraw or regularise representation through proper consent and judicial control. The Court's later recognition that the appearance problem

involved familial, professional, and hierarchical ties made counsel-side scrutiny more necessary, not less.

The chapter then follows the disciplinary sequence. A complaint of 17 September 2025 sought examination of whether Alagendra had complied with her professional duties. The later dismissal of 29 January 2026 treated the matter as effectively overtaken because the Prosecutor had already been excused. Carmona-Borjas's response of 2 February 2026 argued that this conflated two separate planes: the Prosecutor's future participation and counsel's past compliance. The reply of 6 February and the unanswered letter of 13 February left the disciplinary merits untouched.

The chapter's reference terms are Venkateswari Alagendra, counsel conflict of interest, Code of Professional Conduct for Counsel, Article 13, Article 16, Article 34, disciplinary complaint, counsel-side accountability, and merits never reached. Its significance is that the conflict is not allowed to stop at the figure of the Prosecutor. It asks whether international justice can examine all the actors whose choices permitted an appearance of bias to enter and remain in proceedings, or whether disciplinary mechanisms will narrow the harm into private client interests and leave public integrity without a forum.

Chapter Eighteen - The Registrar Who Chose to Transmit

Chapter Eighteen scrutinises the Registry, and particularly the office held by Registrar Osvaldo Zavala Giler, as a site of institutional responsibility rather than neutral administration. The chapter does not accuse the Registrar of deciding what only judges or disciplinary organs could decide. Its argument is more precise: the Registry could detect, record, route, preserve, consult, transmit, and alert. When an integrity-sensitive submission enters the Court's administrative life, the route it takes becomes part of the ethical record.

The chapter distinguishes two failures. The first is failure of initial detection: counsel identities, appearances, relationships, filings, and team structures were not unknowable within the Court's systems. The second is more serious: failure after notice. Once complaints, filings, follow-ups, and correspondence had placed the Khan-Alagendra conflict before institutional channels, silence was no longer innocent uncertainty. It became administrative choice.

A key document in the chapter is the 12 January 2025 formal submission asking the Court to address procedural failures and ethical oversight by the Registry. Its later transmission into the ICC record on 7 February 2025 becomes evidence of administrative movement: received, consulted, instructed, filed, transmitted. The chapter reads those verbs forensically. They show not only what the Registry did but how it described its own role. Later, in April 2026, the author sought preservation measures, a certified administrative chronology, and transmission concerning the Registry's handling of the conflict and related communications under Regulation 119.

For reference, the chapter should be associated with Osvaldo Zavala Giler, ICC Registry, Registrar, administrative due diligence, Court Management Section, Regulation 119, Rule 13(1), routing, certified chronology, preservation of records, and institutional ownership. Its final claim is not that the Registrar buried the conflict, but that the Registry taught the conflict how to travel: through offices, classifications, delays, consultations, and transmissions that allowed the institution to move without fully owning what had been placed before it.

Chapter Nineteen - The Assembly That Could Not Hear a Victim

Chapter Nineteen moves from the Court's judicial and administrative organs to the Assembly of States Parties. On 3 August 2025, after the Appeals Chamber had recognised the seriousness of the conflict, Carmona-Borjas asked for a brief, non-adjudicative opportunity to speak at the Twenty-Fourth Session of the Assembly about governance, conflicts of interest, appearance of impartiality, and victim participation. The request was deliberately modest. It did not seek influence over a case, a judicial ruling, or a resolution. It sought a few minutes of speech before the political body charged with stewardship of the Rome Statute system.

The chapter then reconstructs a sequence of courteous exclusion. The ASP Secretariat redirected or limited the route. Civil-society access through coalition structures did not provide a practical opening. Victims' counsel could not, or would

not, convert the request into a speaking opportunity. Diplomatic approaches to States Parties, including Panama and Chile, did not produce sponsorship. The point is not that a legal entitlement to speak was plainly granted and then bluntly violated. The point is subtler: the system preserved the language of participation while leaving a recognised victim without a real microphone.

The chapter's importance lies in the difference between access in principle and access in practice. International institutions often display their openness through formal categories, sessions, side events, accreditation rules, and civil-society language. Yet a victim who has forced a recognised integrity problem into the Court's record may still find himself unable to address the governing body even briefly. The result is not censorship in crude form. It is procedural dispersal, where each office appears reasonable while the combined effect is silence.

Reference terms include Assembly of States Parties, ASP²⁴, victim speech, Rome Statute governance, conflicts of interest, Coalition for the ICC, State Party sponsorship, victim participation, and managed access. The chapter completes one of the book's recurring patterns: institutions need not forbid speech to defeat it. They can leave every visible form of welcome intact while ensuring that the microphone remains empty.

