



Permanent Mission of the Republic of Kenya to the United Nations

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

STATEMENT

BY

**AMBASSADOR DR. JOSEPHINE OJIAMBO
DEPUTY PERMANENT REPRESENTATIVE
KENYA MISSION TO THE UNITED NATIONS**

TO THE

**9TH SESSION OF THE
ASSEMBLY OF STATE PARTIES TO THE
ROME STATUTE OF THE
INTERNATIONAL CRIMINAL COURT**

PLENARY

NEW YORK - 6TH - 10TH DECEMBER

Check against delivery

1

Mr. President,

It is an honour to take this opportunity, on behalf of the Government of Kenya, to make a statement during this Session of the Assembly of State Parties. I will begin by conveying to you Mr. President my appreciation for your continued excellent stewardship of the affairs of the Assembly of State Parties and we pledge our support and cooperation to you to ensure that this session achieves its objectives.

Mr. President,

The Republic of Kenya joins other member States in congratulating you for the impressive way in which you steered the Review Conference in Kampala. The success of the conference is indeed a historical achievement for the Court.

We must, at this juncture also commend State Parties for their adoption of the 'Kampala Declaration', which is an affirmation of their commitment to the Rome Statute and its implementation. With this kind of commitment we are assured of the Court's continued success in guaranteeing the respect and protection of human rights, the enforcement of international justice and the promotion of the rule of law.

Mr. President,

The Kenyan delegation further expresses its appreciation to the Government of Uganda for the elaborate and heartwarming arrangements, welcoming and the actual hosting of the review conference. This was a great contribution towards the success of the International Criminal Court.

Mr. President,

Kenya congratulates the members of the Committee on Budget and Finance on their elections. We wish them success in their new and challenging assignment.

Mr. President,

Kenya joins other member states to applaud the ratification of the Rome Statute by the Republic of Bangladesh, the Republic of Seychelles, the Republic of St Lucia and the Republic of Moldova. With these new members we are slowly but surely moving towards full universality and thus giving the Court the reach it needs to become an effective deterrent, as well as a champion for justice.

Mr. President,

Turning to our domestic situation, Kenya attained situation country status in March this year. Since then, the Government of Kenya has on several occasions assured the Prosecutor and the international community that she is committed to her obligations under the Rome statute and will cooperate fully with the ongoing investigations.

The International Crimes Act of Kenya which entered into force in 2009 has been instrumental in facilitating the requests from the ICC regarding the investigations into the Post Election Violence in the following manner.

The Government has acceded to the ICC's request to set up an office in the country to ensure the smooth and efficient running of its operations.

On the third September 2010, the Government entered into an agreement with the ICC to extend such privileges and immunities as are necessary for the independent functioning of the Court in the territory of Kenya.

A request by ICC to interview Provincial Commissioners and Provincial Security Chiefs was also approved by the Government and a High Court Judge has been designated to take statements from critical witnesses pursuant to the provisions of the Rome Statute and the International Crimes Act of Kenya.

The Government will facilitate and cooperate with the ICC in carrying out of its mandate.

Mr. President,

As many of you are aware, Kenyans ratified a new Constitution on the 4th of August this year. The new order is of vital importance to the quest for justice and an end to impunity for it provides a platform to address the underlying causes of the post elections violence whose consequences are still with us today and have made the ICC a household name in Kenya.

The new dispensation not only provides a concrete framework for the protection of human rights and promotion of good governance, but also protects national interests through the enhancement of economic development and social justice for all.

Mr. President,

As we go about facilitating the Prosecutor of the Court in his investigations, we are of course deeply aware that it is the primary responsibility of Kenya to exercise criminal jurisdiction over those responsible for international crimes. In this regard, we are undertaking far reaching reforms of our national institutions to reinforce their capacity to investigate and prosecute the most serious crimes of international concern. In addition, the Government is currently undertaking reforms in the police force to ensure that the police are able to respond effectively to issues of insecurity, including sexual and gender violence in the country.

The Witness Protection Act, which is designed to provide a mechanism for the protection of witnesses, has now been strengthened through the passage in Parliament of the Witness Protection (Amendment) Act which has now transformed the Witness Protection Unit into an autonomous and independent Witness Protection Agency. The Agency is now at its primary stage of Operationalization. This being a very resource intensive exercise, the Agency needs a lot of support to enable it discharge its mandate.

Mr. President,

Kenya supports the setting up of the ICC Special Fund whose purpose is to assist State Parties that are willing to host witnesses at risk but are not in a position to finance the support. This greatly helps to boost fostering regional solutions for relocations of witnesses, thereby reducing the impact of relocations on their lives. The investigations in Kenya by the ICC are beneficiaries of this fund from the Government of United

Kingdom who donated the funds to assist in the relocation of witnesses expected to testify at the ICC when indictments are done.

Mr. President,

In closing, it is my pleasure to once again compliment the Court on its achievements in discharging its mandate. I would like to reaffirm that Kenya shall remain vigilant and provide complementarity in upholding the integrity of the Rome Statute and the reforms within the ICC.

Thank you.