

CR 2026/17

International Court
of Justice

THE HAGUE

Cour internationale
de Justice

LA HAYE

YEAR 2026

Closed sitting

held on Friday 23 January 2026, at 10 a.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 vendredi 23 janvier 2026, à 10 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
 Abraham
 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
Abraham
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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comme membres de la délégation.

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

The Court meets this morning to hear Witness M1, called by Myanmar. Witness M1 is the pseudonym that the Parties must use when addressing and referring to this witness. Pursuant to Article 46 of its Statute and Article 59 of its Rules, the Court has decided to hear Witness M1 in closed session. Only the judges, limited Registry staff, interpreters and members of the delegations on the official list provided to the Court are allowed in the courtroom during the closed session. Everyone present today is under an obligation not to reveal any details that might lead to the identification of the witness. I 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.

A verbatim record of this session will be prepared for the Court and the Parties' use, but any details which could lead to the identification of the witness must be kept confidential. The Parties will be permitted to refer to the testimony given in closed session during their arguments, but they should do so in a manner that will ensure the protection of the identity of the witness.

According to the Court's practice, the verbatim record will be circulated to the Parties as soon as available. The witness, with the assistance of the calling Party, will be asked to insert into the verbatim record corrections of any mistakes that may have occurred — without affecting the sense and content of the testimony or statement given — and will be requested to return the verbatim record, corrected and signed, to the Registrar at the latest by 6 p.m. on the second day following the transmission of the uncorrected verbatim record, in order to facilitate any supervision that the Court may think it proper to exercise in respect of any corrections made.

A redacted verbatim record will also be prepared and made available to the public after the end of the oral proceedings. In this connection, the witness and Myanmar will be asked to suggest the redactions deemed necessary, but the final decision will remain with the Court.

I shall first invite the interpreter provided by Myanmar to make the solemn declaration prescribed by Article 70, paragraph 4, of the Rules of Court, and I call on Mr Tin Maung Maung Ohn please. Would you be so kind as to read the solemn declaration?

INTERPRETER: "I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete."

The PRESIDENT: Thank you. The Court has been informed that Witness M1 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 statement. If at any moment the witness requires a pause, I shall intervene.

Witness M1 may now be brought into court.

Good morning, Witness M1. 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 loud the solemn declaration in the Myanmar language so that Witness M1 can repeat it.

I ask Myanmar's interpreter to repeat it in English for the record.

WITNESS M1: "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 M1. You will shortly be examined by counsel for Myanmar, then cross-examined by counsel for The Gambia. Then, after a short break of 15 minutes, you may be re-examined by counsel for Myanmar.

You made your affidavit on 8 February 2023 in Maungdaw Township in Rakhine State. Your affidavit has been submitted to the Court by Myanmar. Before starting the examination, the usher will give you your affidavit as provided by Myanmar.

The Court has been informed that you are unable to read. I would thus invite counsel for Myanmar to ask Witness M1 to confirm the content of the affidavit submitted in the case.

Mr David Hooper, you have the floor.

Mr HOOPER: Thank you. Madam Witness. Hello, good morning.

WITNESS M1: Good morning.

Mr HOOPER: The question I ask is this: are the contents of the statement that you made on 8 February 2023 correct?

WITNESS M1: Yes.

The PRESIDENT: I couldn't hear the answer in the translation. For the record.

Mr HOOPER: For the record.

INTERPRETER: Sorry.

The PRESIDENT: Can Mr Hooper ask the question again and then —

Mr HOOPER: Yes. Let me ask the question again. Madam Witness, you made a statement on 8 February 2023. Do you remember doing that?

WITNESS M1: Yes, I remember.

Mr HOOPER: Right. In that statement, did you tell the truth of what happened?

WITNESS M1: Yes.

The PRESIDENT: Okay. Thank you very much. Mr Hooper, you may proceed with the examination-in-chief.

