ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

SPECIAL SESSION ON DISCIPLINARY PROCEEDINGS INVOLVING AN ELECTED OFFICIAL

NEW YORK, 24 JULY 2026

OFFICIAL RECORDS

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Note

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Part I
Proceedings

A. Introduction

1. At its fifteenth meeting, on 8 June 2026, the Bureau of the Assembly of States Parties decided, pursuant to rule 8 of the Rules of Procedure of the Assembly of States Parties ("Rules of Procedure"), to convene a special session of the Assembly in order for the Assembly to consider disciplinary proceedings involving an elected official.

2. At its sixteenth meeting, on 17 June 2026, the Bureau decided to convene the special session for one day, on 24 July 2026, at United Nations Headquarters, New York. The Bureau also decided to recommend to the Assembly of States Parties that the special session be held in private under rule 42, paragraph 1, of the Rules of Procedure, due to the exceptional circumstance of disciplinary proceedings, which are a confidential matter. The Bureau further decided that no official side events should be held during the special session.

3. The Rules of Procedure shall apply *mutatis mutandis* to the special session of the Assembly of States Parties.

4. Pursuant to rule 1 of the Rules of Procedure, “Bureau” means the Bureau as defined in article 112, paragraph 3 (a), of the Rome Statute.

5. The Bureau of the Assembly, having been elected at the twenty-second session of the Assembly of States Parties for a term of three years, served as the Bureau of the special session and was composed as follows:

President:

Ms. Païvi Kaukoranta (Finland)

Vice-Presidents:

Mr. Michael Imran Kanu (Sierra Leone)
Ms. Margareta Kassangana (Poland)

Other members of the Bureau:

Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Cyprus, Ecuador, Italy, Japan, Kenya, Latvia, New Zealand, Republic of Korea, Senegal, Slovenia, South Africa, Switzerland and Uganda.

Rapporteur:

Ms. Hiromi Ohara (Japan)

6. In accordance with rule 92 of the Rules of Procedure, invitations to participate in the open meetings of the special session as observers were extended to representatives of intergovernmental organizations and other entities that had received a standing invitation from the General Assembly of the United Nations pursuant to its relevant resolutions,[1] as well as to representatives of regional intergovernmental organizations and other international bodies invited to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June/July 1998), accredited to the Preparatory Commission for the International Criminal Court or invited by the Conference.

[1] General Assembly resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160, 55/161, 56/90, 56/91, 56/92, 57/29, 57/30, 57/31, 57/32, 58/83, 58/84, 58/85, 58/86, 59/48, 59/49, 59/50, 59/51, 59/52, 59/53, 60/25, 60/26, 60/27, 60/28, 61/43, 61/259, 62/73, 62/74, 62/77, 62/78, 63/131, 63/132, 64/3, 64/121, 64/122, 64/123, 64/124, 66/109, 66/113, 69/130, 70/124, 71/153, 71/155, and decision 56/475.

7. Furthermore, in accordance with rule 93 of the Rules of Procedure, non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court, or in consultative status with the Economic and Social Council of the United Nations, whose activities were relevant to the activities of the Court or that had been invited by the Conference, were invited to attend the open meetings of the special session.

8. All participants invited to attend in accordance with rules 92 and 93 of the Rules of Procedure were informed of the recommendation of the Bureau that the Assembly decide to hold the special session in private due to the confidential nature of disciplinary proceedings.

9. No invitations were extended, in accordance with rule 94 of the Rules of Procedure, to States not having observer status.

10. The list of delegations to the special session is contained in document ICC-ASP/S-2/INF.1.

11. The special session was opened by the President of the Assembly, Ms. Päivi Kaukoranta (Finland), who had been elected for the twenty-third to twenty-fifth sessions.[2]

12. The Assembly observed one minute of silence dedicated to prayer or meditation, in accordance with rule 43 of the Rules of Procedure, and remembered, in particular, victims.

13. The Assembly appointed Ms. Hiromi Ohara (Japan) as Rapporteur for the special session.

14. The special session adopted the following agenda (ICC-ASP/S-2/1):

1. Opening of the session by the President.
2. Silent prayer or meditation.
3. Adoption of the agenda.
4. States in arrears.
5. Credentials of representatives of States at the special session;
    a) Appointment of the Credentials Committee.
    b) Report of the Credentials Committee.
6. Organization of work.
7. Disciplinary proceedings involving an elected official

15. The annotated list of items included in the provisional agenda was contained in a Note by the Secretariat (ICC-ASP/S-2/1/Add.1).

