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Palestine Solidarity Alliance Hails ICJ Myanmar Genocide Judgment as Legal Turning Point with Direct Bearing on South Africa v. Israel

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The Palestine Solidarity Alliance (PSA) welcomes the judgment of the International Court of Justice declaring that Myanmar has committed genocide against the Rohingya minority. The case was brought by Gambia concerning violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

The judgment is a pivotal moment for International Law, justice, accountability and human rights. The Court's finding that Myanmar committed genocide against the Rohingya people during the 2017 military operations provides not only recognition from the highest court in the world of their status as a distinct group but also the criminalisation of the atrocity crimes the Rohingya were subjected to at the hands of the state.

For the Rohingya, a Name and a Measure of Justice

For the Rohingya themselves, the ruling carries a weight that transcends legal doctrine. In the refugee camps of Cox's Bazar, where more than a million Rohingya have lived for nearly a decade, the verdict was met with tears, prayers and a fragile hope. Survivors who lost family members in the 2017 "clearance operations" heard the world's highest court confirm what they had long been denied: that what happened to them was genocide. As one young refugee whose parents and four siblings were killed put it, the verdict proved "we were not lying about the genocide".

The Court's recognition of the Rohingya as a distinct protected group is itself significant. Myanmar has for decades refused to recognise the Rohingya as an official ethnic group, instead labelling them "Bengali migrants." A community leader in Cox's Bazar noted that the ICJ affirmed "Rohingya is a distinct group and we have our own language and culture"—"the recognition we have been demanding for ages".

Yet the ruling also lays bare the distance between legal recognition and lived reality. The Court ordered Myanmar to allow the safe, voluntary and dignified return of displaced Rohingya, to restore property, reunite families and provide reparations. But conditions inside Myanmar remain catastrophic. Armed conflict continues to devastate Rakhine State, with the junta's "scorched earth" tactics and contested territorial control making voluntary returns unrealistic. More than 3.7 million people are internally displaced inside Myanmar, and Rohingya refugees continue to face dangerous onward sea journeys, with nearly 900 dead or missing at sea in 2025 alone.

The psychological toll remains severe. Surveys in the camps found that 94 percent of households reported prolonged uncertainty eroding their wellbeing, and only 2 percent of Rohingya parents felt hopeful about their children's futures. The UN Special Rapporteur on Myanmar, Kelley Currie, paid tribute to the survivors who travelled from Cox's Bazar to The Hague to testify, saying: "They carried the memory of murdered families and burned villages into the world's highest court... This judgment belongs to them".

The Significance of the Myanmar Ruling for the RSA Case Against Israel

This first-ever ICJ finding of state-perpetrated genocide carries profound implications for South Africa v. Israel. The Court rejected Myanmar's claim that military operations were legitimate counter-insurgency measures, holding that genocidal intent was the only reasonable inference from the pattern of destruction. This directly addresses Israel's contention that its campaign targets Hamas rather than Palestinians as a protected group: a security rationale does not negate genocidal intent when foreseeable consequences produce conditions of life calculated to destroy a group.

The Court further held that genocidal intent and punitive intent may coexist, foreclosing the argument that retaliation for October 7 excludes genocidal intent. It also recognised that an intent to forcibly displace a population can coexist with genocidal intent—directly relevant given the mass displacement in Gaza. Amnesty International's Secretary General noted that this clarification "is especially significant for other cases pending at the ICJ, such as the case brought by South Africa against Israel".

The Palestine Solidarity Alliance recognises the significance of Gambia's decision to institute proceedings before the ICJ. Gambia has demonstrated that all states have a responsibility to act in the face of genocide. The PSA calls upon all states party to the Genocide Convention to fulfil their own obligations, including by intervening in support of South Africa's case and by ceasing the transfer of weapons and dual-use equipment that may facilitate the commission of genocidal acts.

Myanmar must abide by the ICJ's ruling, especially its obligation to provide reparation and restitution to the Rohingya. The international community must also ensure that the judgment translates into meaningful change for survivors—through sustained humanitarian support, resettlement pathways, and pressure for accountability—so that recognition on paper becomes justice in practice.

This judgment also carries particular significance in the context of the ongoing struggle for justice and accountability in Palestine. The international community is reminded of the necessity to protect civilian populations, uphold international law and ensure that allegations of grave international crimes are investigated, prosecuted and punished.

The PSA maintains that international law cannot be applied selectively. The principles of human dignity, justice, accountability and the prevention and punishment of genocide must apply irrespective of identity, political influence or military power.

There can be no meaningful protection of human rights while impunity prevails.

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The Palestine Solidarity Alliance is a South African civil society organisation committed to solidarity with the Palestinian people and the advancement of Boycotts, Divestment and Sanctions (BDS) against apartheid Israel, drawing from our own struggle for freedom and justice.

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