



### SUBSTANTIAL AND PROCEDURAL ASPECTS OF THE ROHINGYA QUESTION BEFORE THE INTERNATIONAL CRIMINAL COURT

The Rohingya question and the effects it produces, in the light of a possible intervention of the International Criminal Court, offer the opportunity for some reflections. Firstly, the intervention of the Prosecutor, although solicited by the reactions of the International Community, shows the intention not to leave the Court to the margins of events which had important repercussions on the violation of human rights. The exceptional circumstances prompted the Prosecutor to raise for the first time a question concerning the Court's jurisdiction according to Art. 19, par. 3, of the Statute, despite the fact that Myanmar was not part of it. Secondly, it is important to highlight the possible impact the investigation in the Rohingya case can have on future cases, because the position taken by the Court on the Rohingya population might influence the future approach to similar cases. Thirdly, it is considered the meaning of the Prosecutor's choice to act *motu proprio*, possibly with the aim to revitalize the role of the International Criminal Court. A revitalization induced by a teleological interpretation of the rules of the Statute which contributes to guarantee the protection of fundamental rights against particularly serious violations in cases where, as in the Myanmar one, there are no alternatives.