



**PERMANENT MISSION OF THE REPUBLIC OF KENYA
TO THE UNITED NATIONS**

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Office of the Secretary General of the United Nations and has the honour to refer to note ref. LA/COD.2 dated 5th March, 2014 from the Office of the United Nations Secretary General seeking for information relevant for inclusion in his report to the 69th Session of the United Nations General Assembly (UNGA) according to paragraph 13 of UNGA resolution 67/93 on the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts."

Kenya has studied the request and responds as follows:

1. International humanitarian law, in its current state, provides a suitable legal framework for regulating the conduct of parties to armed conflicts. In almost all cases, what is required to improve the victims' situation is stricter compliance with that framework, rather than the adoption of new rules. If all the parties concerned showed perfect regard for international humanitarian law, most current humanitarian issues would not exist. All attempts to strengthen humanitarian law should therefore build on the existing legal framework.
2. However, there are some areas of international humanitarian law that should be further developed.
3. The first is protection for persons deprived of liberty, especially in situations of non-international armed conflict. In some cases, lack of adequate infrastructure and resources hampers the establishment of a proper detention regime; but the dearth of relevant legal norms is just as significant an obstacle to safeguarding the life, health and dignity of those who have been detained. More particularly, there is a need to strengthen the rules on material conditions of detention with a view to ensuring that detaining parties, whether State or non-State, ensure that the people in their power are treated humanely.
4. The second are of concern is the insufficient legal protection provided for internees during non-international armed conflicts. Internment is widely practiced to detain persons for security reasons without bringing criminal charged against them.
5. Another matter of concern is the protection of detainees transferred from one authority to another, either during or after the transfer. In certain instances, such persons have endured serious violations of their rights: persecution, torture, forced disappearance, and even murder.

6. The international mechanisms for monitoring compliance with international humanitarian law and reparation for victims of violations constitute another area in which legal development should be explored. Insufficient respect for applicable rules is the principal cause of suffering during armed conflicts. In recent years, the emphasis has been on developing criminal law procedures to prosecute and punish those who have committed serious violations when they occur are still lacking. Most of the procedures provided under humanitarian law have not or have almost never been used in practice.
7. The third area of concern is the protection of the natural environment. The serious harm done to the natural environment during numerous armed conflicts has only added to the vulnerability of those affected by the fighting. Human beings depend on the environment for their livelihood and well-being, in some cases even their survival. However, international rules protecting the environment in armed conflicts are either lacking or insufficient.
8. Lastly, the law protecting internally displaced persons should also be strengthened. While providing adequate protection for these persons is one of the most daunting tasks in humanitarian work, the relevant legal framework continues to be deficient. For instance, measures should be adopted to enable displaced persons to return to their homes under satisfactory conditions. The law should also be improved so as to preserve family unity and ensure that internally displaced persons can access the documents they need to enjoy their rights.

The Mission regrets that this information was not submitted to the United Nations before the desired date of 1st June, 2014.

The Permanent Mission of the Republic of Kenya to the United Nations avails itself of this opportunity to renew to the Office of the Secretary General of the United Nations the assurances of its highest consideration.

New York - 3rd July, 2014

**Office of the Secretary-General
United Nations
New York**

Fax: 212 963 2155

