

IN THE PRE-TRIAL CHAMBER

Situation in the Bolivarian Republic of Venezuela I (ICC-02/18) **EMERGENCY APPLICATION (EX PARTE IF NECESSARY) FOR PROTECTIVE AND EVIDENCE-PRESERVATION MEASURES PURSUANT TO ARTICLES 57(3)(c) AND 68(1) AND RULES 87–88; AND FOR DIRECTIONS TO THE PROSECUTOR TO ACTIVATE ARTICLE 54(3)(f) WITH STATE- COOPERATION REQUESTS UNDER ARTICLES 87, 88 AND 93(1)(j)**

*To secure VWU activation; non-interference, confidential legal and medical access, and preservation of custody records/metadata at SEBIN–El Helicoide and DGCIM–Boleíta; and to authorize transmission of cooperation requests to States Parties (Art. 93(1)(j))—and **ad hoc** to non-States Parties (Art. 87(5)(a))—for the named cohorts identified in Annexes A–B.*

Submitted by:

Applicant / Victim: Robert Carmona-Borjas, Recognised Victim in the *Venezuela I Situation* (Victim Ref. r/21840/23)¹, and **Arcadia Foundation**, recognised victims’ representative (NGO Ref. VPRS-A-2023-092)².

Filed on behalf of: himself and a **determinable group of identified victims, witnesses, human-rights defenders and immediate family members** functionally linked to the ICC’s *Venezuela I* proceedings, as listed in **Annex A (Helicoide/SEBIN, Caracas)**³ and **Annex B (Disappeared / Whereabouts Unknown)**⁴.

Date: Washington, DC 27 October 2025

I. Precise relief sought

1. **Orders under Article 57(3)(c)⁵ and Rules 87–88⁶ directing the Registry (through the VWU) to adopt immediate protective and security measures and**

¹ **International Criminal Court, Victims Participation and Reparations Section (VPRS), Acknowledgment of Victim Status for Robert Carmona-Borjas, Reference Number r/21840/23.**

Available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

² **International Criminal Court, Victims Participation and Reparations Section (VPRS), Recognition of Arcadia Foundation as a Representative of Victims in the Venezuela I Situation, Reference Number VPRS-A-2023-092.**

Available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

³ **Annex A-VE — Public List — Helicoide (SEBIN), Caracas** (Arcadia Foundation, Sept. 2025). Public roster of identified detainees held at SEBIN–El Helicoide, Caracas, with individual fact-sheets (full name; Venezuelan ID where available; date of arrest/detention; brief circumstances; incommunicado/no-counsel status) and the cooperation-channel measures to be requested through the ICC (Arts. 54(3)(f), 93(1)(j), 87, 88). Available at: <https://arcadiafoundation.org/wp-content/uploads/2025/09/Annex-A-VE-HelicoideSEBINCaracas-Public-List.pdf>

⁴ **Annex B-VE — Public List — Disappeared / Whereabouts Unknown** (Arcadia Foundation, Sept. 2025). Public roster of persons reported as disappeared or of unknown whereabouts in Venezuela, with individual fact-sheets (full name; Venezuelan ID where available; date of last contact/detention; disappearance profile; incommunicado/no-counsel status) and the cooperation-channel measures to be requested through the ICC (Arts. 54(3)(f), 93(1)(j), 87, 88). Available at:

<https://arcadiafoundation.org/wp-content/uploads/2025/09/Arcadia-Foundation-ANNEX-B%E2%80%91VE-%E2%80%94Public-List-%E2%80%94Disappeared-Whereabouts-Unknown-Venezuela-I-ICC%E2%80%9110218-ICC%E2%80%91linked-victims-and-cooperating-witnesses.pdf>.

⁵ **Rome Statute, Art. 57(3)(c):** (Pre Trial Chamber may provide for the protection and privacy of victims and witnesses, protect confidential information, protect persons under investigation or arrest, and take necessary measures to ensure the integrity of proceedings). <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

⁶ **Rules of Procedure and Evidence, Rule 87** (protective measures), **Rule 88** (special measures): <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>

evidence-preservation measures for the named and determinable beneficiaries identified herein and in the annexes—**without** waiting for State action where Court-side measures suffice, and **with** authority to proceed *ex parte* where strictly necessary to avoid risk of harm or interference with evidence.

2. **Directions to the Prosecutor to activate Article 54(3)(f)**⁷ forthwith—“to take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence”—together with a short-dated implementation plan and periodic reporting to the Chamber.
3. **Authorisation to the Registry to prepare draft cooperation requests under Article 87(1)** for the Chamber’s approval (where appropriate) and transmission to relevant States for **assistance under Article 93(1)(j)**⁸ (protection of victims and witnesses and preservation of evidence), applying **Article 87(3)–(4)** safeguards and making express reference to **Article 88** domestic-readiness obligations.
4. **Any further directions** the Chamber deems necessary to secure the **safety, dignity, privacy** of victims and witnesses under **Article 68(1)**⁹ and to prevent the **loss, alteration, or manipulation of probative material**.