B. Consideration of issues on the agenda of the special session

1. States in arrears

16. During its opening plenary meeting the Assembly was informed that article 112, paragraph 8, first sentence, of the Rome Statute was applicable to 11 States Parties.

17. The President noted that the new procedure and criteria for the waiver of the loss of voting rights, adopted by the Assembly in resolution ICC-ASP/24/Res.3, did not explicitly apply to special sessions of the Assembly. In light of the exceptional circumstances surrounding the special session, at its eighteenth meeting, on 8 July 2026, the Bureau had decided to recommend that the Assembly grant any requests for waivers of the loss of voting rights at the special session of the Assembly, while also undertaking to continue its review of waiver requests in respect of the twenty-fifth session of the Assembly.

[2] *Official Records … Twenty-second session … 2023* (ICC-ASP/22/20), para. 15.

18. Pursuant to article 112, paragraph 8, of the Rome Statute, at its first plenary meeting, the Assembly approved requests for exemption from the loss of voting rights submitted by the following States Parties: Antigua and Barbuda, Chad, Congo, Dominica, Gabon, Guinea, Liberia, Suriname and Venezuela.

2. Credentials of representatives of States Parties at the special session

19. During the opening plenary meeting, in accordance with rule 25 of the Rules of Procedure, the following States were appointed to serve on the Credentials Committee:

Belize, Cyprus, France, Germany, Ghana, Senegal, Slovenia and Ukraine.

20. During its closing plenary meeting, the Assembly adopted the report of the Credentials Committee (see annex to this report).

3. Organization of work

21. During the opening plenary meeting, the Assembly decided, pursuant to rule 42, paragraph 1, of the Rules of Procedure, to hold its consideration of agenda item 7 ("Disciplinary proceedings involving an elected official") in private.

22. The Director of the Secretariat of the Assembly, Ms. Gabrielle Louise McIntyre, acted as Secretary of the special session of the Assembly. The special session was serviced by the Secretariat.

4. Disciplinary proceedings involving an elected official

23. The Assembly had before it a draft decision on the outcome of disciplinary proceedings involving the Prosecutor, Karim Khan, which had been conveyed by the Bureau for the consideration of the Assembly.

24. At its first plenary meeting, the Assembly voted by secret ballot, pursuant to article 46 of the Rome Statute, on the draft decision contained in document ICC-ASP/S-2/SC/L.3, pursuant to the threshold set out in article 46, paragraph 2 (b), of the Rome Statute, that is, by absolute majority of the States Parties (63).

25. 82 States Parties voted in favour of the draft decision, 13 States Parties voted against the draft decision, and 15 States abstained from the vote. Having achieved an absolute majority of 82 States Parties in favour, decision ICC-ASP/S-2/Dec.1 was adopted. In that decision, the Assembly found that Prosecutor Karim Khan had committed serious misconduct and serious breach of duty, as defined in rule 24 of the Rules of Procedure and Evidence of the International Criminal Court, and decided to remove Prosecutor Karim Khan from office pursuant to article 46, paragraph 2, of the Rome Statute of the International Criminal Court.

Part II
Decision adopted by the Assembly of States Parties

ICC-ASP/S-2/Dec.1

Adopted at the 1st plenary meeting, on 24 July 2026, by secret ballot

ICC-ASP/S-2/Dec.1

Decision of the Assembly of States Parties concerning the outcome of disciplinary proceedings involving the Prosecutor of the International Criminal Court

The Assembly of States Parties,

Recalling article 46 of the Rome Statute of the International Criminal Court and rule 24 of the Rules of Procedure and Evidence of the Court,

Recalling also its responsibilities under the Rome Statute and its commitment to preserving the independence, integrity and proper functioning of the International Criminal Court,

Commending the work of the International Criminal Court in ensuring business continuity, and *reaffirming* its support for the consistent implementation of the Court's mandate across the situations and cases,

Having considered:

(i) the evidence outlined in the "*Office of Internal Oversight Services Investigations Division Investigation Report on Unsatisfactory Conduct by an Elected Official at the International Criminal Court, Investigations Division Case No. 1658/24",* dated 10 December 2025 ("OIOS report"), and the evidence underlying the OIOS report;

(ii) the advice contained in the "*Ad Hoc Panel of Judicial Experts for the Legal Characterisation of the Findings of the Office of Internal Oversight Services Relating To Unsatisfactory Conduct by an Elected Official at the International Criminal Court Report",* dated 9 March 2026 ("Panel report");

