



Research Report

International Court of Justice

Issue 1: Application of the Convention on
the Prevention and Punishment of the
Crime of Genocide (The Gambia v.
Myanmar)

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Introduction

In November 2019, the Gambia, which is a country in West Africa, launched a case in the ICJ. The Gambia took its case to the International Court of Justice, which is also called the ICJ. The Gambia wanted to make a case against Myanmar on the grounds of genocide against the Muslim minority. The Gambia believed that Myanmar did not do what it was supposed to do under the conventions that were established in 1948 to prevent and punish genocide after the horror of the Second World War.

Gambia was representing the Organization of the Islamic Corporation. Their claim is that the security forces and the army of Myanmar committed crimes to the Rohingya people including Rape and forced deportation. The acts that are being referred to are ones that are considered to be genocide under the 1948 convention. The people who are being targeted are the muslim minority. They are being killed, forced to move out of their homes, and are suffering. Their homes are also being destroyed and women face sexual assault on a massive scale.

After the International Court of Justice made a statement saying that Myanmar's claims on who has the jurisdiction in this case are not valid. There have been public hearings and there are still more to come, like the ones that happened in January this year. At these hearings, both parties are giving their arguments on whether or not the violence, which according to international law constitutes genocide on the Rohingya people, was committed. The Rohingya people are the ones suffering from this violence. Myanmar denies any violation of the genocide convention and claims that the evidence was not good enough to be proven as a case of genocide but was actually a case of counterterrorism. The case is expected to be concluded in 2026 towards the end of the year.

Definition of Key Terms

Genocide

The crime of intentionally destroying part or all of a national, ethnic, racial, or religious group, by killing people or by other methods.

Rohingya

A member of a group of mostly Muslim people who live in, but are not citizens of, Myanmar. (Approximately 2,5% of the total inhabitants of Myanmar are Rohingya).

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

First human rights treaty acknowledging genocide as an international crime. It obligates signatory nations to prevent and punish acts committed with intent to destroy national, ethnic, racial, or religious groups.

Gambia

Prosecutor in this case; states that Myanmar had violated the Genocide Convention.

Myanmar

Accused state in this case; denies that her actions qualify as genocide.

Articles I and IV

Obligation for each state to prevent genocide and to prosecute perpetrators.

Article II

Specifies which actions are acknowledged as genocide.

Article IX

Entitles state to submit a complaint at the ICJ for interpretation, application or compliance with the treaty.

Background

The case of Gambia against Myanmar before the International Court of Justice is related to the claimed violation of the Convention on the Prevention and Punishment of the Crime of Genocide (1948). On 11 November 2029, Gambia submitted an application establishing proceedings under Article IX of the Genocide Convention, alleging that the acts committed by Myanmar against the Rohingya in Rakhine State sum to genocide. Gambia submits that Myanmar has carried out acts forbidden under Article II of the Genocide Convention, such as massacre and forcefully transferring members of the Rohingya group. The application also submits that Myanmar has failed to prevent genocide and has not held the responsible persons accountable. This violates its responsibility to act under Articles I and IV of the Convention.

The Myanmar government does not recognise these claims and insist that it does not fall under the legal definition of genocide in international law. The State claims that it did not act with the purpose of killing the Rohingya people. Myanmar states that its military campaign was to address security concerns, not to target an ethnic group. Jurisdiction is in this case based on Article IX of the Genocide Convention, where almost all states agreed that any state may submit a claim for the interpretation, application or fulfillment of the Convention.

The ICJ must determine whether the supposed actions of the Myanmar government correspond with the definition of genocide in international law and whether measures should be applied to protect the Rohingya people from further harm.

The principal legal issues which will be considered by the Court include:

- Were acts committed which fall under Article II of the Genocide Convention?
- Was there intent to eliminate in part or as a whole the Rohingya group?
- Has Myanmar neglected its obligation to prevent genocide?
- Are any measures to be continued or expanded to safeguard the Rohingya population?

The case will involve the ICJ in considering the evidence of the cruelties committed and Myanmar's obligation.

Major Countries and Organizations Involved

State of the Gambia

The Gambia is a state in West Africa with a fairly average GDP for the region. It is the applicant state in the case and is the one that brought this case to the ICJ. It alleges that me and more breached to genocide convention. It is also important to note that the Gambia is a Muslim majority country, meaning it is acting in the interest of fellow Muslims in the region.

State of Myanmar

The state of Myanmar is the respondent state in this case, and it's defending itself against the alleged crimes against humanity and and allegations of genocide it is important to know that there has been conflict in Myanmar for a long time and it's political state is not stable even to this state and that many people have died in Civil War in their nation not just the minorities, but also their ethnic majority.

The Rohingya People

The Rohingya people are a Muslim ethnic minority in Myanmar that predominantly live on the western side of Myanmar in the Rakhine state they have lived in Myanmar for a long period of time, but due to circumstances have been forced to abandon most of their wounds, many of them fleeing to surrounding nations, such as Bangladesh.

The ICJ

The international criminal court is the organization that is going to be trying the case. The international criminal court has its origins in the United Nations charter, but many can see its beginnings even before the era of the League of Nations. It is responsible for settling disputes between states, and as a principal organ of the United Nations, in this case, it will be going over whether it sees the genocide conventions broken is important to know that the international court of justice while being in the Netherlands does not have to follow Dutch laws. It has to follow international laws meaning any state's own laws are mostly irrelevant to the case.

Amnesty International

The organization of Islamic cooperation is an intergovernmental organization and has 57 member states that are collectively supporting Gambia in bringing the case to the international court of justice, this organization was founded in 1969 and has a lot of members and observer states one of those observer states being Myanmar. They have put together resources in order to aid the case of the Gambia to in their eyes get justice for the Muslim people of Myanmar.

Bibliography

Drury, Flora. "Rohingya Genocide Case: Myanmar Begins Defence at ICJ." *BBC News*, BBC, 16 Jan. 2026, www.bbc.com/news/articles/c1wz8vyq54xo.

Lawal, Shola. "Why the Gambia Wants Myanmar Punished for Rohingya Genocide." *Al Jazeera*, Al Jazeera, 16 Jan. 2026, www.aljazeera.com/news/2026/1/16/why-the-gambia-wants-myanmar-punished-for-rohingya-genocide?

Myanmar Tells World Court Gambia Has Not Proven Rohingya Genocide Case | Reuters, www.reuters.com/world/asia-pacific/myanmar-tells-world-court-gambia-has-not-proven-rohingya-a-genocide-case-2026-01-16/. Accessed 1 Feb. 2026.

"Myanmar: Critical Hearings in Rohingya Genocide Case." *Human Rights Watch*, 8 Jan. 2026, www.hrw.org/news/2026/01/08/myanmar-critical-hearings-in-rohingya-genocide-case.

"Myanmar: Critical Hearings in Rohingya Genocide Case." *Human Rights Watch*, 8 Jan. 2026, www.hrw.org/news/2026/01/08/myanmar-critical-hearings-in-rohingya-genocide-case?

Proving Genocide: The Burden of Proof, www.justsecurity.org/129532/proving-genocide-burden-proof/. Accessed 1 Feb. 2026.

Wansai, Sai. "Rohingya Genocide Case: The Intersection of Legal Obligations and Moral Responsibility." *Shan Herald Agency for News*, 19 Jan. 2026, english.shannews.org/archives/29156?