

THE GAMBIA V. MYANMAR CASE AT THE ICJ

THE CASE

The **public hearings** in the case brought by The Gambia against Myanmar before the International Court of Justice concluded on 29 January 2026. The case concerns whether Myanmar failed in its obligations under the Genocide Convention to prevent and punish acts of genocide against the Rohingya in 2016 and 2017. The proceedings focused on the Government of Myanmar's responsibility under international law, not the criminal liability of individuals.

The judges have now begun their deliberations, and it is likely to take at least several months before a judgement is issued.

THE HEARINGS

The Court heard extensive legal arguments, expert evidence and witness testimony. The hearings examined alleged attacks by the Myanmar military in multiple locations in northern Rakhine State, including Min Gyi, Chut Pyin and Maung Nu, as well as broader evidence concerning patterns of attacks across the region affecting the Rohingya people.

THE LEGAL ARGUMENTS

The Gambia argued that patterns of conduct across northern Rakhine State, supported by multiple sources of evidence, demonstrate acts prohibited under the Genocide Convention and support a finding of genocidal intent. Myanmar maintained that its military operations constituted legitimate counter-terrorism responses to attacks by the Arakan Rohingya Salvation Army and argued that the evidence presented does not meet the heightened legal threshold required to establish genocide.

THE MECHANISM'S SUPPORT

The Mechanism **shared evidence and analytical material** with both parties to the proceedings to support the accurate and reliable examination of the case by the Court. Both parties relied extensively on these materials in their submissions.

The proceedings highlighted how seriously the Mechanism approaches witness protection. It only shared information when it obtained the informed consent of those who provided it and when it assessed that sharing would not put anyone at risk. As an additional security precaution, redactions were made to conceal identifying information of certain individuals who were assessed as being at heightened risk.

The Mechanism provided both parties with nine analytical reports, 40 witness statements, two screening notes with military defectors and one affidavit by the Head of the Mechanism.

THE IMPORTANCE OF THE MECHANISM'S CONTRIBUTION

The proceedings highlighted the importance of independent and specialized investigative capacity to support judicial consideration of complex factual and legal issues, particularly in contexts where access to territory is restricted and standards of proof are high.

The Mechanism shared materials from a wide range of evidentiary sources, including witness testimony, documentary evidence, satellite imagery and other geospatial data, to support the consideration of alleged conduct across multiple locations and over extended time periods. The extensive reference to the Mechanism's materials reflected the value of specialized investigative expertise, including trained investigators with an understanding of the evidentiary thresholds applicable in international judicial proceedings, as well as specialized technical capabilities in open-source and geospatial analysis.