

**Statement by Ms. Liu Yan, Head of the Chinese Observer
Delegation, Ministry of Foreign Affairs of China,
19th Session of the Assembly of States Parties
to the Rome Statute of the International Criminal Court**

General Debate

The Hague, 14 Dec 2020

Mr. President,

Your Excellencies,

Ladies and Gentleman,

The Chinese Delegation has been attentively observing the deliberations in this Assembly on the activities of the International Criminal Court. We note the efforts the Court has made in investigation, trial and victim compensation, including its working progress made during the Covid-19 pandemic.

Since last year, the Court and its prosecutors among other officials have been subject to unilateral sanctions by a certain country, which were

condemned by many countries. China consistently opposes unilateral sanctions in violation of international law, opposes unilateral bullying and power politics which undermine the international order based on international law.

It is our consistent view that ICC should stick to principles of objectivity and non-politicization by resisting the abuse of judicial procedures for political purposes, especially under current complicated international situation, when such attempts of abusing Court procedure for political goals are increasingly frequent. Adopting a rigorous approach when considering exercise of its jurisdiction, strengthening identification and prevention of various abuses, and restraining from over-extending the Court's jurisdiction are the indispensable safeguard to protect the Court from being abused.

We note with concern that controversies have been caused by some jurisprudence of the Court. The ruling that “the Court may exercise its jurisdiction if either an element of a crime or part of such a crime is committed on the territory of a State that is party to the Statute” lacks solid international basis, and constitutes an over-extending of jurisdiction. Besides, controversies have also arise from several controversial judgements denying immunities of the heads of States and other officials by various Chambers of the Court, for their lack of cogent reasoning and

consistency. Many African countries have also expressed grave concerns on these judgments. It is China's position that the authoritative denying of State officials' immunity is neither in consistent with relevant rules of international law, nor in the benefit of the stability of international relations.

In conclusion, it is expected that ICC system sticks to the complementary principle and general international law, decides whether to exercise its jurisdiction in a rigorous manner, further reflects on the concerns from the outside and prevents the abuse of international judicial procedures. These are not only the inherent requirements of the principle of rule of law, but also the key steps to uphold its just image and to win international trusts.

Thank you, Mr. President.