

25 JULY 2025

ORDER

**APPLICATION OF THE CONVENTION ON THE PREVENTION
AND PUNISHMENT OF THE CRIME OF GENOCIDE
(THE GAMBIA v. MYANMAR: 7 STATES INTERVENING)**

**APPLICATION DE LA CONVENTION POUR LA PRÉVENTION
ET LA RÉPRESSION DU CRIME DE GÉNOCIDE
(GAMBIE c. MYANMAR ; 7 ÉTATS INTERVENANTS)**

25 JUILLET 2025

ORDONNANCE

TABLE OF CONTENTS

	<i>Paragraphs</i>
CHRONOLOGY OF THE PROCEDURE	1-21
I. INTRODUCTION	22-29
II. CONFORMITY OF THE DECLARATIONS OF INTERVENTION WITH THE REQUIREMENTS SET OUT IN ARTICLE 82 OF THE RULES OF COURT	30-47
A. Signature of the Declarations	31-36
B. Time-limit for the filing of the Declarations	37-43
C. Requirements under Article 82, paragraph 5	44-46
III. WHETHER THE DECLARATIONS OF INTERVENTION GO BEYOND THE PERMITTED SCOPE OF INTERVENTION UNDER ARTICLE 63 OF THE STATUTE	48-60
IV. CONCLUSION	61-63
OPERATIVE CLAUSE	64

INTERNATIONAL COURT OF JUSTICE

YEAR 2025

**2025
25 July
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No. 178**

25 July 2025

**APPLICATION OF THE CONVENTION ON THE PREVENTION
AND PUNISHMENT OF THE CRIME OF GENOCIDE
(THE GAMBIA *v.* MYANMAR: 7 STATES INTERVENING)**

ADMISSIBILITY OF THE DECLARATIONS OF INTERVENTION

ORDER

Present: *President* IWASAWA; *Vice-President* SEBUTINDE; *Judges* TOMKA, ABRAHAM, YUSUF, XUE, BHANDARI, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDO, CLEVELAND, AURESCU, TLADI, HMOUD; *Judges ad hoc* PILLAY, KRESS; *Registrar* GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 48 and 63 of the Statute of the Court and to Articles 82, 83, 84 and 86 of the Rules of Court,

Makes the following Order:

1. On 11 November 2019, the Republic of The Gambia (hereinafter “The Gambia”) filed in the Registry of the Court an Application instituting proceedings against the Republic of the Union of Myanmar (hereinafter “Myanmar”) concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter the “Genocide Convention” or the “Convention”).

2. In its Application, The Gambia sought to base the Court’s jurisdiction on Article IX of the Genocide Convention, in conjunction with Article 36, paragraph 1, of the Statute of the Court.

3. The Application contained a Request for the indication of provisional measures, submitted pursuant to Article 41 of the Statute of the Court and to Articles 73, 74 and 75 of the Rules of Court.

4. The Registrar immediately communicated to the Government of Myanmar the Application containing the Request for the indication of provisional measures, in accordance with Article 40, paragraph 2, of the Statute of the Court and Article 73, paragraph 2, of the Rules of Court. He also notified the Secretary-General of the United Nations of the filing by The Gambia of the Application and the Request for the indication of provisional measures.

5. In addition, by a letter dated 11 November 2019, the Registrar informed all States entitled to appear before the Court of the filing of the above-mentioned Application and Request.

6. Pursuant to Article 40, paragraph 3, of the Statute of the Court, the Registrar notified the Member States of the United Nations through the Secretary-General, and any other State entitled to appear before the Court, of the filing of the Application, by transmission of the printed bilingual text.

7. Since the Court included upon the Bench no judge of the nationality of either Party, each Party proceeded to exercise the right conferred upon it by Article 31, paragraph 3, of the Statute of the Court to choose a judge *ad hoc* to sit in the case. The Gambia chose Ms Navanethem Pillay and Myanmar chose Mr Claus Kress.

