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## **Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, on the decision of the International Criminal Court Pre-Trial Chamber on the jurisdiction over the crime of deportation of the Rohingya population from Myanmar.**

(New York, 07 September 2018) The United Nations Special Adviser on the Prevention of Genocide, Adama Dieng, welcomes the decision issued yesterday by the International Criminal Court (ICC), Pre-Trial Chamber I, in which it concluded that the Court has jurisdiction over the alleged deportation of members of the Rohingya people from Myanmar to Bangladesh. Deportation can constitute a crime against humanity under international law. The Chamber also ruled that the Court would have jurisdiction over other crimes committed, such as the crime of persecution, if at least one element of the crimes within the jurisdiction of the Court - or part of such a crime - has been committed on the territory of a State Party to the Statute.

“This decision is a light in what has been a very dark episode for the Rohingya people this past year” said the Special Adviser. The decision followed a request by the Prosecutor of the ICC on 9 April 2018, in which she sought a ruling from the Pre-Trial Chamber on the jurisdiction of the Court in a situation in which persons are deported from the territory of a State which is not party to the Rome Statute of the ICC into the territory of a State which is a party to the Statute. While Myanmar is not a party to the Statute, Bangladesh is. Accordingly, the decision opens the door to the prosecution of some of the crimes that may have been committed against the Rohingya.

“The crimes allegedly committed or initiated in Myanmar against the Rohingya population, particularly since August 2017, which led to the mass displacement of almost a million Rohingya people into Bangladesh, are horrific and must not go unpunished,” insisted the Special Adviser. “We have all heard the shocking reports of mass killings, the gang rape of women, of babies being thrown into fires, and the complete destruction of villages. The failure of the Security Council to refer the situation to the ICC for investigation, despite credible information to support these allegations and numerous calls for accountability, has been frustrating, to say the least”.

The Special Adviser also noted that while the decision issued yesterday is a breakthrough, alleged crimes perpetrated solely on the territory of Myanmar, including conduct that could possibly amount to the crime of genocide, will be excluded from the jurisdiction of the ICC. For that reason, the Special Adviser urged the international community to continue its efforts to bring justice to the Rohingya people.

The Special Adviser also urged ICC Prosecutor Fatou Bensouda to consider the recommendation of the Chamber to decide on the opening of an investigation into the situation without delay. He concluded: “The decision of the Pre-Trial Chamber provides victims an opportunity to access justice for some of the crimes they have endured, which is an important first step. Myanmar has refused to cooperate with any impartial investigation into the matter and continues to insist hiding behind its sovereign borders. It is about time that countries understand that borders are not strong enough to protect those involved in the most horrible crimes committed against human beings from prosecution.”

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