

**Memorandum of Understanding between the Bolivarian Republic of
Venezuela and the Office of the Prosecutor of the International
Criminal Court**

The Bolivarian Republic of Venezuela and the Office of the Prosecutor of the International Criminal Court ("ICC-OTP"), hereinafter the "Parties";

Considering that the Constitution of the Bolivarian Republic of Venezuela enshrines the guarantee of human rights as guiding principles, and incorporates reparation for victims and the imprescriptibility of crimes against human rights;

Considering that the Bolivarian Republic of Venezuela has been a State Party to the Rome Statute establishing the International Criminal Court since 7 July 2000;

Recalling the support of the Bolivarian Republic of Venezuela for the mandate of the International Criminal Court, considering that serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured, including by adopting measures at the national level and by strengthening international cooperation;

Considering that the Prosecutor of the International Criminal Court has concluded the preliminary examination of the situation in Venezuela I and has determined that it is appropriate to open an investigation to establish the truth in accordance with the Rome Statute;

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Considering that the Bolivarian Republic of Venezuela interprets that the requirements of Article 53(1) of the Rome Statute are not met to justify moving from the preliminary examination phase to the investigation phase;

Noting that the Bolivarian Republic of Venezuela considers that the allegations should be investigated in the country by existing national institutions created for this purpose;

Emphasizing that despite the differences of views on this issue, the Parties remain committed to actively engage with each other and support efforts further to the principle of complementarity;

Considering that the Office of the Prosecutor of the International Criminal Court will recognize any efforts, reforms and investigations carried out in the Bolivarian Republic of Venezuela;

Considering that this letter of understanding is without prejudice to the full rights conferred by the Rome Statute to State Parties including but not limited to the provisions of Article 18;

Considering that no suspect or target has been identified at this stage and that the investigation is intended to establish the truth and whether or not there are grounds to charge any person;

Considering that the Prosecutor shall enter into such arrangements or agreements, not inconsistent with the Rome Statute, as may be necessary to facilitate the cooperation of a State, in accordance with articles 54(3)(d), 86 and 93 of the Rome Statute and whereas the principle of complementarity is the basis of the Rome Statute;

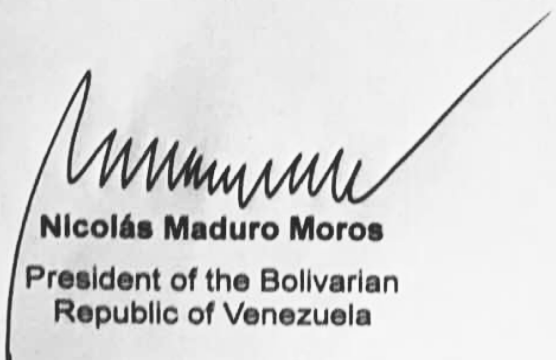
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Considering the intention of the Parties to conclude an agreement to facilitate such cooperation and mutual assistance;

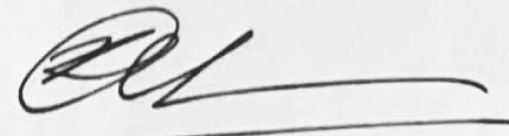
HAVE AGREED;

1. That the Bolivarian Republic of Venezuela, as the national jurisdiction, will adopt all necessary measures to ensure the effective administration of justice, in accordance with international standards, with the support and active engagement of the Office of the Prosecutor of the International Criminal Court pursuant to the principle of complementarity;
2. To establish mechanisms to enhance cooperation between the Parties and to facilitate the effective discharge of the Prosecutor's mandate in the territory of the Bolivarian Republic of Venezuela;
3. To strive towards agreeing on means and mechanisms that will effectively contribute to the efforts of the Bolivarian Republic of Venezuela to carry out genuine national proceedings in accordance with article 17 of the Rome Statute;
4. To work to ensure that the principle of complementarity has adequate and meaningful effect.

Done in Caracas, on 3 November 2021, in two authentic copies.



Nicolás Maduro Moros
President of the Bolivarian
Republic of Venezuela



Karim A. A. Khan QC
Prosecutor of The International
Criminal Court