

CR 2026/14

**International Court
of Justice**

THE HAGUE

**Cour internationale
de Justice**

LA HAYE

YEAR 2026

Closed sitting

held on Wednesday 21 January 2026, at 3 p.m., at the Peace Palace,

President Iwasawa presiding,

*in the case concerning Application of the Convention on the Prevention and Punishment
of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)*

VERBATIM RECORD

ANNÉE 2026

Audience à huis clos

tenue le mercredi 21 janvier 2026, à 15 heures, au Palais de la Paix,

sous la présidence de M. Iwasawa, président,

*en l'affaire relative à l'Application de la convention pour la prévention et la répression
du crime de génocide (Gambie c. Myanmar ; 11 États intervenants)*

COMPTE RENDU

Present: President Iwasawa
 Vice-President Sebutinde
 Judges Tomka
 Nolte
 Charlesworth
 Brant
 Gómez Robledo
 Cleveland
 Aurescu
 Tladi
 Hmoud
Judges *ad hoc* Pillay
 Kress

 Registrar Gautier

Présents : M. Iwasawa, président
M^{me} Sebutinde, vice-présidente
MM. Tomka
Nolte
M^{me} Charlesworth
MM. Brant
Gómez Robledo
M^{me} Cleveland
MM. Aurescu
Tladi
Hmoud, juges
M^{me} Pillay
M. Kress, juges *ad hoc*

M. Gautier, greffier

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as Agent;

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comme membres de la délégation.

The PRESIDENT: Please be seated. The sitting is open.

For reasons duly made known to me, Judge Abraham is unable to join us this afternoon.

The Court meets this afternoon to hear in closed session the second witness called by The Gambia, Witness NJ. This pseudonym should be used when addressing and referring to this witness. I would remind everyone present today that they are under an obligation not to reveal any details that might lead to the identification of the witness. I would also remind the Parties that all electronic devices, including mobile phones, computers and tablets, must remain outside the Great Hall of Justice, except where counsel or a member of the delegation requires a computer for the examination of the witness.

The Court has been informed that Witness NJ is unable to read. Accordingly, I would respectfully ask that counsel and the Bench avoid requesting the witness to refer to specific passages from her affidavit or written statements. If at any point the witness requires a pause, I shall intervene.

Witness NJ may now be brought into court.

Good afternoon, Witness NJ. I call upon you to make the solemn declaration for witnesses as set down in Article 64, subparagraph (a), of the Rules of Court. For that purpose, I invite the verifying interpreter to read out the solemn declaration in the Rohingya language so that Witness NJ can repeat it.

VERIFYING INTERPRETER: Thank you, Mr President.

WITNESS NJ: I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.

THE PRESIDENT: Thank you, Witness NJ. You will shortly be examined by counsel for The Gambia, then cross-examined by counsel for Myanmar, and then, after a short break of 15 minutes, you may be re-examined by counsel for The Gambia.

The Court notes that you made your affidavit on [REDACTED] in [REDACTED], [REDACTED], in [REDACTED], with the assistance of an interpreter. You provided your statement during an interview that took place remotely between [REDACTED] 2025 with the assistance of an interpreter.

Your testimony has been submitted to the Court by The Gambia. The usher will give you your affidavit and written statement as provided to the Court by The Gambia. The Court has however been informed by The Gambia that you are unable to read.

I would thus invite counsel for The Gambia to ask Witness NJ to confirm the content of the affidavit and the written statement submitted in the case.

Ms Yasmin Al Ameen, you have the floor.

Ms AL AMEEN: As-salamu alaykum, Ms NJ. Do you confirm that what you stated in your witness statement attached to your affidavit dated [REDACTED] 2025 is true?

WITNESS NJ: Yes.

Ms AL AMEEN: Thank you.

The PRESIDENT: Thank you very much. Ms Al Ameen, you may now proceed with the examination-in-chief.

Ms AL AMEEN: Thank you, Mr President. Ms NJ, if at any point you need me to repeat or slow down, do let me know. Also, if you feel like you need a break, please do let me know.

I would like to begin with how you came to be a witness in this case. Were you interviewed by Legal Action Worldwide when you were in the camps in Bangladesh?

WITNESS NJ: Yes.

Ms AL AMEEN: Were you interviewed by them again in 2025 when you were in [REDACTED]?

WITNESS NJ: Yes.

