



**THE GOVERNMENT OF KENYA STATEMENT TO THE
GENERAL DEBATE OF THE 11TH SESSION OF THE
ASSEMBLY OF STATE PARTIES TO THE
INTERNATIONAL CRIMINAL COURT**

THE HAGUE, 14TH TO 22ND NOVEMBER 2012

STATEMENT BY HON PROF. GITHU MUIGAI, THE ATTORNEY GENERAL OF THE REPUBLIC OF KENYA DURING THE GENERAL DEBATE ON THURSDAY 15TH NOVEMBER 2012 AT THE 11TH SESSION OF THE ASSEMBLY OF STATE PARTIES TO THE ROME STATUTE, 14TH – 22ND NOVEMBER 2012, THE HAGUE, THE NETHERLANDS

Madam President,

I feel truly honored to make this statement on behalf of the Government of Kenya. Let me begin by conveying my deep appreciation to you Madam President for your able stewardship of the Assembly and to the Bureau, the Secretariat and all others who have made this Session possible.

Let me take this opportunity to salute the Court, congratulate the newly elected Deputy Prosecutor, members of the Advisory Committee on Nominations and also members of the Board of Directors of the Trust Fund for Victims.

Madam President,

This Session provides a platform for State Parties to reaffirm their commitment to the Court and to hail its contribution to long lasting adherence and respect for the enforcement of international criminal justice.

Kenya attaches great importance to the role of the International Criminal Court and today we renew our country's commitment to promote the role of the Court in promoting rule of law, justice and respect for human rights, which are effective pillars for sustainable international peace and security.

Madam President,

As we celebrate the tenth anniversary of the Court, we must recognise the milestones that the Court has achieved over the years. It is equally important to learn from the problems and challenges and prescribe ways of resolving the same. The extensive ratification of the Rome Statute by States is a triumph for the global protection of human rights, the rule of law and the promotion of international criminal justice.

Kenya wishes to call on all non-state parties, particularly those within the United Nations Security Council, hence have a direct role to play in the work of the Court to join in the celebration of the Courts 10th anniversary by ratifying the Rome Statute.

Madam President,

The application of the principle of complementarity is a necessary condition for achievement of the objective of the Court. While we appreciate the efforts made by Court, we note that much remains to be done and it is the responsibility of individual States to provide for national mechanisms to deal with criminal justice. To achieve this, it is important to strengthen national criminal justice systems to enable them deal with the most serious international crimes. In this regard, the Government of Kenya has adopted and implemented national mechanisms to deal with international crimes by enacting International Crimes Act.

The Constitution of Kenya 2010 has created a paradigm shift in the way national criminal justice agencies operate. These agencies are undergoing robust reforms to enable them promote and protect the rule of law, human rights and access to justice, regional and International institutions in entrenching the rule of law.

Madam President,

Witnesses are the cornerstone of a successful and effective criminal justice system. In recognition of this fact, the Government of Kenya, has established and operationalized the Witness Protection Agency whose statutory mandate is to provide special protection to witnesses. The Witness Protection Agency continues to cooperate with the International Criminal Court in all requests regarding the protection of witnesses, interventions and victim support. We pledge to continue this collaboration not only as regards the Kenyan cases but also other requests relating to the region.

Madam President,

Kenya continues to cooperate with the Court in accordance with the Rome treaty and our domestic legal instruments. The bilateral agreement between Kenya and the Court signed in 2010 is a sign of the Government's commitment to the work of the Court. Kenya has kept its door open to ensure that the Court is able to effectively conduct its business. Recently, the Government received and facilitated the official visit of the Prosecutor, Madam Fatou Bensouda and other senior officers of the ICC to the country. The Prosecutor met with H.E the President Mwai Kibaki, the Rt. Hon Prime Minister Raila Odinga and other senior Government officials. This official visit by the Prosecutor was a success highlighting the commendable cooperation that Kenya has with the Court.

Further, several pieces of legislation have been enacted to compliment cooperation with the Court. These include: the Organized Crimes Act, Prevention of Terrorism Act, the Mutual Legal Assistance Act and the Proceeds of Crime Act and Anti-Money Laundering Act. Other pending efforts include the development of a Whistle Blowers Protection laws.

Madam President,

Outreach programmes are a critical facet of the Court's mandate. The general public particularly the affected communities and NGO's assisting these communities in situation cases must clearly understand the work of the Court so as to clarify misconceptions and help affected communities to express their views with regard to the Court's intervention in their country. We therefore commend the development by the Court of its Strategic Plan for Outreach activities including the development of situation related strategies and action plans.

Madam President,

The financial matters of the Court are of fundamental importance. They have a bearing on the daily operations of the Court and also the long term success of the Court. A holistic dispensation of justice within the ICC requires that the Court be adequately funded to execute its mandate effectively. For

this reason, the resources availed for the work of the ICC should be commensurate to the demands placed on it. We call on state parties to provide the Court with the necessary finances to facilitate its work. In this regard, Kenya is proud for being fully paid up on its assessed contributions.

Madam President,

Kenya is acutely aware of her obligations to the victims of violence, the subject matter of the Court proceedings and is committed to ensuring that a free judicial process is left to assign guilt or lack of it as the case may be. Kenya has been and continues to be dedicated to resolving the underlying causes of the violence and establishing long term durable solutions to justice and reconciliation, to a just and lasting peace.

Madam President,

In conclusion, it is my pleasure to once again compliment the work of the International Criminal Court and reaffirm Kenya's commitment to our obligations under the Rome Statute. By the same token, Kenya would wish to appeal to all the organs of the Court to extend the same cooperation and mutual regard to the bona fide requests for assistance in finding a just and lasting solution to the problems that triggered the Kenya cases.

I thank you Madam President.