Mr HOOPER: You don't have the statement in front of you; but the judges do. And I won't be asking you about all its contents. In 2017, did you live in Kha Maung Seik village?

WITNESS M1: Yes, I did.

Mr HOOPER: And in the part of that village, did you live in the part called Foira Bazar?

INTERPRETER: Sorry, did you live in Para? Yes, sir.

Mr HOOPER: Did you know that — it's two languages. Did you know the name of the village as Foira Bazar?

INTERPRETER: She lived in Kha Maung Seik, Area No. 2.

Mr HOOPER: All right. Did you live there together with your husband and your three children?

INTERPRETER: Yes, she lived with her husband and family members.

Mr HOOPER: All right. Thank you. And in that part of the village, Area No. 2, how many people lived there?

WITNESS M1: Okay. There were about over 100 Hindu people and the remaining are Muslims.

Mr HOOPER: Right. What religion are you?

INTERPRETER: Yes, sorry?

Mr HOOPER: What religion are you?

WITNESS M1: Hindu religion.

Mr HOOPER: Right. On 25 August 2017, can you tell us what happened?

WITNESS M1: On 24 [August] 2017, we heard the gun shooting. On 25 August morning, Bengali entered our village.

Mr HOOPER: All right. What did they do?

WITNESS M1: We lived in our area, as usual at the time. They surrounded our village and entered our village; they also arrested the men and women and they beat the men.

Mr HOOPER: All right. When you say "they" came, how many of them came?

INTERPRETER: Sorry, sir?

Mr HOOPER: How many people came and surrounded the village and beat the men?

The PRESIDENT: Let me interrupt. I give the floor to the verifying interpreter.

VERIFYING INTERPRETER: Thank you, Mr President. The question was how many people came; the interpreter asked: "How many people were killed?" Thank you.

The PRESIDENT: Okay. Please, interpreter, how many people came?

INTERPRETER: According to her, there are two villages in her area: One is Kha Maung Seik, another a Ye Bauk Kyar. Around about 99 Hindu people were killed.

Mr HOOPER: Yes. The question wasn't how many were killed, but thank you for the answer. It was: how big a group of people came into the village and beat the men, that day? How many came in?

WITNESS M1: There were around 300 to 400 Bengali people who came into our village holding the weapons.

Mr HOOPER: Did they do anything to you and your family?

WITNESS M1: So, during that incident, my two younger brothers, one nephew and my husband were killed. Our three women were saved. They also folded our hands — our arms and hands — to the back and tied with ropes.

Mr HOOPER: All right. Did you recognize any of the people who attacked you?

WITNESS M1: I remember them.

[The witness shows signs of distress.]

Mr HOOPER: All right.

The PRESIDENT: Maybe we can take a pause and she can wait outside.

Mr HOOPER: Can you tell the witness we understand it's difficult, please?

INTERPRETER: Yes.

The PRESIDENT: Mr Hooper, maybe the witness can rest outside for a while.

Mr HOOPER: Yes. Shall I ask her?

The PRESIDENT: Yes.

Mr HOOPER: Madam Witness —

Please translate this for me.

INTERPRETER: Yes.

Mr HOOPER: Will you ask her does she want to go outside for a few minutes or would she prefer to stay here? Please ask her.

Let me see if I can ask a question and we will see how you are. As I have said, all the judges have your statement. Let me ask you this: Did the men who came into your village, did they take you anywhere?

INTERPRETER: Did they take you — sorry? Did they take you?

Mr HOOPER: The question is: Was she taken anywhere?

INTERPRETER: The Bengalis took her and other people to Taung Ywar village, which is three miles away from her village.

Mr HOOPER: All right. Did you go to a place near — were you taken to a creek, a small river, near Bawtala village?

Can you please translate what she says? Thank you.

INTERPRETER: Yes, to clarify.

WITNESS M1: So firstly, they took [them] to the creek near Bawtala village, and then they said that they will kill all of them. So when they cry and pleaded, they took them to the village, Bawtala village.