No request is made for the Court to “implement” State measures. The Court is asked to exercise its own powers (Art. 57(3)(c), Rules 87–88; Art. 68(1); Art. 43(6)/Rule 17) and, where cooperation is indispensable, to **trigger the Statute’s Part 9 channel** so that **States Parties** provide the assistance foreseen by **Article 93(1)(j)**.

II. Legal Basis

The Chamber’s authority arises directly from **Articles 57(3)(c)** and **68(1)** of the **Rome Statute**, read together with **Rules 87–88 of the Rules of Procedure and Evidence**. These provisions empower the Chamber to order protective and preservation measures and, where immediacy so requires, to proceed *ex parte*. The Prosecutor’s parallel duty to act preventively under **Article 54(3)(f)** and the Registry’s coordination mandate under **Article 43(6)** and **Rule 17(2)(a)(vi)**¹⁰ complete the Court’s protective framework. Through Part 9 (Articles 87, 88 and 93(1)(j)), these directions acquire operative force vis-à-vis States Parties, enabling cooperation for the protection of victims and witnesses and the preservation of evidence.

III. Procedural posture, standing, and prior recourse to the Prosecutor

This Application is lodged in the *Situation in the Bolivarian Republic of Venezuela I* (ICC-02/18) at a moment when developments on the Court’s own docket enlarge foreseeable risks to persons and to probative material, and therefore warrant protective and preservation measures within the Chamber’s remit. On **1 August 2025**, the Appeals Chamber held that there were **“reasons to believe that a ground for disqualification of the**

⁷ Rome Statute, Art. 54(3)(f): <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

⁸ Rome Statute, Art. 93(1)(j) (assistance: protection of victims/witnesses; preservation of evidence): <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

⁹ Rome Statute, Art. 68(1): (“The Court shall take appropriate measures to protect the safety, physical and psychological well being, dignity and privacy of victims and witnesses...”) <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

¹⁰ ICC, **Rules of Procedure and Evidence, Rule 17(2)(a)(vi)** (VWU cooperation and implementation). Official ICC publication containing the RPE text: *“Elements of Crimes und Rules of Procedure and Evidence”* (ICC, 2021), PDF hosted by the ICC <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>

Prosecutor exists” and directed that he request excusal from *Venezuela I* within three weeks¹¹; the Prosecutor thereafter sought excusal before the Presidency¹², and the Registry transmitted the Applicants’ response and request for directions to safeguard the Court’s integrity.¹ Read together with persistent patterns of **intimidation, incommunicado detention and enforced disappearance** affecting persons functionally linked to *Venezuela I*, these proceedings make plain the need for **orders under Article 57(3)(c) and Rules 87–88¹³**, accompanied by **directions to the Prosecutor to activate Article 54(3)(f)** and, where indispensable, to **engage Part 9 cooperation** so that **States Parties** provide the assistance foreseen in **Article 93(1)(j)**.¹⁴

Standing and representation

The undersigned, **Robert Carmona-Borjas**, is a **recognized victim** in *Venezuela I* (**Victim Reference r/21840/23**) and serves as Chief Executive Officer of **Arcadia Foundation**, which is **registered with the Registry/VPRS** as a victims’ legal representative (**VPRS-A-2023-092**).¹⁵ He files in his own right, on behalf of **Arcadia in its representative capacity**, and on behalf of each individually named beneficiary set out in full below and in the two public annexes—**Annex A-VE (Helicoide/SEBIN, Caracas — facility-based detainees)**¹⁶ and **Annex B-VE (Disappeared / Whereabouts Unknown)**¹⁷— so that identities are reproduced *in extenso* to secure visibility-based protection and to enable the immediate operationalization of ICC protective and preservation measures through the Court’s framework.

Named beneficiaries: (Lead petitioner and publicly known cases)

1. **Prof. Robert Carmona-Borjas** — Recognized victim in the ICC *Venezuela I* Situation (Victim Reference **r/21840/23**)¹⁸ and registered victims’ legal representative

¹¹ ICC, Appeals Chamber Decision (1 Aug. 2025), ICC 02/18 118 — case record page: <https://www.icc-cpi.int/court-record/icc-02/18-118>; PDF: <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>

¹² ICC 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 Aug 2025): Court record page <https://www.icc-cpi.int/court-record/icc-02/18-118> and PDF <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c3e9e5.pdf>.

