

PHROC and PNGO: The Political Removal of ICC Prosecutor Karim Khan Threatens the Independence of the Office of the Prosecutor

31 July 2026 – Statement of Facts

- The Palestinian Human Rights Organisations Council (PHROC) and the Palestinian NGO Network (PNGO) have expressed deep concern over the 24 July 2026 decision of the Assembly of States Parties (ASP) to the Rome Statute to remove ICC Prosecutor Karim Khan from office.
- The two organisations stated that the disciplinary proceedings leading to his removal lacked transparency, legal certainty, and due process, culminating in his dismissal through a secret ballot. They warned that this sets a dangerous precedent, threatening the independence of the Court and opening the door to similar politically driven actions against future Prosecutors.
- PHROC and PNGO reiterated their zero-tolerance policy toward sexual harassment and abuse of authority, stressing that all allegations must be investigated through clear, transparent, independent, and impartial procedures, free from political influence.
- The statement described the ASP's handling of the matter as a grave moment in the history of the International Criminal Court, noting that former ICC Vice-President Judge Cuno Tarfusser, together with more than 180 Palestinian and international organisations, considered the decision a direct violation of the prosecutorial independence guaranteed under the Rome Statute.
- The organisations also referred to a letter sent on 21 July by three United Nations Special Rapporteurs to the President of the ASP and members of its Bureau, expressing similar concerns that the Court's complaints mechanism does not fully comply with international human rights and labour standards. The experts urged the ASP to avoid establishing irregular and uncodified procedures and warned against using disciplinary processes as a tool for political retaliation against the Court.
- The statement further noted that the Independent Judges Panel concluded there was insufficient evidence to establish misconduct under the applicable criminal standard of proof. Nevertheless, the ASP Bureau disregarded those findings, treating them as merely advisory while substituting its own legal conclusions. PHROC and PNGO described this as a serious overreach, transforming the disciplinary process into a political referendum.

Politicisation of the Proceedings

- According to the statement, the disciplinary proceedings were politically exploited by Israel and its allies in an effort to undermine the ICC arrest warrants issued against Israeli Prime Minister Benjamin Netanyahu and former Defence Minister Yoav Gallant.
- The organisations argued that Israel sought not only to remove Prosecutor Khan but also to use the administrative proceedings as an indirect means of influencing the Court's independent criminal investigations and undermining its credibility.

■ The statement cited reports indicating that Israeli Foreign Minister Gideon Sa’ar played a direct role in diplomatic efforts aimed at securing Khan’s removal.

■ **It also referred to a statement published on social media by the Executive Director of UN**

Watch, declaring:

“Our campaign to remove Karim Khan succeeded — he’s just been fired. You’re next, Francesca Albanese.”

He also called on the Dutch authorities to open a criminal investigation against Karim Khan.

■ The organisations further referred to a letter sent by members of the United States Congress on 1 November 2024, reportedly coordinated by Prime Minister Netanyahu, urging the Assembly of States Parties to take all available measures, including a vote to remove the Prosecutor, arguing that Khan’s continued tenure could undermine the Court’s credibility if it proceeded with arrest warrants against Israeli officials.

■ The statement also recalled that Israeli Foreign Minister Gideon Sa’ar attempted to link the timing of the disciplinary proceedings with Prosecutor Khan’s request for arrest warrants on 20 May 2024, when Israel had killed 35,562 Palestinians and injured 79,652 others during seven months of military operations in Gaza. Sa’ar claimed that the warrants were intended to divert attention from allegations against Khan and demanded their immediate withdrawal.

■ It further noted that Prime Minister Benjamin Netanyahu described the ICC as a “kangaroo court” lacking jurisdiction over Israelis and Americans, and later welcomed Khan’s removal while praising U.S. Secretary of State Marco Rubio’s commitment to weakening the Court.

■ The organisations stressed the importance of distinguishing between the politicisation of the ASP’s administrative proceedings and the Court’s entirely independent criminal investigations, including the Situation in the State of Palestine. They cited the State of Palestine’s Mission in the Netherlands, which described attempts to link Khan’s dismissal with the arrest warrants against Israeli officials as desperate and cynical. They also recalled the ASP President’s statement that the disciplinary proceedings were unrelated to any investigations or judicial proceedings before the Court.

Prosecutorial Independence

■ PHROC and PNGO argued that removing the Prosecutor through a politically driven process dealt a direct blow to prosecutorial independence and enabled perpetrators of Rome Statute crimes to exploit the proceedings in order to preserve impunity and undermine investigations concerning the Situation in the State of Palestine.

■ The organisations called for full guarantees of independence for the next ICC Prosecutor and for the establishment of fair, effective, and legally sound disciplinary procedures to protect all Court personnel.

Protecting the International Criminal Court

■ The statement stressed that Palestine continues to face escalating violence stemming from Israel's settler-colonial and apartheid regime, whose destructive practices, it argued, are accompanied by genocidal intent. It emphasised that the International Criminal Court and the principles upon which it was founded must not be abandoned.

■ The organisations affirmed that Palestinian civil society would continue, despite sanctions, threats, and attacks, to document violations, submit evidence to the Court, and pursue justice.

■ They reaffirmed their commitment to protecting the ICC and supporting its ability to fulfil its mandate by holding perpetrators of Rome Statute crimes accountable, both in the Situation in the State of Palestine and elsewhere.

■ PHROC and PNGO also called on all States Parties to support the Court, safeguard its independence and that of the future Prosecutor, and fully comply with their obligations under the Rome Statute, including the execution of all outstanding ICC arrest warrants.

■ The statement further noted that Canada, France, Greece, and Italy allowed Prime Minister Netanyahu to transit through their airspace following Khan's removal without taking steps to arrest and surrender him to the Court. It also expressed regret that some States had initiated withdrawal procedures from the Rome Statute under pressure from the United States and Israel.

■ The organisations concluded by warning that the ongoing genocide in Gaza, together with what they described as expanding genocidal intent in the occupied West Bank, is being fuelled by international silence, inaction, and complicity.

■ They called on the International Criminal Court to continue advancing its investigation into the Situation in the State of Palestine, issue additional arrest warrants, and expand its investigations to include settlement-related crimes, the crime of apartheid, and the crime of genocide.

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