ICJ's Ruling on Myanmar for Genocide

Prelims: *Current events of National and International Importance| International Relations*

Why in News?

Recently, the International Court of Justice (ICJ) found that Myanmar is responsible for genocide against the Rohingya during the 2017 clearance operations in northern Rakhine State.

- **The Gambia** – instituted proceedings in 2019 under the *Convention on the Prevention and Punishment of the Crime of Genocide, 1948*.
- **2020** – ICJ indicated provisional measures requiring Myanmar to prevent genocidal acts against the Rohingya and preserve evidence.
- **2022** – ICJ rejected Myanmar's preliminary objections and confirmed its jurisdiction under Article IX of the Genocide Convention.
- **2026** – Merits hearings were held from 12–29 January; final judgment delivered on 19 November.
- **ICJ's ruling** – The ICJ ruled 9–6 in *the Gambia v. Myanmar* case that Myanmar committed genocide against the Rohingya in northern Rakhine State, in violation of the Genocide Convention.
- The ruling marks the *first time* in its 80-year history that ICJ judges have determined that a state committed genocide.
- It is likely to be seen as justice for Rohingya victims of Myanmar's brutal 2017 crackdown.
    - **Binding** – The judgment is final, binding on the parties and without appeal.
- The court has no way of enforcing its verdicts, and it remains to be seen whether Myanmar's rulers will adhere to the orders.
- **Rohingya** – A minority ethnic group, largely comprising Muslims, in the predominantly Buddhist Myanmar, formerly referred to as Burma.
- While the Rohingya people have been living in Myanmar for generations, they are not recognised by the country, rendering them effectively stateless.
- **Rohingya in India** – There are around 40,000 Rohingya in India, of whom around 5,700 are in Jammu and also in Telangana, Punjab, Haryana, Uttar Pradesh, Delhi and Rajasthan.

Key Findings

- **Genocide** – Myanmar committed genocide through acts including killings, serious bodily or mental harm and measures intended to prevent births, with the required

intent to destroy a substantial part of the Rohingya.

- **State responsibility** – The Court held Myanmar responsible for genocide and for failing to prevent and punish genocide.
- **Evidence** – The Court gave considerable evidentiary weight to witness statements and analytical reports of the Independent Investigative Mechanism for Myanmar (IIMM).
- **Remedies** – Myanmar must investigate and prosecute perpetrators, facilitate safe and voluntary return, restore property and provide adequate compensation.
- **Significance** – First time the ICJ has found a State responsible for committing genocide.



Quick facts

International Court of Justice (ICJ)
• **Established** – 1945; began functioning in 1946. • **Headquarters** – Peace Palace, The Hague, Netherlands. • **Status** – Principal judicial organ of the United Nations. • **Composition** – 15 judges, elected for 9-year terms. • **Jurisdiction** – Contentious disputes between States and advisory opinions. • **Nature of Judgements** – Final, binding on the parties and without appeal.

Reference

UN News | World's top court finds Myanmar guilty of genocide against Rohingya

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