

Press Statement on the decision by the ICJ on ‘provisional measures’ in the case brought by The Gambia against Myanmar.

Myanmar Takes Note of ICJ Decision.

There Was No Genocide in Rakhine

The Government of Myanmar takes note of today’s decision by the International Court of Justice on ‘provisional measures’ in the case brought by The Gambia against Myanmar.

Myanmar has appeared before the Court in this case to assist the honourable Judges to make the correct factual findings on the proposition made by The Gambia that genocide occurred in Rakhine State in 2016-17. As concluded by the Independent Commission of Enquiry (ICOE) in its recent report, there has been no genocide in Rakhine. The Commission found that war crimes had occurred, and those are now being investigated and prosecuted by Myanmar’s national criminal justice system.

It is important for Myanmar that the Court reaches a factually correct decision on the merits of the case. The unsubstantiated condemnation of Myanmar by some human rights actors has presented a distorted picture of the situation in Rakhine and affected Myanmar’s bilateral relations with several countries. This has hampered Myanmar’s ability to lay the foundation for sustainable development in Rakhine.

We should all be aware that one of the historical functions of ‘provisional measures’ has been to protect the Court against possible accusations of failure take preventive action at the start of a case. As the Court stated, “the Court’s decision given in the present proceedings in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the application or to the merits themselves”.

Ministry of Foreign Affairs

Dated, 23 January 2020