



## **I. The Declarations are Timely**

Article 82(2) of the Rules of Court sets forth the appropriate time-limit for an application for permission to intervene in this case, stipulating that it “shall be filed as soon as possible” and “not later than the date fixed for the filing of the last written pleading”.

As The Gambia noted in its Observations dated 29 January and 10, 12, and 20 February 2025, the Declarations have all been filed in a timely manner, before 30 December 2024, which is the date fixed by the Court for the filing of the last written pleading in this case.

Myanmar incorrectly contends that the Declarations are inadmissible because they were not filed “as soon as possible”. Its understanding is premised on a misconception that Article 82(2) contains a dual time-limit, each operating independently and with equal importance.

As the Court has previously held, the requirement to file “as soon as possible” is “the stipulation of a general character”; and while declarant States are encouraged to act expeditiously, the “specific deadline for an application to intervene” is the relevant one for considerations of admissibility.<sup>1</sup> The Gambia recalls that the Court followed this reasoning in its Order of 3 July 2024 concerning the admissibility of the earlier intervening States, where it only noted the specific deadline by which those declarations were due.<sup>2</sup>

Accordingly, the Declarations are timely and Myanmar’s objection as to timeliness must be dismissed.

## **II. The Contents of the Declarations are Admissible in Their Entirety**

Myanmar has identified selected paragraphs and sentences within the Declarations that it suggests are not admissible for interventions under Article 63 of the Statute. The Gambia notes that some of those paragraphs and sentences provide relevant context for the Declarations. Furthermore, The Gambia understands that many of the paragraphs and sentences

---

<sup>1</sup> *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, pp. 585-586, para. 23.

<sup>2</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Order of 3 July 2024*, para. 28. The Court only noted “that the two declarations were filed in a timely manner, before the date fixed for the opening of the oral proceedings”, and did not comment on whether they were filed “as soon as possible”.

identified by Myanmar relate directly to the proper construction of the provisions of the Convention that the declarant States consider to be in question, including matters of interpretation that are central to understanding Articles I, II, and III of the Convention.

The Gambia agrees with the declarant States that they may offer their views on the construction of the provisions that they consider to be in question, including in terms of the establishment of a breach of the obligations under the Convention. The interpretation of provisions as they relate to the establishment of a breach includes matters related to the standard of proof and evidence, and discreet elements of a breach, including the matter of genocidal intent. Such matters are central to the proper construction of the Genocide Convention and firmly within the permitted scope of Article 63 of the Statute.

The Gambia does not find any criteria in the Statute or the Rules of Court that would allow for the exclusion of this content from the Declarations. Thus, it is appropriate to deem admissible all the arguments and content referred to in the Declarations on all aspects of the construction of the provisions of the Convention identified in the Declarations.

In any event, even if some of the content in the Declarations address matters beyond the construction of the provisions of the Genocide Convention, this does not render the Declarations inadmissible in their entirety. In such cases, the Court will only consider the Declarations in so far as they concern the construction of the provisions of the Genocide Convention.

### **III. The Declarations Comply with the Procedural Requirements under Article 82 of the Rules of Court**

Myanmar argues that the Declaration of the DRC does not comply with the technical requirements of Article 38 of the Rules. The Gambia observes that the Declaration of the DRC was appropriately signed by the declarant State's duly appointed Agent and subsequently authenticated by its foreign ministry. Thus, any procedural defect of form has been appropriately remedied by the DRC's additional authentication from its foreign ministry. The

Gambia notes that even if there was a technical deficiency on this basis, it would not be grounds for finding the Declaration inadmissible.<sup>3</sup>

\*

For the reasons set forth above, The Gambia considers that the Court should find that these Declarations are admissible in their entirety.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



---

H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia

---

**Website: [moj.gov.gm](http://moj.gov.gm) Email: [info@moj.gov.gm](mailto:info@moj.gov.gm)**  
**Tel: (+220) 4228450/ (+220) 4228665**

---

<sup>3</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Order of 3 July 2024, paras. 31-32.