Ms AL AMEEN: Who did you tell your story to and was an interpreter present?

WITNESS NJ: Michelle is the one who took my statement and there was someone who interpreted for me in my language.

Ms AL AMEEN: Did they write down what you told them in a statement for you?

WITNESS NJ: Yes, they told.

Ms AL AMEEN: Were the affidavit and statement read back to you at the end to confirm the accuracy of their contents?

WITNESS NJ: Yes, it was explained to me.

Ms AL AMEEN: Thank you. I am now going to ask you about a group known as ARSA or al Yaqin. Have you ever heard of them?

WITNESS NJ: So when I was in Myanmar, I used to know only the military was the authority in our village, and then after coming to Bangladesh, I have heard different groups' names, but I actually don't know any details about any ARSA group.

Ms AL AMEEN: Thank you. Ms NJ, was your affidavit or your statement influenced by ARSA or al Yaqin?

WITNESS NJ: So I was not influenced by anyone. It is my story. This is my testimony and I am giving it before the Court to seek justice for what has happened to me, for the violence I have faced, what has happened with my husband and children. So that's why I gave it, not influenced by anyone.

Ms AL AMEEN: Thank you, Ms NJ. Now I want to move to the circumstances of your life in Myanmar and what happened back in 2017. Where are you from? Where are you from in Myanmar?

WITNESS NJ: So I am a Rohingya. I am from Showap Parang, and later I was displaced to Bangladesh and I moved to [REDACTED] later.

Ms AL AMEEN: What did you do when you lived in Myanmar?

WITNESS NJ: I was a housewife. I was cooking at the kitchen and taking care of my kids.

Ms AL AMEEN: You mentioned you had to move to [REDACTED]. Since when have you been living in [REDACTED]?

WITNESS NJ: Since 2024 I have been living in [REDACTED].

Ms AL AMEEN: Ms NJ, why did you leave your home in Myanmar?

WITNESS NJ: So from Myanmar, we have faced discrimination and we were targeted as a community. The Myanmar military forced us to leave our homeland, so we had to forcefully leave to Bangladesh from Myanmar.

Ms AL AMEEN: When was the last time you were at home in Myanmar?

WITNESS NJ: In 2017 I was last time at my home in Myanmar.

Ms AL AMEEN: Do you remember the month?

WITNESS NJ: So I remember that it was during the Eid Al-Adha time so we couldn't celebrate Eid, and I remember that my husband went to the mosque and came back, and then the incident has happened.

Ms AL AMEEN: Thank you. I would like to take you back to that day in August 2017, a few days before Eid Al-Adha in Showap Parang when you were last in your home. Could you please tell us in your own words what happened that day?

WITNESS NJ: So in 2017 when the big events happened, my husband went to the mosque to pray and then we heard that the military is coming towards our village, so my husband had to run away from the mosque to our house. Then my father-in-law was there as well. Then the military right away came towards our home and then they directly came to my home and attacked my husband, and my husband and my father-in-law were beaten and tortured during that time.

Ms AL AMEEN: Were you alone at the time at home? Was someone with you? Someone else?

WITNESS NJ: So I was at home. I had my children, one of my sisters-in-law was there and then my husband and my father-in-law. So we were at home.

Ms AL AMEEN: Your children, how old were they at the time?

WITNESS NJ: One was five and a half, another one was three and a half. And I had another, twins. They're two years. Another one was only three months.

Ms AL AMEEN: Were all your children inside the house at the time?

WITNESS NJ: So not all the children were inside the house. Three of them were there, two children were outside playing somewhere. They were outside of the house.

Ms AL AMEEN: You told me that they beat your husband and your father-in-law. What happens next? Where does the military go next?

WITNESS NJ: So after that, so many things happened. My husband was taken and then I saw one of my sisters-in-law, who was at home, she fled. And then the military came to us, me, and then they took my kid and then they stabbed with a knife and then they throw onto the fire. Next to the other house, there was fire, so they throw my child into the fire. That has happened.

Ms AL AMEEN: Ms NJ, did you see the soldiers throw your son in the fire?

WITNESS NJ: I have witnessed that incident in my own eyes, and they took it from my arms while I was holding like this.

Ms AL AMEEN: Did you try to stop them?

WITNESS NJ: Yes, I was trying to grab them — grab my kid back from them. Then one of the military attacked me and then took me back, and then the other two, they took my son and they throw into the fire.