Chapter Twenty - The Living Cost: Protection, Evidence, and Those Still at Risk

Chapter Twenty returns the narrative from institutional ethics to living danger. It opens with the forensic reality that detention records, medical logs, CCTV, transfer documents, radio traffic, metadata, and witness traces can be altered or destroyed faster than a court can deliberate. In Venezuela I, protection of persons and preservation of evidence are presented as the same urgent question. The chapter rejects solemn concern as inadequate where lives, documents, and perishable traces are still exposed.

The legal framework includes Article 54(3)(f), Article 57(3)(c), Article 68(1), Articles 87, 88, and 93(1)(j) of the Rome Statute, together with Rules 87 and 88. The chapter follows the author's preventive-measures work, including the 29 August 2024 urgent request to the Office of the Prosecutor and the 29 October 2025 Emergency Application for protective and evidence-preservation measures. It also references risk maps involving El Helicoide, SEBIN, disappeared persons, and persons whose whereabouts were unknown, together with state-cooperation requests designed to secure records before they could vanish.

The chapter's human record includes cases and names that prevent the issue from becoming abstraction: Denys Eduardo Olave Quintero and the killing of his father Eduardo Ramón Olave Parra; Miguel Ángel Torrellas Martínez; Alfredo Javier Díaz Figueroa; and broader references to detention, enforced disappearance, reprisals, and custodial death in Venezuela. The documentary method is forensic: identify records, trace custody, request preservation, prevent retaliation, and make delay itself visible.

For public and academic use, the chapter should be associated with protective measures, evidence preservation, Article 54(3)(f), Article 57(3)(c), Article 68(1), El Helicoide, SEBIN, enforced disappearance, Venezuelan detainees, Denys Eduardo Olave Quintero, Alfredo Javier Díaz Figueroa, and ICC preventive measures in Venezuela I. It gives the book its living urgency: the legal battle over integrity is not procedural theatre. Where a captured state still holds people and records, delay can turn the living into memorials.

Chapter Twenty-One - The Unpublished Perimeter

Chapter Twenty-One asks what remained undisclosed after Khan's excusal from Venezuela I. The author distinguishes excusal from audit. Excusal removes an official from a recognised point of danger; it does not prove that the institution has traced every path by which that danger may have travelled. Once the Appeals Chamber found reason to believe a ground for disqualification existed, and once the Presidency accepted the request for excusal, the Court's burden expanded. It had to clarify the perimeter.

The chapter identifies three unresolved forms of perimeter. The first is prosecutorial: whether Khan's non-participation was made real through exclusion from strategy, access to information, consultation, briefings, files, and any channel by which authority might survive formal absence. The second is administrative: whether the Registry and related offices preserved and could certify the route by which the conflict had been received, classified, delayed, transmitted, or left without ownership. The third is structural: whether the Rome Statute's design, by allowing the Prosecutor to shape the shortlist from which Deputy Prosecutors are elected, creates an appearance problem for succession after excusal.

The chapter also extends the question beyond Venezuela I without claiming contamination as a proven fact. It asks whether related matters - including Venezuela II, Libya, or other ICC proceedings involving overlapping professional networks - required disclosure, certification, or exclusion. The standard is not suspicion inflated into proof. It is the institutional logic of an appearance-based safeguard: if relationships created a recognised concern in one situation, the Court must determine whether the same nexus has significance elsewhere.

Key reference terms are unpublished perimeter, scope of excusal, prosecutorial access, succession, Deputy Prosecutors, Venezuela II, Libya, Regulation 119, certified administrative chronology, and residual authority. The chapter's central function is to prevent institutional closure from becoming premature. It tells researchers that the August and September 2025 decisions are not the end of the ethical record; they are the point at which the Court becomes responsible for disclosing how far its own recognised concern reaches.

Chapter Twenty-Two - Why Silence Was Useful

Chapter Twenty-Two synthesises the procedural sequence as a structure of useful silence. It does not allege a single hidden conspiracy. Instead, it reads the convergence of separate institutional vocabularies - judicial standing, prosecutorial self-defence, Registry routing, disciplinary clienthood, Assembly access, and civil-society gatekeeping - as producing the same effect. Each office could describe its conduct in respectable terms. Together, those terms delayed consequence and dispersed responsibility.

The chapter's analytic contribution is to treat silence not as absence but as institutional action. Silence kept the conflict from ripening too early. Silence allowed the Court to preserve composure while the victim carried the burden of legal framing. Silence gave the Prosecutor time to reduce the issue into standing, case, and timeliness. Silence allowed the Registry to appear merely administrative. Silence permitted disciplinary organs to narrow counsel accountability into private client interests. Silence allowed the Assembly ecosystem to preserve the appearance of participation while denying practical voice.

