Myanmar: The case for universal jurisdiction

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The mass atrocities committed against the Rohingya and others in Myanmar since 2017, and which continue to this day across the country, have generated deep concern around the world. Crimes against humanity, genocide and torture are forbidden by international law and states hold accountable those who participate in the commission of these crimes within their borders. However, when the state where these crimes took place does not prosecute them or does not have a court system capable of delivering justice as is the case in Myanmar, the international community has used various mechanisms to hold perpetrators accountable. These have included ad hoc international criminal tribunals such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, which were established in response to the atrocities committed in those countries. Global organizations like the United Nations and regional bodies like the African Union have also called for accountability mechanisms to be established in such countries.

The International Criminal Court (ICC), established by the Rome Statute of 1998, is the only permanent international criminal court with jurisdiction to prosecute individuals for crimes against humanity, genocide, war crimes, and crimes against international law. The ICC is headquartered in The Hague, Netherlands, and is the only true universal jurisdiction court. This means that it can investigate and prosecute crimes committed in any country, regardless of the nationality of the perpetrators or victims.

The ICC has been established to ensure justice for victims of/against impunity, and to bring perpetrators of international crimes to account. This is crucial to preventing further atrocities and ensuring that justice is done for victims. The Court's work is also important in promoting respect for international law and the rule of law globally.

However, the ICC has been challenged by national governments, which have argued that the Court's jurisdiction is limited and that it interferes in domestic affairs. This has led to a number of cases being referred to the Court, but also to the withdrawal of some countries from the Rome Statute, citing concerns about the Court's impartiality and effectiveness. The future of the ICC remains uncertain, with some countries calling for its reform or even abandonment.

In conclusion, the ICC is a critical tool for upholding international law and ensuring justice for victims of crimes against humanity, genocide, war crimes, and crimes against international law. It is important that the Court continues to function effectively and that it is able to address the challenges it faces in order to achieve its mandate.

Previously, the ICC has investigated and prosecuted cases of genocide, war crimes, and crimes against humanity, including those committed in the Democratic Republic of the Congo, Sudan, and Rwanda. It has also played a role in bringing to justice high-ranking officials of the former Bosnian Serb leader, Ratko Mladic, and former Bosnian Serb general, Ratko Mladic, who were both found guilty of genocide and war crimes.

In Myanmar, the government has been accused of serious human rights violations, including the forced displacement of the Rohingya Muslim minority, and the use of violence and intimidation against them. Despite this, the ICC has yet to investigate these crimes.

The case for universal jurisdiction is clear, and it is time for the international community to take action to bring accountability for these crimes. The ICC should be strengthened and supported, and its work should be protected from interference by governments.