



Permanent Mission of the United States of America to the United Nations

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STATEMENT

BY

CHARGE D'AFFAIRES

THE PERMANENT

TO THE UNITED NATIONS

AGENDA ITEM 83

RULE C. 1

SIXTH COMMITTEE

68TH SESSION

UNITED NATIONS CONFERENCE

WEDNESDAY, 14 JUNE 1984

Ch.

Mr. Chairman,

Thank you. My delegation aligns itself with the objectives of the African Union, the African Group. We appreciate the Secretariat's insight they bring to our deliberations.

Kenya supports the United Nations Charter on our belief that the Charter envisions states' commitment to international security and international humanitarian law.

Mr. Chairman,

A fundamental principle of the rule of law in any judiciary, able to resolve disputes and assure respect for our Constitution. In 2010, the Kenyan judiciary has undergone fundamental and positive reforms. These reforms include the judiciary improvement program, the force and increased recruitment of both judges and administrators, independent judiciary, and the undertaking of various reforms including the expeditious dispensation of cases.

Further, the reforms include the establishment of an independent Prosecution Service, the Commission for Investigations into the Kenya Police Service Commission and the Kenya Police Oversight Commission, and the overarching and comprehensive reforms, the Commission for the Truth and Reconciliation Commission. This drives governance, transparency, and accountability, promoting access to justice, and the rule of law.

Mr. Chairman,

As a firm believer in the rule of law, we renew our pledge to uphold, preserve and promote the principles of international treaties and agreements with the purpose of advancing full and fair justice.

The State Parties to the Rome Statute have made significant progress in addressing the well being of the victims of international crimes, and ensuring that effective prosecution is achieved. The Rome Statute, which is the duty of every State Party, is a comprehensive – in fact our most comprehensive – instrument that sets out the principles and objectives of the Rome Statute. At the same time, it is very difficult politically and legally to ratify it, and we have unequivocally reiterated our steadfast intention to continue cooperating with the ICC.

Kenya has made unprecedented strides in fighting impunity. In the past, impunity was a major obstacle to the implementation of the Rome Statute in Kenya. In 2010, Kenya's new constitution, which is a landmark document, was adopted. At that time, it was very difficult politically and legally to ratify it, and we have unequivocally reiterated our steadfast intention to continue cooperating with the ICC.

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This present challenge is not only about the way in which the ICC operates, but also about the way in which the ICC interacts with the national justice system. This system, as much as it is a focus for the ICC, is a fundamental nexus between the national justice system and the ICC. The ICC must be able to carry out its mandate objectively and impartially, and must guarantee the accountability and transparent application of the Statute. It may appear to the innocent eye that in the present context, the ICC is not doing enough to ensure that the national justice system is effective in dealing with international crimes.

achieved. However, it is counterproductive and antagonistic to these very faces up to.

Mr. Chairman

For the avoidance of its obligations, possible support contend that Kenyan cases have no bearing on the ICC and the political dynamics attached to it and that the outcomes of those pursuing justice is naive and It is perhaps Court being a Court of

Global discourse dictates but through candid, realistic negotiations. Nations. The reality is that of being in desire amendments the complexity and circumstances of global democracy

As a result, the rule of law and ending impunity at both national and international challenges in the promotion of the rule of law and international collaboration to uphold the rule of law bigger challenges challenges req support of the United Nations and Wid activities with a view to facilitating and sustaining

I thank you