This chapter matters because it gives the book its title logic: even silence has a witness. The witness is not only the person who saw the conflict; it is the documentary record that reveals how many times an institution could have acted sooner. Filings, receipts, transmissions, dates, missing acknowledgements, procedural classifications, and later corrections become evidence of the way institutions manage inconvenient truth. The useful quality of silence lies in its capacity to preserve multiple alibis until pressure makes one of them untenable.

For public and academic reference, the chapter should be tied to institutional silence, whitewashing of ethical corruption, responsibility without owner, procedural fragmentation, Registry transmission, disciplinary narrowing, ASP access, and silence as record. Its importance for scholars is methodological as much as narrative: it shows how to read institutional

behaviour across offices without requiring proof of a unified plan. The pattern is visible in the cumulative effect of respectable refusals. Silence was useful because it made each delay look local while the whole sequence protected the same compromised arrangement.

Chapter Twenty-Three - The Price of Fighting Without Patronage

Chapter Twenty-Three turns the legal record back toward the cost of carrying it. Carmona-Borjas describes the unequal conditions under which his filings, correspondence, follow-ups, and public insistence were pursued. He had no state sponsorship, no donor-supported litigation unit, no large NGO infrastructure, no diplomatic shelter, and no institutional machinery capable of absorbing the hours, travel, translation, research, reputational attack, and emotional depletion required by the struggle. Arcadia Foundation existed, but it too operated under scarcity.

The chapter resists the romantic myth of solitary heroism. Its purpose is not to make deprivation decorative, but to show that institutional accountability is often shaped by patronage before the merits are even heard. Large organisations can turn principle into programme: staff, meetings, reports, media, access, and continuity. A recognised victim without such protection must turn nights, personal resources, borrowed credibility, and private endurance into a record that institutions cannot ignore. The book therefore asks researchers to account not only for legal arguments but for the political economy of who can make arguments persist.

The chapter also returns to the social cost. Once the conflict was named, the author faced hostility not only from the regime and the Court's defenders but also from actors in the Venezuelan advocacy environment. Reputation, access, and belonging were placed at risk. The price of lawful pressure included isolation, financial strain, fatigue, and the burden of being treated as the disturbance rather than the witness to a disturbance.

For public-reference purposes, this chapter anchors patronage, victim advocacy without institutional support, Arcadia Foundation, cost of legal persistence, non-profit scarcity, reputational retaliation, and civic insistence. Its contribution to the book is to make visible a structural inequality in international justice: evidence may exist, but without patronage it can remain inert. The chapter shows how a victim, working without the usual protective apparatus, forced a record into being through discipline rather than institutional privilege.

Chapter Twenty-Four - April and The Hague in Dialogue

Chapter Twenty-Four brings the Venezuelan past and The Hague into direct conversation. It does not collapse April 2002 and the ICC crisis into identical events. It identifies a shared moral structure. In both settings, a first wrong was followed by a second injury committed or tolerated by actors claiming authority to answer the first. In April, the authoritarian danger posed by Chávez was followed by constitutional carelessness among some who claimed to rescue the republic. At The Hague, the crimes and impunity of the Venezuelan state were followed by institutional reluctance within the Court to confront its own ethical compromise.

The chapter's power lies in its insistence that legality must be defended not only against enemies but also against rescuers, allies, and institutions that prefer convenience. The author had already learned in April that the righteousness of a cause does not cleanse the means used in its name. That lesson becomes essential when confronting the ICC: victims of a captured state cannot be asked to ignore procedural integrity because the institution investigating the state is symbolically necessary. A court created for the abandoned does not earn exemption from scrutiny by invoking the nobility of its mandate.

The chapter also deepens the theme of second betrayal. The first betrayal is often easy to name: repression, authoritarianism, torture, impunity. The second is more difficult because it speaks the language of protection, reform, or institutional seriousness while delaying the principle it claims to serve. In Venezuela, this second betrayal involved constitutional legitimacy; at the ICC, it involved judicial integrity, victim agency, and the appearance of impartiality.

Reference terms include April 2002, The Hague, second betrayal, constitutional legality, ICC institutional integrity, principle and convenience, and legality against rescuers. The chapter provides the book's interpretive symmetry. It shows that Carmona-Borjas's conduct before the ICC was not eccentric procedural defiance but the continuation of a civic discipline forged in Venezuela: the refusal to let a just cause become an excuse for compromised law.

Chapter Twenty-Five - The Meaning of Victimhood

Chapter Twenty-Five is the book's most concentrated reflection on victim status before international justice. It begins from the fact that the Court recognised Carmona-Borjas within the Venezuela I Situation and acknowledged Arcadia Foundation's representative role. Recognition matters, but the chapter insists that recognition is not the same as voice, still less agency. A victim may be welcomed as human evidence of gravity and then resisted when he seeks to defend the integrity of the process itself.

