

JUSTICE FOR THE ROHINGYA

Relevant for: International Relations | Topic: India - Myanmar

Last week's preliminary hearings at the International Court of Justice (ICJ) seeking guarantees of basic protection for [Myanmar's Rohingya Muslims](#) arguably offer only symbolic hope to this long-suffering community. Yet, the lengthy legal process at the Hague Court on the plight of thousands forcibly exiled in refugee camps in Bangladesh is key to forcing accountability on Yangon. The case brought by Gambia, a tiny west African state, on behalf of the Organisation of Islamic Cooperation, pertains to alleged genocide in 2017 committed by the Myanmar military. The forces have insisted that their actions were merely in response to the armed insurgency, notably by the Arakan Rohingya Salvation Army. The UN and several rights groups have documented orchestrated incidents of torched villages, mass rape and other atrocities by the military, forcing over 700,000 Rohingya to flee to Bangladesh. Rendering the lot of the Rohingya in Myanmar's Rakhine state particularly vulnerable is the denial of citizenship and the reference by nationalist sections to them as illegal Bengali immigrants. Oddly enough, arguing the defence of the junta's actions at the ICJ was Nobel Peace Laureate and Myanmar's leader Aung San Suu Kyi, whose National League for Democracy swept to power in 2015. She asserted that the Army had acted proportionately in countering the rebels and accused Gambia of misrepresenting the situation, while critics point out that she downplayed the extent of the violence and official failure to intervene. Observers highlight the absence of an explicit reference to the Rohingya in her testimony, much like her equivocation after the 2017 carnage and claims of fake news. She has even been accused of choosing to argue the defence in person with an eye on the 2020 general election.

Lawyers representing Myanmar insisted that while violent crimes were committed during the conflict, motives of genocide against the community could not be imputed against the authorities. The ICJ, which adjudicates disputes between countries, has handed down guilty verdicts in a few cases relating to crimes of genocide. But crucially, it has stopped short of pinning the blame directly upon states as in the 2007 ruling on the Bosnian war of the preceding decade, relying on a differentiation between ethnic cleansing and genocide. The challenges of establishing conclusive proof of the intention to extirpate entire communities underlies this caution. A decision regarding genocide relating to the [atrocities against the Rohingya](#) is not expected any time soon. The more urgent concern before the court is Gambia's petition seeking an injunction that the violence against the community cease forthwith and the government guarantee immediate protection. Ms. Suu Kyi must heed that call without reservations.

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