Mr HOOPER: All right. Where were the men killed that you spoke about? Where were they killed?

INTERPRETER: Can you repeat? Sorry, I cannot hear your questions. So where . . .

Mr HOOPER: You could wear . . .

INTERPRETER: It doesn't work.

The PRESIDENT: The usher, please.

Mr HOOPER: I am wondering, Mr President, could we have a pause?

The PRESIDENT: I would like to give the floor to the verifying interpreter first.

VERIFYING INTERPRETER: Thank you, Mr President. The interpreter did not hear from the witness that the men were killed.

INTERPRETER: Yes.

The PRESIDENT: Is the headphone working? Your headphone — no, no, no, I am asking if your . . .

INTERPRETER: Yes, now my headphone is working.

The PRESIDENT: Okay. Mr Hooper, you are proposing what? A pause?

Mr HOOPER: If his headphone is working, can we carry on?

The PRESIDENT: Okay.

Mr HOOPER: I am sorry for the difficulties. Where were your — your husband was killed. Where was that? Where was he killed?

WITNESS M1: They took — the Bengalis took them to Bawtala village, and then they told us: “You cannot live here. You cannot — the Buddhists and other religion cannot live here. We will all kill all of you.” And then they killed my husband and other people.

Mr HOOPER: And where did they do that?

WITNESS M1: They kept the women at the cow-shed, and then they took the men and other people to the Betel Leaves Farm.

Mr HOOPER: Sorry?

INTERPRETER: Betel Leaves Farm. Betel. Betel Leaves.

Mr HOOPER: Betel Leaves Farm?

INTERPRETER: Yes, a plantation.

Mr HOOPER: All right.

WITNESS M1: So they took all of them to that farm and killed them.

Mr HOOPER: When you say “they took all of them”, was that just men, or men and women?

WITNESS M1: Only eight women were left in there, at the cow-shed. Other people were taken to the Betel Leaves Farm and killed.

Mr HOOPER: As I say, the Court has got your statement, and I do not know how much of this I need purposely put to you. How many people do you say were killed on that day at that place? Please, can you translate in parts?

WITNESS M1: So they told us that — they asked the eight women, “Would you like to convert to Islam or — would you like to convert to Islam and would you like to marry us? Otherwise we will kill you.” And then other people — there were many people who were called to that side of Betel Leaves plantation and [they] killed all of them.

Mr HOOPER: All right. And we can see from your statement that you lost family?

WITNESS M1: Yes.

Mr HOOPER: And you were not killed and, as I understand it, seven other women were not killed; is that right?

WITNESS M1: As we told that we will convert to Islam and we will marry to them, so we were saved.

Mr HOOPER: We can see from your statement that after a few — yes. Is it right that you heard the cries of people being killed?

WITNESS M1: Yes, we not only heard the cries of those men, but we also saw with our eyes what they show us. They showed us the knives stained with blood. So they also told that they had been about three years . . . “We could not do the *Qurbani*, or halal cutting throat, for three years. Now we could do that.”

Mr HOOPER: All right.

WITNESS M1: We also knew that the people from our village collaborate with the ARSA people and committed such kind of crimes.

Mr HOOPER: All right. How many people were killed that day?

WITNESS M1: There were about 55 people from our village and about 45 people from another village named Ye Baw Kya.

Mr HOOPER: All right. And after that, after several days, did you arrive — were you taken to the Kutupalong refugee camp?

WITNESS M1: Yes. On 28 August.

Mr HOOPER: And you were, as you have just said, allowed to live if you agreed to convert to Islam; is that right?

WITNESS M1: Yes, right. And then we had to change our Hindu clothes with Islam clothes, Muslim clothes.

Mr HOOPER: Thank you. Now, when you got to the refugee camp, what happened?

WITNESS M1: At the camp, a number of *mawlawi* leaders came and met us, and they told that: “You must answer [that] we saved you. We saved you. The killing or the murder — murder cases — are committed by Myanmar military and Rakhine people.”

