

**Statement by the Representative of the Chinese Observer
Delegation to 22nd Session of the Assembly of State Parties
to the Rome Statute of the International Criminal Court**

General Debate

New York, 7 Dec 2023

Madam President,

It is a honor and privilege for me to address the meeting on behalf of China.

The Chinese Government always attaches great importance to the prevention and punishment of serious crimes, actively participates in relevant international efforts in accordance with international law. China closely follows the activities of the International Criminal Court, and has participated in successive sessions of the Assembly of States Parties to the Rome Statute as an Observer State. The Chinese observer delegation listened attentively to the report presented by the President of the Court on 4 December, as well as to the views expressed during the general debate. China noted the efforts made by the Court in investigation, trial, reparation to victims and cooperation with relevant countries and international organizations.

This year marks the 25th anniversary of the adoption of the Rome

Statute, which provides a good opportunity to learn from lessons and reflect on the work of the ICC. In the face of the complex and volatile international situation, the international community expects the Court to adhere to the mandate of the Rome Statute, strictly follow the principles of complementarity and international cooperation, determine its jurisdiction of situations independently, objectively and impartially, carry out investigations and judicial proceedings in accordance with international law, interpret and apply the Rome Statute and general international law in an accurate, *bona fide* manner and with uniform standards, so as to play a constructive role in appropriately resolving relevant issues.

China notes that the Prosecutor announced that he is moving forward with the investigation of the situation of the State of Palestine, which was opened in 2021, and that it will cover any crimes committed on the territory of Palestine by any party in the current conflict. The current Palestinian-Israeli conflict has caused enormous civilian casualties and a humanitarian disaster, which is a matter of great concern to the international community. South Africa and other four State Parties referred the situation of the State of Palestine to the Prosecutor last month. China expects the Court to exercise its powers in accordance with international law and to avoid politicization and double standards. At the end of last month, Foreign Minister Wang Yi, member of the Political

Bureau of the Central Committee of the CPC, chaired the Security Council high-level meeting on the Palestinian-Israeli issue, which facilitated in-depth exchanges among relevant parties and contributed to build up consensus. China submitted the Position Paper on Resolving the Palestinian-Israeli Conflict, which offered 5 proposals: implementing a comprehensive ceasefire and ending the fighting, protecting civilians effectively, ensuring humanitarian assistance, enhancing diplomatic mediation, seeking political settlement. As a permanent member of the Security Council, China will continue to work with other States to achieve an end of hostilities, protect civilians and ultimately promote a comprehensive, just and lasting resolution to the question of Palestine through the two-State solution.

China would like to reiterate here the importance of the principle of the immunity of State officials. Under general international law, incumbent heads of State enjoy absolute immunity from criminal jurisdiction and inviolability. Paragraph 2, Article 27, of the Rome Statute provides that immunities of State officials shall not bar the Court from exercising its jurisdiction over such a person. This provision applies only to State parties and could not bind non State parties. Otherwise it would be contrary to the principle that a treaty does not apply to a third State without its consent. At the same time, article 98 of the Rome Statute provides that the Court may not proceed with a request for surrender or

assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State. This provision, which recognizes and guarantees the immunity of State officials under general international law, should be observed by the Court as well as by State parties to the Rome Statute. Only strict compliance with the Rome Statute and general international law and effective respect for the jurisdictional immunity of Heads of State would make it possible to maintain stable inter-State relations so as to achieve sustainable peace.

Madam President,

The allegation of “genocide” and “crimes against humanity” in Xinjiang is nothing but lies and defamation. Today’s Xinjiang enjoys social stability, economic development, ethnic solidarity, religious harmony and rising living standards. People of all ethnic groups live and work in peace and happiness. These are objective facts that cannot be distorted. China is confident that the international community will respect the facts and not be misled by groundless lies and slander. We call this particular country, who has no credit to criticize China, to reflect on its own historical records with respect to atrocity crimes.

Madam President,

In conclusion, China expects the International Criminal Court to seriously take stock of its achievements and lessons over the past 25 years,

to respond positively to the concerns of all countries, to comply strictly with international law, to perform faithfully its duties, with a view to contributing to the maintenance of sustainable peace and the realization of true justice through practical actions, and to win firm trust and support of the international community.

Thank you, Madam President.