

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

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

(THE GAMBIA v. MYANMAR; 7 STATES INTERVENING)

ORDER OF 21 NOVEMBER 2024

2024

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

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

(GAMBIE c. MYANMAR; 7 ÉTATS INTERVENANTS)

ORDONNANCE DU 21 NOVEMBRE 2024

Official citation:

*Application of the Convention on the Prevention and Punishment
of the Crime of Genocide (The Gambia v. Myanmar: 7 States intervening),
Order of 21 November 2024, I.C.J. Reports 2024, p. 1241*

Mode officiel de citation :

*Application de la convention pour la prévention et la répression
du crime de génocide (Gambie c. Myanmar ; 7 États intervenants),
ordonnance du 21 novembre 2024, C.I.J. Recueil 2024, p. 1241*

ISSN 0074-4441
ISBN 978-92-1-154613-2
e-ISBN 978-92-1-159857-5

Sales number N° de vente: 1341
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PRINTED IN THE NETHERLANDS/IMPRIMÉ AUX PAYS-BAS

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ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

YEAR 2024

2024
21 November
General List
No. 178

21 November 2024

APPLICATION OF THE CONVENTION
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(THE GAMBIA v. MYANMAR: 7 STATES INTERVENING)

ORDER

Present: President SALAM; Vice-President SEBUTINDE; Judges TOMKA, ABRAHAM, XUE, IWASAWA, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDÓ, CLEVELAND, AURESCU, TLADI; 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 16 October 2023, whereby the Court authorized the submission of a Reply by the Republic of The Gambia (hereinafter “The Gambia”) and a Rejoinder by the Republic of the Union of Myanmar (hereinafter “Myanmar”), and fixed 16 May 2024 and 16 December 2024 as the respective time-limits for the filing of these pleadings,

Having regard to a letter dated 3 May 2024 and received in the Registry on 6 May 2024, whereby The Gambia requested the Court to extend by one month the time-limit for the filing of the Reply,

Having regard to a letter dated 10 May 2024, whereby Myanmar stated that it objected to the request of The Gambia for an extension of the time-limit for the filing of the Reply,

Having regard to the letters dated 14 May 2024, whereby the Registrar informed the Parties that it had been decided not to extend the time-limit for the filing of the Reply, but that the Reply would not be considered out of time if it was submitted by 23 May 2024,

Having regard to the Reply of The Gambia filed on 23 May 2024, transmitted to Myanmar on the same day, and to a letter of The Gambia dated 27 May 2024 and transmitted to Myanmar on 28 May 2024, under cover of which The Gambia provided a complete version of a video contained in Annex 41 to the Reply;

Whereas, by a letter dated 23 October 2024, Myanmar requested “confirmation of the existing time-limit for the filing of the Rejoinder of Myanmar”, asserting that The Gambia had only completed the filing of its Reply on 28 May 2024, i.e. 12 days after the time-limit fixed by the Order of 16 October 2023, and had thus had 7 months and 12 days to prepare its Reply; whereas, according to Myanmar, the equality of the parties required that Myanmar also be given 7 months and 12 days, from 28 May 2024, to prepare its Rejoinder, meaning that the time-limit for its Rejoinder should therefore be 9 January 2025 rather than 16 December 2024; and whereas, in the same letter, Myanmar requested a two-month extension of that time-limit, until 10 March 2025, referring to the damage caused in Myanmar by recent storms, to an offensive of the Arakan Army said to be affecting field enquiries in northern Rakhine State, and to the fact that, in light of the holidays in late December and early January, commercial printers in Europe may not have sufficient time to print the Rejoinder to meet a deadline of 9 January 2025;

Whereas, on receipt of that letter, the Deputy-Registrar immediately transmitted a copy thereof to The Gambia, in accordance with Article 44, paragraph 3, of the Rules of Court;

Whereas, by a letter dated 4 November 2024, The Gambia indicated that it opposed Myanmar’s request for an extension of the time-limit for the filing of its Rejoinder to 10 March 2025; whereas The Gambia argued that it had filed its Reply on 23 May 2024, as permitted by the Registrar’s letter of 14 May 2024, and had simply replaced a USB key for Annex 41 on 27 May 2024; and whereas, in the same letter, The Gambia added that none of the factors invoked by Myanmar justified the requested extension of the time-limit for the filing of the Rejoinder because there was no evidence that those factors affected Myanmar’s ability to file the Rejoinder by 16 December 2024, or even a week later;

Taking into account the views of the Parties,

Extends to 30 December 2024 the time-limit for the filing of the Rejoinder 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 twenty-first day of November, two thousand and twenty-four, 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) Nawaf SALAM,
President.

(Signed) Philippe GAUTIER,
Registrar.

ISBN 978-92-1-154613-2



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