ICJ’s Ruling for Rohingya

Why in News?

The International Court of Justice (ICJ) has made a ruling on the military excesses on Rohingya in Myanmar against Rohingya Muslims recently.

What is the Rohingya crisis?

- In 2017, the Myanmar military launched a brutal crackdown on Rohingya villages in the country’s Rakhine state.
- An estimated 7.3 lakh Rohingya have fled to Bangladesh since then.
- However, Myanmar has firmly denied all allegations of genocide.
- It has also denied nearly all allegations made by the Rohingya of mass rape, killings and arson against its army.
- Myanmar asserts that the soldiers carried out only legitimate counterterrorism operations.

Who has taken Myanmar to the ICJ?

- It is the Republic of the Gambia that took Myanmar’s case to the ICJ in November 2019.
- Its suit claims that the brutalities by the defence services of Myanmar amounted to crimes of genocide under the 1948 Genocide Convention.
- The Gambia is backed by the 57-member Organisation for Islamic Cooperation (OIC).

What was the procedure followed at ICJ?

- The case was heard by 16 United Nations judges at the ICJ.
- Both the Republic of The Gambia and the Myanmar had the opportunity to present themselves before the court.
- The hearings were streamed live on the ICJ website.

What was the recent ruling?

- The ICJ ruling on the prevention of alleged acts of genocide against Rohingya Muslims has finally pinned legal responsibility on Myanmar’s

government for the military's large-scale excesses of 2017.

- The ICJ has stipulated Ms. Suu Kyi's civilian government to submit an update of the steps it has taken to preserve evidence of the systemic brutalities within 4 months.
- It has also been asked to furnish 6-monthly reports thereafter, until the conclusion of the case, which relates to genocide accusations.
- It has further emphasised that an estimated 600,000 Rohingya resident in Myanmar still remained highly vulnerable to attacks from the security forces.
- The ruling vindicates the findings by the UN and human rights groups.
- Their findings are that there was prevalence of hate speech, mass atrocities of rape and extra-judicial killings, and torching of villages in Rakhine province that forced migration of Rohingyas to Bangladesh.

What is Ms. Suu Kyi's argument?

- Arguing the defence in person during the three-day public hearings, Ms. Suu Kyi, who was elected in 2016, insisted that the 2017 violence was proportionate to the threat of insurgency.
- She even questioned the Gambia's standing to bring the suit, saying that there was no bilateral dispute.

What is Myanmar's response?

- Rejecting the ICJ's ruling, Myanmar's Foreign Ministry has accused rights groups of presenting the Court with a distorted picture of the prevailing situation.
- In a statement, it defended the army's action as a legitimate response to violations of the law by the insurgent Arakan Rohingya Salvation Army.
- However, the above claim is at odds with the findings of an Independent Commission of Enquiry established by the government.
- The Commission acknowledged that war crimes had been committed during the military campaign, when about 900 people were killed.
- But there was nothing to back the assertions of gang-rape, or evidence to presume any intent of genocide, it held.
- Although it could take years before the court pronounces the final verdict in the genocide case, this injunction is an important victory for the refugees languishing in Bangladeshi camps.

What is next?

- The injunction empowers the UN Security Council to prevail upon

Myanmar to take appropriate measures for the rehabilitation and repatriation of displaced communities.

- As the biggest regional player, China could play a constructive role to ensure a speedy return to normalcy in its neighbourhood.
- India has its own interests in an amicable resolution of Myanmar's internal dispute.
- Above all, finding closure to the current dispute would mark the completion of Myanmar's return to civilian rule.

Source: Indian Express

Quick Fact

International Court of Justice (ICJ)

- The ICJ was established in 1945 after half a century of international conflict in the form of two World Wars.
- The ICJ functions with its seat at The Hague, Netherlands.
- It has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights.

It adjudicates cases according to the tenets of international law and is the judicial arm of the United Nations.

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