Ms AL AMEEN: Ms NJ, what did the military do next?

INTERPRETER: Can you repeat?

Ms AL AMEEN: What did the military do next, after this?

WITNESS NJ: Next the military came to me. They took me to the other room, one of my rooms inside the house. Then they took all my clothes away from my body and I was whole naked.

Ms AL AMEEN: What did they do next after this?

WITNESS NJ: Next I was trying to get free myself from them, but I couldn't. Then one of them literally hit me with the knife on my hand and then one of the military was holding, and then the other one started raping on me.

Ms AL AMEEN: Are you feeling okay?

WITNESS NJ: Yes.

Ms AL AMEEN: Ms NJ, how did you feel when you were subjected to this violence?

WITNESS NJ: So I was not feeling well at all. I was trying to save myself, then they forcefully hold me so that I couldn't move and the other one was raping me and he entered his penis to my vagina. They were — I felt that.

Ms AL AMEEN: Ms NJ, how did you feel afterwards?

WITNESS NJ: Then one after another, the second military started raping on me and the other one holding me. So it was too harsh on me that I couldn't take it and I was almost senseless the second time.

THE PRESIDENT: Counsel, we . . .

Ms AL AMEEN: I think maybe we can take a few minutes.

THE PRESIDENT: Yes.

Ms AL AMEEN: I just have a few more questions for you and this will end soon. Tell me, Ms NJ, why do you think this happened to you and your family?

WITNESS NJ: I felt like they wanted to clear us and destroy it as a whole Rohingya community with our religion and our identity as a Rohingya.

Ms AL AMEEN: Why did you come to the International Court of Justice today?

WITNESS NJ: Today, I came to this world Court to give the testimony in person, in front of the Court to say what has happened. My son was killed, my husband was killed and I was raped, and I want to seek justice from the judges today.

Ms AL AMEEN: What does justice mean to you?

WITNESS NJ: Justice means the rights taken away from me — that I lost my family members, my husband was taken, killed — and we were discriminated as a whole, as a community, as a Rohingya, as my religion, so this is clear as this target and all the rights that have been taken and what I lost, I want this back. Punishment and consequences should be accountable by justice. That's what I believe.

Ms AL AMEEN: Thank you very much for your testimony and for being here today. Mr President, this concludes The Gambia's examination-in-chief. Thank you.

The PRESIDENT: Thank you. Ms Al Ameen. Let us pause for a few minutes before I give the floor to the counsel for Myanmar.

Witness NJ, are you ready for more questions?

WITNESS NJ: I am ready.

The PRESIDENT: I now give the floor to counsel for Myanmar, Mr David Hooper, for cross-examination.

Mr HOOPER: Good afternoon, Madam Witness. Now, the first thing I want to say to you is this: I'm not going to ask you any questions about the trauma and indignities that you suffered. We have your affidavit and I can see — we can all see — what you say in there about what befell you. So I will not trouble you with that. Now, I want to ask you some questions, though, and I want to

first of all ask you about your first interview with LAW, which was back in [REDACTED] — I understand — [REDACTED] 2019. For the judges, that's our Annex 336. We have a compilation of that. That is something that was written down by somebody else and their understanding of what you had told them. As you point out in your later statement, there are a number of significant parts of that statement that they got wrong. May I ask you, how did you first come to be in contact with the Legal Action Worldwide, the LAW people?

WITNESS NJ: In my community in the Rohingya camps, I know someone, my neighbour called [REDACTED] and then he used to know another guy called [REDACTED], who was also Rohingya. First, I heard from them that there is an organization called Legal Action Worldwide where they are collecting testimonies from the victims who suffered different violence during the big events. So that's how I got to know and I was involved — through my community members.

The PRESIDENT: Let me interrupt. The Court Officer, please direct the microphone towards the interpreter, otherwise it's difficult for the French people to listen to.

Counsel, you can go ahead.

Mr HOOPER: Thank you, Mr President. I see in your subsequent statement where it has occupation that you have put former occupation, LAW community volunteer; is that correct?

WITNESS NJ: Yes, as a community, there was a committee called [REDACTED], and after meeting with Legal Action Worldwide, later, I was doing some volunteering for a certain time.

Mr HOOPER: How long did you do that for?

WITNESS NJ: I was involved as a volunteer before I came to [REDACTED] — I am no more [a] volunteer with Legal Action Worldwide.

