

CONFIDENTIAL AND
EX PARTE
(PROSECUTION ONLY)

ANNEX E



Government of the Republic of the Union of Myanmar
Ministry of the Office of the State Counsellor
PRESS RELEASE

(13th April 2018)

The Government of Myanmar expresses serious concern on the news regarding the application by the International Criminal Court (ICC) Prosecutor to claim jurisdiction over the alleged deportation of the Muslims from Rakhine to Bangladesh.

Myanmar is not a party to the Rome Statute. The proposed claim for extension of jurisdiction may very well reap serious consequences and exceed the well enshrined principle that the ICC is a body which operates on behalf of, and with the consent of State Parties which have signed and ratified the Rome Statute. This consensual approach is underlined throughout the ICC Statute.

There is an important principle of law or legal maxim “Ubi lex voluit, dicit; ubi noluit, tacit” i.e. “if the law means something, it says it; if it does not mean something, it does not say it”. Nowhere in the ICC Charter does it say that the Court has jurisdiction over States which have not accepted that jurisdiction. Furthermore, the 1969 UN Vienna Convention on International Treaties states that no treaty can be imposed on a country that has not ratified it.

The extension of jurisdiction to non-parties may have a reverberating effect to all non-parties in the world and challenges long established legal principles such as legal certainty. What the Prosecutor is attempting to do is to override the principle of national sovereignty and non-interference in the internal affairs of other states, in contrary to the principle enshrined in the UN Charter and recalled in the ICC Charter’s Preamble.

Myanmar reiterates that it has not deported any individuals in the areas of concern and in fact has worked hard in collaboration with Bangladesh to repatriate those displaced from their homes. Several bilateral agreements have been signed such as the “Arrangement on Return of Displaced Persons from Rakhine State” dated 23 November 2017 between the Governments of the Republic of the Union of Myanmar and the Government of the People’s Republic of Bangladesh. All requirements for repatriation are in place. Work is proceeding steadily on this front. The Union Minister for Social Welfare, Relief and Resettlement has just visited Bangladesh to meet IDPs and brief them on the development, resettlement process, food supply, housing projects, vocational training, easy access to education and healthcare in Rakhine State and that Myanmar is ready for repatriation.