



Republic of the Union of Myanmar
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Announcement (2/2022)

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Myanmar withdraws all preliminary objections to the International Court of Justice hearing on the genocide case

The NUG has advised the International Court of Justice (ICJ) that Myanmar accepts the jurisdiction of the Court and withdraws all preliminary objections in the case of *The Gambia v. Myanmar* concerning the military operations against the Rohingya in 2016 and 2017. The ICJ and The Gambia have announced that a hearing on preliminary objections to jurisdiction will be held from 21 February 2022.

The NUG wishes to make clear to all the people of Myanmar and the international community that it is the proper representative of Myanmar at the ICJ in the case. Given that the illegal military junta itself has unlawfully detained Myanmar's agent and deputy agent to the Court, Myanmar's Permanent Representative to the United Nations (UN) Ambassador Kyaw Moe Tun has communicated to the Court that he is the acting alternate agent under the direction of the NUG and is the only person now authorized to engage with the Court on behalf of Myanmar.

With guidance from the NUG, Ambassador Kyaw Moe Tun has advised the ICJ that Myanmar withdraws its preliminary objections and accepts the Court's jurisdiction. Those objections were procedural matters that do not address the substance of the case. Myanmar no longer views them as appropriate. Indeed, the NUG expects that this enables the Court to cancel the upcoming hearings and proceed quickly with the timetable for the hearing of the substantive case under the Genocide Convention.

It would set a dangerous precedent and be inconsistent with the position of the UN General Assembly for the ICJ to accept the military junta as the representative of Myanmar. The NUG

strongly believes that it would also be detrimental to the interests of Myanmar and the people of Myanmar and to the cause of justice for the Rohingya people.

It appears that, through a bureaucratic idiosyncrasy, the ICJ has been communicating with former Myanmar diplomats in Brussels who are now under junta control. This may reflect past practice, but it does not accord with the present reality, the legal obligations in respect of communications with parties to cases or to the decisions of the General Assembly.

Should the ICJ recognize the military, it would embolden the junta to continue and escalate its daily atrocity crimes. We also fear this may derail efforts towards international criminal accountability for the junta leaders and other perpetrators of atrocity crimes. These outcomes would be an injustice for the Rohingya people and harmful to all the people of Myanmar and the interests of all parties to the current proceedings.

The NUG has repeatedly emphasized the importance of accountability for the military's violations of international law. In the meantime, we continue to work towards international criminal accountability, including by gathering and submitting evidence to the Independent Investigative Mechanism for Myanmar (IIMM) and granting jurisdiction to the International Criminal Court (ICC) for all crimes within Myanmar covered by the Rome Statute since July 2002.

Our vision is for a peaceful, democratic, and inclusive Myanmar where the Rohingya and all other Myanmar peoples will be able to thrive and enjoy their rights as citizens, and all human rights under international law.

We expect the ICJ to accept Myanmar's Permanent Representative to the UN as Myanmar's agent.

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The Republic of the Union of Myanmar