Mr HOOPER: All right. But how long were you a volunteer for?

WITNESS NJ: Yes, maybe three to four years I was volunteering.

Mr HOOPER: All right. Nothing wrong with that. Nothing wrong with that. Did LAW help you get to [REDACTED]?

INTERPRETER: Sorry?

Mr HOOPER: Did LAW help you get to [REDACTED]?

WITNESS NJ: LAW didn't support me for anything to come to [REDACTED]. UNHCR is the agency that helped me for this resettlement to [REDACTED].

Mr HOOPER: All right, thank you. Do you know the other two witnesses in this case?

WITNESS NJ: No, I don't know. I don't know [them].

Mr HOOPER: No. Say "no" for the transcript.

INTERPRETER: Yes, "no".

Mr HOOPER: In your longer statement, made in November last year, you say that you are concerned for the safety of your family who remain in the camps?

WITNESS NJ: Yes.

Mr HOOPER: This is in paragraph 3 of her statement; not her affidavit, her statement. And you say: "because I believe that [the] Myanmar [G]overnment has reach within the camps". Do you remember saying that?

WITNESS NJ: Yes, I have said that.

Mr HOOPER: Yes. What do you mean by "reach"; the Myanmar Government's "reach" within the camps?

WITNESS NJ: That means I wanted to say that, as I am giving the witness as before the Court [and] I am part of the justice process, the Myanmar military might target my family. They get to

know about this and they might be attacked by the military; so I had that fear because they are in the camp.

Mr HOOPER: Yes. Well, thank you for your answer, but I suggest that Myanmar has no reach in those camps at all.

WITNESS NJ: I mean the Bangladesh camps [are] very close to the Myanmar border, so I had the fear that they might reach and come and kill my family members. That's the fear, because of the very close borders with Myanmar.

Mr HOOPER: I see, thank you. Were there any other groups in the camps that had a bad influence?

WITNESS NJ: Yes, I have heard that there are different armed groups in the camp. I have heard about this in the camp.

Mr HOOPER: Yes. Is one of those groups a group called ARSA? The Arakan Rohingya Salvation Army?

WITNESS NJ: Yes, I have heard this name in the camps.

Mr HOOPER: Yes. But is it one of the groups that has a bad influence in the camps?

WITNESS NJ: I have heard that in the camps there are different groups and people are being kidnapped and a lot of incidents happening inside the camp, but I don't know specific[ally] which group is doing this.

Mr HOOPER: All right. Thank you, Witness. We can see — I am not going to ask you to look at it or read it. Incidentally, I know you can't read, but you can read and have been taught to read all the Holy Quran; is that correct?

INTERPRETER: Can you please say the last part?

Mr HOOPER: Yes. Is it correct that you can read all the Holy Quran in Arabic?

WITNESS NJ: Yes.

Mr HOOPER: That was really your education?

WITNESS NJ: We were not allowed to go outside to school or anywhere to [receive an] education. As a Rohingya, we always had to stay inside the house and we learned Arabic by ourselves within the house as we were not allowed any education as a woman. That's what I know.

The PRESIDENT: Wait a minute. I give the floor to the verifying interpreter.

VERIFYING INTERPRETER: Thank you so much, Mr President. Ms Witness also stated this: [the] military and Myanmar Government targeted only Muslim Rohingya community [who] are not allowed to go to school. Thank you.

The PRESIDENT: Thank you.

Mr HOOPER: Thank you.

The PRESIDENT: Counsel, you can continue.

Mr HOOPER: Thank you for that clarification. Now, I can see — we can see from your affidavit, from your statement — the long statement that you gave last November — in paragraphs 8 and 9 where you talk about your family's roots in Rakhine. That's my question. I will repeat it: in your affidavit you speak of the roots, your family's ties in Rakhine State — You talk about how long your family have lived in Rakhine — sorry. We can see there that your family have lived in Rakhine State for four generations, going back to your great-grandparents.

WITNESS NJ: Yes.

Mr HOOPER: I understand your father was born in [REDACTED]?

WITNESS NJ: Yes.

Mr HOOPER: And so many in your family had a right to being naturalized as a citizen in Myanmar?

INTERPRETER: Had the right to be citizens?

Mr HOOPER: They had the right to be citizens in Myanmar?

WITNESS NJ: Yes.

Mr HOOPER: Do you know if any of them ever applied to be citizens?

