

Karim Khan's Removal May Open a New Chapter in the International Criminal Court's Investigation into Venezuela

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On July 24, 2026, the Assembly of States Parties to the Rome Statute adopted an unprecedented decision: it removed International Criminal Court Prosecutor Karim Khan from office through a vote held at United Nations Headquarters in New York. The motion received 82 votes in favor—well above the required absolute majority of 63 States—with 13 votes against and 15 abstentions. This marks the first time since the Court's establishment that a Prosecutor has been permanently removed from office by a decision of the States Parties. [Reuters](#), [Associated Press](#)

The measure was adopted following proceedings concerning allegations of sexual misconduct made by a member of his staff. Khan denied the allegations, and his attorneys challenged both the legality of the proceedings and the sufficiency of the evidence. An essential distinction must therefore be maintained: the institutional decision to remove him does not justify disregarding his right to a defense or presenting disputed allegations as conclusively established facts.

The legal basis for his removal is found in Article 46 of the Rome Statute, which permits the removal of the Prosecutor when that official is found to have committed serious misconduct or a serious breach of duty of sufficient gravity to justify such a measure. In the case of the Prosecutor, the decision must be adopted by an absolute majority of the States Parties. [Rome Statute](#)

However, this decision should not be viewed solely as the conclusion of a personal crisis. It may also represent an opportunity to rebuild the credibility, independence, and operational capacity of the Office of the Prosecutor, particularly in relation to investigations that have advanced for years at a pace that is difficult to explain given the gravity and abundance of the available information.

Venezuela: An Investigation That Cannot Remain Stalled

The situation in Venezuela represents one of the most important tests of the legitimacy of the system established by the Rome Statute. The investigation known as **Venezuela I** concerns the possible commission of crimes against humanity, particularly imprisonment, torture, persecution, sexual violence, and other serious forms of repression directed against the civilian population.

The situation was referred to the Office of the Prosecutor in 2018 by a group of States—Argentina, Canada, Colombia, Chile, Paraguay, and Peru—and the formal opening of an investigation was announced in November 2021. The Pre-Trial Chamber subsequently authorized the investigation to resume, and in March 2024 the Appeals Chamber confirmed that the proceedings undertaken by the Venezuelan authorities did not justify halting it under the principle of complementarity.

The Court has therefore already established that Venezuela’s domestic response was insufficient to displace its jurisdiction. This is not merely a preliminary assessment of a political nature, but a formal investigation into possible crimes against humanity.

Nevertheless, after years of proceedings, the victims are still awaiting concrete results. No arrest warrants connected with Venezuela I are publicly known, nor has there been a sufficiently clear public identification of individual responsibility within the political, military, police, and intelligence structures under investigation.

Delay is not neutral. In investigations of international crimes, the passage of time can result in the loss of evidence, intimidation of witnesses, destruction of documents, reorganization of the responsible structures, and the entrenchment of impunity.

Khan’s Departure May Remove an Institutional Obstacle

In 2025, Karim Khan had already ceased participating directly in the Venezuela I situation following controversies involving potential conflicts of interest. Oversight of the situation was entrusted to Deputy Prosecutor Mame Mandiaye Niang. A subsequent judicial decision ordered Khan’s disqualification from certain proceedings connected with Venezuela. [ICC Decision of October 15, 2025](#)

It would therefore be legally incorrect to claim that Khan’s removal automatically reactivates the investigation or invalidates everything undertaken during his tenure. Investigations belong to the institution, not to the individual who temporarily leads the Office of the Prosecutor. The evidence collected, judicial decisions adopted, and the Court’s jurisdiction remain valid in principle.

Nevertheless, his permanent departure may help overcome the uncertainty that surrounded the leadership of the Office of the Prosecutor. The future election of a new Prosecutor will provide an opportunity to reassess priorities, strengthen the teams responsible for Venezuela I, and adopt a clearer prosecutorial strategy, free from the

personal controversies and concerns regarding independence that affected the final stage of Khan's tenure.

