INTERNATIONAL COURT OF JUSTICE

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Press Release

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Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)

The Court delivers its Judgment on the merits

THE HAGUE, 19 November 2026. The International Court of Justice today delivered its Judgment on the merits in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia* v. *Myanmar: 11 States intervening)*. The Court found that Myanmar committed genocide against the Rohingya group in northern Rakhine State during the 2017 "clearance operations", in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (the "Convention").

The Court also found that Myanmar violated its obligations under the Convention to prevent the commission of genocide by individuals acting alongside its security forces, to punish genocide and other acts enumerated in the Convention, and to enact the necessary legislation to give effect to the Convention. However, the Court found that Myanmar did not directly and publicly incite the commission of genocide by private persons against the Rohingya group in northern Rakhine State.

The Court further found that Myanmar violated its obligation under the Court's Order of 23 January 2020 to take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts of genocide.

As a consequence of these breaches of the Convention, the Court ordered Myanmar: to cease any ongoing violations by enacting legislation giving full effect to its obligations under the Convention; to take immediate and effective steps to investigate all persons reasonably suspected of having committed acts contrary to the Convention and, if warranted, to prosecute and punish them; to provide assurances and guarantees of non-repetition and prevent similar violations from occurring in the future; to adopt measures of restitution in the interest of the Rohingya, including allowing the safe, voluntary and dignified return to their place of residence and reunification of families for the Rohingya who were displaced as a result of the Respondent's wrongful acts, whether they were displaced within Myanmar or abroad; and to compensate the Rohingya group and its members for the damage caused.

Finally, the Court decided that the question of the amount and the modalities of compensation or other reparation should be determined in a subsequent phase of the proceedings, and that, to that end, Myanmar should transmit to it, within two years of today's Judgment, a report on the measures of restitution it has adopted and the amount and modalities of compensation.

History of the proceedings

On 11 November 2019, The Gambia filed an Application instituting proceedings against Myanmar concerning alleged violations of the Genocide Convention.

On 23 January 2020, the Court made an Order indicating certain provisional measures addressed to Myanmar.

On 22 July 2022, the Court issued its Judgment on preliminary objections raised by Myanmar, in which it found that it had jurisdiction, on the basis of Article IX of the Genocide Convention, to entertain The Gambia's Application and that the Application was admissible.

By two Orders dated 3 July 2024 and 25 July 2025 respectively, the Court decided that the Declarations of intervention under Article 63 of the Statute submitted by 11 States were admissible in so far as they concerned the construction of provisions of the Genocide Convention.

The written proceedings in the case, including the written observations of the intervening States, concluded on 25 September 2025. Public hearings on the merits were held from 12 to 29 January 2026. The final submissions of the Parties can be found on the website of the Court in verbatim records 2026/20 and 2026/23, respectively.

Operative clause

In the operative clause of its Judgment, which is final, without appeal and binding on the Parties, the Court:

"(1) By nine votes to six,

Finds that the Republic of the Union of Myanmar has committed genocide against the Rohingya group in northern Rakhine State, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: *President* Iwasawa; *Judges* Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judge* ad hoc Pillay;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Nolte; *Judge* ad hoc Kress;

(2) By nine votes to six,

Finds that the Republic of the Union of Myanmar has violated its obligation, under the Convention on the Prevention and Punishment of the Crime of Genocide, to prevent the commission of genocide by individuals alongside its security forces;

IN FAVOUR: *President* Iwasawa; *Judges* Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judge* ad hoc Pillay;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Nolte; *Judge* ad hoc Kress;

(3) By fourteen votes to one,

Finds that the Republic of the Union of Myanmar has not directly and publicly incited the commission of genocide against the Rohingya group by private persons in

northern Rakhine State in violation of its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi; *Judges* ad hoc Pillay, Kress;

AGAINST: *Judge* Hmoud;

(4) By eleven votes to four,

Finds that the Republic of the Union of Myanmar has violated its obligation to punish genocide and other acts enumerated under Article III of the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: *President* Iwasawa; *Judges* Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue;

(5) By fourteen votes to one,

Finds that the Republic of the Union of Myanmar has violated its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide to enact the necessary legislation to give effect to the provisions of the Convention;

IN FAVOUR: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *Judge* Xue;

