



Joint Statement on the Assignment of the Situation in Myanmar and Bangladesh to the ICC Pre-Trial Chamber III

FOR IMMEDIATE RELEASE – June 28, 2019

[New York] – The Global Justice Center, European Center for Constitutional and Human Rights, Naripokkho, and Women’s Initiatives for Gender Justice welcome [recent developments](#) at the International Criminal Court (ICC) concerning the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar. Both the intention of the Office of the Prosecutor to undertake an investigation, and the assignment of the situation to Pre-Trial Chamber III bring the ICC one step closer to providing accountability for the crimes committed against the Rohingya.

Since the Prosecutor’s opening of a preliminary examination in September 2018, the Myanmar government has continued to deny its atrocities against the Rohingya despite overwhelming evidence of crimes against humanity and genocide. Myanmar’s continued obstinance highlights the lack of legitimate options for justice and accountability to be delivered within the country and underscores the importance for the Prosecutor’s investigations to consider all crimes within the Court’s jurisdiction.

A broad view on the range and scope of crimes, including genocide and all relevant crimes against humanity, is uniquely important in light of the fact that in Myanmar impunity for the military is firmly inscribed in law. The Myanmar Constitution puts the military out of reach of the civilian government and justice system. As a result, the Rohingya, like other ethnic groups in Myanmar, have suffered horrific human rights abuses at the hands of Myanmar’s military and security forces, with no possibility for justice or accountability in Myanmar’s courts.

The ICC should, in particular, ensure that crimes committed against women and girls are not left behind in the Prosecutor’s investigation or in any cases pursued. Gender was not incidental to the commission of crimes against humanity and genocide by Myanmar security forces—it was integral to how the crimes were committed. Myanmar’s military has long used sexual violence as a tactic of oppression and subjugation against ethnic minorities. The UN’s Special Representative on Sexual Violence in Conflict has found that sexual violence was a “push factor or driver of forced displacement” of the Rohingya into Bangladesh. In 2014, the ICC committed to integrating a gender perspective and analysis into all of its work. Any investigation into the crimes against the Rohingya must be guided by such a perspective.

Despite worldwide condemnation of the crimes committed against the Rohingya, including crimes against humanity and genocide, there has been no justice or accountability. This week's developments at the ICC reflect a critical opportunity to ensure justice for the full scope of crimes committed against the Rohingya.

***Global Justice Center (GJC)** is an international human rights organization, with consultative status to the United Nations, dedicated to advancing gender equality through the rule of law. We combine advocacy with legal analysis, working to ensure equal protection of the law for women and girls.*

***The European Center for Constitutional and Human Rights (ECCHR)** is an independent, non-profit legal and educational organization dedicated to enforcing civil and human rights worldwide. Together with affected persons and partners worldwide, we use legal means to end impunity of those responsible for torture, massacre, sexualized violence, corporate exploitation and fortress borders. In June 2018, ECCHR together with the Women's Initiatives for Gender Justice and Bangladeshi partners submitted a report on sexualized violence against Rohingya women to the International Criminal Court.*

***Naripokkho** is a membership-based, women's activist organisation founded in 1983 working for the advancement of women's rights and entitlements and building resistance against violence, discrimination and injustice. Naripokkho is based in Bangladesh.*

***Women's Initiatives for Gender Justice** is an international NGO working for a gender just world in which there is accountability for sexual and gender-based crimes by the International Criminal Court and other mechanisms, both internationally and nationally, and in which there is equality in and through the law.*

For more information, contact:

Grant Shubin (Global Justice Center, New York)

lgshubin@globaljusticecenter.net, +1 212 725 6530

Alexandra Lily Kather (ECCHR, Berlin)

kather@ecchr.eu, +44 7478 621725

Shireen P. Huq (Naripokkho, Bangladesh)

shirenhuq@gmail.com

Valeria Babără (Women's Initiatives for Gender Justice, The Hague)

Valeria.Babara@4genderjustice.org