WITNESS NJ: They were always being discriminated as a Rohingya.

Mr HOOPER: Well, I suggest that is incorrect. From any time from 1948 onwards, there were many opportunities for your family to have applied for citizenship. Do you know why they didn't do it?

WITNESS NJ: I have never heard or seen anything. I have seen that if a child is born, there was no opportunity to have even the birth certificates or any certificates, so we have always witnessed this kind of thing.

Mr HOOPER: All right. We will let others deal with that issue. Did you ever have an identity card?

WITNESS NJ: We had a card called "rabeka card" and two years before the events happened it was taken from us.

Mr HOOPER: In 2015, the law changed and after that you needed the NVC card, the national verification card? Let me put the question again. You are talking about a change in the law in 2015: is that correct?

WITNESS NJ: We had a photo card where our picture was existing in this ID, and later by the Myanmar Government, it was taken and they said Rohingya should not have this card. They were discriminated and taken. I don't know about any other thing.

Mr HOOPER: The card you had was a white card: is that right?

WITNESS NJ: Yes, it was a white card.

Mr HOOPER: And the new card was a turquoise card? That might be a difficult colour to translate. It was a blue card; is that right?

WITNESS NJ: I didn't see any other card or blue card.

Mr HOOPER: Again, I am looking at the witness's paragraph 35 in her longer statement, and in that you say that — talking of the new card, you say, and I'll speak slowly for you: "My understanding is that the card declared we, the Rohingya, were non-citizens and had no right to be in Myanmar."

WITNESS NJ: Yes, I know about the NVC card. I heard from my neighbours and also in our village, we were told to take this, but there was someone who interpreted for us in the village, and as it says, we are not the nationality of this country, so we didn't accept it. We always wanted to be the people of that country, that's why we didn't accept it.

Mr HOOPER: Were you told not to accept it? Were you told not to accept the card?

WITNESS NJ: Because that card says we are not nationals of this country, that's why we didn't accept it.

Mr HOOPER: But who told you that, that it said that?

WITNESS NJ: The Myanmar military and the Government said that, and there was someone who interpreted for us, for the villagers, so we understand that that card says we are no national of this country, that's why we didn't take it.

Mr HOOPER: So, somebody in the village told you that?

WITNESS NJ: Yes, in the village.

Mr HOOPER: It was quite easy to get one, wasn't it? If you wanted one, you could get one easily?

WITNESS NJ: They wanted to discriminate us by giving us this card, so that's why I didn't want this and I didn't want to take it at all.

Mr HOOPER: Had you ever left your village?

WITNESS NJ: I never left my village. I was not allowed to go to school. We were not given the opportunity by the authority of Myanmar, so we were always staying inside the house and just read the Quran by ourselves within the family, and we had no opportunity to go outside of the house and any other places.

Mr HOOPER: All right. With the white identity card, you were permitted to move about in your township; is that correct?

WITNESS NJ: We were not allowed to go outside anywhere else within our township as well, and also if we went, if it was found out, then we were beaten, we were tortured, so we couldn't go.

Mr HOOPER: In your statement at paragraph 27, you say that restrictions got worse from 2016? My question is, you say that restrictions got worse from 2016?

WITNESS NJ: Yes, since 2016, it was getting worse and worse.

Mr HOOPER: Yes, so for example, there was a curfew?

WITNESS NJ: Yes.

Mr HOOPER: And fences around the houses had to be removed?

WITNESS NJ: Yes.

Mr HOOPER: Do you know why that was?

WITNESS NJ: What I felt is they discriminated towards our religion and as a Rohingya, they created barriers to perform our religion and they harmed our dignity.

Mr HOOPER: You see, I suggest these restrictions were brought in because of terrorist attacks in 2016. Did you hear about those terrorist attacks in 2016?

WITNESS NJ: I only know the military in our village who ran the operations and did these events in our village. I had no other idea, like, what are you talking about.

Mr HOOPER: You didn't hear about any attacks on police stations and on the army in 2016?

WITNESS NJ: No, I haven't heard anything. I don't know anything about it.

Mr HOOPER: Now, in your affidavit, you talk about inspections by the military. Do you mean by the military, the NaSaKa, the BGP?

WITNESS NJ: Yes.

Mr HOOPER: Thank you. Now, we know that the military came to Showap Parang, or as we perhaps know it, Chut Pyin, on 27 August. Do you know why they came?

