



Permanent Mission of the Republic of Kenya to the United Nations

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STATEMENT

BY

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CHARGE D'AFFAIRES, A.I.,
OF THE REPUBLIC OF KENYA TO THE UNITED NATIONS

AT THE

GENERAL DEBATE
OF THE ASSEMBLY OF STATES PARTIES

DURING THE

16TH SESSION OF THE
ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

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**Mr. President,
Excellencies,
Ladies and Gentlemen,**

The delegation of Kenya thanks you Mr. President for this opportunity. We would like to thank Minister Sidiki Kaba, the outgoing President of the ASP, for his determined stewardship during a defining period in the history of the Rome Statute of the International Criminal Court. On behalf of the delegation of Kenya, I wish him and his team the very best in their future endeavours.

We warmly welcome and congratulate the newly elected President of ASP, Mr. O-Gon Kwon, and his bureau and wish them well in discharging their functions. I assure him and his bureau of my delegation's full support and cooperation. Kenya looks forward to a new dawn, dispensation and a leadership that embraces the true aspirations of the entire membership of the Assembly.

Mr. President,

We congratulate all those who have been so far elected in various capacities and offices and wish them well as they discharge their mandates. We also assure them of our unwavering support, cooperation and solidarity during their tenures. During this session, the Assembly will also consider and recommend to the Judges the persons to be elected as the next Registrar of the Court. Kenya is hopeful that this 16th Assembly will nominate the best persons available to continue championing the ICC agenda with an aim of making the court even better and much fitter for purpose going forward.

Mr. President,

In our belief in the noble objectives of the Statute and its potential capacity to end to impunity, Kenya played a key role in championing for the establishment of the Court and firmly remains a steadfast ally in the fight against impunity. As a firm adherent to the rule of law, Kenya actively supports the international criminal justice system. Even as we constructively criticize the Court, it remains our aspiration that the highest standards of justice, human rights and the rule of law, are achieved as envisioned by the Rome Statute.

Mr. President,

If the fight against impunity and gross violations of human rights and human dignity are true aspirations of this Assembly, then we must express outrage and indignation at human trafficking and modern-day slavery. My delegation draws the attention of the Assembly to the abhorrent situation in Libya, where Africans are being auctioned like chattels in open slave markets. Nothing can be more distressing and abhorrent than slavery that is being practiced overtly in broad daylight in the glare of news cameras.

The International Court of Justice identified protection from slavery as an obligation towards all persons and as an obligation owed by every State to the international community as a whole. The practice of slavery has been universally accepted as a crime against humanity,

and the right to be free from enslavement is considered so fundamental that every nation has a standing to bring offending states before the International Court of Justice.

Mr. President,

Sadly, to date, the ICC has been very slow to act. The Office of the Prosecutor should urgently collect and analyze all information "related to serious and widespread crimes committed against migrants attempting to transit through Libya". It is high time that an investigation into migrant-related crimes in Libya is commenced in earnest without further delay.

There is no gainsaying that human trafficking and modern-day slavery are the most blatant violations of human rights of our time. In this regard, in conjunction with the United Nations Security Council, the International Criminal Court should take all steps to ensure that these barbaric practices are ended without further delay. In addition, Kenya calls for enhanced international cooperation to enable all States to hold accountable those responsible for these atrocious crimes. We commend the AU-EU-UN initiative in collaboration with countries of origin and IOM for identifying and supporting voluntary repatriation of migrants. Perpetrators must however not to get away scot-free.

Mr. President,

Kenya appreciates the noble idea of including the crime of aggression as part of the agenda items with a view of activating the discussion on the subject matter. However, Kenya is of the view that the timing is not right and further believe that we should first concentrate on the execution of the current mandate before adding new, controversial and unclear or undefined mandates. On aggression, our efforts should be directed at achieving the purposes and principles of the UN Charter, which has universal application rather than pushing instruments that do not attract wide acceptance in the family of Nations. Having said that, Kenya is of the view that, should any decision be made by this Assembly, the same should be based on the consensus of the plenary of the Assembly.

Mr. President,

The Assembly's agenda further proposes amendments to the Statute and the Rules of Procedure and Evidence. Our detailed and specific comments on each of the proposed amendments will be stated during the discussions of the various proposals. Recognizing the importance of proposed amendments, we therefore request and urge that sufficient time is allocated to enable States parties to comprehensively deliberate on the way forward.

Mr. President,

Allow me to comment on the issue of increasing the budget for the ICC. Kenya objects to any increase in the budget. We are yet to be persuaded by the Court that the increase sought is merited, and would be very reluctant to agree to such increases in the near future. We call for better use of resources including for an interrogation of all activities of the Court especially in the preliminary examinations of cases. This will ensure prudent use of scarce resources.

Mr. President,

Finally, Kenya appreciates the support accorded to our candidate for the position of member of Committee on Budget and Finance, Ms. Margaret Wambui Ngugi Shava. Kenya affirms its support to the members of the CBF so as to enable the effective discharge of their mandate. Kenya commends the work of the CBF and reminds all stakeholders, including the organs of the Court that the independence of the CBF should be respected and protected.

In conclusion, we urge all delegations to engage openly and constructively, and learn from our past mistakes and challenges to build a better and more fit-for-purpose international criminal justice system and Court.

Thank you for your kind attention!