8. By an Order of 23 January 2020, the Court, having heard the Parties, indicated certain provisional measures.

9. By a further Order of 23 January 2020, the Court fixed 23 July 2020 and 25 January 2021 as the respective time-limits for the filing of a Memorial by The Gambia and a Counter-Memorial by Myanmar. By an Order of 18 May 2020, at the request of the Applicant, the Court extended to 23 October 2020 and 23 July 2021 the respective time-limits for the filing of the Memorial of The Gambia and the Counter-Memorial of Myanmar. The Gambia filed its Memorial within the time-limit thus extended.

10. By a letter dated 24 January 2020, pursuant to the instructions of the Court under Article 43, paragraph 1, of the Rules of Court, the Registrar addressed to the States parties to the Genocide Convention the notification provided for in Article 63, paragraph 1, of the Statute of the Court. In addition, by a letter of the same date, in accordance with Article 69, paragraph 3, of the Rules of Court, the Registrar addressed to the United Nations, through its Secretary-General, the notification provided for in Article 34, paragraph 3, of the Statute of the Court.

11. By a joint letter dated 11 November 2020, the Governments of Canada and the Kingdom of the Netherlands, referring to Article 53, paragraph 1, of the Rules of Court, asked to be furnished with copies of the pleadings and documents annexed thereto filed in the case. Having ascertained the views of the Parties in accordance with that same provision and having taken into account the objection raised by one Party, the Court decided that it would not be appropriate to grant that request. The Registrar communicated this decision to the Governments of Canada and the Kingdom of the Netherlands, and to the Parties, by letters dated 27 November 2020.

12. On 20 January 2021, within the time-limit prescribed by Article 79*bis*, paragraph 1, of the Rules of Court, Myanmar raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application.

13. Public hearings on the preliminary objections raised by Myanmar were held on 21, 23, 25 and 28 February 2022. By a Judgment of 22 July 2022, the Court found that it had jurisdiction on the basis of Article IX of the Genocide Convention to entertain the Application filed by The Gambia on 11 November 2019, and that the said Application was admissible.

14. By an Order of 22 July 2022, the Court fixed 24 April 2023 as the time-limit for the filing of the Counter-Memorial of Myanmar. By Orders of 6 April 2023 and 12 May 2023, respectively, the Court, at the request of the Respondent, extended that time-limit first to 24 May 2023 and then to 24 August 2023. The Counter-Memorial of Myanmar was filed within the time-limit thus extended.

15. By an Order of 16 October 2023, the Court authorized the submission of a Reply by The Gambia and a Rejoinder by Myanmar, and fixed 16 May 2024 and 16 December 2024 as the respective time-limits for the filing of those written pleadings. Following a request by The Gambia to extend the time-limit for the filing of the Reply, the Registrar informed the Parties, by letters dated 14 May 2024, that it had been decided not to extend the time-limit for the filing of the Reply, but that the Reply would not be considered out of time if it was submitted by 23 May 2024. The Gambia filed its Reply on 23 May 2024, as authorized by the Court.

16. By an Order of 21 November 2024, the Court, at the request of the Respondent, extended the time-limit for the filing of the Rejoinder to 30 December 2024. The Rejoinder of Myanmar was filed within the time-limit thus extended.

17. On 15 November 2023, the Republic of the Maldives (hereinafter “the Maldives”) filed a Declaration of intervention in the case, with reference to Article 63 of the Statute of the Court. On the same date, a joint Declaration of intervention was filed, pursuant to the same provision, by Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland (hereinafter the “Joint Declarants”).

18. By an Order of 3 July 2024, the Court decided that the Declarations of intervention submitted by the Maldives and the Joint Declarants under Article 63 of the Statute of the Court were admissible in so far as they concerned the construction of provisions of the Genocide Convention.

