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(translation)

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(Observer Delegation)

**At the 13th Session of Assembly of States Parties
to the Rome Statute of the International Criminal Court**

New York, 8-17 December 2014

Mr. President, Excellencies, Distinguished Delegates,

It is an honor to address the Assembly of States Parties here on behalf of the Chinese observer delegation. At the outset, I would like to congratulate you on your election as the President of this Assembly for the next three years, and thank the outgoing president, Ambassador Intelmann, for her contribution. I also congratulate the newly elected judges and thank President Song and his colleagues who are to complete their terms of office.

Mr. President,

In the past year, the Court has made new progress in its work, including in particular the rendering of the first ever final judgment, the further strengthening of the protection of the rights and interests of the victims of Rome Statute crimes, and the promotion of the Court's cooperation with States Parties, United Nations and other international organizations. The Court's role and importance have received more recognition from international community.

However, it should be noticed that, the Court's preliminary examinations, investigations, prosecutions or trials in some cases have triggered controversies both within States Parties and among the international community. These controversies to a certain extent reflect the reality that there is still room for the Court to enhance its judicial credibility and authority, and there still exists a lack of international consensus upon the interpretation and application of certain provisions of the Rome Statute. So it might be the Court's urgent task, through its

judicial practice, to gain the trust of the international community as well as that of the States Parties, to reach broadest consensus upon the interpretation and application of Rome Statute provisions, and to garner wider support and recognition from international community.

When the work of an international judicial institution is criticized by many of its member states for double standards and selectivity, when its actions may jeopardize the political stability, social harmony and national reconciliation of a state, or when some of its work has been called into question by many states and their people, should we take time to reflect whether the purposes and principles of this institution have been served or not? These questions are concerned with the very *raison d'être* of the Court.

Ultimately speaking, the true international criminal justice is neither printed in the solemn code of the Rome Statute, nor written in the judgments of the Court; rather, it is engraved in the people's hearts in every state. The real credibility and authority of the Court emanates from the hearty support and sincere belief of states and their people.

Mr. President,

The Chinese delegation notes that, there are already 20 States Parties that have ratified the amendment on crime of aggression to the Rome Statute. This amendment is the first time the international community legislated on the issue of crime of aggression in a systematic manner in history, and it will undoubtedly

exert far-reaching influence on this matter. Since the issue of crime of aggression is closely related to international peace and security, the amendment shall be implemented orderly within the framework of international law established by UN Charter. The highest authority of the Charter shall be maintained, and all the international legislation should be consistent with the provisions of the Charter. To achieve this end, all parties should fully consult each other and seek consensus on the content and entry into force of the amendment, in an effort to reach the broadest agreement.

We also note that, on the matter of head-of-state immunity, there are divergent views in some cases between the Court and certain states involved. We hope that the Court could take into full account the legitimate demands of African states, and seek to promote political stability, social harmony and national reconciliation of states concerned through its pursuit of justice, instead of causing unnecessary impediment to state leaders in discharging their functions.

Mr. President,

China always attaches great importance to the Court's role in maintaining international peace, security and justice, punishing international crimes and contributing to the development of international law. We hope that the Court will make further contributions to materializing the noble goal of peace, justice and the rule of law.

Thank you, Mr. President.