

**WRITTEN STATEMENT  
BY  
THE REPUBLIC OF KENYA**

**THE GENERAL DEBATE OF THE ASSEMBLY OF STATES PARTIES**

**19<sup>TH</sup> SESSION OF THE  
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE  
DECEMBER 14<sup>TH</sup> TO 16<sup>TH</sup> 2020, THE HAGUE**

**Mr. President,**

**Excellencies,**

**Ladies and Gentlemen,**

Kenya appreciates the convening of this Assembly amidst the continuing COVID-19 Pandemic. Our Delegation appreciates the excellent leadership of Judge O-Gon Kwon, the outgoing President of the Assembly, whose stewardship of the Assembly in fulfilling its mandate has enabled the International Criminal Court to better discharge its solemn duty.

We also extend our appreciation to the outgoing Vice Presidents of the Assembly, Mr. Jens-Otto Horslund and Mr. Michal Mlynár, for coordinating the work of the Hague and New York Working Groups; and thereby ensuring continuous and structured engagement between State Parties, the Court and Stakeholders.

**Mr. President, Excellencies,**

In same vain, Kenya also extends its gratitude to the outgoing Prosecutor of the Court, Ms. Fatou Bensouda, who leaves at a critical moment in the history of the court. We wish her well in her future endeavors.

**Mr. President,**

In 2019, the Assembly established a transparent and inclusive State-Party driven process for identifying and implementing measures to strengthen the International Criminal Court and the Rome Statute System. Kenya appreciates the work undertaken by the Group of Independent Experts commissioned to review the

International Criminal Court and the Rome Statute System. We take note of the recommendations in the Final Report, titled *‘Independent Expert Review of the International Criminal Court and the Rome Statute System’* and commend the Group of Independent Experts for their excellent work. We call upon State Parties to ensure that the follow-up deliberations on the recommendations are conducted in a transparent, inclusive, and holistic manner.

**Mr. President,**

Kenya notes that measures on strengthening the Court and the Rome Statute System are not limited to the recommendations made by the Group of Independent Experts. The legal and technical issues reviewed by the Group of Independent Experts have previously been under discussion by the Court and State Parties in various fora of the Bureau. The Bureau’s working document titled *‘Matrix over possible areas of strengthening the Court and Rome Statute system’*, dated 27<sup>th</sup> November 2019, remains a living document whose proposals can be incorporated as we seek to enhance the Court and the System.

We urge State Parties to take into account previous experiences and lessons learnt from past efforts aimed at improving the efficiency and effectiveness of the Court and the Rome Statute system.

Kenya underscores that any measures taken to improve the efficiency and effectiveness of the Court, including any amendments to the Rome Statute and various rules governing the work of the Court, should not undermine the rights of the accused or the work of the Court.

**Mr. President,**

As State Parties and stakeholders seek to strengthen the Court and the Rome Statute System, it is imperative that the next Prosecutor be a person who builds on the foundation laid by previous prosecutors in a manner that inspires confidence in the integrity and professionalism of the Office of the Prosecutor.

We do note that in the past, there have been ostensibly credible allegations of possible impropriety levied against staff serving within the Office. Kenya welcomes with satisfaction the adoption of the revised mandate of the Independent Oversight Mechanism (IOM); which provides for investigation of allegations against former officials of the Court.

We note that the Report of the Group of Independent Experts makes extensive recommendations regarding the mandate of the IOM. We look forward to extensively deliberating on recommendations towards the establishment of mechanisms that will foster greater transparency, accountability, and professionalism in the organs of the Court.

**Mr. President,**

In light of the economic and financial difficulties caused by the COVID-19 Pandemic, Kenya commends the Court for putting forward a leaner budget for 2021. The savings and efficiencies identified by the Court, as well as the recommendations by the Committee on Budget and Finance, should guide even greater streamlining of the Court to reduce costs.

Kenya also recalls the Committee's recommendations that the Court should continue its efforts to achieve a more equitable geographical distribution among the staff of the Court at all levels. Unfortunately, to date equitable geographical representation within the Court has remained elusive. We call upon the Court to enhance its efforts towards this end; and to engage with State Parties where there are any issues that impede successful implementation of the Court's strategies.

**Mr. President, Excellencies,**

Kenya also welcomes the development of the Guidelines for Agreements Regarding Admission of Guilt, as envisaged in Article 64(8) (a) and Article 65 Rome Statute. We are hopeful that the same will be utilised appropriately and towards expedited conclusion of cases, bringing more speedy justice to victims but in a manner that also does not compromise the rights of the Accused.

Finally, Kenya reiterates its commitment to the rule of law and to the values and aspirations of the Rome Statute. Kenya will continue providing the necessary protection to witnesses and victims; and supporting the Court across all its activities. Kenya shall always work to build consensus with other State Parties in the drive towards a more inclusive and vibrant multilateral approach to international criminal justice.

**THANK YOU, MERCI BEAUCOUP, MONSIEUR LE PRESIDENT**