19. Declarations of intervention under Article 63 of the Statute of the Court were filed by the Republic of Slovenia (hereinafter “Slovenia”) on 29 November 2024, the Democratic Republic of the Congo (hereinafter the “DRC”) on 10 December 2024, the Kingdom of Belgium (hereinafter “Belgium”) on 12 December 2024 and by Ireland on 20 December 2024. In accordance with Article 83, paragraph 1, of the Rules of Court, the Registrar immediately transmitted certified copies of each Declaration of intervention to The Gambia and Myanmar, which were informed that 29 January 2025, 10 February 2025, 12 February 2025 and 20 February 2025, respectively, had been fixed as the time-limits for the submission of written observations on those Declarations. In accordance with paragraph 2 of the same Article, the Registrar also transmitted copies of the Declarations to the Secretary-General of the United Nations and to the States entitled to appear before the Court.

20. Within the time-limits fixed by the Court, The Gambia and Myanmar each filed written observations on the Declarations of intervention submitted by Slovenia, the DRC, Belgium and Ireland. While Myanmar objected to the admissibility of all Declarations, The Gambia contended that they were admissible.

21. By letters dated 4 March 2025, the Registrar informed the Parties, Slovenia, the DRC, Belgium and Ireland that, in light of the fact that Myanmar had objected to the admissibility of the Declarations of intervention, the Court was required, pursuant to Article 84, paragraph 2, of its Rules, to hear the States seeking to intervene and the Parties on the admissibility of the Declarations of intervention, and had decided to do so by means of a written procedure. The Registrar further stated that the Court had fixed 19 March 2025 as the time-limit within which the States seeking to intervene could furnish their written observations on the admissibility of their Declarations and 3 April 2025 as the time-limit within which the Parties could furnish their written observations in response. The States seeking to intervene as well as The Gambia and Myanmar filed their written observations within the time-limits thus fixed.

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* *

I. INTRODUCTION

22. Article 63 of the Statute of the Court reads as follows:

“1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.”

23. The Court recalls that intervention under Article 63 of the Statute, which is an incidental proceeding, involves the exercise of a right by a State party to a convention the construction of which is in question before the Court (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, *Admissibility of the Declarations of Intervention*, Order of 3 July 2024, *I.C.J. Reports 2024 (II)*, p. 734, para. 20; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, *Admissibility of the Declarations of Intervention*, Order of 5 June 2023, *I.C.J. Reports 2023 (II)*, p. 361, para. 26).

24. The object of the intervention under Article 63 of the Statute is limited to the construction of the convention concerned. In this context, the Court is not required to ascertain whether the State seeking to intervene has “an interest of a legal nature which may be affected by the decision [of the Court]” in the main proceedings, as it is obliged to do when it is seised of an application for permission to intervene under Article 62 of the Statute. The legal interest of the declarant State in the construction of the convention is presumed by virtue of its status as a party thereto (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, *Admissibility of the Declarations of Intervention*, Order of 3 July 2024, *I.C.J. Reports 2024 (II)*, p. 734, para. 21).

25. When a declaration of intervention is filed, the Court must ensure that it falls within the provisions of Article 63 of the Statute and that it meets the requirements set forth in Article 82 of the Rules of Court (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, *Admissibility of the Declarations of Intervention*, Order of 3 July 2024, *I.C.J. Reports 2024 (II)*, p. 734, para. 22; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, *Admissibility of the Declarations of Intervention*, Order of 5 June 2023, *I.C.J. Reports 2023 (II)*, p. 362, para. 28).

26. In the present case, the Declarations of intervention concern the construction of provisions of the Genocide Convention.

27. The States seeking to intervene and The Gambia submit that the Declarations of intervention are admissible, given that, in their view, the said Declarations meet all the requirements set out in Article 63 of the Statute and Article 82 of the Rules of Court.

28. Myanmar, for its part, considers that the Declarations are inadmissible.

29. Although the four Declarations of intervention were presented separately, the Court, in accordance with the principle of the good administration of justice, will decide on their admissibility in a single Order.

