



**STATEMENT BY HON. S. AMOS WAKO  
ATTORNEY GENERAL OF THE REPUBLIC OF KENYA**

**TO**

**THE REVIEW CONFERENCE OF THE ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL COURT**

***KAMPALA, UGANDA 31<sup>ST</sup> MAY- 11<sup>TH</sup> JUNE 2010***

**REPUBLIC OF KENYA**  
**STATEMENT BY THE ATTORNEY GENERAL TO THE ICC REVIEW**  
**CONFERENCE KAMPALA UGANDA DATES 31<sup>ST</sup> TO 11<sup>TH</sup> 2010**

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**Mr. President,**

On behalf of the Government of Kenya, may I extend our deepest gratitude to the Government and the people of Uganda for hosting this conference and the warm and traditional hospitality accorded to the delegations of Kenya. Kenya and Uganda enjoy historic and close economic, social, cultural and political ties.

The delegation of Kenya is pleased to be part of this very important occasion in the history of the International Criminal Court. This conference will provide an important platform for member states to among other things, discuss amendments to the Rome statute, take stock of the achievements of the Court and to re affirm commitment to the principles and ideals of the court. Kenya will engage actively with member states and other actors to achieve the objectives of this forum.

My delegation extends its appreciation to the president of Assembly of State parties for his remarkable stewardship, the two Working groups and other representatives of the court, who have all contributed to making this conference possible.

**Mr. President**

The International Criminal Court (ICC) was established through the efforts of the international community devoted to punishing crimes against humanity, genocide, war crimes and soon the crime of aggression. It ensures that impunity does not go unpunished. It symbolizes the universal humanitarian value of all mankind. It is in this regard that my delegation calls on all states to firmly hold together to ensure that the court delivers on its mandate.

**Mr. President**

### **Proposals on amendments**

My delegation welcomes deliberations on proposed amendments to the statute and looks forward to actively participate in their discussions.

**Mr. President**

### **Crime of Aggression**

Kenya is happy to note that after years of constructive engagement by state parties and legal experts on the crime of aggression, we have at last reached consensus on almost all issues and look forward to conclusively resolving the pending concerns.

In this respect, we extend our profound appreciation to the Special Working Group on the Crime of Aggression for their dedication and hard work.

**Mr. President**

### **Stock Taking**

The review conference provides an opportunity for State Parties to reflect on the impact of the Rome Statute on the international criminal Justice system. The stock taking will take a detailed look at the Court, the Rome Statute, and the entire system of global justice in order to get a better idea of what has worked over the year and what has not worked

Stock taking will primarily focus on four main areas namely, impact on victims and affected communities, complimentarily, cooperation peace and justice. We applaud the inclusion of this topic during this conference because it provides an opportunity to consider how victims and affected communities experience and perceive justice eight (8) years after entry into force of the Statute. This inclusion is particularly pertinent as it

reinforces that victims and affected communities are stakeholders of the ICC system with valid interests in the proceedings and in the broader system as a whole. It recognizes that their views count, as the direct and indirect beneficiaries of the Rome Statute system, and are significant for the Court's future planning process.

**Mr. President**  
**Cooperation with ICC**

The success of the ICC and the Rome statute system is largely dependant on cooperation from states, and external actors such as, international and regional organizations. The effective functioning of the court therefore rests on the level of cooperation that the Court is able to secure and States Parties are able and willing to provide, although obligated to do so under the Rome Statute.

In this regard and as identified at the eighth session of the Assembly of States Parties (ASP), the stocktaking process regarding cooperation presents a unique and valuable opportunity, never before undertaken, to review the cooperation the Court has or has not received since its inception and to consider ways to ensure the fullest cooperation in the future.

In this regard, Kenya reiterates her support and cooperation with the International Criminal Court.

As you all know Kenya is now a situation country. Kenya has stated severally that it will cooperate with the ICC. Indeed the President of the Republic of Kenya, His Excellency Hon. Mwai Kibaki and the Prime Minister, Right Hon. Raila Odinga have already assured the prosecutor of the ICC of their support of the investigation and the resulting prosecutions in Kenya. The delegation of Kenya is pleased that, during the opening of the session, both the Prosecutor Luis Moreno-Ocampo and his Excellency Koffi Annan recognized the cooperation of the government of Kenya.

Kenya recognizes that the ICC is a court of last resort and that the primary responsibility for dealing with gross human rights violations rests with national legal systems. The Government is currently undertaking reforms in

various sectors, including our national legal and judicial system, to enable domestic investigation and prosecution of international crimes. Further, the proposed constitution if passed, and we hope it will, will provide a stronger policy, legal and institutional framework for the enforcement and promotion of human rights, respect for rule of law and ending other forms of social injustices and thus eliminate the seeds of ethnic hatred that fueled the post election violence.

In addition, Kenya enacted the International Crimes Act in 2008 which domesticates the Rome statute establishing the ICC and provides the legal framework for close cooperation with the court. The Act sets out a domestic legal system for the punishment of crime within the jurisdiction of the court and for close cooperation with the ICC. The statute contains several elaborate provisions to facilitate the investigations and prosecutions of crimes within the jurisdiction of the court

Further, Kenya has enacted the Witness Protection (amendment) Act. H.E. the president accented to the Act two weeks ago. The Act has now been strengthened through review to provide for an independent and autonomous Witness Protection Agency. The government of Kenya is thus fully committed to operationalize the provisions of the Act by setting up the necessary mechanisms to ensure that victims and witnesses are protected.

## **CONCLUSION**

In conclusion, it is my pleasure to once again compliment the Assembly of States parties for ensuring that this conference materializes and the working groups for the tireless efforts made in preparing for this conference. May I also once again take this opportunity to express our gratitude to the Government of Uganda for hosting this important review conference. Finally, I reaffirm Kenya's commitment to our obligations to uphold the integrity of the Rome Statute and to the reform within the ICC.