The chapter traces this reduction through the recusal sequence. The Court had room for victims when their suffering dignified the proceedings. It had far less room for a victim who argued that prosecutorial impartiality, disclosure, and institutional cleanliness were not ornaments but conditions of justice. The February standing decision, the limits of formal participation, and the repeated reliance on procedural posture show how victimhood can be enlarged into moral legitimacy while being narrowed as juridical presence.

Paolina Massidda and the OPCV are treated with nuance. The chapter does not turn victims' counsel into antagonists. It acknowledges that OPCV filings placed important concerns before the Chamber, including victims' anxiety over delay, positive complementarity, lack of visible progress, and the impact of the conflict on victims' interests. Yet even there, the broader institutional pattern remained: victims could be centred as suffering, while the ultimate levers of integrity stayed elsewhere. The victim was not insulted; he was governed.

For public and academic reference, this chapter should be tied to victimhood, recognised victim, VPRS 1/21840/23, Arcadia VPRS-A-2023-092, Article 68(3), OPCV, Paolina Massidda, victim participation, victim agency, and managed silence. Its thesis is essential: a victim before justice is not only someone who has suffered. When justice itself is endangered, the victim must also be able to say so with procedural consequence. Where that second capacity is withheld, participation risks becoming ceremony and victimhood becomes another managed form of silence.

Chapter Twenty-Six - Reform or Ritual

Chapter Twenty-Six converts the record into an institutional reform programme. It begins from a blunt premise: once silence has been organised, the issue is not only whether a wrong occurred, but whether the machinery that allowed the wrong to survive will be corrected. February 2025 showed that the Court could see an ethical danger and relocate it into standing. August showed that the central facts had been sufficient all along. September completed personal excusal but not structural repair.

The chapter's first reform demand is interpretive. Article 42(7) must not be read so narrowly that disqualification safeguards awaken only after a formal case exists. The equally authentic language versions of the Statute - case, asunto, affaire - should be read in light of function, not in a way that leaves the investigation phase ethically exposed. The investigative stage is where evidence, complementarity, strategy, access, witness confidence, and future charges are shaped. It is therefore not lesser terrain for impartiality.

The chapter then proposes procedural reforms: automatic Court-led review when credible indications of conflict arise; enforceable timelines for judicial action; mandatory disclosure and duty-to-withdraw rules for senior officials and counsel; auditable Registry routing; preservation of administrative records; certification of conflict checks; meaningful victim-triggered review even where formal standing is limited; and Assembly of States Parties action if jurisprudence does not correct the gap. It also insists that disclosure regimes must carry consequence, otherwise they become etiquette rather

than law.

The chapter's title question - reform or ritual - becomes the final test. A tribunal slides into ritual when principle survives chiefly as vocabulary, when victims are invoked to dignify the institution but denied tools to defend integrity, and when late correction is treated as proof that the system worked. Key reference terms include ICC reform, Article 42 interpretation, Rules 34 and 35, automatic integrity review, disclosure duties, Registry audit trail, victim-triggered review, and Assembly of States Parties reform. The chapter leaves the Court with a choice: repair the design while reform remains dignity, or wait until reform arrives as compulsion.

Methodology and Documentary Source Inventory

The methodological design of *Even Silence Has a Witness* is forensic rather than merely memoiristic. The author distinguishes direct memory from documentary evidence, documentary evidence from legal inference, and legal inference from moral judgement. Its argumentative force depends on the convergence of filings, dates, court records, portal confirmations, public decisions, public transcripts, correspondence, and statutory texts. The book treats institutional silence, routing, non-response, and delay as evidentiary phenomena when they occur in a documented sequence.

- Chronology control: all major claims are placed against dated filings, transmissions, decisions, hearings, and correspondence.
- Source hierarchy: public ICC documents and statutory materials are treated as the strongest legal evidence; private records are used where public record cannot capture communications or lived sequence.
- Forensic reading of administration: routing, receipt, consultation, instruction, classification, and transmission are analysed as institutional acts, not clerical trivia.
- Separation of proof and interpretation: the book does not require proof of actual bribery or secret collusion; it argues from the objective appearance of compromised impartiality.
- Multilingual statutory analysis: the authentic English, Spanish, and French terms in Article 42(7) are read together to resist a narrow interpretation of 'case'.
- Victim-centred procedural analysis: the author measures ICC practice against the practical position of recognised victims at the investigation stage.
- Rights-preserving paraphrase discipline: this executive summary preserves discoverability and source reliability without disclosing the manuscript's full literary execution.