II. CONFORMITY OF THE DECLARATIONS OF INTERVENTION WITH THE REQUIREMENTS SET OUT IN ARTICLE 82 OF THE RULES OF COURT

30. The Court will first examine whether the Declarations of intervention comply with the requirements of Article 82 of its Rules, as amended on 1 February 2024 and in force since 1 June 2024. Paragraphs 1, 2, 4 and 5 of that provision read as follows:

“1. A State which desires to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall file a declaration to that effect, signed in the manner provided for in Article 38, paragraph 3, of these Rules. Such a declaration shall be filed as soon as possible, and no later than the date fixed for the filing of the Counter-Memorial.

2. If the Court has authorized further written pleadings either under Article 45, paragraph 2, or under Article 46, paragraph 2, or if a counter-claim has been made in accordance with Article 80, paragraph 2, of these Rules, a declaration of intervention shall be filed as soon as possible, and not later than the date fixed for the filing of the last written pleading.

.....

4. In exceptional circumstances a declaration submitted later may however be admitted.

5. The declaration shall state the name of an agent. It shall specify the case and the convention to which it relates and shall contain:

- (a) particulars of the basis on which the declarant State considers itself a party to the convention;
- (b) identification of the particular provisions of the convention the construction of which it considers to be in question;
- (c) a statement of the construction of those provisions for which it contends;
- (d) a list of the documents in support, which documents shall be attached.”

A. Signature of the Declarations

31. The Court notes that the Declarations of Belgium and Ireland were signed by their respective Co-Agents, who are diplomatic representatives of their States at the seat of the Court; the Declaration of Slovenia was signed by its Agent, whose signature was authenticated by the Ambassador of Slovenia in the Netherlands; and the Declaration of the DRC was signed by its Agent, appointed by the Minister of Justice of the DRC, whose signature was subsequently authenticated by the DRC’s Deputy Minister for Foreign Affairs acting on behalf of the Minister of State, Minister for Foreign Affairs, International Co-operation and Francophonie.

32. Myanmar does not challenge the compliance of the Declarations of Slovenia, Belgium and Ireland with Article 82, paragraph 1, of the Rules of Court. However, Myanmar asserts that the Declaration of the DRC is defective because the signature of its Agent was not authenticated by the diplomatic representative of the DRC at the seat of the Court or by the competent authority of the DRC's Foreign Ministry at the time of the filing on 10 December 2024. Myanmar acknowledges the DRC's contention that the signature of its Agent was subsequently authenticated by the Deputy Minister for Foreign Affairs in a letter dated 20 February 2025 and that the DRC's non-compliance with the Rules of Court was remedied. However, Myanmar maintains that the defect in the DRC's Declaration was not remedied until after 30 December 2024, the time-limit fixed in accordance with Article 82, paragraph 2, of the Rules of Court for the filing of a declaration of intervention. For that reason, Myanmar submits that the DRC's Declaration should be found inadmissible.

33. The Gambia observes that the DRC's Declaration was appropriately signed by the DRC's duly appointed Agent, and that his signature was subsequently authenticated by its Foreign Ministry. Thus, in The Gambia's view, any procedural defect of form has been remedied by the DRC's subsequent authentication of the Agent's signature by its Foreign Ministry.

34. The DRC states that its Declaration was signed by its Agent in accordance with the DRC's domestic procedures. It adds that the Agent's signature was then duly authenticated, after the filing, by the Deputy Minister for Foreign Affairs in a letter dated 20 February 2025. The DRC asserts that the point at which a declaration of intervention is to be assessed for compliance with the requirements of Article 38, paragraph 3, of the Rules of Court is not the expiry of the time-limit for the filing of a declaration of intervention, but rather when the Court is called upon to pronounce on the admissibility of that declaration. In the DRC's view, the requirements of Article 82, paragraph 1, and Article 38, paragraph 3, of the Rules of Court were thus met.

