

**STATEMENT BY KENYA
AT THE
76TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

UNDER
AGENDA ITEM 83:
“CRIMES AGAINST HUMANITY”**

Madam Chairperson,

Kenya aligns itself__ at the outset__ with the Statement delivered by the African Group.

We have continued to follow keenly, discussions on this important topic, since the topic was introduced in the agenda of the International Law Commission and this Committee. We welcome the progress made in the ensuing study, deliberations and conclusion by the Commission leading to the final submission of work to the General Assembly in 2019. We have taken note with interest the Commission’s recommendation on the potential final outcome.

At this stage in the process, Kenya believes that in continuing the efforts of seeking to agree on the final outcome, the Sixth Committee’s collective endeavour should remain informed and guided by the desire of reaching general consensus on the basis of transparency and flexibility. The success of such an endeavour would unreservedly be assured if we take full account of the wide spectrum of the views expressed by all delegations __including those views that have already been expressed at previous sessions.

It is in this light, that my delegation takes note of the submission and final recommendation of the Commission __ namely for States to consider closing the existing gap in the treaty framework, by giving consideration to the draft articles as presented, and further agreeing on a possible process leading towards the adoption of an international instrument.

In giving consideration to this recommendation and expressing our position, Kenya is fully aware of the many achievements that have been made by adopting several such instruments covering the wider subject of criminal accountability__ these include instruments that now provide for the prevention and punishment of the acts of torture, genocide, war crimes, corruption and transnational organized crimes, to mention but a few. Kenya is also aware that there has been no convention so far, specifically adopted to address the topic of preventing and punishing crimes against humanity. The value of the work of the Commission and the resulting draft articles is therefore self-evident.

In conclusion, Kenya is of the view that the stated purpose by the Commission for undertaking this project has been to provide States with an outcome that would assist them to close this normative gap in the overall, wider subject of accountability.

We therefore hope the possibility that is presented by this opportune moment is suitable for an agreement to proceed along that path. We also hope that such a possibility would succeed in assuring an objective and comprehensive framework for States to not only help them develop and strengthen their own national capacities, but also provide them with a mechanism for inter-State cooperation. Such an outcome would be in line with the notion that States have the primary responsibility to prevent, investigate and prosecute crimes.

I thank you.