

**Statement by Mr. Xu Hong, Head of Chinese Delegation,
At the General Debate of the Eighth Session of the Assembly
of States Parties to the Rome Statute of International
Criminal Court**

(20 November 2009)

Mr. President,
Distinguished Representatives,

Since its establishment in 2002, the International Criminal Court (ICC) has made great progress on institutional building including drafting rules and regulations and staffing the Court. The Court has also launched investigation and trial of several cases, and made some useful explorations in judicial practice.

Although China is not a party to the *Rome Statute*, it always supports the purposes and objectives for which the ICC was established and is in favor of setting up an independent, impartial, effective and universal international criminal tribunal, as a supplement to national judicial systems to punish the gravest international crimes and to promote world peace and realize judicial justice. China participated in negotiations of the *Rome Statute* in a positive and constructive manner, ever since its establishment and has paid close attention to the Court's work. We have sent observer delegations to all the Assemblies of States Parties and most of the informal consultations, and engaged in discussions of the relevant issues in a responsible attitude. We sincerely hope that the Court will conduct its work in an objective and impartial way to foster its credibility and win extensive trust and support from the international community, and make contribution to peace and justice.

Mr. President,

The current international situation is experiencing complex and profound changes, posing new challenges to the ICC. As we have noticed, the Court, while making progress in many areas, has raised some controversial issues. This deserves our close attention. The pursuit of judicial justice will undoubtedly play a positive role in advancing world peace. But, we should not fail to see that if the peace process is blocked, justice would be castles in the air. Therefore, the Court, while doing its judicial work independently and endeavoring to end impunity, has to consider the larger picture of world peace and security. It has to take a very cautious approach in its judicial activities, and take into account all the complicating factors to avoid negative impact on the stability of conflicting areas and the process of political settlement. Recently, the way the Court has handled some particular cases has aroused worries and concern in the world. This, in a way, shows that the growth and maturity of the Court take time, and its representativeness and authority has to be tested in practice. China is of the view that, the Court must, first and foremost, observe the guiding principles of the *UN Charter*, ensure that it will not undermine the core value of the Charter in maintaining world peace and security, a basic requirement of the Court, and make itself compatible and complementary with the system established by the Charter to maintain world peace and security. Only by so doing, can the Court tackle the challenges properly, achieve long-term development, play its due role in international affairs, and foster more extensive sincere cooperation with countries in the world.

Mr. President,

The Review Conference to be held in Uganda next year will be an important meeting in the course of development of the ICC. We do hope that all countries will take this opportunity to carefully review the experience and lessons of the Court since its inception, made a full list of issues that are most essential and urgent to the present and future development of the international criminal justice and, have down-to-earth discussions on how to improve the Court's work under the current international framework from the strategic height, so as to enhance international community's confidence in the Court. For this reason, the Review Conference should not haste to insert into *the Rome Statute* those amendments on which no international consensus has been reached . Otherwise, it will give rise to more misgivings and bring more uncertainties to the healthy development of the ICC. The enlargement of the ICC's jurisdiction should be a gradual process, built up on the basis of good practices. China looks forward to working with other countries to pool our wisdom and contribute to the continued development of the international criminal justice.

Thank you!

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