

23 January 2020



Statement on the International Court of Justice Provisional Measures Order in *The Gambia v Myanmar*

The Asia Justice Coalition – a network of organizations that have come together to focus on international justice and accountability in Asia – welcomes the order of the International Court of Justice indicating provisional measures against Myanmar, in the case brought before the court by The Gambia.

On 11 November 2019, The Gambia filed an application at the International Court of Justice based on the Genocide Convention, relating to the extensively documented atrocities perpetrated against the Rohingya by Myanmar.

A key component of the application to the ICJ was the urgent request to the court to issue provisional measures or interim measures of protection pursuant to Article 41 of the ICJ Statute. In the words of The Gambia in its application, “Myanmar’s ongoing atrocities against the Rohingya group, which are well documented by highly credible UN reports, *inter alia*, constitute a grave threat to their existence and place them in urgent need of the Court’s protection.”

The Court heard the parties from 10 – 12 December 2019 and has now issued its decision.

The specific measures that the court has granted *unanimously* include the prevention of acts that may amount to genocide by Myanmar, ensuring that military, paramilitary and irregular armed units do not commit genocidal acts, ensuring that evidence in Myanmar is not destroyed, reporting back to the court on compliance within 4 months from the issuance of the decision and thereafter every six months during the course of the proceedings.

It is imperative that Myanmar comply with the order of the International Court of Justice. This is a legally binding decision of the court, and Myanmar must fulfil the legal obligations arising from this order.

The Asia Justice Coalition urges members of the international community to unequivocally support the pursuit of justice for the Rohingya, and to impress upon Myanmar the legal obligation to comply with the order of the Court.

The Asia Justice Coalition emphasizes the importance of international justice and accountability initiatives to address the atrocities and pursue justice in Myanmar, on the basis of individual criminal responsibility as well as state responsibility. The former include proceedings instituted pursuant to universal jurisdiction at domestic courts in Argentina, as well as at the International Criminal Court. The latter is within the remit of the International Court of Justice, and this order is a first step in holding Myanmar to account.