



Permanent Mission of the Republic of Kenya
to the United Nations – New York
Security Council - 2021-2022

DEBATE ON THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL
TRIBUNALS (IRMCT)

MONDAY, 13 DECEMBER 2021 (10:00AM)

STATEMENT DELIVERED BY MS. CATHERINE NYAKOE, LEGAL COUNSEL

1. Thank you Mr. President.
2. I thank Judge Carmel Agius, President of the International Residual Mechanism for Criminal Tribunals and Mr. Serge Brammertz, Prosecutor of the Mechanism for their assessments.
3. I welcome the presence of the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia in this meeting.
4. Mr. President, Kenya supports the work of the Mechanism as important to advancing accountability for war crimes and genocide. We reaffirm our support for the Mechanism's mandate as renewed by resolution 2529 (2020).
5. We were reminded of its importance last week, on 9th December, when the world marked the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime.

6. We acknowledge the progress achieved by the Mechanism in its judicial functions during the reporting period. The delivery of judgements in three key cases, and conclusion of one case under the constrained precautionary pandemic working arrangements are commendable.
7. We note that the judicial workload of the Mechanism has been significantly reduced by the work undertaken since the last briefing. We therefore urge a speedy completion of the remaining cases to help survivors and families of victims find closure, and to create a conducive environment for reconciliation.
8. Mr. President, the Mechanism was created as a small, temporary and efficient structure. It has shown its value but can never replace or mirror the mandate of national authorities. It is important that states do their utmost to strengthen their judiciaries as a critical pillar in nation building, development and preventing conflict. We urge the Secretary General, and other relevant multilateral and regional actors, to seek every avenue to assist states that need capacity building.
9. The best prevention against genocide is to limit political cultures that weaponise differences in social, cultural, ethnic, and religious differences and present political competition as reflective of these identities. We urge states to build tools into their national laws, electoral processes, and legal mechanisms to inclusively manage their diversity.
10. States also need to cooperate with the Mechanism to apprehend the remaining fugitives in response to its improved tracking capability.
11. Still under cooperation, Kenya commends the Government of Niger for accepting all the nine acquitted or released persons who have been under

the Mechanism's custody in and acknowledges the efforts of the Mechanism in resolving this long-standing issue.

12. Mr. President, we look forward to the conclusion of the evaluation of the methods and work of the mechanism by the Office of Internal Oversight Services in line with resolution 2529 (2020) to inform the Council's review of the Mechanism's progress of work in 2022. We are also looking forward to the report on the implementation of the recommendations from the last evaluation.
13. Finally, Kenya thanks Vietnam for steering the Informal Working Group on International Tribunals successfully during their tenure.
14. I thank you.