



*Permanent Mission of the Republic of Kenya to the United Nations*

866 U.N. Plaza, Rm 304, New York, NY 10017

**STATEMENT**

**TO**

**6<sup>TH</sup> SESSION OF THE ASSEMBLY OF STATES  
PARTIES TO THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

**BY**

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**Mr. President,**

At the outset, allow me to join other delegations in commending you for the sterling manner in which you are conducting the work of the 6<sup>th</sup> session of the Assembly of States Parties. My delegation assures you of its full cooperation and support for your efforts to guide this session's work to a successful conclusion.

**Mr. President,**

My delegation commends the Court for the progress made in its work during the past one year in accordance with the Strategic Plan adopted by the Assembly in 2006. We particularly laud the Court's increased efforts in the implementation of an outreach program in the situation areas in Uganda, Democratic Republic of Congo and Central Africa Republic and the conclusion of the Headquarters Agreement with the host country. The outreach activities will, no doubt, raise awareness and understanding of the Court and its activities among communities affected by crimes being investigated and prosecuted and ensure its proceedings remain relevant and accessible to these communities.

**Mr. President,**

With the Court now entering the prosecutorial and judicial phase of its activities, commitment by member states to the object and purpose of the Rome Statute is imperative, especially on rendering effective cooperation and support. The Court's role and judicial activities must also be well understood by a variety of audiences. My delegation therefore welcomes the efforts undertaken by the Court to foster cooperation with States, international and regional organizations.

**Mr. President,**

I am glad to report that following the enactment of The Witness Protection Act in 2006, Kenya is already collaborating with the Court on temporary witness relocation. The Act, *inter alia*, provides for the protection of a witness who pursuant to a treaty or agreement to which Kenya is a party, is required to give evidence in a prosecution or inquiry held before a court or tribunal outside Kenya. In that regard, let me also express Kenya's appreciation to the Court for its technical assistance to implement the Act by conducting a seminar and workshop in May and July, 2007, in Nairobi.

Secondly, The International Crimes Bill is also ready and will be among the top priority bills to be debated in Parliament in 2008. The Bill seeks to set up a domestic legal system for the punishment of crimes within the jurisdiction of the Court.

**Mr. President,**

We commend the facilitator on the issue of Gender and equitable representation, Amb. Miriam Blaak of Uganda for her detailed report which shows the actual staff employment status at the ICC. We do underscore the need for more equitable representation of all geographical regions at all levels to enhance the involvement and commitment towards the Statute. The proposals put forward in the report do require further discussion and evaluation.

My delegation is pleased to note that the International Criminal Court Statute is moving towards achieving universality. We wish to congratulate Japan for acceding to the Rome Statute in July, thus becoming the 105<sup>th</sup> State Party. Japan's participation in the ICC activities will substantially promote the development of international rule of law. We call upon those states that have not become States Parties to consider doing so, so as to make the objective of the Statute a reality.

**Mr. President,**

Turning to the 1<sup>st</sup> Review Conference which is likely to take place in the second part of 2009 or early 2010, My delegation believes that the Conference will give State Parties the opportunity to evaluate the achievements of the Convention in the first seven years and give guidance to the future work of the Court. The most important task before this Conference will be to uphold the Convention in its entirety and we reiterate our unreserved commitment to the implementation of all its aspects. We appreciate the role of the Focal Point and the Facilitator on this issue, Ambassador Rolf Fife of Norway and Mr. Sabelo Sivuyile Maqungo of South Africa respectively, in leading the preparatory process of the Conference. As the issues are identified and refined between now and the time of the Review Conference, My delegation will support the development of concrete steps that can achieve practical results based on the aspirations of States Parties. It is important that any choice of venue for the event should have significant impact on the scope, influence and results of the Review Conference.

**Mr. President,**

The year 2012 is fast approaching when the rent free period of the Court premises by the host country will elapse. We appreciate the good work by the Committee on Permanent Premises, chaired by Mr. Masud Husain of Canada. States Parties should now be in a position to make a firm decision on the permanent premises based on the Committee's Report.

**Mr. President,**

My delegation welcomes the substantial progress achieved by the Special Working Group on the Crime of Aggression. My delegation believes that the Court will not fully realize its mandate until the crime of aggression is defined to enable the court to exercise its jurisdiction over it. In this respect, we urge all States Parties to marshal the necessary

political will in order to achieve a timely agreement on the definition of the crime. Any definition should however, ensure that the conditions under which the jurisdiction is exercised must fully respect the integrity of the Rome Statute and the independence of the Court. In particular, the United Nations Security Council or any other body should not be allowed to infringe on the independence of the Court.

**Mr. President,**

In conclusion, I once again reaffirm Kenya's commitment to the ideals of the International Criminal Court. We look forward to continue working with other member states to realize our collective objectives.

**Thank you**