



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

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

MONDAY, 12 DECEMBER 2022 (10:00AM)

STATEMENT DELIVERED BY MS. CATHERINE NYAKOE, LEGAL ADVISER

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Thank you Mr. President

1. I thank Judge Graciela Gatti Santana, President of the International Residual Mechanism for Criminal Tribunals and Mr. Serge Brammertz, the Prosecutor, for their briefing and in-depth assessments of the progress of work of the Mechanism.
2. This being the first time Judge Graciela Gatti Santana briefs this Council in her capacity as President of the Mechanism, Judge Santana, my delegation congratulates you on your appointment and wishes you a successful tenure of service.
3. I welcome the participation of the representatives of Serbia, Rwanda, Croatia and Bosnia and Herzegovina in this meeting.

**Mr. President,**

4. Kenya supports the work of the Mechanism established under resolution 1966 of 2010 and renewed under resolution 2637 of 2022.
5. The vision of the Security Council was for the Mechanism to be a “small, temporary and efficient structure, whose functions and size will diminish over time”. This remains inalienable to the aims of justice and accountability and was re-emphasised by the Security Council through resolution 2637.
6. We, therefore, acknowledge the progress achieved by the Mechanism towards the completion of its judicial work. We continue to urge that the Mechanism moves with speed in completing the remaining cases.
7. With the commencement of trial in the Felicien Kabuga case, the expectation of, especially, survivors and families of victims is that completion of the case will provide a considerable level of closure. It should also contribute towards their desired healing, and help solidify gains made in reconciliation processes.
8. Given the responsibility we all bear, collectively, to ensure accountability for war crimes and genocide, we urge all states to cooperate with the Mechanism in their bid to apprehend the remaining fugitives.

**Mr. President,**

9. As we stated during the Security Council meeting on 14<sup>th</sup> June this year, we reiterate our persuasion that more effort should be injected in preventive processes and mechanisms. One of the greatest fears of a people that have suffered atrocities such as are covered under

the mechanism, is a repeat. Among the best ways of offering assurance that this would not happen, and actually preventing it, is investing in national reconciliation, early warning and prevention mechanisms.

10. We encourage international support in this regard, running together with the judicial processes but structured to outlive the judicial process. Therefore, inclusive national dialogue should be weaved into national processes.
11. Similarly, we call on the United Nations and other international partners to provide support to affected States to strengthen their national investigative, prosecutorial and judicial capabilities. This is in line with the primary responsibility of states to ensure justice and accountability for their people.

**Mr. President,**

12. Kenya thanks the delegation of Gabon under the leadership of Amb. Michel Xavier Biang for ably successfully steering the work of the Informal Working Group on International Tribunals.
13. As I conclude, I reaffirm Kenya's support for the work of the Mechanism and while encouraging the speedy conclusion of its work. We also wish to reassure the Mechanism that as we exit the Security Council at the end of this year, our support will continue within a clear plan of the Mechanism's work corresponding to the Security Council's vision.

Thank you.