(6) By fourteen votes to one,

Decides that the Republic of the Union of Myanmar must cease any ongoing violation of its obligations under Article V of the Convention on the Prevention and Punishment of the Crime of Genocide by enacting legislation giving full effect to its obligations under the Convention;

IN FAVOUR: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *Judge* Xue;

(7) By thirteen votes to two,

Decides that the Republic of the Union of Myanmar must take immediate and effective steps to investigate all persons reasonably suspected of having committed acts contrary to Article III of the Convention on the Prevention and Punishment of the Crime of Genocide in relation to the 2017 clearance operations and, if warranted, to prosecute and punish them;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Xue, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *Vice-President* Sebutinde; *Judge* Abraham;

(8) By nine votes to six,

Decides that the Republic of the Union of Myanmar must provide assurances and guarantees of non-repetition of the violations of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide and prevent similar violations from occurring in the future;

IN FAVOUR: *President* Iwasawa; *Judges* Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judge* ad hoc Pillay;

AGAINST: *Vice-President* Sebutinde; *Judges* Tomka, Abraham, Xue, Nolte; *Judge* ad hoc Kress;

(9) By ten votes to five,

Decides that the Republic of the Union of Myanmar is under an obligation to adopt the measures of restitution defined in paragraph 615 of the present Judgment;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judge* ad hoc Pillay;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Xue, Nolte; *Judge* ad hoc Kress;

(10) By ten votes to five,

Decides that the Republic of the Union of Myanmar is under an obligation to compensate the Rohingya group and its members for the damage caused by the violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in so far as such damage is not made good by restitution;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judge* ad hoc Pillay;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Xue, Nolte; *Judge* ad hoc Kress;

(11) By ten votes to five,

Decides that the question of the amount and modalities of compensation or other reparation due to the Rohingya group and its members shall be settled by the Court, and that, to this end, the Republic of the Union of Myanmar shall, within a period of two years of the delivery of the present Judgment, transmit to the Court the report described in paragraph 625; and *reserves* for this purpose the subsequent procedure in the case;

IN FAVOUR: *Judges* Tomka, Abraham, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *President* Iwasawa; *Vice-President* Sebutinde; *Judges* Xue, Nolte, Aurescu;

(12) By eleven votes to four,

Finds that the Republic of the Union of Myanmar has violated its obligation under paragraph 86 (3) of the Order of 23 January 2020 indicating provisional measures to take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: *President* Iwasawa; *Judges* Tomka, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi, Hmoud; *Judges* ad hoc Pillay, Kress;

AGAINST: *Vice-President* Sebutinde; *Judges* Abraham, Xue, Nolte;

(13) Unanimously,

Rejects all other submissions of the Republic of The Gambia."

President IWASAWA appended a separate opinion to the Judgment of the Court; Vice-President SEBUTINDE appended a dissenting opinion to the Judgment of the Court; Vice-President SEBUTINDE, Judges TOMKA, ABRAHAM, XUE, NOLTE and Judge *ad hoc* KRESS appended a joint dissenting opinion to the Judgment of the Court; Judges TOMKA and ABRAHAM appended separate opinions to the Judgment of the Court; Judges XUE and NOLTE appended dissenting opinions to the Judgment of the Court; Judge CHARLESWORTH appended a separate opinion to the Judgment of the Court; Judge BRANT appended a declaration to the Judgment of the Court; Judge BRANT and Judge *ad hoc* PILLAY appended a joint declaration to the Judgment of the Court; Judge GÓMEZ ROBLEDO appended a separate opinion to the Judgment of the Court; Judge CLEVELAND appended a declaration to the Judgment of the Court; Judge CLEVELAND and Judge *ad hoc* KRESS appended a joint separate opinion to the Judgment of the Court; Judge AURESCU appended a separate opinion to the Judgment of the Court; Judge TLADI appended a declaration to the Judgment of the Court; Judge HMOUD appended a separate opinion to the Judgment of the Court; Judge *ad hoc* KRESS appended a separate opinion, partly concurring and partly dissenting, to the Judgment of the Court.

A summary of the Judgment appears in the document entitled "Summary 2026/3", to which summaries of the opinions and declarations are annexed. This summary and the full text of the Judgment are available on the case page on the Court's website.

Earlier press releases relating to this case are available on the Court's website.

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Kingdom of the Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and specialized agencies.

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