ICC Presidency/Registry, Registry Transmission of “Applicant’s Response to the Prosecutor’s Communication Seeking Excusal...”, ICC-02/18-123 (26 Aug 2025): record page <https://www.icc-cpi.int/court-record/icc-02/18-123> and PDF <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180c5d4a4.pdf>.

¹³ ICC, Rules of Procedure and Evidence, Rules 87–88, (pp. 33–34) <https://www.icc-cpi.int/sites/default/files/Publications/Rules-of-Procedure-and-Evidence.pdf>

¹⁴ Rome Statute, Art. 57(3)(c), Art. 68(1); (pp. 24, 37) <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

¹⁵ International Criminal Court, Victims Participation and Reparations Section (VPRS), Acknowledgment of Victim Status for Robert Carmona-Borjas, Reference Number **r/21840/23**, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

¹⁶ Annex A-VE — Public List — Helicoide (SEBIN), Caracas (Arcadia Foundation, Sept. 2025). Public roster of identified detainees held at SEBIN–El Helicoide, Caracas, with individual fact-sheets (full name; Venezuelan ID where available; date of arrest/detention; brief circumstances; incommunicado/no-counsel status) and the cooperation-channel measures to be requested through the ICC (Arts. 54(3)(f), 93(1)(j), 87, 88). Available at: <https://arcadiafoundation.org/wp-content/uploads/2025/09/Annex-A-VE-HelicoideSEBINCaracas-Public-List.pdf>

¹⁷ Annex B-VE — Public List — Disappeared / Whereabouts Unknown (Arcadia Foundation, Sept. 2025). Public roster of persons reported as disappeared or of unknown whereabouts in Venezuela, with individual fact-sheets (full name; Venezuelan ID where available; date of last contact/detention; disappearance profile; incommunicado/no-counsel status) and the cooperation-channel measures to be requested through the ICC (Arts. 54(3)(f), 93(1)(j), 87, 88). Available at: <https://arcadiafoundation.org/wp-content/uploads/2025/09/Arcadia-Foundation-ANNEX-B-%E2%80%91-Disappeared-Whereabouts-Unknown-Venezuela-I-ICC%E2%80%91910218-ICC%E2%80%9191linked-victims-and-cooperating-witnesses.pdf>.

¹⁸ International Criminal Court, Victims Participation and Reparations Section (VPRS), Acknowledgment of Victim Status for Robert Carmona-Borjas, Reference Number **r/21840/23**, available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

through **Arcadia Foundation** (Reference **VPRS-A-2023-092**), as acknowledged by the ICC Registry on **1 August 2023**.¹⁹

Functional link to the ICC: Recognized victim and registered VPRS representative (Arcadia).

Immediate risk indicators: Public, identifiable role in ICC filings; foreseeable reprisals and smear-type intimidation; need for secure communications.

2. **Ms. María Corina Machado Parisca** — Venezuelan opposition leader and recognized public figure, **Venezuelan ID No. V-6.914.799**. During the broadcast of episode **541** of ***Con el Mazo Dando*** on **September 3, 2025** (state television, **Venezolana de Televisión, VTV**), Mr. Diosdado Cabello publicly warned: “*Si a nosotros nos aprietan, nosotros la apretamos*” [“If they squeeze us, we squeeze her.”], in direct allusion to Ms. Machado following her statements regarding U.S. counternarcotics operations in the Caribbean. This statement creates an **acute, individualized risk of reprisals**²⁰.

Functional link to the ICC: Human-rights/political defender whose testimony and documentation may be material; included under Article 25(3)(c) as a defender subject to reprisals.

Immediate risk indicators: Explicit public threat; pattern of hostile rhetoric; foreseeable retaliation.

3. **Mr. Roland Oswaldo Carreño Gutiérrez** — Venezuelan journalist and national coordinator of *Voluntad Popular*. **Re-arrested on 2 August 2024** (some reports place the date between 2–4 August) in the postelection crackdown; **held at SEBIN–El Helicoide** for most of the period since, and **reportedly transferred to an undisclosed location in early September 2025**. He faces **charges of financing terrorism, conspiracy, and illicit trafficking of weapons**, which international organizations have repeatedly deemed arbitrary. **Precautionary measures** have been recognized in his favor by the Inter-American system; **Amnesty International** continues to classify his detention as arbitrary. ([SWI swissinfo.ch](#), [infobae](#), [ecoi.net](#), [KVIA](#))

Functional link to the ICC: Journalist/documenter; potential witness on patterns relevant to “*Venezuela I*”.

Immediate risk indicators: Deprivation of liberty; transfers without notice; incommunicado episodes; high risk of ill-treatment.