WITNESS NJ: I know that, in 2017, there was a military station and they built a big military station in [REDACTED].

Mr HOOPER: Sorry, I didn't quite hear that.

WITNESS NJ: I have experienced that there was a big military station built next to our village, the closest village called [REDACTED].

Mr HOOPER: Now, just a month before the military came to your village, did you know that an ethnic Rakhine from Chut Pyin disappeared and was believed murdered?

WITNESS NJ: I have no idea about this.

Mr HOOPER: And that following that the police came to the village to arrest people suspected of involvement with a murder?

WITNESS NJ: No, I don't know anything.

Mr HOOPER: And there was a confrontation between those police and local villages? In Chut Pyin, that there was a confrontation, the police came to arrest people, investigate this murder and some local villages opposed them? A face-off, if you'd like.

WITNESS NJ: No, I have no idea about this.

Mr HOOPER: This happened, I suggest, in your own village. You've never heard of it?

WITNESS NJ: I only know that the military, they were building a big military station and they used to come to our village for patrolling, checking and including the village administrator we call "Ugata" and they all used to come together and loot our chicken and goat, this kind of activity. That's all I know.

Mr HOOPER: That's all you know? Did you know that there was a terrorist camp found not very far from your village in the [REDACTED] mountains? Did you know that?

WITNESS NJ: I only heard in [REDACTED], there was a military guard, they built that and I have never heard about any terrorist or building any station or anything there.

Mr HOOPER: Now, just two days before the military came to your village, did you hear that there was an attack on the police outpost by about 300 ARSA members in the night at [REDACTED]? We are trying a new technique here. Here is the name, [REDACTED], for the interpreter. So, let me start again. This is the place where there was an attack not far from your village, 25 August. Did you hear about it?

WITNESS NJ: So I don't know any name by this, sir. I have never heard it, I only know the military in my village who used to do the activity.

Mr HOOPER: All right. I have got other names to put to you, but I am not going to do it. There were other attacks, but you didn't hear of anything; is that right?

WITNESS NJ: As I mentioned, I always stay inside the house, in the kitchen. My space is within the kitchen and within my house, I cook and I feed my kids. I have no idea about [the] outside world.

Mr HOOPER: I understand. I must ask you about one attack, though. On 27 August, the day the military came to the village, there was an attack on the Chut Pyin outpost itself. There was an attack on the security and military in Chut Pyin itself on 27 August. Did you know anything about that?

WITNESS NJ: No, I haven't heard about it.

Mr HOOPER: Did you know a man from your village called [REDACTED] ?

WITNESS NJ: I have no idea about.

Mr HOOPER: All right. How about [REDACTED] ?

WITNESS NJ: I don't know.

Mr HOOPER: No. Well, there's other names. I am not going to take you through them. You don't know, you haven't heard. I suggest, you see, that these people were involved in the attack on the police station in Chut Pyin.

WITNESS NJ: No.

Mr HOOPER: All right. You don't mention ARSA at all in any of your statements, in your long statement, and that is because you didn't really know anything about them?

WITNESS NJ: Yes, so when I was in my village, I had no idea about any of these names. I only heard military in my village, so I have not really any idea. That's why I didn't talk about it.

Mr HOOPER: All right. Then on the 27th, looking at paragraph 41, you say: "In the afternoon I heard what sounded like bullets and the sound of big 'booms'."

WITNESS NJ: Yes.

Mr HOOPER: I suggest the big booms were the terrorists letting off bombs as the army came into the village?

WITNESS NJ: I only heard about the military and their presence in our village. I haven't heard anything about the group you are talking [about].

Mr HOOPER: No, all right. Thank you very much. You have been very brave coming here and thank you for answering my questions.

THE PRESIDENT: I thank Mr Hooper. Before I give the floor to the counsel of The Gambia for re-examination, the Court will observe a break of 15 minutes. The hearing is suspended.

The Court adjourned from 4:10 p.m. to 4:25 p.m.

The PRESIDENT: Please be seated. The sitting is resumed. Witness NJ may be brought into the courtroom, thank you. Ms Al Ameen, do you wish to re-examine Witness NJ?

Ms AL AMEEN: Thank you, Mr President. The Gambia has no questions for re-examination.

The PRESIDENT: Thank you. Witness NJ, certain judges wish to put questions to you. Please respond to the question after it is put to you. I start with the Vice-President.

