



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2019/54

12 December 2019

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

Conclusion of the public hearings on the request for the indication of provisional measures submitted by the Republic of The Gambia

The Court to begin its deliberation

THE HAGUE, 12 December 2019. The public hearings on the request for the indication of provisional measures submitted by the Republic of The Gambia in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Tuesday 10 December 2019 at the Peace Palace, the seat of the Court, the delegation of The Gambia was led by H.E. Mr. Abubacarr Marie Tambaou, Attorney General and Minister of Justice of the Republic of The Gambia, as Agent. The delegation of Myanmar was led by H.E. Ms Aung San Suu Kyi, Union Minister for Foreign Affairs of the Republic of the Union of Myanmar, as Agent.

The Court's decision on the request for the indication of provisional measures will be delivered at a public sitting, the date of which will be announced in due course.

Requests of the Parties

At the end of the hearings, the Agents of the Parties made the following requests to the Court:

For the Republic of The Gambia:

“Pursuant to Article 41 of the Statute of the Court, The Gambia, as a State party to the Genocide Convention, respectfully requests the Court, as a matter of extreme urgency, to indicate the following provisional measures, which are directly linked to the rights that form the subject matter of the dispute, pending its determination of this case on the merits:

- (a) Myanmar shall immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent all acts that amount to or contribute to the crime of genocide, including taking all measures within its power to prevent the following acts from being committed against any member of the Rohingya group: extrajudicial killings or physical abuse; rape or other forms of sexual violence; burning of homes or villages; destruction of lands and livestock, deprivation of food and other necessities of life, or any other deliberate infliction of conditions of life calculated to bring about the physical destruction of the Rohingya group in whole or in part;
- (b) Myanmar shall, in particular, ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any act of genocide, of conspiracy to commit genocide, or direct and public incitement to commit genocide, or of complicity in genocide, against the Rohingya group, including: extrajudicial killing or physical abuse; rape or other forms of sexual violence; burning of homes or villages; destruction of lands and livestock, deprivation of food and other necessities of life, or any other deliberate infliction of conditions of life calculated to bring about the physical destruction of the Rohingya group in whole or in part;
- (c) Myanmar shall not destroy or render inaccessible any evidence related to the events described in the Application, including without limitation by destroying or rendering inaccessible the remains of any member of the Rohingya group who is a victim of alleged genocidal acts, or altering the physical locations where such acts are alleged to have occurred in such a manner as to render the evidence of such acts, if any, inaccessible;
- (d) Myanmar and The Gambia shall not take any action and shall assure that no action is taken which may aggravate or extend the existing dispute that is the subject of this Application, or render it more difficult of resolution;
- (e) Myanmar and The Gambia shall each provide a report to the Court on all measures taken to give effect to this Order for provisional measures, no later than four months from its issuance; and
- (f) Myanmar shall grant access to, and cooperate with, all United Nations fact-finding bodies that are engaged in investigating alleged genocidal acts against the Rohingya, including the conditions to which the Rohingya are subjected.”

For the Republic of the Union of Myanmar:

“In accordance with Article 60, paragraph 2, of the Rules of Court, for the reasons given during the hearing from 10 to 12 December 2019 and any other reasons the Court might deem appropriate, Myanmar requests the Court:

- (1) to remove the case from its List;
- (2) in the alternative, to reject the request for the indication of provisional measures submitted by The Gambia.”

History of the proceedings

The history of the proceedings can be found in press releases Nos. 2019/47 of 11 November 2019 and 2019/49 of 18 November 2019, available on the Court's website (www.icj-cij.org).

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents. The complete verbatim records of the hearings held from 10 to 12 December 2019 are published on the website of the Court (www.icj-cij.org).

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 (its judgments have binding force and are without appeal for the parties concerned); 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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