ICJ Finds Myanmar Responsible for Rohingya Genocide

20 NOVEMBER 2026

Sophie Rieckmann



Photo by Yves Alarie on Unsplash

German judge dissents; Berlin stays silent in Gaza case

On 19 November, the International Court of Justice ruled by nine votes to six that Myanmar committed genocide against the Rohingya in northern Rakhine State in 2017. It is the first time the Court has found a state responsible for genocide. Retaining its 'only reasonable inference' test for genocidal intent, the Court concluded the evidence, taken together, allowed no other explanation, rejecting Myanmar's counter-terrorism defence. It also found Myanmar failed to prevent genocide and ordered compensation for the Rohingya. Six judges, including German judge Georg Nolte, dissented. Germany had intervened in 2023, urging a broader reading.

The Myanmar judgment turns Germany's own legal advocacy against it. In its 2023 intervention, Berlin urged the Court in The Gambia v. Myanmar to infer genocidal intent from the totality of evidence. The court largely

did, but German judge Georg Nolte did not: he and German ad hoc judge Claus Kress co-signed the joint dissent, faulting a substantially more flexible approach to evidence.

That tension maps straight onto Nicaragua v. Germany, where Berlin is arguing that the Court cannot rule on German arms transfers before ruling on Israel's actions in Gaza. Yet, Germany abandoned its announced intervention in South Africa v. Israel to protect that defence, forfeiting any say over the intent standard on which its own liability turns.

Two consequences follow. First, winning on procedure buys time, not closure. Under Article 59 of the ICJ Statute, judgments bind only the parties; Judge Xue warned in 2022 that this invites repeat suits on the same cause. Any state party could refile Nicaragua's claim. Second, the Court ordered Myanmar to compensate the Rohingya directly at the request of an uninjured applicant – over Nolte's objection. If Nicaragua prevails, Germany could face not a mere declaration but reparations for Palestinians.

EPIS