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DRAFTING COMMITTEE

TEXTS ADOPTED ON SECOND READING (26 June 1998)

Article 24

Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.
2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person. 1/

1/ The Drafting Committee will re-examine this text after receiving from the Committee of the Whole the provisions on complementarity, in order to determine whether the present provision overrides or is subject to the principle of complementarity.