

6 APRIL 2023

ORDER

**APPLICATION OF THE CONVENTION ON THE PREVENTION
AND PUNISHMENT OF THE CRIME OF GENOCIDE**

(THE GAMBIA v. MYANMAR)

**APPLICATION DE LA CONVENTION POUR LA PRÉVENTION
ET LA RÉPRESSION DU CRIME DE GÉNOCIDE**

(GAMBIE c. MYANMAR)

6 AVRIL 2023

ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

YEAR 2023

**2023
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No. 178**

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**APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE**

(THE GAMBIA *v.* MYANMAR)

ORDER

Present: President DONOGHUE; Vice-President GEVORGIAN; Judges TOMKA, ABRAHAM, YUSUF, XUE, BHANDARI, SALAM, IWASAWA, NOLTE, CHARLESWORTH, BRANT; Registrar GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Article 44, paragraph 3, of the Rules of Court,

Having regard to the Order dated 22 July 2022, whereby the Court fixed 24 April 2023 as the time-limit for the filing of the Counter-Memorial of the Republic of the Union of Myanmar (hereinafter “Myanmar”);

Whereas, by a letter dated 14 March 2023, the Agent of Myanmar requested the Court to extend to 24 February 2024 the time-limit for the filing of the Counter-Memorial, stating that such an extension was necessary for a number of reasons, including, *inter alia*, the voluminous nature of the Memorial of the Republic of The Gambia (hereinafter “The Gambia”), as well as the time needed for the translation into the language of Myanmar or into English of the case-related documents; whereas he further explained that the resources at Myanmar’s disposal to conduct the case were limited and that the requirement that the Respondent submit six-monthly reports on its implementation of the provisional measures ordered by the Court placed other substantial demands on those resources; whereas the Agent in addition indicated that Myanmar’s ability to work on the Counter-Memorial was affected by factors such as the change in Government in February 2021 and ongoing restrictions relating to the COVID-19 pandemic; whereas, finally, the Agent contended that his Government needed more time in order to take statements from witnesses who were presently living in camps in Bangladesh or would soon be repatriated to Myanmar; and whereas, upon receipt of this letter, the Registrar transmitted a copy thereof to the Agent of The Gambia, in accordance with Article 44, paragraph 3, of the Rules of Court;

Whereas, by a letter dated 21 March 2023, the Agent of The Gambia stated that his Government opposed the request of Myanmar, arguing in particular that, if The Gambia had been able to produce its extensive Memorial in nine months, there was no reason why Myanmar should not be able to prepare its Counter-Memorial within the time-limit of 24 April 2023, especially since Myanmar had had cognizance of The Gambia’s Memorial for a total of 29 months; whereas, according to the Agent, there was moreover no precedent of the Court extending a time-limit for the filing of a pleading because case-related documents needed to be translated or because of a party’s economic status; whereas the Agent of The Gambia argued that Myanmar should not benefit from additional time for the preparation of its Counter-Memorial on the basis that its resources were needed for the elaboration of its reports on the implementation of the provisional measures; whereas the Agent contended that the Government of Myanmar should not be allowed to further delay the proceedings because of its own military coup or because of COVID-19-related public health issues; and whereas, finally, the Agent noted that, as acknowledged by the Respondent, there was little chance of Bangladesh allowing Myanmar to access witnesses currently living in camps in Bangladesh, nor was it likely, given prevailing conditions, that any Rohingya refugees would soon return to Myanmar;

Taking into account the views of the Parties,

Extends to 24 May 2023 the time-limit for the filing of the Counter-Memorial of the Republic of the Union of Myanmar; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this sixth day of April, two thousand and twenty-three, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of The Gambia and the Government of the Republic of the Union of Myanmar, respectively.

(Signed) Joan E. DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.