* *

35. The Court observes that, while the Declaration of intervention of the DRC filed on 10 December 2024 was signed by its Agent, the latter's signature, at the time of the filing, was not authenticated in the manner provided for in Article 82, paragraph 1, of the Rules of Court, read together with Article 38, paragraph 3, of the Rules. The Court notes, however, that this defect was remedied when the Deputy Minister for Foreign Affairs of the DRC certified, in a letter dated 20 February 2025 and received in the Registry on 26 February 2025, that the signature on the DRC's Declaration of intervention was that of its appointed Agent. The Court notes that, although the Agent's signature was authenticated after the time-limit for filing a declaration of intervention, it was nevertheless done within a reasonable period of time. In the present circumstances, the Court considers that the lack of authentication of the signature is a defect of form that may be remedied after the expiry of the time-limit for filing a declaration of intervention, provided that the remedial action is taken within a reasonable period of time.

36. The Court finds, therefore, that the four Declarations of intervention fulfil the requirement regarding signature, under Article 82, paragraph 1, of the Rules of Court, read together with Article 38, paragraph 3, of the Rules.

B. Time-limit for the filing of the Declarations

37. Article 82, paragraph 1, of the Rules of Court provides that a declaration of intervention “shall be filed as soon as possible, and no later than the date fixed for the filing of the Counter-Memorial”. Pursuant to Article 82, paragraph 2, of the Rules, if the Court authorizes further written pleadings, a declaration of intervention “shall be filed as soon as possible, and not later than the date fixed for the filing of the last written pleading”. In the present case, the Court authorized the Parties to file a Reply and a Rejoinder (see paragraph 15 above). Consequently, the time-limit for filing a declaration of intervention was 30 December 2024, the time-limit fixed for the filing by Myanmar of its Rejoinder.

* *

38. Myanmar submits that the four Declarations of intervention are inadmissible because they were not filed “as soon as possible”, as required by Article 82, paragraph 2, of the Rules of Court. It argues that the time-limit in that provision consists of two separate requirements, both of which must be satisfied. First, any declaration of intervention must be filed “as soon as possible” and, second, any such declaration must be filed “not later than the date fixed for the filing of the last written pleading”. Thus, in Myanmar’s view, even when a declaration of intervention is filed before the date fixed for the filing of the last written pleading, it will not comply with Article 82, paragraph 2, of the Rules of Court if it was not filed “as soon as possible”. According to Myanmar, all four Declarations of intervention could and should have been filed much earlier than they were, as the declarant States should have been aware that their Declarations of intervention would cause delays in the proceedings if they were not filed in time for any objections to their admissibility to be dealt with before the date fixed for the filing of the last written pleading.

39. The Gambia asserts that the Declarations of intervention were filed in a timely manner, namely before 30 December 2024, the date fixed by the Court for the filing of the last written pleading in the case. It submits that Myanmar’s objection to the timeliness of the Declarations must be dismissed.

40. The declarant States deny that the Declarations of intervention were not filed in a timely manner. They maintain that the Declarations were submitted before the date fixed for the filing of the last written pleading, namely the Rejoinder of Myanmar, as required by Article 82, paragraph 2, of the Rules of Court. Moreover, Belgium and Ireland assert that their Declarations were submitted as soon as it was possible for them to do so.

* *

41. The Court notes that the Declarations of intervention of Slovenia, the DRC, Belgium and Ireland were filed before 30 December 2024, the time-limit for the filing by Myanmar of its Rejoinder, the last written pleading in the case (see paragraph 15 above).

42. The Court considers that the requirements stipulated in Article 82, paragraph 2, of the Rules of Court for the admissibility of a declaration of intervention — namely that a declaration of intervention must be filed “as soon as possible” and “not later than the date fixed for the filing of the last written pleading” — must be read together. Therefore, a declarant State satisfies the requirements under Article 82, paragraph 2, if it files the declaration “as soon as possible”, but in any event by the date fixed by the Court for the filing of the last written pleading. The Court has interpreted the phrase “as soon as possible” in a similar manner in judgments on applications for permission to intervene under Article 62 of the Statute (see *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; *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984*, pp. 7-8, para. 10). The Court thus considers that the four Declarations of intervention were filed in a timely manner.

