

**Statement by the observer delegation of China to the 23rd  
Assembly of States Parties to the Rome Statute of the  
International Criminal Court**

Madam President,

The Chinese Government has always paid close attention to the work of the International Criminal Court, noting that the Court has made efforts in investigations, trials, reparations to victims, and cooperation with relevant countries, and has made progress in updating its internal policies and promoting the education and dissemination of international criminal law.

In recent years, the Court has been dealing with an increasing number of situations and cases, some of which concerning world peace and stability, and are very complex and sensitive. In this context, the world keeps a close watch on the court and its judicial activities. It's our hope that the Court will adhere to the mandate of the Rome Statute, lawfully perform its duties, strictly follow the principles of complementarity and international cooperation, uphold an objective and impartial stance and exclude political interference, interpret and apply the Statute and general international law comprehensively, in good faith and with uniform standards, so as to ensure that its judicial

activities are truly conducive to the realization of justice and international peace and stability, and to avoid becoming a tool manipulated for political purposes.

The situation in the State of Palestine has been on the Court's agenda for nearly 10 years. On the question of Palestine, China always stands on the side of fairness and justice, and opposes all acts that violate international law, especially international humanitarian law. As we speak, the Gaza conflict is still dragging on and unprecedented humanitarian crisis is unfolding, China supports all efforts in the international community that will help to realize fairness and justice and to defend the authority of international law.

Madam President,

The Court's jurisprudence on jurisdictional immunity of State officials has long been a controversy in the international community. Under recognized international law, incumbent heads of State, heads of Government, ministers for foreign affairs enjoy absolute immunity from criminal jurisdiction and inviolability. According to the rule of international law that "A treaty does not create either obligations or rights for a third State without its consent", Art.27 of the Statute which provides that immunities which may attach to the official capacity of a person

shall not bar the Court from exercising its jurisdiction over such a person, is only binding on States parties and could not be used to negate the Court's and the States parties' obligations to respect the immunity from criminal jurisdiction of high-ranking officials of non-States parties under general international law. In accordance with Art.98 of the Statute, the Court may not proceed with a request for cooperation that might result in a breach by the requested State of its obligations to a third State.

The Court's practice of exercising jurisdiction over non-State parties is also controversial. It is our consistent view that the Court should act in strict compliance with the Rome Statute, and may not exercise its jurisdiction over acts committed by nationals of non-State parties on the territory of non-State parties, unless referred by the UN Security Council. A previous judgment of the Court held that the Court may exercise jurisdiction insofar as at least one element of a crime within the jurisdiction of the Court, or a part of such crime, has been committed in the territory of a State party to the Statute, but this is inconsistent with Art.12 of the Statute which requires that the conduct in question occurred in the territory of a State party, resulting in over-extension of the Court's jurisdiction.

Madam President,

China attaches great importance to the role played by international criminal judicial institutions in promoting international peace and realizing fairness and justice. We hope that by carrying out its functions objectively and impartially, the Court will make its due contribution in safeguarding fairness and justice, maintaining the stability of the international order and building lasting peace and security.

I Thank you, Madam President.