



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2023/68

16 November 2023

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)

Canada, Denmark, France, Germany, the Netherlands, the United Kingdom (jointly) and the Maldives file declarations of intervention in the proceedings under Article 63 of the Statute

THE HAGUE, 16 November 2023. Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland (jointly) and the Republic of Maldives yesterday filed in the Registry of the Court declarations of intervention in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*.

Pursuant to Article 63 of the Statute, whenever the construction of a convention to which States other than those concerned in the case are parties is in question, each of these States has the right to intervene in the proceedings. In this case, the construction given by the judgment of the Court will be equally binding upon them.

To avail themselves of the right of intervention conferred by Article 63 of the Statute, the States seeking to intervene rely on their status as parties to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948. Canada, Denmark, France, Germany, the Netherlands and the United Kingdom state that they wish to avail themselves of the right of intervention in this case “[g]iven their common interest in the accomplishment of the high purposes of the Convention, as well as their consequent interest in its construction”. The Maldives, for its part, does so because of its deep concern “over the continued . . . human rights violations and barbarous assaults against the Rohingya Muslims”, while recognizing the need for “international co-operation in the quest to prevent and punish genocide”.

History of the proceedings

On 11 November 2019, The Gambia filed in the Registry of the Court an Application instituting proceedings against Myanmar concerning alleged violations of the Genocide Convention. In its Application, The Gambia requests, among other things, that the Court adjudge and declare that Myanmar has breached its obligations under the Convention, that it must cease forthwith any

internationally wrongful act, that it must perform the obligations of reparation in the interest of the victims of genocidal acts who are members of the Rohingya group, and that it must offer assurances and guarantees of non-repetition. As basis for the Court's jurisdiction, the Applicant invokes Article IX of the Genocide Convention. The Application was accompanied by a request for the indication of provisional measures.

On 23 January 2020, the Court made an Order indicating a number of provisional measures, requiring among other things that Myanmar, in relation to the members of the Rohingya group in its territory, take all measures within its power to prevent the commission of all acts within the scope of Article II of the Genocide Convention; take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of such acts; and submit a report to the Court on all measures taken to give effect to the Order within four months, as from the date of the Order, and thereafter every six months, pending a final decision in the case by the Court.

By a further Order dated 23 January 2020, the Court fixed 23 July 2020 and 25 January 2021 as the respective time-limits for the filing of a Memorial by The Gambia and a Counter-Memorial by Myanmar. By an Order dated 18 May 2020, these time-limits were extended to 23 October 2020 and 23 July 2021, respectively. The Memorial of The Gambia was filed within the time-limit thus extended.

On 20 January 2021, Myanmar raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application.

On 22 July 2022, following public hearings, the Court delivered its [Judgment](#), in which it rejected the preliminary objections raised by Myanmar and found that it has jurisdiction to entertain the Application filed by The Gambia on the basis of Article IX of the Genocide Convention, and that the Application was admissible.

By an Order dated 22 July 2022, the Court fixed 24 April 2023 as the new time-limit for the filing of the Counter-Memorial of Myanmar. Following a request by Myanmar, the Court extended that time-limit, first to 24 May 2023 by an Order dated 6 April 2023, and then to 24 August 2023 by an Order dated 12 May 2023. The Counter-Memorial was filed within the time-limit thus fixed.

Earlier [press releases](#) relating to this case are available on the Court's website.

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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