Mr HOOPER: So *mawlawi* leaders came and they told you that you must say that the military Rakhine had killed your people. Were you threatened at all if you didn’t do that?

WITNESS M1: Yes, [we] are threatened to us . . . by them. Also we had to conduct the interview — we had to answer the interview by the — that interview was arranged by the UN media team.

Mr HOOPER: I am going to show you a video now. It is only two minutes or so long, two minutes and 30 seconds, I think. And the video, before it starts — I should explain, this video has subtitles, but in fact the Court has — I think at tab 2 — a transcript. That is, as it were, the proper transcript. So it has got subtitles, but the English translation in your folder, at tab 2, is, we say, the authoritative transcript. So can the video be played?

[On screen: video recording.]

Mr HOOPER: Thank you. Do you appear in that video?

WITNESS M1: Yes, we are in that video. We were interviewed in that video.

Mr HOOPER: The other women that we saw, the women talking, are those all women who were with you that day?

WITNESS M1: We were, altogether, eight people together.

Mr HOOPER: And were their husbands killed?

WITNESS M1: Not only their husbands, but also their siblings were killed.

Mr HOOPER: I am going to show you two screenshots. The lady on the left, is that you?

WITNESS M1: Yes, me.

Mr HOOPER: Next screenshot, are you the lady on the left?

WITNESS M1: The left one is my younger brother's wife.

Mr HOOPER: Is that you?

WITNESS M1: Yes.

Mr HOOPER: I am going to show you two screenshots, same person. Don't mention any names. The lady in pink — don't mention her name — do you know her?

WITNESS M1: Yes, I know.

Mr HOOPER: Is she the other person who could have been a witness in the case? That we know as M2?

WITNESS M1: Yes.

Mr HOOPER: Right. Finally, I am going to show you the same video but without subtitles. But it shows you right at the beginning, at the back, because it is two seconds longer at the beginning. Can you play the video, please?

[On screen: video recording.]

Mr HOOPER: Thank you. The men who took you from your village, were they armed?

WITNESS M1: Yes, they had weapons.

Mr HOOPER: Did they say they were attacking anybody else?

WITNESS M1: Yes, I heard with our ears clearly about their saying they will attack the military bases and police post. Not only that; they will also kill other ethnic people like Rakhine.

Mr HOOPER: Now, after a short time, you got help and you were able to escape the people who had captured you; is that correct? Escape from the camp. Can you translate, please?

WITNESS M1: One of the Hindus who was living on the Bangladesh side tried to escape from the camp. One of the Hindus posted their picture online and other Hindu people recognized their face and they all together tried to escape from the camp.

Mr HOOPER: Eventually, with the help of the Bangladesh police, you went to a Hindu refugee camp?

WITNESS M1: One of the Hindus who helped us to escape from the camp keep us in his house and then Muslim people from the camp surrounded his house, and then that Hindu man made a phone call to the police, the Bangladesh police, and then a Bangladesh police force arrived and asked us why they came here. So they explained that our Hindu people were killed by the Muslims, then we were captured, arrested and taken here. That's why.

Mr HOOPER: Finally, you were able to make contact with a Hindu religious leader in Maungdaw Township and you told him the story, and they went and exhumed, took out the corpses of some of the villagers?

WITNESS M1: Yes, that Hindu religious leader came in, met with them and the leader signed for the escape of those people.

At that time, we were also asked whether we would confess Islam or Hindu. At that time we replied that we only want to confess Hindu, our Hindu religion. So that's why we had to sign and then we were sent to the Hindu refugee camp.

Mr HOOPER: Please listen to my question. Can you ask her: were bodies exhumed? Do you understand? Were bodies exhumed of the people who had been killed?

WITNESS M1: So we had contact with [REDACTED], the Hindu religious leader, and then we explained to him where the corpses of men and women were buried. We also told him that place where the dead bodies were.

Mr HOOPER: And what happened then?