4. **Mr. Rory Daniel Branker** — Venezuelan journalist with *La Patilla*, **ID Nº V-13.822.333**. **Detained by SEBIN on 20 February 2025 in Caracas; his whereabouts remain unknown**. On **4 September 2025**, the **Inter-American Commission on Human Rights (IACHR)** granted **precautionary measures** for his protection. Multiple press-freedom organizations have documented the case. ([LatAm Journal Review](#), [infobae](#), [El País](#), [diariolasamericas.com](#))

Functional link to the ICC: Journalist/documenter; potential witness on repression patterns.

Immediate risk indicators: Enforced-disappearance profile (whereabouts unknown); grave risk to integrity and life.

5. **Mr. Denys Eduardo Olave Quintero** — Venezuelan national (ID No. **V-29.794.910**; A-No. **244-430-776**). By **Order of the Immigration Judge (Hyattsville Immigration**

¹⁹ **Public record:** International Criminal Court, **Victims Participation and Reparations Section (VPRS)**, *Acknowledgment of Victim Status for Robert Carmona-Borjas and Recognition of Arcadia Foundation as a Representative of Victims in the Venezuela I Situation* (Refs. r/21840/23 and VPRS-A-2023-092). Available at: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd180a2cb82.pdf>.

²⁰ See “*Con el Mazo Dando*”, Episode 541 (VTV, Sept. 3, 2025), available at <https://www.youtube.com/live/4ovwtW7bDXw>; the referenced statement appears at the **2:04:00** mark (two hours and four minutes into the broadcast).

Court) dated 1 August 2024, asylum was granted, and both DHS and the Respondent waived appeal. His immediate family in Venezuela faces correlated risks of retaliation, as detailed in his sworn Affidavit of 7 July 2024. He has also executed a Special Power of Attorney in favor of Arcadia Foundation authorizing representation before international human-rights bodies (notarized in Bethesda, MD, 30 April 2024).

Functional link to the ICC: Cooperating person whose materials have been provided; family members in Venezuela are at correlated risk.

Immediate risk indicators: Family-focused intimidation and retaliation; need for secure channels and preservation of evidence.

6. **Ms. Rocío San Miguel Sosa** — Venezuelan lawyer and human-rights defender specializing in national security/defense. **Arbitrarily detained on 9 February 2024** in Caracas; her case has been marked by **enforced-disappearance patterns, due-process violations, and urgent medical concerns** reported throughout 2024–2025. She remains deprived of liberty, according to reputable monitoring organizations. ([Amnesty International](#), [WOLA](#), [Acceso a la Justicia](#))

Functional link to the ICC: Defender with evidentiary knowledge; potential witness on command-responsibility patterns.

Immediate risk indicators: Prolonged detention; incommunicado; medical vulnerability; heightened reprisal risk.

7. **Mr. Perkins Rocha Contreras** — Legal Coordinator of **Vente Venezuela**, representative of *Comando Venezuela* before the National Electoral Council, and **personal legal adviser to María Corina Machado**. **Detained on 27 August 2024** by hooded, armed officers and taken without a warrant; **official whereabouts have been withheld**. The IACHR granted **precautionary measures on 2 September 2024**; subsequent reports indicate he has been **held at El Helicoide with prolonged incommunicado conditions**. ([Organization of American States](#), [Index on Censorship](#))

Functional link to the ICC: Lawyer/defender; potential witness on electoral repression and case-building patterns.

Immediate risk indicators: Incommunicado detention; denial of counsel; risk of coercion.

8. **Mr. Freddy Francisco Superlano Salinas** — Opposition leader (Voluntad Popular). **Detained on 30 July 2024** by SEBIN; the IACHR **opened precautionary-measures proceedings on 26 August 2024**. In **September 2025**, relatives reported that he was **removed from El Helicoide and transferred to an undisclosed location**, requesting proof of life. ([Organization of American States](#), [WRAL.com](#))

Functional link to the ICC: Political actor with potential evidentiary relevance on systematic persecution.

Immediate risk indicators: Deprivation of liberty; undisclosed transfer; proof-of-life concerns.

9. **Mr. Juan Pablo Isidoro Guanipa Villalobos** — Opposition politician. **Arrested on 23 May 2025** under accusations of “terrorism” and related offenses; the IACHR later noted he was **detained despite protective considerations**, and international media documented the arrest in the context of a broader pre-election sweep. ([Reuters](#), [Organization of American States](#), [El País](#))

Functional link to the ICC: Political actor; potential witness on systematic persecution.

Immediate risk indicators: Detention on spurious national-security charges; risk of incommunicado treatment.