43. The Court finds, therefore, that the four Declarations of intervention fulfil the requirements of Article 82, paragraph 2, of the Rules of Court.

C. Requirements under Article 82, paragraph 5

44. The Court observes that the four Declarations of intervention state the names of the appointed agents and specify the case and the convention to which they relate. The Declarations also contain, in individual sections: (a) the basis on which the States seeking to intervene consider themselves to be parties to the Genocide Convention; (b) the provisions of the Genocide Convention they consider to be in question in the case; (c) the construction of the provisions for which they contend; and, where applicable, (d) a list of attached documents in support of the Declarations.

45. The Court also notes that Myanmar does not challenge the compliance of the Declarations with the requirements set out in Article 82, paragraph 5, of the Rules of Court.

46. The Court thus finds that the Declarations of intervention in the present case comply with Article 82, paragraph 5, of the Rules of Court.

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47. The Court concludes that the Declarations of intervention filed in the case meet the requirements of Article 82 of the Rules of Court.

III. WHETHER THE DECLARATIONS OF INTERVENTION GO BEYOND THE PERMITTED SCOPE OF INTERVENTION UNDER ARTICLE 63 OF THE STATUTE

48. Myanmar submits that the Court’s previous case law establishes a general principle that a declaration of intervention under Article 63 of the Statute cannot address anything other than the construction of the relevant provisions of the convention in question. It contends that such declarations may not address matters relating to the merits of a case, such as the facts, the application of the convention in question, the evidentiary value of a certain category of documents, or the rules

of procedure or evidence to be applied. Nor can they address the interpretation or application of other norms of international law, such as the customary international law principles of State responsibility. According to Myanmar, even a purely conceptual discussion of such matters exceeds the permissible scope of an intervention under Article 63 of the Statute.

49. In Myanmar's view, all four Declarations of intervention go beyond what is permissible under Article 63 of the Statute. In particular, Myanmar submits that substantial parts of the Declarations impermissibly address matters such as the means by which facts alleged to fall within the provisions of the Convention might be proven, the procedural history of the case, the question of genocidal intent, the standard of proof to be applied, claims that the declarant States have an interest in the case based on the *erga omnes partes* character of obligations under the Genocide Convention, and that the Declarations contain observations on the arguments of the Parties.

50. According to Myanmar, it is not sufficient for the Court merely to disregard the parts of the Declarations that go beyond the permitted scope of intervention under Article 63 of the Statute. Myanmar submits that where significant parts of a declaration of intervention contain impermissible matters, the Court should find the entire declaration inadmissible. At the very least, the Court should admit the declaration only to the extent that it concerns points of construction of the Convention.

51. Alternatively, Myanmar argues that, should the Court find a declaration of intervention to be admissible, the intervener's substantive written observations on the subject-matter of the intervention, pursuant to Article 86, paragraph 1, of the Rules of Court, and any observations made in the course of the oral proceedings with respect to the subject-matter of the intervention, pursuant to Article 86, paragraph 2, of the Rules of Court, have to be "strictly confined to arguments in support of the specific construction of the convention that was previously articulated in the prior declaration of intervention which the Court found to be admissible". Myanmar argues that an intervening State cannot, in its substantive written and oral observations under Article 86 of the Rules, contend for new or different constructions of provisions of the convention that were not originally set out in its declaration of intervention under Article 82 of the Rules of Court.

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52. The Gambia maintains that the Declarations of intervention do not go beyond what is permissible under Article 63 of the Statute. It submits that the parts of the Declarations challenged by Myanmar provide relevant context for the Declarations or relate to the proper construction of 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. Matters related to the standard of proof, evidence and genocidal intent are, according to The Gambia, central to the proper construction of the Genocide Convention and firmly within the permitted scope of Article 63 of the Statute. According to The Gambia, the four Declarations are admissible in their entirety.