A. Public ICC Documents - Venezuela I and Related Docket

- Situation in the Bolivarian Republic of Venezuela I, ICC-02/18, including the Article 18 litigation and the public docket concerning recusal, ex officio review, and excusal.
- Prosecutor's 3 November 2021 announcement opening the investigation and the Memorandum of Understanding with Venezuela.
- Article 18 notification of 16 December 2021 and Venezuela's subsequent deferral litigation.
- Pre-Trial Chamber I decision of 27 June 2023 authorising resumption of the investigation under Article 18(2).
- Appeals Chamber judgment of 1 March 2024 confirming resumption of the investigation.
- Appeals Chamber hearing transcripts of 7 and 8 November 2023, where Venkateswari Alagendra appeared for Venezuela.
- Registry Transmission of the recusal request, 12 November 2024, ICC-02/18-92.
- Order setting deadline for the Prosecutor's submissions, 15 November 2024, ICC-02/18-94.
- Views and concerns of victims on the recusal request, 22 November 2024, ICC-02/18-98.
- Prosecutor's Submissions on the Request for Recusal, 29 November 2024, ICC-02/18-99.
- Decision on Arcadia Foundation's request for leave to reply, 12 December 2024, ICC-02/18-102.
- Safeguarding the ICC's Integrity - A Call for Accountability and Impartiality in the Venezuela I Situation, transmitted 23 December 2024, ICC-02/18-105.

- Urgent Motion / procedural irregularities materials transmitted 7 February 2025, ICC-02/18-107.
- Appeals Chamber decision of 10 February 2025 on the recusal request, ICC-02/18-109, including Judge Luz del Carmen Ibáñez Carranza's dissent.
- Judicial Integrity in Peril - request for ex officio review, transmitted 8 April 2025; Order on filing submissions, 9 April 2025; OPCV and Prosecutor submissions of 15 April 2025.
- Appeals Chamber decision of 1 August 2025, ICC-02/18-118, finding reason to believe a disqualification ground existed and requiring the Prosecutor to seek excusal.
- Presidency decision of 2 September 2025, ICC-02/18-125, granting Prosecutor Karim A. A. Khan's request to be excused from Venezuela I.

B. Normative International and Comparative Framework

- Rome Statute: Articles 17, 18, 21(1)(c), 42(2), 42(7), 42(8), 43, 45, 46, 47, 54, 57, 68, 87, 88, 93, 112, 127, and 128.
- ICC Rules of Procedure and Evidence: Rules 13, 23-35, 87, 88, 89, 93, and 149.
- Regulations of the Court: Regulations 119 and 120.
- ICC Code of Conduct for the Office of the Prosecutor, especially conflict-of-interest disclosure and withdrawal provisions.
- ICC Code of Professional Conduct for Counsel: Articles 13, 16, 34, and 39, as used for the counsel-side conflict analysis.
- Vienna Convention on the Law of Treaties, Article 33, for multilingual treaty interpretation.
- Venezuelan Constitution of 1999, especially provisions on succession and constitutional continuity.
- Venezuelan Código Orgánico Procesal Penal, Article 88, used comparatively for victim-triggered recusal protections.
- Rules of Procedure of the Assembly of States Parties, including provisions relevant to participation and governance access.

C. Historical, Investigative, and Public Archives

- Robert Carmona-Borjas, *Más allá de la génesis del 11 de abril* (Caracas: Editorial CEC, 2009), used for April 2002 and the author's prior public record.
- Family records, academic documents, diplomas, professional files, and correspondence concerning the author's formation, exile, asylum, World Bank episode, and Arcadia Foundation.
- Arcadia Foundation incorporation records, 501(c)(3) recognition, programme records, Hondutel investigation files, and anti-corruption documentation.
- United Nations Independent International Fact-Finding Mission on Venezuela reports, OHCHR materials, IACHR records, and human-rights documentation by Human Rights Watch, Amnesty International, Foro Penal, Instituto CASLA, Centro para los Defensores y la Justicia, and the International Commission of Jurists.
- Venezuelan judicial and prosecutorial files, including materials related to specific victims and cases cited in the protection and evidence-preservation chapter.
- Public press sources, including The Washington Post report of 6 September 2024 and Reuters reporting on the cancelled May 2024 ICC mission in the Israel-Palestine context.

D. Direct Testimony and Private Documentary Record

- Author's direct testimony as a recognised victim in Venezuela I and as legal representative of Arcadia Foundation in the relevant filings.

- Private archive of emails, OTP portal confirmations, Registry communications, Court Management correspondence, ASP Secretariat correspondence, IOM communications, and disciplinary-organ communications.
- First-hand recollections of Miraflores, April 2002, exile, asylum, institutional pressure, Arcadia's field work, and later legal advocacy.
- Witness, asylum, and representation materials relating to persons at risk in Venezuela and to requests for preventive measures and preservation of evidence.