The VICE-PRESIDENT: Good afternoon, Madam Witness. Can I start by saying how sorry I am about what happened to you and your family as contained in your testimony. I have a few questions arising from your statements, but I want to make it clear that when I ask the questions, it is not with a view to hurting your feelings about what happened, but because this is a court of law, we need to understand you clearly. We do not want to misunderstand your testimony; that is why we ask these questions. My first question relates to what you said in your statement about the types of homes or houses that the Rohingya were allowed to have in Myanmar.

WITNESS NJ: As a Rohingya, we were allowed to have a house. We used to build a house with bamboo walls and the roof was made by leaves. We used to live in this sort of house where if there is a wall destroyed or if it's broken, we couldn't repair it by our own. We had no capacity or

no eligibility, so that's how we used to be; we had to give fines or pay a bribe to repair the bamboo wall.

The VICE-PRESIDENT: Exactly. This is what you say in paragraph 18 of your statement where you say: "The Rohingya were not allowed to make any other type of better houses [than the village administrators and] [i]f we tried to make a better house, we were beaten and made to pay fines." My question is this — and perhaps you can interpret that for her first? My question is, who would stop you from building a better house or repairing your house for damage? Who exactly would refuse you to do this, or punish you if you tried?

WITNESS NJ: The one sort of force called NaSaKa, they used to implement this rule, and also the military. After they implement or take bribes from us, after that sometimes the village administrator, [REDACTED], that we mentioned, he also used to do all these activities.

The VICE-PRESIDENT: And what ethnicity was the village administrator?

WITNESS NJ: He was a different ethnicity called Mogh, which is a Rakhine, a different ethnicity.

The VICE-PRESIDENT: Thank you. My next question relates to your educational opportunities. You have told us that you yourself did not have an opportunity to learn to read and write, but you also state in paragraph 20 of your statement that in your village of 600 to 700 people, there was no school. There was a school in [REDACTED], that is the next village, "but only Rakhine were allowed to go there. It was difficult for our children, Rohingya children, to go there."

INTERPRETER: Can I interpret? Thank you.

The VICE-PRESIDENT: You then state in that same paragraph that even if a Rohingya child could go to school, they were never given a graduating certificate if they were known to be Rohingya and, generally, Rohingya could not get a government job; is that correct?

WITNESS NJ: Yes.

The VICE-PRESIDENT: When the lawyer from Myanmar was asking you questions about the opportunity for an education, you said to him: We Muslim women were not allowed to go to school and we mainly stayed at home and we only learned how to recite the Quran. Is that correct?

WITNESS NJ: Yes, I have said that it means the Myanmar military didn't allow us to attend any school, to learn Burmese. If we wanted to learn Burmese, we had to learn it in different ways; in house or in our own way, so not in a school. That's what I mean.

The VICE-PRESIDENT: If you could clarify for me, as a Muslim woman, or as Muslim women and girls, were you denied an education by Islam as a religion or were you denied education because that was the policy of the ruling government?

WITNESS NJ: We were not given the chance to study, learn education and receive any certificates or joining a job in a government sector, even though we wanted it. The military made these rules over us, not Islam.

The VICE-PRESIDENT: Thank you. Then I want to ask you some questions relating to the restrictions on births that you talk about. This is in paragraph 23 of your statement where you state as follows: "My husband and I were made to sign a paper saying that we will not have more children, so we got very scared and had to hide our twin child thereon during the next year census and even during military patrols or checking for fear of being fined or my husband being sent to jail."

WITNESS NJ: So I want to tell you a little bit of background about the marriage that has happened with me and my husband. So when I turned 18 and my husband was 27, we both got married. During that time, we had to pay 90,000 kyat as a bribe to the authority, and also they made us sign a paper to say that we cannot give birth to more than two children. That's how the restriction was.

The VICE-PRESIDENT: Okay. The next question relates to the curfew. You stated that from around 2016, there was a dusk-to-dawn curfew and the curfew also involved requiring you to be in your houses before dark and to switch off the lights after dark.

WITNESS NJ: Yes, in 2016 during the curfew time, we were in so much fear and we had a lot of restrictions, and we couldn't light up in the evening time. For dinner, normally we eat when it gets dark at nighttime. So we had to eat our dinner during the daytime because we couldn't light up inside our house. So if someone was going out after 6 p.m., then it was a big crime. Our husbands and villagers were arrested, beaten, tortured by the Myanmar military, so that's how this curfew was in our village.