10. **Mr. Miguel Ángel Torrellas Martínez** — Venezuelan musician, **ID Nº V-24.393.580** and **passport Nº 138298427**; currently residing in the Washington, D.C. metropolitan area. **Asylum applicant in the United States** and **grantor of a Special Power of Attorney** to Arcadia Foundation **authorizing representation before the ICC, IACHR and other bodies** (instrument executed in Laurel, MD, on 3 September 2025).
Functional link to the ICC: Cooperating person; evidentiary provider; family in Venezuela at correlated risk.
Immediate risk indicators: Transnational intimidation; need for secure channels; family reprisals in Venezuela.
11. Ms. **Alibeth Coromoto Martínez Carrillo** — Venezuelan national; polling-station witness who signed the official tally in the last presidential election and delivered the original tally to an opposition party. She has been subjected to harassment and political persecution for that act and due to her filial link to Mr. **Miguel Ángel Torrellas Martínez**. Identity and supporting materials are provided in Annex A-VE-AM for implementation purposes.
Functional link to the ICC: Direct evidentiary role (electoral record); potential witness; family link to a cooperating person.
Immediate risk indicators: Targeted harassment; risk of retaliatory measures; need for protection of the tally as evidence.
12. **Prof. José Vicente Carrasquero Aumaitre** — **Venezuelan national; ID Nº V-5.408.772; currently residing in the United States.** Professor of Political Science at Universidad Simón Bolívar and civil-society advocate; **Director of Conflict Resolution Strategies at the Arcadia Foundation.** He is a co-signatory of the *Urgent Request for Preventive Measures Regarding Ongoing Crimes in Venezuela* filed on 29 August 2024²¹, which expressly urged the ICC Office of the Prosecutor to activate **Article 54(3)(f)** (preventive measures to protect persons and preserve evidence) in the *Venezuela I* Situation; that communication was later annexed to the ICC case file. His public academic profile and protected engagement with the ICC establish a functional link to the proceedings and place him at a foreseeable risk of reprisals, including intimidation, surveillance, and smear-type attacks aimed at silencing cooperating witnesses. Given his current residence in the **United States**—an OAS Member State that is **not** a Party to the Rome Statute—the protective orientation sought is **State-to-ICC:** OAS Member States that are ICC States Parties should transmit formal notes to the Prosecutor **requesting activation of Article 54(3)(f)** and **offering cooperation under Article 93(1)(j)**; in parallel, the **United States** should convey an *ad hoc* cooperation communication under **Article 87(5)(a)** (and, where appropriate, consider a special agreement under **Article 4(2)**) so that protection and preservation become operational through the Court’s Part 9 framework.
13. **Ms. Isabel Tibisay Quintero Avendaño** — Venezuelan national, ID Nº V-14.589.131; mother of Mr. Denys Eduardo Olave Quintero. She remains in Venezuela and faces credible, individualized risks correlated to Mr. Olave’s protected activities and evidence provided in the ICC “*Venezuela I*” proceedings.
Functional link to the ICC: Immediate family of a cooperating person (No. 5).

²¹ Reference (signature block): **Urgent Request for Preventive Measures Regarding Ongoing Crimes in Venezuela** (29 Aug. 2024): <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd1809fb0e2.pdf>

Immediate risk indicators: Targeted harassment and intimidation; need for secure communications and evidence preservation.

14. **Ms. Eibsel Chiquinquirá Olave Quintero** — Venezuelan national, ID N° V-27.782.567; elder sister of Mr. Denys Eduardo Olave Quintero. She remains in Venezuela and faces foreseeable reprisals linked to the family's cooperation with international mechanisms.

Functional link to the ICC: Immediate family of a cooperating person (No. 5).

Immediate risk indicators: Intimidation and surveillance; exposure via family link; doxing risk.

15. **Mariangel Isabela Olave Quintero** (14) — Venezuelan national, ID N° V-36.105.713; minor sister of Mr. Denys Eduardo Olave Quintero. Individualized risk indicators are set out under seal; representation and consent are justified under Article 25(6)(c).

Functional link to the ICC: Immediate family (minor) of a cooperating person (No. 5).

Immediate risk indicators: Child-specific vulnerability; risk of reprisals;

Consent/representation: Justified under Article 25(6)(c) of the Rules.

16. **José Ángel Olave Quintero** (14) — Venezuelan national, ID N° V-36.105.714; minor brother of Mr. Denys Eduardo Olave Quintero. Individualized risk indicators are set out under seal; representation and consent are justified under Article 25(6)(c).

Functional link to the ICC: Immediate family (minor) of a cooperating person (No. 5).

Immediate risk indicators: Child-specific vulnerability; risk of reprisals;

Consent/representation: Justified under Article 25(6)(c) of the Rules.

