

**Statement by Counsellor Tian Ni,
Head of the Chinese Observer Delegation,
20th Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court**

General Debate

The Hague, 6 Dec 2021

Ms. President,

Your Excellencies,

Ladies and Gentlemen,

China has always supported the international community in efforts to punish gravest crimes and to promote judicial justice, has been attentively observing the work of the International Criminal Court and attended the Assembly of States Parties as an observer. China notes that during the Covid-19 Pandemic, the Court has been keeping innovating working methods, adjusting working priorities, and making continuous efforts in carrying forward investigation and trial.

China notes the report submitted to the United Nation's Security Council by the Office of the Prosecutor on November 23, which mentioned that the Court would extend particular prioritization to referrals by the Council to the ICC. China believes that a closer cooperation between the Court and the Security Council would help balance judicial justice and international peace and achieve a better fulfillment of functions of the Council and the Court respectively. China hopes the Court sticks to principles of independence, objectivity and non-politicization, and to win wider trusts and supports through its practice.

China welcomes the Prosecutor to listen to the thoughts of involved countries in relevant situations through more positive contacts and communication, and to respect the sovereignty and national jurisdiction of relevant countries. For example, in this June, 15 years after the referral of Darfur situation, the Prosecutor visited Darfur region in Sudan for the first time, and signed the Memorandum of Understanding with the Sudanese authorities. It is extremely hard to rebuild peace after conflict, so we hope that the Court fully considers all relevant elements of current situation, fully respects the choice of Sudanese people, abides by the complementary principle and general international law, to promote a proper solution of the Darfur issue.

In this September, the Court opened investigation of the Situation in the Philippines, which is also the first time that the Court has opened an investigation after a State Party withdrawing from the Rome Statute. China notes that on the interpretation and appliance of Article 127 of the Statute, especially when the Prosecutor only conducted “preliminary examinations”, whether the Court could still open the investigation, and move on to prosecution and trial, there are different views within the international community. The reason is that it involves the obligation of the State Party in its cooperation with the Court after its withdrawal from the Statute, and it also involves the respect of important principles of international law such as state sovereignty and state consent. China also notes that the recent deferral request to the Prosecutor from the Philippines and the ongoing dialogues between the Philippines and the Prosecutor on this matter. Such dialogue is both conducive to the full respect of international law principles including states’ judicial sovereignty and state consent, and a smooth working progress by winning trust and support of countries.

It was also in this September that the Prosecutor made the announcement to prioritize crimes by Taliban and IS-K in investigation in the Situation in Afghanistan. The Court’s investigation in this Situation triggered unilateral sanctions by a certain country in last year September. Despite

the country withdrew its measures of coercion, the independence and fairness of international criminal justice is still at risk. Like many State Parties of the Rome Statute, China pays great attention to this as a victim of unilateral sanctions, and we hope that the Court proceeds with its investigation in the Situation in Afghanistan independently and fairly, without flinching from hegemonic pressures.

It needs to be pointed out that the root of the unilateral sanction has not been eliminated from the world. A certain country always puts its national will and domestic law above international law, and to impose unilateral sanctions against the international law, which cause grave impacts on economic development and local people's lives and infringement on basic human rights, even humanitarian disasters in unprecedented scale. China consistently opposes unilateral sanctions. We note that the Court has received a submission of a State Party on its suffering from unilateral sanction. The International Court of Justice, the main judicial organization of the United Nation is also working on the litigation concerning impacts on relevant country caused by unilateral sanctions. China looks forward to seeing bigger efforts made by the Court, together with the international community in stopping unilateral bullying.

Thank you, Ms. President.