

Justice for the Rohingya

Concept Note

Thursday, 9 December 2021, 1330 hrs CET

In November 2019, The Gambia filed the Rohingya case, on behalf of a larger collective of States i.e. the Organization of Islamic Cooperation (OIC), by bringing genocide allegations before the International Court of Justice (ICJ) and seeking provisional measures directed towards ending the genocide, punishing those who commit it and protecting and preserving relevant evidence. The ICJ ordered provisional measures that included a direction to Myanmar to prevent and punish the commission of genocide and to report to the ICJ regularly on measures they are taking to implement those provisional measures. Two weeks before the coup, Myanmar lodged an objection to the case, which remains pending.

At the **International Criminal Court (ICC)**, the Pre-Trial Chamber authorised Prosecutor Fatou Bensouda to initiate an investigation into the situation in Bangladesh/Myanmar over alleged crimes against humanity of deportation and persecution on grounds of ethnicity and/or religion against the Rohingya population. The investigations is now ongoing.

Meanwhile, in Argentina, a universal jurisdiction case was filed by Mr Tun Khin, President of the Burmese Rohingya Organisation UK, alleging serious crimes including genocide against the Rohingya. On 26 November 2021, The Second Chamber of the Federal Criminal Court in Buenos Aires confirmed that it would launch a case against senior Myanmar officials, including General Min Aung Hlaing and much of the current junta's senior leadership.

All the three Cases came together in a “perfect storm” in November 2019; and thus raise hopes that justice might be becoming more of a reality for the Rohingya.

Two years since, this ASP side event aims to hear directly from Rohingya human rights activists and others about their perspectives on justice and accountability, including on what justice might look like and the role different actors might play, why/how the matters related ‘justice and accountability’ could be enforced, how external circumstances influence the proceeding of the Case(s) *et al.*

The event would first hear from Hon. Mr. Hussein THOMASI, Solicitor General and Legal Secretary at the Attorney General's Office and Ministry of Justice, Gambia

Other distinguished Speakers include:

- Tun KHIN, President of Burma Rohingya Organisation UK
- Yasmin ULLAH, Activist and President of Rohingya Human Rights Network
- Yang Hee LEE, Former Special Rapporteur on the situation on human rights in Burma (TBC)
- Amb. Md. Mr. Shahidul HAQUE, Professorial Fellow, North South University, Dhaka

Moderator: Representative from No Peace Without Justice (NPWJ)

This ASP side event is co-sponsored by the Delegations of Bangladesh and Gambia to the ICC and No Peace Without Justice.

Participation in the event is free. However, registration is required in order to get the direct link to the event, through <https://www.eventbrite.com/e/217420018127>.