Public annexes (lists by cohort)

- **Annex A-VE — Public List — Helicoide (SEBIN), Caracas** (name-by-name fact sheets). URL: <https://arcadiafoundation.org/wp-content/uploads/2025/09/Annex-A-VE-HelicoideSEBINCarcas-Public-List.pdf>
- **Annex B-VE — Public List — Disappeared / Whereabouts Unknown** (name-by-name fact sheets). URL: <https://arcadiafoundation.org/wp-content/uploads/2025/09/Arcadia-Foundation-ANNEX-B%E2%80%91VE-%E2%80%94Public-List-%E2%80%94Disappeared-Whereabouts-Unknown-Venezuela-I-ICC%E2%80%910218-ICC%E2%80%91linked-victims-and-cooperating-witnesses.pdf>

All names are public: No confidentiality is sought for identities; only strictly necessary contact or medical particulars—if any—would be proposed for limited redaction to avoid compounding risk.

Determinable group (functional, geographic, and associational markers)

Beyond the foregoing named beneficiaries, the proposed beneficiaries constitute a determinable group consisting of:

- a) recognized victims, applicants, and witnesses who have provided or are reasonably expected to provide information, testimony, documents, investigative leads, or evidentiary materials in the ICC *Venezuela I* proceedings;

- b) their immediate family members facing correlated risks in Venezuela or in host States by reason of kinship and exposure arising from such protected engagement; and
- c) human-rights defenders, lawyers, and journalists who, by virtue of their representation, documentation, or assistance to those persons, have become targets of intimidation, surveillance, criminalization, or other reprisals, including arrest, pre-trial detention on spurious charges, and, in some cases, incommunicado confinement by Venezuelan authorities.

Prior recourse to the Prosecutor (Article 54(3)(f))

Before turning to the Chamber, the undersigned sought preventive relief from the Office of the Prosecutor: on **29 August 2024** he submitted an **Urgent Request for Preventive Measures**²² under **Article 54(3)(f)** to protect persons and preserve evidence in *Venezuela I*. The filing received **electronic acknowledgment** via the ICC portal; **no operative response** has ensued. In the interim, risks have **aggravated** in ways documented by the **UN Independent International Fact-Finding Mission on Venezuela (A/HRC/60/61)**²³, including continued arbitrary detention, incommunicado holding and enforced disappearance—factors that further justify **immediate Chamber intervention** under **Article 57(3)(c)** and **Rules 87–88**, without prejudice to the Prosecutor’s independent duties under **Article 54(3)(f)**.

IV. Escalating Risk to Persons and Probative Material: Aggravating Developments and the Trigger for Urgent (*Ex Parte*) Relief

Since the undersigned’s Article 54(3)(f) filing of **29 August 2024**, the risk profile has **materially worsened**. The **UN Independent International Fact-Finding Mission on Venezuela’s** latest report documents **continued arbitrary detention, enforced disappearance, and repression** against perceived opponents and those engaging international mechanisms—patterns that coincide with the cohorts named in this Application.¹ In parallel, **United States-led counter-narcotics interdiction operations in the Caribbean** have **intensified at this precise moment**, with reported maritime and aerial deployments oriented to degrading trafficking infrastructure operating from Venezuelan territory; such operations, by their very nature, **foreseeably precipitate precision actions** against laboratories, clandestine airstrips and logistics nodes inside Venezuela.²⁴

Against that backdrop, a senior Venezuelan official, Diosdado Cabello, issued an **explicit televised threat of reprisal**—“*Si a nosotros nos aprietan, nosotros la apretamos*” (“If they

²² **Urgent Request for Preventive Measures Regarding Ongoing Crimes in Venezuela (29 Aug 2024)** filed with the OTP under **Art. 54(3)(f)**; public copy on ICC site: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd1809fb0e2.pdf>. Portal confirmation of receipt (electronic acknowledgment): *Urgent Request for Preventive Measures... – Confirmation Receipt (copy on file)*.

²³ **UN Human Rights Council, Independent International Fact Finding Mission on the Bolivarian Republic of Venezuela**, latest report (advance unedited version cited in the record): <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/regularsession/session60/a-hrc-60-61-advanceuneditedversion.pdf>.

²⁴ **Illustrative public reporting on U.S.-led counter-narcotics interdiction in the Caribbean (maritime/aerial deployments)**: e.g., Associated Press, “*US deploys warships to help combat drug cartels in Caribbean*” (29 Apr. 2025): <https://apnews.com/article/caribbean-us-warships-blue-cartels-trafficking-2025>

squeeze us, we squeeze her”)²⁵—directed inter alia at **María Corina Machado**, thereby **signalling retaliatory intent** toward opposition leadership and, by extension, toward **victims/witnesses perceived as cooperating with the ICC** and the **chains of custody** linked to detention sites.²⁶ This combination of (i) **documented, ongoing violations**, (ii) a **heightened regional security posture** with predictable knock-on effects, and (iii) **publicly signalled reprisals** constitutes the **trigger** for **immediate protective and preservation measures** under **Article 57(3)(c)** and **Rules 87–88**, including *ex parte* modalities where notice would itself magnify risk, together with **directions to the Prosecutor** to activate **Article 54(3)(f)** and to engage **Part 9 cooperation**—notably **Article 93(1)(j)**—where indispensable—they are **necessary** to avoid **irreparable harm** to persons and to **probative integrity**.