The VICE-PRESIDENT: Was any explanation offered to you as a population why this curfew had been imposed in this way?

WITNESS NJ: When I was witnessing all this, I was not given any explanation, but I was thinking and believing when that day they took our walls, fences — I mean, in front of the houses — it was an attack. Not only as a single, it was the whole community as a Rohingya; they discriminated and they wanted to destroy us. That's what I felt by the treatment they did in our village.

The VICE-PRESIDENT: Are you sure that this only happened in Rohingya villages?

WITNESS NJ: Yes, only where Rohingya were living — they were targeted. Only the Rohingya villages.

The VICE-PRESIDENT: Okay. I have just two more questions and I am afraid I am going to have to ask you concerning your husband, your late husband, and father-in-law and the day that the military came to your house and beat them, and so on and so forth. In paragraph 48, you say: "The military arrived at our door and forced it open." Then you continue that they attacked your husband and father-in-law, and they "hit them with the . . . big guns . . . and they were also punching them".

INTERPRETER: Can I interpret? Thank you.

The VICE-PRESIDENT: Of course, this was in your presence, according to the statement. Now, my question is this: did you hear any explanation by the military who were treating your husband and father-in-law why they were treating them this way? Did you hear any explanation that they were giving?

WITNESS NJ: There was no explanation. To give you a background that at the beginning, as I witnessed that my father-in-law came back after his prayer, and then my husband was in the mosque when he experienced that all the military came, surrounded the village, and there was big gunfire sounds he heard and he was running towards the house. He couldn't stay longer in the mosque, then all the military followed, and came to our house, so this started that way and we have seen it, the gunfire sound, and the incident.

The VICE-PRESIDENT: As you say in your statement that you believe your husband and father-in-law were killed during this exercise, but you don't have proof, you just presumed that they were killed because you have never heard of them again?

WITNESS NJ: As I have told that, the way they started the attacks during that day in my home, I have seen that they came as a group and then with the intention of attacks my husband physically, and with the intention to kill him. The village administrator was present as well with the group to lead the mission and also, in front of my eyes, I have seen that they were holding my husband like this and very aggressive when they started hitting them with the long gun and they were brutally tortured. I have also witnessed that — the way they were snatching them and taking from the house, it was very severe, and with this, I believe they were attacked to kill — to destroy. Also, the village administrator handed a knife to another military to run the operation. That's all I have witnessed. I have a feeling and I have seen how brutal it was, so I believe they were killed.

The VICE-PRESIDENT: My very last question relates to the burning and destruction of your home which you say you woke up in the rice paddy field after you had been attacked by the two military who raped you. You woke up in the evening in a paddy field and you noticed that your house and the house next door were completely burned down?

WITNESS NJ: Yes, when I was in the paddy field, I was sitting there and when I discovered that I'm there and I was trying to observe what has happened to my area, so I have seen smoke coming from my house, so it's destroyed. That's what I have seen.

The VICE-PRESIDENT: In fact, you state in paragraph 66 that you saw that other houses in your village had all been burned down, including any trees and leaves around — that they had all been burned down?

WITNESS NJ: Yes, I have seen that houses were burned and if I say a specific — one of my brothers-in-law's houses was burnt. I saw they set fire and throw in the bomb or a specific object when they throw, the fire becomes active and that's how I have seen and also they were pointing guns and someone — the village administrator — was assisting them to destroy this in the village and I have witnessed this.

The VICE-PRESIDENT: But my specific question is on this particular incident where you woke up in the rice paddy field and you saw your entire village burned down. My question is this: did you ever find out who actually burned your village?

WITNESS NJ: I have witnessed and I saw that the Myanmar military, Lon Htein police and the village administrator combined ran the operation and they destroyed the whole village. They set the fire and burned the houses in my village.

The VICE-PRESIDENT: Thank you very much, Madam Witness.

The PRESIDENT: I thank the Vice-President for the questions and I thank Witness NJ for answering the questions. There is no other judge who would like to ask a question. So, I would like to thank Witness NJ for having come to The Hague to appear before this Court and giving your testimony. I thank her. You may leave the room. Thank you very much.

The Court will meet again tomorrow, Thursday 22 January 2026, at 10 a.m., to hear in closed session The Gambia's third witness, Witness MS.

The sitting is closed.

The Court rose at 4:45 p.m.