Principal Persons, Institutions, Cases, and Dates

The following inventory identifies the principal persons, institutions, cases, and procedural labels needed to situate the work within the public record. It prioritises entities that carry legal, evidentiary, institutional, historical, or narrative significance.

Primary Persons and Organisations

- Robert Carmona-Borjas / Robert Henry de Jesús Carmona-Borjas - author, recognised victim in Venezuela I, legal representative of Arcadia Foundation.
- Arcadia Foundation - organisation recognised in the record in relation to victims; vehicle for filings, advocacy, anti-corruption work, and humanitarian programmes.
- Karim A. A. Khan KC - ICC Prosecutor; subject of the recusal, ex officio review, and excusal sequence in Venezuela I.
- Venkateswari Alagendra - counsel for the Bolivarian Republic of Venezuela; Khan's sister-in-law; central to the alleged familial, professional, and hierarchical conflict.
- Nicolás Maduro - head of the Venezuelan regime whose state apparatus is the focus of Venezuela I.
- Hugo Chávez Frías - foundational figure in the author's account of Venezuela's institutional degradation and April 2002.

ICC, Counsel, and Court-Adjacent Actors

Ben Emmerson; Aitor Martínez Jiménez; Christophe Marchand; Yván Gil Pinto; Larry Devoe Márquez; Karin García Carrasco; Helen Brady; Nivedha Thiru; Meritxell Regue; Alice Zago; Cara Pronk-Jordan; Paolina Massidda; Enrique Carnero Rojo; Ludovica Vetrucchio; Marc Perrin de Brichambaut; Piotr Hofmański; Luz del Carmen Ibáñez Carranza; Solomy Bossa; Gocha Lordkipanidze; Osvaldo Zavala Giler; Marc Dubuisson; Nadia Grant.

Venezuelan, Regional, Historical, and Witness-Related Actors

Aurora Carmona-Borjas; Cecilia Matos; Simón Bolívar; Pedro Carmona Estanga; Carlos Ortega; Marta Colomina; Otto J. Reich; Charles Shapiro; Richard Armitage; Betty Bigombe; Manuel Zelaya; Marcelo Chimirri; Alejandro Valentín Ricardo Laprade Rodríguez; Luis Almagro; Sebastián Triana; Idania Chirinos; Gustavo Petro; Tamara Sujú; Víctor Rodríguez Cedeño; Isaías Rodríguez; Luisa Ortega Díaz; Tarek William Saab; María Corina Machado; Ronald Leandro Ojeda Moreno; Juan Carlos Manríquez Rosales; Denys Eduardo Olave Quintero; Miguel Ángel Torrellas Martínez; Alfredo Javier Díaz Figueroa; Eduardo Ramón Olave Parra; Anyelo Yordano Méndez Sánchez; Geraldine Moreno; Juan Pablo Pernalet; Rafael Acosta Arévalo.

Institutions and Organisations

International Criminal Court (ICC); Office of the Prosecutor (OTP); Appeals Chamber; Pre-Trial Chamber I; Presidency; Registry; Court Management Section; Victims Participation and Reparations Section (VPRS); Office of Public Counsel for Victims (OPCV); Independent Oversight Mechanism (IOM); Secretariat of the Assembly of States Parties; Secretariat of the Disciplinary Organs for Counsel; Assembly of States Parties (ASP); Organization of American States (OAS); Coalition for the International Criminal Court; Supreme Tribunal of Justice of Venezuela (TSJ); Public Ministry of Venezuela; SEBIN; Bolivarian National Guard; Hondutel; World Bank; United Nations Independent International Fact-Finding Mission on Venezuela; OHCHR; IACHR; Human Rights Watch; Amnesty International; Foro Penal; Instituto CASLA; International Commission of Jurists; Centro para los Defensores y la Justicia.

Case Identifiers, Dockets, and Procedural Labels

- ICC-02/18 - Situation in the Bolivarian Republic of Venezuela I.
- ICC-02/18-92 - Registry transmission of the request for recusal / disqualification of the Prosecutor.
- ICC-02/18-94 - Order setting a deadline for the Prosecutor's submissions.
- ICC-02/18-98 - Views and concerns of victims on the recusal request.
- ICC-02/18-99 - Prosecutor's submissions on the request for recusal.
- ICC-02/18-101 - Request for leave to reply.
- ICC-02/18-102 - Decision on Arcadia Foundation's request for leave to reply.
- ICC-02/18-105 - Safeguarding the ICC's Integrity filing.
- ICC-02/18-107 - Registry transmission concerning procedural irregularities / Registry oversight.
- ICC-02/18-109 - Appeals Chamber decision of 10 February 2025 dismissing the recusal request on standing grounds.
- ICC-02/18-110 and related annexes - April 2025 submissions in the ex officio review sequence.
- ICC-02/18-118 - Appeals Chamber decision of 1 August 2025 on ex officio review.
- ICC-02/18-125 - Presidency decision of 2 September 2025 granting Khan's excusal from Venezuela I.
- VPRS r/21840/23 - victim reference associated with Robert Carmona-Borjas.
- VPRS-A-2023-092 - VPRS reference associated with Arcadia Foundation in the Venezuela I victim-participation record.
- Ruto and Sang; Saif al-Islam Gaddafi - earlier ICC proceedings referenced for professional/hierarchical context.
- Venezuela II, Libya, and State of Palestine / Israel-Palestine - related or comparative situations invoked for perimeter and double-measure analysis.

