



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2022/24

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

**The Court finds that it has jurisdiction, on the basis of Article IX of the Convention
on the Prevention and Punishment of the Crime of Genocide, to entertain the
Application filed by the Republic of The Gambia on 11 November 2019,
and that the Application is admissible**

THE HAGUE, 22 July 2022. The International Court of Justice, the principal judicial organ of the United Nations, has today delivered its Judgment on the preliminary objections raised by the Republic of the Union of Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*.

Myanmar raised four preliminary objections to the jurisdiction of the Court and the admissibility of the Application.

In its first preliminary objection, Myanmar argued that the Court lacked jurisdiction, or alternatively that the Application was inadmissible, on the ground that, according to Myanmar, the “real applicant” in the proceedings was the Organisation of Islamic Cooperation.

According to the second preliminary objection, the Application was inadmissible because The Gambia lacked standing to bring the case.

Myanmar asserted in its third preliminary objection that the Court lacked jurisdiction, or that the Application was inadmissible, since The Gambia could not validly seise the Court in light of Myanmar’s reservation to Article VIII of the Genocide Convention.

In its fourth preliminary objection, Myanmar contended that the Court lacked jurisdiction, or alternatively that the Application was inadmissible, because there was no dispute between the Parties under the Genocide Convention on the date on which the Application was filed.

In its [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

(1) Unanimously,

Rejects the first preliminary objection raised by the Republic of the Union of Myanmar;

(2) Unanimously,

Rejects the fourth preliminary objection raised by the Republic of the Union of Myanmar;

(3) Unanimously,

Rejects the third preliminary objection raised by the Republic of the Union of Myanmar;

(4) By fifteen votes to one,

Rejects the second preliminary objection raised by the Republic of the Union of Myanmar;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; *Judges ad hoc* Pillay, Kress;

AGAINST: Judge Xue;

(5) By fifteen votes to one,

Finds that it has jurisdiction, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, to entertain the Application filed by the Republic of The Gambia on 11 November 2019, and that the said Application is admissible.

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth; *Judges ad hoc* Pillay, Kress;

AGAINST: *Judge* Xue.

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Judge Xue appends a dissenting opinion to the Judgment of the Court; Judge *ad hoc* Kress appends a declaration to the Judgment of the Court.

History of the proceedings

The history of the proceedings can be found in [press releases](#) Nos. 2019/47, 2019/54, 2020/3, 2020/4, 2020/14, 2022/5 and 2022/23, available on the Court's website.

A summary of the Judgment appears in the document entitled "Summary 2022/4", to which summaries of the opinion and declaration are annexed. This press release, the summary and the full text of the Judgment are available on the Court's website under the heading [Cases](#).

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, through judgments which have binding force and are without appeal for the parties concerned, 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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