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(China Observer Delegation)

**at the 14th Session of the Assembly of State Parties
to the Rome Statute of the International Criminal Court**

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Mr. President,

At the outset, I would like to extend my appreciation on behalf of the Chinese delegation to you for your contribution to the convening of this session. We believe that under your leadership, this session will make successful progress. We also would like to congratulate Judge Silvia FERNÁNDEZ DE GURMENDI on her election as the President of the International Criminal Court (ICC), and to thank her and the Prosecutor Ms. Fatou BENSOUDA for their reports to this session.

Mr. President,

With the continuous work progress it has made in the past 13 years since its establishment, the ICC has drawn more and more attention in the field of international affairs. Learning from its past experiences and lessons, the work of ICC turns to proceed in a more efficient, cautious and pragmatic manner. China is of the view that in order to garner wider support and recognition from international community, the ICC needs to strictly stick to the principle of complementarity in accordance with Rome Statute, and perform its duties with greatest prudence.

I would like to take this opportunity to highlight two points.

First on state cooperation.

Mr. President,

The effective and successful operation of the ICC depends to a great extent on the cooperation from States. For States to offer their cooperation, it is extremely important for the Court to make its request of cooperation in accordance with the applicable principles of international law as well as the provisions of the Rome Statute, including its Article 98, while at the same time, to avoid impose extra obligations on States. For non-States Parties, the legitimate rights of them under international law should be respected by the Court. As to the States Parties, we understand that they bear treaty obligations under Rome Statute to cooperate. At the same time, we are of the view that the Court also needs to implement the Rome Statute in its integrity. The articles in the Rome Statute which make certain limitations upon the request of the cooperation such as Article 98 should not be ignored. The referral of a situation by the Security Council does not automatically abolish the immunity of head of state under rules of general international law.

Second, on the amendment to the Rome Statute on crime of

aggression. Given that the crime of aggression concerns international peace and security and the mandate of the Security Council, China is of the view that the Amendment should be reviewed within the framework of international law established by the UN Charter and shall not negatively impact upon the functions and powers of the Security Council. This is not only the requirement of the UN Charter, but also the dictation of the Rome Statute itself. Having said that, we believe that the content of the Amendment and its procedure of entry into force, should be in strict adherence to the relevant provisions of the Rome Statute, and based on maximum consensus with a view to reaching the widest possible agreement.

Mr. President,

Peace, justice and the rule of law are shared vision and aspiration of human society. China looks forward to the further contribution by the ICC to this lofty goal.

Thank you, Mr. President.