Tomorrow's Affairs
Analysis of today
Assessment of tomorrow

By: TA | AP Insight

Why did Myanmar become the first country to be declared responsible for genocide?



In a landmark judgment, the United Nations' top court ruled Thursday that Myanmar committed genocide against the Rohingya minority in a brutal 2017 military operation and ordered the Southeast Asian nation to allow people who fled the violence to return home.

The decision marks the first time the court has ruled that a state committed genocide and comes as the World Court also is handling genocide allegations linked to the Gaza conflict and the war in Ukraine.

But it remains to be seen how much of the ruling can be implemented. The court's rulings are final and legally binding, but it has no way to enforce them beyond reporting noncompliance to the U.N. Security Council.

International Court of Justice President Yuji Iwasawa said the court, in a 9-6 decision, found that Myanmar "has committed genocide against the Rohingya group in northern Rakhine state, in violation of its obligations under the Genocide Convention."

The 15-judge panel of the World Court, which included Navi Pillay, the respected international jurist who won the Nobel Peace Prize last month, rejected Myanmar's defense that the 2017 campaign was a legitimate operation against insurgents.

Iwasawa said that "the court finds that Myanmar's security forces killed thousands of Rohingya civilians, perpetrated widespread acts of sexual violence, as well as acts of extreme violence against children, and attacked fleeing Rohingya as they sought to flee in large numbers."

Rohingya say the ruling validates the suffering of their community

The atmosphere following the hearing was electric, with lawyers and members of the Rohingya, some of whom had traveled thousands of miles (kilometers) to attend the reading, hugging and crying.

"I'm beyond ecstatic today, hearing the judgment, being read out in detail. A lot of those moments and instances that the judges really went into detail, it really validates the kind of experience that Rohingya have," said Yasmin Ullah, a Rohingya rights activist who sat in the court's ornate, wood-paneled Great Hall of Justice for the nearly three-hour reading of the ruling.

In Cox's Bazar, Bangladesh, refugee Mohammad Rofik welcomed the recognition of the plight of the Rohingya.

"Today, the world could recognize and give the victory to the Rohingya community, not only the Rohingya community. It is the victory of the whole community of ... Myanmar," he said.

There was no immediate reaction from the Myanmar delegation in The Hague or from the government in Myanmar.

> The court ordered Myanmar to commit to reparations including allowing Rohingya safe, voluntary and dignified return to their place of residence

The court also ordered Myanmar to commit to reparations including allowing Rohingya "safe, voluntary and dignified return to their place of residence." It ordered Myanmar to investigate, prosecute and punish people found to have committed genocidal acts and to pay compensation to Rohingya. The amount will be decided in later court proceedings.

An umbrella organization of Myanmar opposition groups said in a statement that "the struggle for justice will continue, and this judgment must now be enforced," calling on the international community to ensure it is fully implemented.

U.N. Secretary-General Antonio Guterres called the ruling "a demonstration of international justice and a reaffirmation that impunity for such horrific acts must not stand."

Shortly after the ruling was read, U.K. Foreign Secretary Ed Miliband said his government was expelling Myanmar's defense attache from the U.K. and "calling urgently for a U.N. Security Council session to discuss the judgment."

Brutal counterinsurgency campaign triggered the killings and expulsions

In August 2017, Myanmar's military launched what it called a clearance campaign in Rakhine state in response to an attack by a Rohingya insurgent group. The campaign led to accusations that security forces committed mass rapes and killings and burned thousands of homes.

> The court said that evidence showed Myanmar forces killed about 10,000 Rohingya

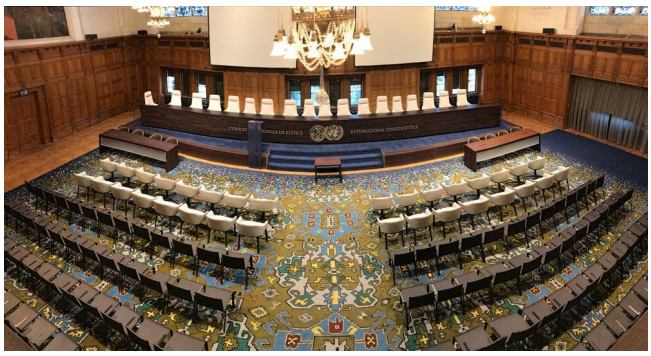
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Under the 1948 convention, to establish that genocide occurred, the court had to find that there was an intent to destroy the Rohingya "in whole or in part."

About 1.2 million Rohingya refugees now live in Bangladesh, primarily in crowded camps across Cox's Bazar district, where they endure harsh conditions marked by fire hazards, infectious diseases, monsoon landslides, inadequate sanitation and strict work restrictions.

The case could impact genocide allegations elsewhere

In a 2007 judgment, the court said that Serbia "violated the obligation to prevent genocide" in the 1995 Srebrenica massacre, when Bosnian Serb forces murdered some 8,000 mostly Muslim men and boys in the Bosnian town.



The International Court of Justice's landmark ruling is long-awaited recognition of the suffering the Rohingya have endured from Myanmar's military

Judges at The Hague-based court have also been asked to rule on other allegations of genocide.

South Africa has accused Israel of breaching the genocide convention during its offensive in Gaza, a claim Israel vehemently denies. That case is years from completion.

Ukraine also has a case pending against Russia. Shortly after Moscow's full-scale invasion in February 2022, Kyiv accused Russia of fabricating genocide claims against Ukraine to justify the attack.

"The International Court of Justice's landmark ruling is long-awaited recognition of the suffering the Rohingya have endured from Myanmar's military. The ruling also provides a significant precedent for victims of genocide, and other grave crimes, across the world in their own quest for justice," said Maria Elena Vignoli, senior international justice counsel at Human Rights Watch.

Gambia has a history of persecution of its own

The Muslim-majority nation of Gambia launched the proceedings in 2019, two years after it peacefully ousted a longtime military dictator, Yahya Jammeh, who committed widespread abuses against civilians.

> The victory belongs to the Rohingya. They survived, they testified, and today they were believed – Dawda Jallow

Since then, there has been a big push for accountability for the crimes committed by Jammeh's regime.

Outside the courtroom, Gambian Justice Minister Dawda Jallow paid tribute to the Rohingya.

"The victory belongs to the Rohingya. They survived, they testified, and today they were believed. Many of them are here with our delegation from across the world and from the refugee camps in Cox's Bazar. Their courage made this judgment possible," he said.