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The Rohingya Genocide and International Justice: Assessing the ICJ's Landmark Judgment

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Justice Delayed, but Justice Delivered

After nine years, the International Court of Justice (ICJ) has delivered a landmark judgment in the struggle for justice for the Rohingya Muslims and for all those who believe in humanity. It is the first time in the history of ICJ verdicts that a state, Myanmar, has been declared guilty of genocide. On 19 November 2026, the Court, under the presidency of Judge Yuji Iwasawa, ruled by a majority of nine votes to six that Myanmar had committed genocide against the Rohingya population in northern Rakhine State.

The Road to International Justice

This historic judgment represents an important development in international law and the global struggle against impunity. The Court delivered its final verdict in the case instituted by the small West African nation of The Gambia under Article IX of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The proceedings were initiated on 11 November 2019, with the backing of the 57-member Organization of Islamic Cooperation (OIC), following the atrocities committed by Myanmar's armed forces against the Rohingya Muslims.

The case followed the OIC's mandate given to The Gambia during its 14th Islamic Summit, held in Makkah on 31 May 2019. The legal proceedings were subsequently instituted with the assistance of an international legal team, including the Washington-based law firm Foley Hoag and prominent international lawyers, including Philippe Sands KC.

The case concerned the alleged genocide committed during the 2017 military operations in Rakhine State, which resulted in the killing of more than 10,000 Rohingya Muslims and the forced displacement of more than 700,000 people to neighboring Bangladesh. These atrocities included mass killings, widespread sexual violence, the killing of children, and the systematic burning and destruction of Rohingya villages, in clear violation of the 1948 Genocide Convention.

The proceedings initially attracted international attention when Myanmar's then State Counsellor, Aung San Suu Kyi, personally appeared before the ICJ in December 2019 to defend her country's position. The case subsequently proceeded through the written and oral stages, with international legal experts participating in the proceedings.

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The ICJ's Findings on the Rohingya Genocide

The Court's final judgment established that Myanmar had committed genocide against the Rohingya as a protected group. It found that the evidence demonstrated the specific intention to destroy a substantial part of the Rohingya population in northern Rakhine State. The Court's findings addressed the mass killings, serious bodily and mental harm, and measures intended to prevent births, alongside the wider pattern of violence and destruction. The judgment also found Myanmar in breach of its obligations to prevent and punish genocide and to enact the necessary domestic legislation to implement the Convention.

The Court's findings primarily concerned northern Rakhine State, where the majority of the Rohingya population had been living before the 2017 military operations. The mass killings, forced exodus, and expulsion of the Rohingya population constituted one of the gravest humanitarian tragedies of recent history.

International Recognition and Accountability

The United Nations Special Rapporteur on the human rights situation in Myanmar described the judgment as a landmark development, highlighting its importance in ending impunity and strengthening accountability for perpetrators of genocide. The Gambian President, Adama Barrow, welcomed the ruling as a victory for humanity and international justice. Similarly, United Nations Secretary-General António Guterres issued a strong statement welcoming the judgment, emphasizing that it was final, binding and without appeal. He urged Myanmar to fulfil its international legal obligations and comply with the Court's decision.

Implications for Palestine and Other Genocide Proceedings

Another important dimension of this judgment concerns its implications for other ongoing proceedings under the Genocide Convention. South Africa instituted proceedings against Israel in December 2023, alleging violations of the Genocide Convention in the Gaza Strip. The comparison between the two cases has become particularly significant in the context of international accountability for mass atrocities.

Agnes Callamard, Secretary-General of Amnesty International, has emphasized the gravity of the alleged genocide in Gaza and the need for international accountability. The arguments concerning military operations, civilian casualties, destruction and the question of genocidal intent have consequently become central to international legal debates. Israel, like Myanmar, has rejected allegations of genocide. However, the legal questions concerning intent, state responsibility and the interpretation of the Genocide Convention remain central to these proceedings.

The ICJ judgment against Myanmar is undoubtedly a landmark achievement for international justice. Although the Court does not possess its own enforcement machinery to execute its judgments directly, its decisions are legally binding on the parties. The implementation of its rulings depends on the international legal framework, including the obligations of UN Member States under the UN Charter.

Nevertheless, the judgment carries enormous symbolic, legal and moral significance. For the Rohingya Muslims, it is not merely a judicial decision; it is international recognition of the suffering, persecution and destruction they have endured. After years of displacement, denial and international indifference, the Rohingya people have finally received an authoritative judicial acknowledgment of the genocide committed against them.

Extending International Justice to Palestine and Kashmir

It is a significant moment for all those who believe that international justice must prevail over political interests and that

no state should enjoy permanent impunity for crimes committed against humanity. This precedent should also be applied to Palestine, where similar proceedings are in the pipeline. Likewise, the Kashmir case should be brought before the ICJ, following the same procedure. The OIC should support and fund the initiative.