V. Relief sought

The Applicant respectfully requests that the Pre-Trial Chamber, on an urgent basis, issue the following directions, tailored to the **sixteen individually named beneficiaries identified in Section II—Robert Carmona-Borjas; María Corina Machado Parisca; Roland Oswaldo Carreño Gutiérrez; Rory Daniel Branker; Denys Eduardo Olave Quintero; Rocío San Miguel Sosa; Perkins Rocha Contreras; Freddy Francisco Superlano Salinas; Juan Pablo Isidoro Guanipa Villalobos; Miguel Ángel Torrellas Martínez; Alibeth Coromoto Martínez Carrillo; Prof. José Vicente Carrasquero Aumaitre; Isabel Tibusay Quintero Avendaño; Eibsel Chiquinquirá Olave Quintero; Mariangel Isabela Olave Quintero; José Ángel Olave Quintero—**together with the cohorts listed in **Annex A-VE (Helicoide/SEBIN, Caracas)** and **Annex B-VE (Disappeared / Whereabouts Unknown)**:

1. Recognize the grave and imminent risk to life, physical and psychological integrity, liberty, privacy and dignity of the identified beneficiaries, and the associated risk of irreparable loss or manipulation of probative material in the *Venezuela I Situation*.
2. Provide protective and evidence-preservation measures pursuant to Articles 57(3)(c) and 68(1) and Rules 87–88, including Court-side directions that can be implemented immediately through the Registry’s VWU.
3. Direct the Office of the Prosecutor to activate without delay Article 54(3)(f) to take—or request that be taken—necessary measures to ensure confidentiality, protect persons and preserve evidence, in coordination with the VWU.
4. Authorize the use of the Statute’s Part 9 cooperation framework—Articles 87, 88 and 93(1)(j); and, where appropriate, Article 87(5)(a) for ad hoc cooperation with non-States Parties—so that States promptly supply protective assistance and preserve and produce specified records upon the Court’s request.
5. Maintain the filing and annexes as public, while permitting short-term *ex parte* modalities and under-seal operational addenda only where immediacy so requires, subject to prompt review by the Chamber.

²⁵ Televised threat of reprisal (Diosdado Cabello, Con el Mazo Dando, 3 Sept. 2025), widely reported in regional media; see NTN24: <https://www.ntn24.com/noticias/latinoamerica/diosdado-cabello-advirtio-que-si-los-eeuu-atacan-a-venezuela-seguiran-los-repatriados-476788>

²⁶ UN Human Rights Council, Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, report A/HRC/60/61 (advance unedited version): <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/regularsession/session60/a-hrc-60-61-advanceuneditedversion.pdf>

VI. Proposed Orders

1. VWU activation

The Registry (VWU) is seized forthwith to assess and implement individual and facility-level protection for the persons identified above and in **Annexes A-VE** and **B-VE**, including secure and confidential channels, protective logistics, medical and legal access, and safe relocation where warranted.

2. Non-interference and access

Custodial authorities, including SEBIN and DGCIM, shall refrain from any interference with protected communications; shall guarantee prompt access to counsel and independent medical examination; and shall notify families of the place and status of detention for each detainee named in Annex A-VE, with periodic reporting to the Registry.

3. Preservation of evidence

Custodial and prosecutorial bodies shall preserve and, upon the Court's request, transmit relevant custody logs, transfer registers, CCTV recordings, chain-of-custody records and communications metadata concerning the persons listed in **Annexes A-VE** and **B-VE**.

4. Directions to the Prosecutor under Article 54(3)(f)

The Office of the Prosecutor shall, without delay, activate Article 54(3)(f) in coordination with the VWU and submit a concise implementation report to the Chamber within fifteen (15) days, identifying measures taken and those requested from States.

5. Cooperation requests to States (Part 9)

The Registry is authorized and directed, on the Chamber's behalf and, as needed, on the Prosecutor's request, to transmit requests for cooperation under Articles 87 and 93(1)(j) to designated States Parties—and ad hoc to non-States Parties with their consent—seeking:

- a) protective assistance for the named persons and their immediate families;
- b) secure, confidential channels for witness and evidence management;
- c) urgent medical/legal access and safe relocation where warranted; and
- d) preservation and production of the records described in Order 3.

States Parties shall be reminded of their Article 88 duty to ensure domestic procedures for swift compliance.