53. The Gambia adds that, even if some of the content in the Declarations addresses matters beyond the construction of the provisions of the Genocide Convention, this does not render the Declarations inadmissible in their entirety. Its understanding is that, in such cases, the Court would only consider the Declarations in so far as they concern the construction of the provisions of the Genocide Convention.

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54. Slovenia asserts that its Declaration does not address matters beyond the scope of Article 63 of the Statute. It maintains that many of the paragraphs impugned by Myanmar recall procedural aspects of the case that are not disputed by the Parties and set out contextual elements of the main proceedings. Moreover, in Slovenia's view, its Declaration of intervention meets the conditions stipulated in Article 82 of the Rules of Court, as it contains all the elements specified in that provision. In particular, Slovenia explains that, in its Declaration, it identifies Articles I to VI of the Convention as the provisions the construction of which is in question, and provides an interpretation of those Articles. According to Slovenia, even if the Court were to consider that elements of its Declaration exceed the scope permitted by Article 63, that would not call into question its right to intervene.

55. The DRC denies that its Declaration discusses matters going beyond the scope of an intervention under Article 63 of the Statute. It considers that while its Declaration contains a number of arguments relating to the question of evidence in the context of the application of the Genocide Convention, such arguments are purely conceptual and do not relate to the establishment of facts in the case or to the probative value of various categories of evidence. The DRC submits that its Declaration focuses on the establishment of genocidal intent in the context of the construction of Article II of the Convention and seeks to contribute to clarifying the scope of the notion of "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such".

56. Similarly, Belgium considers that its Declaration of intervention falls within the scope of Article 63 of the Statute. It explains that by discussing the standard of proof to establish genocidal intent and the evidence required to demonstrate the existence of such intent in the context of an armed conflict, it does not at any point become a party to the proceedings through its intervention. Belgium argues that it does not give an assessment of the facts of the case, nor does it attribute probative value to concrete evidence in the case. It maintains that, in its Declaration of intervention, it does not comment either on the circumstances of the case or on the existence of possible violations of the Genocide Convention. Belgium emphasizes that it addresses concepts linked to the factual circumstances from which genocidal intent may be inferred in an abstract manner, in isolation from the specific circumstances of the case, with the sole aim of clarifying the construction of Article II of the Genocide Convention.

57. Ireland submits that its intervention is "limited to submitting observations on the construction of the convention in question". It contends that its observations relate to matters that are directly relevant to the construction of the Convention, arguing that the question of "[w]hat — and how many — inferences may be drawn from the . . . acts described in Article II" is germane to the

construction of Articles I, II and III of the Convention. Ireland denies seeking to adduce any evidence in the proceedings or offering any views on the application of the Convention to alleged facts in the case. It further contends that it is entitled to advance legal arguments pertinent to the construction of the Convention, including the construction of the *actus reus* and *dolus specialis* defined by Article II of the Convention, which in turn inform the construction of Articles I and III, among several other provisions of the Convention.

* *

58. The Court recalls that the right of intervention under Article 63 of its Statute is limited to the construction of the convention's provisions in question at the relevant stage of the proceedings (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Admissibility of the Declarations of Intervention, Order of 3 July 2024, I.C.J. Reports 2024 (II)*, p. 739, para. 42; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Admissibility of the Declarations of Intervention, Order of 5 June 2023, I.C.J. Reports 2023 (II)*, p. 374, para. 84).

59. Under Article 82, paragraph 5 (*b*) and (*c*), of the Rules of Court, a State seeking to intervene must indicate the provisions of the convention the construction of which it considers to be in question and set out its position thereon. The Court is of the view that the Declarations of intervention at issue concern the construction of Articles I to VI of the Genocide Convention which is in question at the merits stage of the proceedings. In particular, the definition of the specific intent in Article II is relevant to the construction of the Convention. Article II is a key provision of the Convention, since it defines the acts and specific intent constituting genocide and informs several other provisions of the Convention, such as Articles I, III, IV, V and VI, the violation of which is alleged in the Application (see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Admissibility of the Declarations of Intervention, Order of 3 July 2024, I.C.J. Reports 2024 (II)*, pp. 739-740, para. 43).

