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Allowing Junta To Appear at ICJ Sets Wrong Precedent

London/Yangon - The International Court of Justice is setting a worrying precedent by allowing Burma's military regime to send its representatives to the court. The military of Burma does not represent the Burmese people and has no standing as representatives for the country. By allowing the military to appear during these proceedings, the ICJ is giving the junta legitimacy and recognition in a vital body within the United Nations. In December the UN deferred to the Credentials Committee and kept U Kyaw Moe Tun as the permanent representative, which blocked the military from sending their own representative. The ICJ should similarly defer to the credentials committee and refuse to grant the military recognition on behalf of the country.

"We are glad the case is going forward but find it deeply troubling that the military is allowed to appear before the court as representatives of Burma. The coup regime is in the middle of a horrific campaign of violence against civilians, and the last thing they should be given is any legitimacy in a UN body. The only appropriate action for the ICJ is only to allow representatives and legal counsel from the National Unity Government in the court. By allowing the military to fulfill this role, the ICJ is setting a perilous precedent," Said BHRN's Executive Director, Kyaw Win.

Not only is there a dispute about the representation of Burma, but the military stands accused of the most severe human rights violations, including genocide. Since taking power, they have arrested nearly 10,000 civilians, political opponents, and minorities without due cause, and the junta has killed over 1500 civilians. By defying international law so egregiously, the military has even less legitimacy at the UN.

The proceedings this week will determine the court's jurisdiction over the case between Burma and The Gambia regarding the military's genocide against the Rohingya in 2017.

The ICJ, as a vital organ of the UN, carries a great deal of weight in who it recognizes as the legitimate representatives of a country. Legally, representation of Burma at the UN has been disputed, and the Credentials Committee has left U Kyaw Moe Tun, who took his post before the coup, to remain in place. This has thwarted efforts by the Junta to send their representative to the UN. The ICJ should follow this precedent instead of making their own in allowing the military to act as representatives for Burma before the court.

Background on the Burma Human Rights Network (BHRN)

Burma Human Rights Network (BHRN) is based in London and operates across Burma/Myanmar works for human rights, minority rights and religious freedom in Burma. BHRN has played a crucial role advocating for human rights and religious freedom with politicians and world leaders.

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