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EMBASSY OF THE REPUBLIC OF KENYA
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The Netherlands

When replying please quote:

Note No. 57 /2017

The Embassy of the Republic of Kenya to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of State Parties to the Rome Statute of the International Criminal Court (ICC) and has the honor to refer to the latter's Note Reference: ICC-ASP/16/SP/45 and Assembly Resolution ICC-ASP/5/Res.3 of 1st December, 2006 on the adoption and implementation of the plan of action for achieving universality and full implementation of the Rome Statute.

The Embassy has the honor to submit to the Secretariat information relevant in promoting universality and full implementation of the Rome Statute in accordance with the objectives of Assembly Resolution ICC-ASP/5/Res.3. The Government of Kenya is convinced that the information attached herewith meets the requirements of the above mentioned resolution.

The Embassy of the Republic of Kenya to the Kingdom of the Netherlands avails itself this opportunity to renew to the Secretariat of the Assembly of State Parties of the International Criminal Court (ICC) the assurances of its highest consideration.

The Hague, 30th October, 2017

The International Criminal Court (ICC)
The Hague





REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

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12 October 2017

The Secretariat

Assembly of States Parties
Oude Waalsdorperweg 10
2597 AK The Hague

THE NETHERLANDS

RE: ICC PLAN OF ACTION FOR ACHIEVING UNIVERSALITY AND FULL IMPLEMENTATION OF THE ROME STATUTE

I refer to your note verbale dated 17 August 2017 and referenced **ICC-ASP/16/SP/45**, by which you sought information referred to in paragraph 6, sub-paragraph (h), of the Plan of action, whereby the Assembly of States Parties ('the Secretariat') called upon States Parties to the Rome Statute to provide to the Secretariat, information relevant to promotion of the ratification and full implementation of the Rome Statute, including, inter alia:

- (a) information on obstacles to ratification or full implementation facing States;
- (b) national or regional strategies or plans of action to promote ratification and/or full implementation;
- (c) technical and other assistance needs and delivery programmes;
- (d) planned events and activities;
- (e) examples of implementing legislation for the Rome Statute;
- (f) bilateral cooperation agreements between the Court and States Parties;
- (g) solutions to constitutional issues arising from ratification; and
- (h) national contact points for matters related to promotion of ratification and full implementation.

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In this regard, I wish to inform you as follows:

- a) Regarding information on obstacles to ratification or full implementation facing States, the Republic of Kenya has not faced any of the suggested obstacles. We have fully implemented the Rome Statute, in our domestic legal system.
- b) Regarding national or regional strategies or plans of action to promote ratification and/or full implementation of the Rome Statute, the Republic of Kenya's judiciary is making plans to establish a specialised chamber within its High Court, to adjudicate over international and transnational crimes.
- c) Regarding technical and other assistance needs and delivery programmes, the Republic of Kenya wishes to seek the assistance of the Secretariat, in facilitating building of capacity of its judicial and security officers, in effectively handling domestic criminal matters falling under the Rome Statute, that may occur domestically.
- d) Regarding planned events and activities, the Republic of Kenya wishes to refer the Secretariat to Kenya's cooperation initiatives in 2010 and 2014, which have been vastly featured in local and international media and other platforms, to support and / or facilitate the International Criminal Court ('the Court') in its judicial proceedings.

Specifically in 2010 the Republic of Kenya, through this office, designated a judge of the High Court of Kenya to oversee the ICC OTP's process of interviewing and collecting evidence from Kenya's senior security officials. Moreover, in 2014 the Republic of Kenya, pursuant to request made in a decision of ICC Trial Chamber V(A), facilitated ICC witnesses to testify, via video-link from Kenya, in proceedings before the stated chamber in The Hague.
- e) Regarding examples of implementing legislation for the Rome Statute, the Republic of Kenya has enacted the **International Crimes Act, No. 16 of 2008**.
- f) Regarding bilateral cooperation agreements between the Court and States Parties, the Government of the Republic of Kenya, through one its agencies; and the Registry of the ICC, have been involved in the development of a cooperation agreement, whose nature and details remain confidential at this stage.
- g) Regarding solutions to constitutional issues arising from ratification, the Republic of Kenya wishes to confirm that it did not experience any constitutional issues or challenges in its ratification of the Rome Statute.

(i) Regarding national contact points for matters related to promotion of ratification and full implementation, the following authorities within the Government of the Republic of Kenya, are responsible for the implementation of the Rome Statute:

- i. The Office of the Attorney General and Department of Justice;
- ii. The Ministry of Interior and Coordination of National Government;
- iii. The Directorate of Public Prosecutions; and
- iv. The Kenya Witness Protection Agency



NJEE MUTURI, CBS
SOLICITOR-GENERAL

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