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The Rt Hon Dominic Raab MP,
Secretary of State for Foreign and Commonwealth Affairs,
Foreign, Commonwealth & Development Office,
King Charles Street,
London,
SW1A 2AH

17 December 2020

Dear Dominic,

RE: International Court of Justice Case to prevent genocidal violence against the Rohingya by the Myanmar military

We are writing to request that the British government make an intervention in support of The Gambia's case at the International Court of Justice (ICJ). The Gambia has brought proceedings against Myanmar for breach of the Genocide Convention, in response to Myanmar's treatment of the Rohingya, a minority ethnic group who live in Rakhine State in Myanmar.

The case is already starting to have an impact, with the ICJ making a provisional measures order, agreeing with The Gambia that there is a prima facie case of genocide of the Rohingya, and requiring Myanmar to take steps to protect the Rohingya who remain in Myanmar, including by providing regular reports to the Court on the protective action taken. The Order was adopted unanimously by all seventeen judges.

A UN Fact-Finding Mission, which was deployed to investigate Myanmar's treatment of the Rohingya, made strong recommendations that the Myanmar military should be investigated and prosecuted in an international criminal tribunal for "genocide, crimes against humanity and war crimes."

Ending impunity is essential not only to ensure justice and uphold international law, but also to deter further international crimes by the military in Myanmar.

We are convinced that if the United Kingdom joins the case, it will bring significant added value, both legally and symbolically.

The United Kingdom has traditionally led the world in promoting human rights in Myanmar. We are the 'penholder' at the United Nations Security Council (UNSC) and the founders of the Preventing Sexual Violence Initiative (PSVI).



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At the same time, given our leading role, and our status as penholder at the UNSC, our failure to join the case could unintentionally send the wrong signal to the military regarding our commitment to addressing impunity.

We welcome the steps the British government has taken so far to address human rights violations against the Rohingya. The sanctioning of 16 individuals who are members of the military ensured the establishment of the Independent Investigative Mechanism on Myanmar to collect evidence for future prosecutions, and engaged with UNSC members regarding UNSC referral.

However, with human rights violations against the Rohingya continuing, including the disenfranchisement of Rohingya in the recent election, and no sign of any changes by the government of Myanmar that would create conditions for safe return for Rohingya refugees, it is clear more still needs to be done.

With Russia and China blocking a full referral of Burma to the International Criminal Court by the UNSC, joining the case at the ICJ is currently the best available avenue for pursuing justice and ending impunity. It is essential the British government throws its full weight behind this case.

We note that in addition to British Parliamentarians, there is strong support for the UK to make an intervention from Rohingya community leaders, experts in international law, and human rights organisations. All believe, based on their knowledge and experience of the situation, that a British government intervention would bring benefits in helping to ensure the most positive outcome from the case.

We look forward to your response,

Yours sincerely,

Rushanara Ali MP

Jeremy Hunt MP

Co-chairs of the All-Party Parliamentary Group on the Rights of the Rohingya



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