

Secretary-General Welcomes International Court of Justice Order on The Gambia v. Myanmar Genocide Convention Case

The following statement was issued today by the Spokesman for UN Secretary-General António Guterres on the Order of the International Court of Justice on the Request for the indication of provisional measures in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar):

The Secretary-General welcomes the Order of the International Court of Justice, indicating provisional measures in the case of The Gambia against Myanmar on the alleged breaches of the Convention on the Prevention and Punishment of the Crime of Genocide.

The Secretary-General notes the Court's unanimous decision to order Myanmar, in accordance with its obligations under the Genocide Convention, "to take all measures within its power" in relation to the members of the Rohingya group in its territory, to prevent the commission of acts within the scope of Article II of the Convention, including killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group's destruction and imposing measures intended to prevent births.

He also notes the Court's instruction to Myanmar to ensure that its military, as well as any irregular armed units directed or supported by it and any organizations and persons subject to its control, do not commit such acts; also, that they do not conspire to commit genocide, do not directly and publicly incite the commission of genocide, do not attempt to commit genocide and are not complicit in genocide.

Further, the Secretary-General notes the Court's order to Myanmar to ensure the preservation of evidence related to allegations of acts within the scope of the Genocide Convention, as well as to report to the Court on the implementation of all provisional measures on a regular basis.

The Secretary-General strongly supports the use of peaceful means to settle international disputes. He further recalls that, pursuant to the Charter and to the Statute of the Court, decisions of the Court are binding and trusts that Myanmar will duly comply with the Order from the Court.

In accordance with the Statute of the Court, the Secretary-General will promptly transmit the notice of the provisional measures ordered by the Court to the Security Council.

Provisional measures in the case of The Gambia against Myanmar on the alleged breaches of the Convention on the Prevention and Punishment of the Crime of Genocide.

*THE COURT,
Indicates the following provisional measures:*

*(1) Unanimously,
The Republic of the Union of Myanmar shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, 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 this Convention, in particular:

- (a) killing members of the group;*
- (b) causing serious bodily or mental harm to the members of the group;*
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and*
- (d) imposing measures intended to prevent births within the group;*

(2) Unanimously,

The Republic of the Union of Myanmar shall, in relation to the members of the Rohingya group in its territory, ensure that its military, as well as any irregular armed units which may be directed or supported by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in point (1) above, or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide;

(3) Unanimously,

The Republic of the Union of Myanmar shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) Unanimously,

The Republic of the Union of Myanmar shall submit a report to the Court on all measures taken to give effect to this Order within four months, as from the date of this Order, and thereafter every six months, until a final decision on the case is rendered by the Court.