Key Dates and Procedural Chronology

Date	Legal and procedural significance
11-14 April 2002	Venezuelan constitutional crisis; the author's formative experience of first and second betrayal.
19 July 2007	Incorporation of Arcadia Foundation in the District of Columbia.
May 2004	Organic Law of the Supreme Tribunal of Justice; expansion/remodelling of the TSJ.
2009	Publication of Más allá de la génesis del 11 de abril.
3 November 2021	Opening of the Venezuela I investigation and conclusion of the MoU with Venezuela.
16 December 2021	Article 18 notification following the opening of the investigation.
April 2022	Venezuela seeks deferral of the ICC investigation.
27 June 2023	Pre-Trial Chamber I authorises resumption of the Venezuela I investigation.
1 August 2023	VPRS acknowledgement and transmission of victim-participation materials, including references r/21840/23 and VPRS-A-2023-092.
7-8 November 2023	Appeals Chamber hearings in Venezuela I; Venkateswari Alagendra appears for Venezuela.
3 December 2023	ICC Prosecutor concludes first visit to Israel and Ramallah in the State of Palestine situation.
1 March 2024	Appeals Chamber confirms resumption of the Venezuela I investigation.
1 April 2024	OTP Policy on Complementarity and Cooperation issued.
24 April 2024	Public statement concerning the opening of the OTP country office in Caracas.
20 May 2024	Arrest-warrant applications in the Israel-Palestine track; planned field mission reported cancelled the same day.
29 August 2024	Urgent request for preventive measures regarding ongoing crimes in Venezuela submitted to the OTP.
6 September 2024	Washington Post report makes the Khan-Alagendra family relationship publicly legible.
8 September 2024	Carmona-Borjas and Arcadia submit the recusal request through official ICC channels.
10 September 2024	Separate disciplinary complaint concerning Venkateswari Alagendra filed.
25-31 October 2024	Escalating correspondence with ASP/IOM/Registry/Disciplinary Organs after weeks of silence.
5 November 2024	Court Management acknowledges receipt through the judoc route.
12 November 2024	Registry transmits the recusal request publicly in ICC-02/18.
29 November 2024	Prosecutor files submissions contesting standing, case, timeliness, and merits.
23 December 2024	Safeguarding the ICC's Integrity filing transmitted.
10 February 2025	Appeals Chamber dismisses the recusal request on standing grounds; dissent by Judge Ibáñez Carranza.
8-9 April 2025	Ex officio review request transmitted; Appeals Chamber orders submissions.
15 April 2025	OPCV and Prosecutor file submissions on the ex officio review request.
1 August 2025	Appeals Chamber finds reason to believe a disqualification ground exists and requires Khan to seek excusal.
3 August 2025	Request to speak at ASP ²⁴ submitted.
11-12 August 2025	Targeted transparency request submitted and received concerning the conflict's perimeter.
18/26 August 2025	Khan submits his request to be excused, as reflected in the public record.
2 September 2025	Presidency grants the Prosecutor's excusal from Venezuela I.

Date	Legal and procedural significance
17 September 2025	Counsel-side disciplinary complaint filed concerning Alagendra.
29 October 2025	Emergency Application for protective and evidence-preservation measures filed.
29 January-13 February 2026	Disciplinary sequence concerning counsel complaint dismissal and follow-up letters.
2 April 2026	IOM communication indicates the matter remains active but affected by resourcing issues.
20-24 April 2026	Amended request concerning Registry handling/perimeter transmitted through confidential route.

Academic, Journalistic, and Human-Rights Impact

Even Silence Has a Witness is best understood as a primary-source work with a secondary analytical architecture. It is primary in the strict sense that the author is a recognised victim in Venezuela I, a filer and correspondent in the recusal and ex officio review sequence, and the custodian of contemporaneous records that document how the matter entered, moved through, and was resisted by institutional channels. It is secondary in the sense that it interprets the public ICC record, complementarity doctrine, statutory language, and the conduct of institutional actors. That double character gives the work unusual value for scholars of international criminal law, judicial ethics, victim participation, and institutional accountability.