In my opinion, this is where the genuine possibility of moving the case forward lies: not in erasing what has already been done, but in conducting an independent, technical, and urgent review of all the evidence accumulated to date.

The new leadership should determine:

- which facts have been sufficiently substantiated;
- which acts formed part of a widespread or systematic attack against the civilian population;
- which State or State-affiliated structures participated;
- who designed, ordered, facilitated, or tolerated those policies;
- and whether the requirements under Article 58 of the Rome Statute have been met for requesting warrants of arrest or summonses to appear.

This assessment must address not only the responsibility of the direct perpetrators, but also the different forms of individual criminal responsibility established under Article 25 and the responsibility of military and civilian superiors governed by Article 28 of the Statute.

An Opportunity to Incorporate and Connect the Evidence

The Office of the Prosecutor possesses—or may obtain through cooperation—information produced by victims, human rights organizations, the United Nations Independent International Fact-Finding Mission on Venezuela, domestic judicial proceedings, cases within the Inter-American system, and proceedings initiated under the principle of universal jurisdiction.

New prosecutorial leadership should establish secure channels to receive, organize, and connect this material. Evidence must not remain fragmented among different countries and institutions. Testimony submitted before a national court, a medical report, evidence of a chain of command, a detention record, or a statement incorporated into an international petition may acquire decisive importance when examined collectively.

This is especially relevant to the cases initiated in the Argentine Republic. Universal jurisdiction and the International Criminal Court are not mutually exclusive mechanisms. They can complement one another through the preservation of testimony, the lawful exchange of information, the identification of responsible individuals, and the adoption of measures when a person under investigation enters the territory of a State willing to cooperate.

As a State Party to the Rome Statute, Argentina can play a pivotal role. Domestic proceedings can help preserve evidence and prevent paralysis at the international level from becoming permanent impunity.

Venezuela's Potential Withdrawal Does Not Eliminate the Court's Jurisdiction

On the same day as Khan's removal, the Venezuelan government informed the United Nations of its decision to withdraw from the International Criminal Court. [Reuters](#)

That decision neither terminates the investigation nor retroactively eliminates the Court's jurisdiction. Under Article 127(2) of the Rome Statute, withdrawal does not release a State from obligations incurred while it was a party, nor does it affect cooperation connected with investigations initiated before the withdrawal takes effect. It also does not deprive the Court of jurisdiction over crimes allegedly committed during the period in which Venezuela was legally bound by the Statute.

Consequently, withdrawal cannot be used as a mechanism to erase prior responsibility—much less to prevent the investigation of conduct already encompassed within a formally opened situation.

The Court Must Answer to the Victims

Karim Khan's removal represents a serious crisis for the Court, but it may also become a turning point. The legitimacy of international criminal justice does not depend on protecting its officials, but on demonstrating that no one is above the rules, either inside or outside the institution.

The same principle must be applied to Venezuela.

The renewal of the Office of the Prosecutor must translate into a verifiable timetable, a defined evidentiary strategy, meaningful engagement with victims, and concrete procedural decisions. If sufficient grounds exist, the measures provided for under the Statute must be requested. If evidence is still lacking, the Office of the Prosecutor should explain which investigative avenues it is pursuing to obtain it. What is no longer acceptable is to leave victims indefinitely in a state of uncertainty.

Khan's departure does not, by itself, resolve the Venezuela investigation. It does, however, remove a source of institutional instability, permit an independent review of the decisions already adopted, and create the possibility that new leadership may transform years of documentation into genuine judicial action.

The International Criminal Court is now facing a test of credibility. It can remain trapped in its internal crisis, or it can use that crisis to reclaim its founding mission. In the case of Venezuela, that recovery will be possible only if the investigation moves beyond the collection of allegations and toward the individual determination of responsibility.

The victims do not need another institutional promise. They need the evidence to be examined, those responsible to be identified, and international justice finally to act.