(iii) the submissions of the Prosecutor to the *ad hoc* Panel, and to the Bureau under rule 27, paragraph 2, of the Rules of Procedure and Evidence of the Court;

(iv) the submissions of V01 to the Bureau under rule 27, paragraph 2, of the Rules of Procedure and Evidence of the Court; and

(v) the 8 June 2026 decision of the Bureau concerning the outcome of disciplinary proceedings involving the Prosecutor of the International Criminal Court;

Noting that the proceedings before the Assembly, under the Rules of Procedure and Evidence of the Court and rules 81 and 82 of the Rules of Procedure of the Assembly of States Parties, are disciplinary proceedings and are not criminal in nature,

Noting also that the proceedings before the Assembly are not related to the conduct of investigations or proceedings before the Court and are without prejudice to the independence of the International Criminal Court,

1. *Finds*, pursuant to article 46, paragraph 1, of the Rome Statute of the International Criminal Court, and consistent with the determination of the Bureau, that Prosecutor Karim Khan has committed serious misconduct and serious breach of duty as defined in rule 24 of the Rules of Procedure and Evidence of the Court; and

2. *Decides* to remove Prosecutor Karim Khan from office pursuant to article 46, paragraph 2 of the Rome Statute of the International Criminal Court.

Annex

Report of the Credentials Committee

Chairperson: Mr. Kwasi Addo-Yobo (Ghana)

1. At its first plenary meeting, on 24 July 2026, the Assembly of States Parties to the Rome Statute of the International Criminal Court, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties, appointed a Credentials Committee, consisting of the following States Parties: Belize, Cyprus, France, Germany, Ghana, Slovenia, Senegal, Ukraine.

2. The Credentials Committee held two meetings, on 24 July 2026.

3. At its first meeting, the Committee elected its Chair, and had before it a memorandum by the Secretariat. The Credentials Committee reviewed the credentials and provided an oral preliminary report before the Assembly. At its second meeting, the Committee considered the updated memorandum prepared by the Secretariat, dated 24 July 2026, concerning the credentials of representatives of States Parties to the Rome Statute of the International Criminal Court to the special session on disciplinary proceedings involving an elected official. The Committee Reviewed the Credentials for the purposes of this report.

4. Formal credentials of representatives to the special session on disciplinary proceedings involving an elected official, in the form required by rule 24 of the Rules of Procedure, had been received from the following 74 States Parties:

Andorra, Australia, Argentina, Austria, Bangladesh, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Cambodia, Canada, Chile, Colombia, Congo, Cook Islands, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands (Kingdom of the), New Zealand, North Macedonia, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania

5. As noted in section II of the memorandum, information concerning the appointment of the representatives of States Parties to the special session on disciplinary proceedings involving an elected official had been communicated to the Secretariat, from the Head of State or Government or the Minister for Foreign Affairs, by the following 38 States Parties:

Albania, Armenia, Antigua and Barbuda, Belize, Bolivia (Plurinational State of), Botswana, Bulgaria, Cabo Verde, Central African Republic, Chad, Comoros, Côte d'Ivoire, Gabon, Guinea, Grenada, Kenya, Liberia, Maldives, Marshall Islands, Mauritius, Mongolia, Namibia, Nigeria, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, State of Palestine, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Zambia

6. The Chairperson recommended that the Committee accept the credentials of the representatives of all States Parties mentioned in the Secretariat's memorandum, on the understanding that formal credentials for representatives of the States Parties referred to in paragraph 5 of the present report, would be submitted to the Secretariat as soon as possible.

7. On the proposal of the Chairperson, the Committee adopted the following draft resolution:

"*The Credentials Committee*,

Having examined the credentials of the representatives to the special session on disciplinary proceedings involving an elected official of the Assembly of States Parties, referred to in paragraphs 4 and 5 of the present report,

Accepts the credentials of the representatives of the States Parties concerned."

8. The draft resolution proposed by the Chairperson was adopted without a vote.

9. The Credentials Committee recommends to the Assembly of States Parties the adoption of a draft resolution (see paragraph 11 below).

10. In the light of the foregoing, the present report is submitted to the Assembly of States Parties.

Recommendation of the Credentials Committee

11. The Credentials Committee recommends to the Assembly of States Parties to the Rome Statute of the International Criminal Court the adoption of the following draft resolution:

"Credentials of representatives to the special session on disciplinary proceedings involving an elected official

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Having considered the report of the Credentials Committee on the credentials of representatives to the special session on disciplinary proceedings involving an elected official and the recommendation contained therein,

Approves the report of the Credentials Committee."