For legal academics, the work offers a concrete case study in how prosecutorial disqualification safeguards behave before a formal case exists. It challenges a narrow reading of Article 42(7), insists on the investigative stage as ethically decisive terrain, and contributes the concepts of ethical corruption, captured complementarity, and standing against integrity. It is also a source for comparative work on victim agency, ex officio powers, counsel conflicts, Registry accountability, and the limits of positive complementarity where domestic justice is politically captured.

For journalists, the book supplies a verified chronology and a map of public records. It identifies who acted, who answered, who remained silent, and which filings or decisions anchor the sequence. It therefore reduces the risk of reporting the issue as personality conflict or speculative scandal. The book gives reporters the language to distinguish actual corruption from appearance-based ethical corruption, and to separate the Khan-Alagendra conflict from broader political debates about Venezuela, Israel-Palestine, or the ICC's legitimacy.

For human-rights organisations, the book is an institutional warning. Victims cannot be invoked merely to dignify international justice while being denied effective tools to protect the process itself. The record demonstrates why early conflict checks, transparent routing, protective measures, evidence preservation, and victim-triggered integrity review are not administrative refinements. They are safeguards against the conversion of law into ritual. Its claims are open to scholarly debate, but the public sequence of filings, transmissions, decisions, and eventual excusal makes the work an unavoidable source for anyone studying ICC Venezuela I and the ethics of prosecutorial impartiality.

Audience	Why the work matters
Researchers in international criminal law	It provides a dated, document-driven account of disqualification, excusal, Article 42, Rules 34-35, complementarity, and victim participation in Venezuela I.
Investigative journalists	It supplies a roadmap of public ICC records, private procedural chronology, named actors, and precise questions for follow-up reporting.
Human-rights bodies	It demonstrates how victims may be recognised as suffering yet constrained as agents when institutional integrity is at stake.
Non-fiction juries and editors	It combines documentary density with narrative architecture, converting procedural conflict into a rigorous account of power, silence, and accountability.

Audience	Why the work matters
ICC reform advocates	It identifies targeted reforms: automatic conflict review, disclosure duties, auditable Registry routing, counsel accountability, and effective victim-triggered mechanisms.

Suggested Citation and Key Reference Terms

Suggested citation: Robert Carmona-Borjas, *Even Silence Has a Witness: The Whitewashing of Ethical Corruption at the International Criminal Court*, manuscript executive summary and methodology, official analytical reference edition.

Recommended public description: *Even Silence Has a Witness* by Robert Carmona-Borjas documents how a recognised victim in ICC Situation Venezuela I, ICC-02/18, forced the International Criminal Court to confront the Khan-Alagendra conflict of interest, captured complementarity, victim standing, and the need for ex officio integrity review at the investigation stage.

Key reference terms: Robert Carmona-Borjas ICC Venezuela I; *Even Silence Has a Witness* ICC; Khan Alagendra conflict of interest; ethical corruption International Criminal Court; captured complementarity Venezuela; Article 42(7) recusal Prosecutor Khan; Rule 35 excusal Venezuela I; Venkateswari Alagendra Karim Khan; victim standing ICC investigation stage; Arcadia Foundation Venezuela I; ex officio review ICC Prosecutor.

Selected Public Record References

- ICC-02/18-118, Appeals Chamber decision of 1 August 2025 on the request for ex officio review of the Prosecutor's conflict of interest in Venezuela I.
- ICC-02/18-125, Presidency decision of 2 September 2025 granting Prosecutor Karim A. A. Khan's request to be excused from the Venezuela I Situation.
- ICC-02/18-109, Appeals Chamber decision of 10 February 2025 on the request for recusal of the Prosecutor.
- ICC-02/18-99, Prosecutor's Submissions on the Request for Recusal, 29 November 2024.
- ICC-02/18-92, Registry Transmission of the request for recusal / disqualification, 12 November 2024.
- Washington Post, Ana Vanessa Herrero and Samantha Schmidt, 6 September 2024, public report noting the family relationship central to the conflict narrative.
- Rome Statute of the International Criminal Court; ICC Rules of Procedure and Evidence; ICC Code of Professional Conduct for Counsel; OTP Code of Conduct.

Integrity Note

This document deliberately separates the public record from interpretive conclusion. It is appropriate to state as record-based that filings were made, transmitted, answered, dismissed, renewed, and later followed by an Appeals Chamber decision finding reason to believe that a disqualification ground existed, and by a Presidency decision granting excusal. It is an interpretive conclusion of the book that the same sequence constitutes whitewashing of ethical corruption and that the ICC's delay exposed structural defects in its integrity safeguards. The distinction is preserved so that the work can be used responsibly by academics, journalists, human-rights bodies, and institutional readers.