

**Statement of the Chinese Observer Delegation,
21th Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court**

General Debate
The Hague, 6 Dec. 2022

Ms. President,
Your Excellencies,
Ladies and Gentlemen,

China congratulates the 20th anniversary of entry into force of the Rome Statute as well as the establishment of the International Criminal Court (hereinafter “the Court”), and notes the work done by the Court in punishing serious international crimes over the past 20 years. China has been attentively observing the work of the Court and attended the previous Assembly of States Parties as an observer. China will continue to support the efforts of the international community to promote the judicial justice.

China notes that the Court has made progress in investigation, trial and compensation for victims, and has cooperated with relevant countries and international organizations in the past year. Through on-site visits, the Prosecutor has conducted constructive communication with Sudan, Libya and other countries on strengthening cooperation and other issues, and regularly reported the progress of the work to United Nations Security Council. Moreover, the Court has also interacted with UN Member States at relevant thematic meetings of the General Assembly and the Security Council.

China appreciates the efforts made by the Court, and supports the Court to continue to enhance the contact and the communication with relevant countries. China holds the view that, such contact and communication is conducive for the Court to further understand the actual situation and various complicate elements of those countries involved, and to listen to their opinions and their own choices. On this basis and in a manner of abiding by the complementary principle of Rome Statute and general international law, the Court could play a constructive role in solving the problem properly, and balance the judicial justice and the security and the stability. It is by no means easy to rebuild peace after conflict, we hope the Court takes into account the well-being of the involved regions and people.

China also supports the Court to strengthen its interaction with United Nations,

including the Security Council. In addressing the gravest crimes of concern to the international community, which have the potential to destabilize international peace and security, the Court and the Security Council have different yet complementary roles. The Security Council bears the primary responsibility under the United Nations Charter for the maintenance of international peace and security. Whereas, the Court, as a judicial organ, can also contribute to international peace and security by holding the offenders accountable for gravest crimes in accordance with the law. These two organs, under the legal framework stipulated by the UN Charter and the Relationship Agreement between the United Nations and the International Criminal Court, may carry out cooperation in a manner consistent with their respective mandates and objectives and rules of procedure.

Meanwhile, we note with concern that, there are some debates on the issue of jurisdiction arising from the recent judicial practices of the Court. For example, in the Bangladesh/Myanmar situation, the Court maintains that, “the Court may assert jurisdiction if at least one element of a crime within the jurisdiction of the Court or part of such crime is committed on the territory of a State Party to the Statute.” This approach of the Court imposes treaty obligations on non-state parties, which requires sufficient international legal basis to be justified. For another example, the Court opened an investigation of the situation in the Philippines. It involves the obligation of the State Party in its cooperation with the Court after its withdrawal from the Rome Statute, and it also involves the respect for sovereignty and the principle of state consent. Both needs further clarification.

China has always supported the efforts of the international community to punish the gravest international crimes and realize judicial justice. We encourage the Court to take the 20th anniversary of the entry into force of the Rome Statute as an opportunity to review and examine its own development gains and losses. We expect the Court to insist the original mission, stick to the principles of independence, objectivity and non-politicization, make sure the judicial activities of the Court comply with the fundamental principles of international law, including the purposes and the principles of the UN Charter, ensure the unified standard in interpretation and application of the Rome Statute. We also expect the Court to refuse the political manipulation, avoid selective justice and double standard, and win widespread trust and support through practice, contribute to the promotion of judicial justice and the maintenance of international peace and security.

Thank you.