International Court of Justice finds Myanmar guilty of genocide

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The International Court of Justice (ICJ) last Thursday ruled that Myanmar was guilty of genocide against the ethnic Rohingya minority in its military operations in 2016-17 in northern Rakhine State that killed at least 10,000 people and drove more than 700,000 men, women and children into neighbouring Bangladesh.

The ICJ ruling—the first time a state has been found to have committed genocide—sets a possible precedent in similar cases before the court, including that brought by South Africa against Israel for its genocidal slaughter of Palestinians in the Gaza Strip.

Significantly, the *Wall Street Journal* immediately denounced the ruling in an editorial declaring that it was "designed to facilitate bad-faith allegations of 'genocide' against Israel. The US and its allies will also be in the cross-hairs soon enough."

Trump struck a similar note in China last week when he lashed out at "rogue globalist organisations" such as the International Criminal Court (ICC), which was "out of control" and had "strayed far from beyond its jurisdiction." Both the ICJ and ICC are UN-linked courts. The latter, which hears charges against individuals, has issued an arrest warrant for Israeli Prime Minister Benjamin Netanyahu.

The ICJ, which judges disputes between states, found, by nine votes to six, that Myanmar had breached the UN's 1948 Genocide Convention. Responding to the list of allegations placed before the court by Gambia in 2019, it also declared that Myanmar had failed to prevent genocide by non-Rohingya civilians, had failed to punish genocide, had failed to enact legislation required by the Convention and had breached an ICJ order in 2020 to preserve evidence.

Members of the predominantly Muslim Rohingya minority have been persecuted for decades by successive military and civilian regimes and stripped of their citizenship rights even though they have lived in Myanmar for generations. They are treated as "illegal immigrants" from Bangladesh and subject to anti-Muslim chauvinism designed to divide the working class along communal lines.

In 2016-17, the military responded to small-scale attacks by Rohingya militants by launching a massive clearance operation in which villages were burned to the ground and the entire population terrorised. The area was sealed off amid multiple reports of widespread rape and killings of adults and children. Troops worked alongside nationalist thugs, forcing hundreds of thousands to flee for their lives.

Aung San Suu Kyi, who has been feted in the West as "an icon of democracy" and awarded a Nobel Peace Prize, was instrumental in defending Myanmar and the military against charges of genocide. She and her National League for Democracy (NLD), which formed the government in 2016, did their utmost to hide and minimise the extent of the slaughter.

Suu Kyi functioned as the chief apologist for the military, appearing at the ICJ in 2019 to accuse Gambia of presenting an "incomplete and misleading factual picture of the situation," adding that it was being backed by the Organisation of Islamic Co-operation. She cited a handful of soldiers and officers who had been prosecuted as evidence that Myanmar was not culpable of genocide.

The ICJ rejected Suu Kyi's claims that the military's "clearance operations" were justified by Rohingya "terrorism." But the case has dragged on for another seven years, even as more than a million Rohingya refugees have struggled to survive in appalling and deteriorating conditions in camps in Myanmar. As food rations and other assistance have dwindled, many fled in crowded, makeshift boats to seek refuge elsewhere.

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Fewer than 600,000 Rohingya are estimated to remain inside Myanmar.

Critical to a finding of genocide is the issue of "intent"—whether or not the state of Myanmar deliberately carried out a policy to destroy, in whole or in part, a national, ethnic, racial or religious group through various methods. Given that regimes engaged in acts of genocide are unlikely to advertise their intent, the court has held that such intent can be inferred from the facts only if it is "the only reasonable inference" to be drawn.

In its summary of judgment, the court concluded: "The manner in which the forcible displacement of the Rohingya was conducted, together with the selective targeting of the Rohingya population for violence and the burning of their homes, which sent a clear message that they had nothing to return to, supports the inference of an intention to destroy the group. The evidence of brutal acts of sexual violence and the targeting of children for violence in Rohingya communities also supports an inference that there was a desire to destroy the foundations of the group. The systematic nature of these actions further indicates a reasonable inference that Myanmar acted with genocidal intent."

In its diatribe against the ICJ ruling, the *Wall Street Journal* focussed on the issue of intent by offering the specious argument that "a team of anti-Israel jackals led by recent Nobel-laureate Navi Pillay of South Africa has urged the court to lower the 'reasonable inference' criterion." Unable to provide a shred of evidence that the court had actually done so, the newspaper attempted to pick holes in other parts of the ruling with a similar lack of logic or substantiation.

While more muted in tone, the US State Department said it would "fully assess" the ruling, but signalled its grounds for future criticism by adding that "the proper interpretation of the genocide convention is of paramount importance, as is preventing politicisation of the ICJ."

In reality, the UN and all its agencies have been "politicised" from the outset—operating as a clearing house for imperialist interests, above all those of American imperialism. The US has used the issue of "human rights" time and again to justify its criminal wars of aggression, including the first Gulf War in 1990-91 and the 2003 invasion of Iraq. The US has routinely used accusations of human rights abuses, war crimes and genocide to selectively bully governments into line or to blacken their name. In fact, the State Department itself branded the actions of Myanmar as genocide in 2022 as part of its effort to pull the country out of China's orbit—a designation that is still on the books.

The ICJ ruling is supposedly binding and not subject to appeal, yet it will do nothing to alleviate the terrible plight of hundreds of thousands of Rohingya refugees around the world or those who remain inside Myanmar. No individual stands accused, and no one will be arrested or sentenced as a direct result. The ICC has yet to formalise an arrest warrant for Myanmar President Min Aung Hlaing, the former military commander in chief who seized power in the 2021 coup and consolidated his position through bogus elections last year.

The ICJ ordered Myanmar to investigate and prosecute those suspected of genocidal acts in 2017 as well as provide restitution, including the safe return of displaced Rohingya, the reunification of families, and compensation of Rohingya for property loss and protection from discrimination and persecution. But the court did not order the restitution of citizenship rights, as Gambia had requested. In reality, the court has no power to enforce any of its orders. It could call for action by the UN Security Council, but that body has never used its powers to enforce an ICJ judgment.

Trump rants about "rogue globalist organisations" being "out of control"—that is, out of US control. While these UN bodies are toothless, the court ruling does set a precedent for exposures of the US and its allies in conditions of widespread and growing international opposition to their crimes. The genocidal intent of Trump has been on open display on more than one occasion—most recently against Iran at the recent UN General Assembly where he announced he was deciding whether to "annihilate the Islamic Republic" of Iran and "drive them into hell with no chance of survival."



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