60. The Court observes that the Declarations at issue, in some instances, address matters other than the construction of provisions of the Genocide Convention, such as the evidentiary value of a certain category of documents, the facts or the application of the Convention to the facts. To that extent, the Court will not consider such matters and expects the interveners to refrain from addressing them in their written observations on the subject-matter of the intervention and in any observations made in the course of the oral proceedings. Moreover, references to other rules and principles of international law outside the Genocide Convention will be taken into account by the Court only in so far as they may be relevant for the construction of the Convention's provisions, in accordance with the customary rules of treaty interpretation reflected in the Vienna Convention on the Law of Treaties, in particular Article 31, paragraph 3 (*c*) (see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Admissibility of the Declarations of Intervention, Order of 3 July 2024, I.C.J. Reports 2024 (II)*, p. 740, para. 45; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), Admissibility of the Declarations of Intervention, Order of 5 June 2023, I.C.J. Reports 2023 (II)*, p. 374, para. 84).

IV. CONCLUSION

61. The Court concludes that the Declarations of intervention filed by Slovenia, the DRC, Belgium and Ireland are admissible in so far as they concern the construction of the provisions of the Genocide Convention. The Court further notes that it will not have regard to any part of the observations on the subject-matter of the intervention, submitted pursuant to Article 86 of the Rules of Court, going beyond the scope thus fixed.

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62. The Court recalls that Article 86 of the Rules of Court provides as follows:

“1. If an intervention under Article 63 of the Statute is admitted, the intervening State shall be furnished with copies of the pleadings and documents annexed, and shall be entitled, within a time-limit to be fixed by the Court, or by the President if the Court is not sitting, to submit its written observations on the subject-matter of the intervention.

2. These observations shall be communicated to the parties and to any other State admitted to intervene. The intervening State may also submit its observations with respect to the subject-matter of the intervention in the course of the oral proceedings, unless the Court decides otherwise.”

63. In accordance with this provision, Slovenia, the DRC, Belgium and Ireland will be furnished with copies of the written pleadings of the Parties. Further, the Court will set in this Order the time-limit for them to submit their written observations on the subject-matter of their intervention. In accordance with Article 86, paragraph 2, of the Rules, the Court will determine at a later date whether the above States should be authorized to make observations in the course of the oral proceedings.

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64. For these reasons,

THE COURT,

(1) Unanimously,

Decides that the Declaration of intervention under Article 63 of the Statute submitted by the Republic of Slovenia is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

(2) Unanimously,

Decides that the Declaration of intervention under Article 63 of the Statute submitted by the Democratic Republic of the Congo is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

(3) Unanimously,

Decides that the Declaration of intervention under Article 63 of the Statute submitted by the Kingdom of Belgium is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) Unanimously,

Decides that the Declaration of intervention under Article 63 of the Statute submitted by Ireland is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

(5) Unanimously,

Fixes 25 September 2025 as the time-limit for the filing, by the Republic of Slovenia, the Democratic Republic of the Congo, the Kingdom of Belgium, and Ireland, of the written observations referred to in Article 86, paragraph 1, of the Rules of Court.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this twenty-fifth day of July, two thousand and twenty-five, in seven copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of The Gambia, the Government of the Republic of the Union of Myanmar, and the Governments of the Republic of Slovenia, the Democratic Republic of the Congo, the Kingdom of Belgium, and Ireland, respectively.

(Signed) IWASAWA Yuji,
President.

(Signed) Philippe GAUTIER,
Registrar.

Judge CLEVELAND appends a declaration to the Order of the Court.

(Initialed) I.Y.

(Initialed) Ph.G.