6. Classification and *ex parte* modalities

The filing and annexes remain public (names disclosed). The Registry may file under-seal operational addenda limited to routing, timing or technical security where necessary; the Chamber retains *ex parte* modalities for immediate, short-term steps, subject to prompt review.

7. Follow-up and reporting

The Registry (VWU) and the Prosecutor shall report to the Chamber within fifteen (15) days, and monthly thereafter for three months, on protective steps taken and cooperation requests transmitted. States that receive requests shall confirm receipt and designate a confidential focal point for ongoing coordination.

VII. Conclusion

The record before the Chamber presents a focused and urgent question: whether the Court will employ the protective and evidentiary tools that the Statute already furnishes when persons linked to a pending investigation face foreseeable harm and the integrity of probative material is at risk. **In law and in prudence, the answer is yes. Articles 57(3)(c) and 68(1)**, read with **Rules 87–88**, were designed for precisely this juncture—when intimidation, incommunicado detention and disappearance coincide with a volatile security environment and the prospect of retaliatory action.

The Applicant has exhausted the prosecutorial avenue available to an individual participant. An **Article 54(3)(f)** request to the Office of the Prosecutor **was filed on 29 August 2024** (more than a year ago) and formally acknowledged; no operative relief has followed. In the intervening year, the risk has sharpened: detentions and disappearances persist at **SEBIN’s El Helicoide** and **DGCIM’s Boleíta**; a senior official has issued an explicit public threat against opposition leadership; and regional counter-narcotics operations that foreseeably entail precision actions on Venezuelan territory have intensified. **In this posture, Court-side measures cannot await further administrative discretion.**

The statutory test is satisfied. Seriousness is established by the gravity of the threatened interests—life, bodily and psychological integrity, liberty, dignity, and the integrity of the evidentiary record—and by the functional nexus of the beneficiaries to the *Venezuela I* investigation. Urgency is demonstrated by current in-custody conditions and the present risk environment, in which prior notice may itself precipitate harm. Irreparability is self-evident: once a witness is silenced or a custody chain compromised, no remedial order can restore what has been lost.

The relief sought is modest in form and exact in function. The Chamber is asked to provide protection and preservation under **Article 57(3)(c)** and **Rules 87–88**; to require short-dated reporting on the **immediate activation of Article 54(3)(f)** by the Prosecutor; and—only where indispensable—to trigger the Statute’s cooperation machinery so that States Parties promptly supply the **assistance for victim- and witness-protection and preservation** contemplated by **Article 93(1)(j)**, using the transmission and confidentiality safeguards in **Article 87(1), 87(3)–(4)** and confirming **domestic readiness** under **Article 88**. Nothing more is required; nothing less will do.

The beneficiary class is precisely defined. It encompasses **both the sixteen individually named persons set out in Section II** and the **publicly filed rosters in Annex A-VE-Helicoide (SEBIN, Caracas) and Annex A-VE-D (Disappeared/Whereabouts-Unknown)**. Those rosters, together with the named profiles in the body of the Application, identify by name and basic identifiers the individuals at immediate risk, including a facility-based cohort and a disappearance cohort. Public visibility here is not theatre; **it is a protective posture**. The directions requested will allow the Registry’s Victims and Witnesses Unit to act at once, preserve essential custody and communications records, and secure counsel and medical access without alerting potential perpetrators before safeguards are in place.

For these reasons, the Applicant respectfully invites the Chamber to grant the protective and preservation measures set out in the proposed orders; to require the Prosecutor’s

immediate activation of **Article 54(3)(f)** with short-term reporting; and to authorize targeted **Part 9** cooperation, including *ex parte* modalities where necessary to avoid exacerbating risk. The Statute provides the tools; the facts supply the trigger; the proceedings will benefit from decisive intervention now.

Respectfully submitted,



Robert Carmona-Borjas

On behalf of **Arcadia Foundation**

and in my capacity as a recognized victim

(Victim Reference: **r/21840/23, VPRS-A-2023-092**)

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Annexes (Public):

Annex A-VE — Public List — Helicoide (SEBIN), Caracas

Annex B-VE — Public List — Disappeared / Whereabouts Unknown

Annex C-VE — OTP Electronic Confirmation of Receipt (29 August 2024) — Urgent Request under Article 54(3)(f)

Purpose: Annex C-VE documents prior recourse to the Office of the Prosecutor under **Article 54(3)(f)** (urgent request to protect persons and preserve evidence in *Venezuela I*), by attaching the ICC portal **electronic acknowledgment of receipt** dated **29 August 2024**. For the corresponding public copy of the substantive filing, see ICC Related Records: <https://www.icc-cpi.int/sites/default/files/RelatedRecords/0902ebd1809fb0e2.pdf>.