

COUR PÉNALE INTERNATIONALE

BUREAU
DU PROCUREUR



INTERNATIONAL CRIMINAL COURT

OFFICE OF
THE PROSECUTOR

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA II

SUMMARY OF FINDINGS

12 MARCH 2026

1. The Office of the Prosecutor (“Office”) has concluded its preliminary examination of the *Situation in the Bolivarian Republic of Venezuela II* and has determined, that there is no reasonable basis to believe that crimes within the jurisdiction of the International Criminal Court (“ICC” or the “Court”) have been committed.
2. On 13 February 2020, the Office received a referral from the Government of the Bolivarian Republic of Venezuela (“Venezuela”) regarding alleged crimes against humanity committed on its territory due to “the application of unlawful coercive measures adopted unilaterally by the government of the United States of America against Venezuela, at least since the year 2014”.¹ On 17 February 2020, the Prosecutor announced the opening of a preliminary examination.²
3. In accordance with article 53(1)(a) of the Rome Statute of the International Criminal Court (“Rome Statute” or “Statute”), the goal of a preliminary examination is to determine whether there is a reasonable basis to proceed with an investigation. The Office has conducted a thorough factual and legal assessment of the information available including a significant amount of information provided by Venezuela in support of its referral. The Office has also received communications pursuant to article 15 of the Statute, and has consulted information available from open sources. Overall, the information available in this matter is sufficient in volume and quality to enable a determination on the reasonable basis standard.
4. Venezuela deposited its instrument of ratification to the Statute on 7 June 2000. The ICC therefore has jurisdiction over Rome Statute crimes committed on the territory of Venezuela or by its nationals from 1 July 2002 onwards. The Court may exercise its jurisdiction over Rome Statute crimes committed at least in part on the territory of a State Party.
5. In its referral and additional information, Venezuela alleges murder, extermination, deportation, persecution and other inhumane acts constituting crimes against humanity have been committed “as a result of the application of unlawful coercive measures adopted unilaterally by the government of the United States of America against Venezuela, at least since the year 2014”.
6. The Office was thus required to determine whether the imposition of the measures gives rise to criminal conduct within the Court’s jurisdiction and resulted in crimes against humanity under the Statute, not whether they were unlawful under international law *per se*. In order to establish a reasonable basis to believe that Rome

¹ [Referral submitted by the Government of Venezuela](#), 12 February 2020 and [Supporting document submitted by the Government of Venezuela](#).

² ICC-OTP, [Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on the referral by Venezuela regarding the situation in its own territory](#), 17 February 2020.

Statute crimes have been committed the Office has to consider the evidential requirements of causation and intent. It must prove a causal link between the perpetrator's conduct and the alleged harm. While it is not required that a perpetrator's act or omission is the direct or sole cause of a victim's death or displacement, the information examined must provide, in consideration of the multiple factors involved, a reasonable basis to believe that sanctions by the United States of America led to such death, displacement or other alleged crimes. Assessing whether a conduct was essential to the commission of crimes requires normative assessments and is particularly relevant when multiple factors intervene in the chain of causation. The decisive consideration is whether the person's conduct was essential, such that without it the crime would not have been committed or it would have been committed in a significantly different way. Moreover, the Office must establish that in the ordinary course of events the perpetrator's conduct will cause the harmful consequence, and that the chain of causation is not interrupted by an atypical or extraordinary unpredictable event. With respect to *mens rea*, unless otherwise provided, the material elements of the crime must be committed with intent and knowledge.

7. Having evaluated the information available, the Office has determined, that the evidential requirements of causation and intent are not met and that there is thus no reasonable basis to believe that crimes within the jurisdiction of the Court have been committed. Although it is generally accepted that the imposition and enforcement of US sanctions may have exacerbated an existing dire humanitarian situation, on the available information this is insufficient on its own to demonstrate for the purpose of criminal law that a sufficient causal nexus existed between the adoption of unilateral coercive measures against the Bolivarian Republic of Venezuela and the alleged crimes and that they were carried out with the necessary intent. Accordingly, there is no reasonable basis to initiate an investigation into the *Situation in the Bolivarian Republic of Venezuela II*.
8. To avoid any doubt, the Prosecution recalls that the preliminary examination of the *Situation in the Bolivarian Republic of Venezuela II* (situation ICC-01/20) is separate from — and has no bearing upon — the Prosecution's ongoing investigation in the *Situation in the Bolivarian Republic of Venezuela I* (situation ICC-02/18). It is also unrelated to the January 2026 events in Venezuela.