WITNESS M1: The Hindu religious leader [REDACTED] also asked me whether those people were killed by their military or the Bengalis or other people. I responded that those people were killed by the Bengali terrorists. If there was the military persons, we would not be killed like that.

Mr HOOPER: All right. Question: were those bodies exhumed?

WITNESS M1: When we arrived back from Bangladesh to Myanmar, I saw those dead bodies and I can find out which one is my husband's body, which one is my uncle's body, like that. So we can find out.

Mr HOOPER: All right. So finally, you had I think nine relatives who had been killed, including your husband?

INTERPRETER: Nine, sorry?

Mr HOOPER: Nine relatives of hers, direct relatives, were killed? Ask her if she can confirm.

WITNESS M1: *[Not interpreted.]*

Mr HOOPER: Can I —

The PRESIDENT: Just a minute. The verifying interpreter: I give her the floor.

VERIFYING INTERPRETER: Thank you, Mr President. The question of the counsel was nine villagers were killed, not nine relatives were killed. Thank you.

The PRESIDENT: No, no, no: the counsel asked: "nine relatives".

Mr HOOPER: Yes, I think so. I hope so.

INTERPRETER: Nine villagers.

The PRESIDENT: No, no, no: nine relatives.

Mr HOOPER: Let me pose the question again.

INTERPRETER: Yes.

Mr HOOPER: Is it correct that nine of your relatives were killed that day?

WITNESS M1: Yes, that's right. I don't lie. It's the truth, nine of my relatives were killed.

Mr HOOPER: Yes. And how many were killed all together? How many people were killed, all together?

WITNESS M1: All together, 99 people. Ninety-nine people from our villages. There are also other people, other — 13 people were also killed from outside.

Mr HOOPER: Sorry what number? Thirteen, or . . . ?

INTERPRETER: Thirteen.

Mr HOOPER: Thirteen, thank you: one-three. Thank you. And we can see in your statement those of your relatives who were killed. I don't take you to them. It's in the statement. All right. Thank you. Thank you, Witness. I thank the Court.

The PRESIDENT: I thank Mr Hooper. I now give the floor to counsel for The Gambia, Ms Jessica Jones, for cross-examination.

Ms JONES: Thank you, Mr President. Good morning.

WITNESS M1: Good morning.

Ms JONES: I'm going to ask you some questions about what happened after the attack on your village. You described in your statement that after the attack you arrived in Bangladesh and you arrived there at the end of August 2017; is that right?

WITNESS M1: Twenty-nine, yes, 29 August.

Ms JONES: You stayed in Bangladesh until October 2017; is that right?

WITNESS M1: Yes, total of one month and five days in the camp.

Ms JONES: Thank you. When you left Bangladesh after one month and five days, it was to return to Myanmar, wasn't it?

WITNESS M1: At that time in camp, we requested to return to Myanmar side in Myanmar. The Myanmar Government doesn't trouble them in anything, so only Muslim people trouble them, so we don't want to continue to live here in the camp and we would like to return to Myanmar side.

Ms JONES: So, you returning to Myanmar did not trouble the Myanmar authorities, you say, and so they helped you to go back; is that right?

WITNESS M1: Yes. We could live in a safe place.

Ms JONES: You still live in Myanmar today, don't you?

WITNESS M1: Yes.

Ms JONES: Thank you. I want to ask you about the affidavit that you swore in 2023. It confirms the content of the statement that you gave in January 2019 and it says that you gave that statement in the inquiry conducted by the responsible persons; is that right?

WITNESS M1: Yes.

Ms JONES: Was that inquiry by the responsible persons an investigation by the authorities into what happened in your village?

WITNESS M1: Yes.

Ms JONES: And your 2019 statement, which is your evidence before the Court, formed a part of that investigation?

WITNESS M1: Yes.

Ms JONES: Your evidence to the Court is that while you were still in Bangladesh in 2017, you told a media team what had happened in your village, but what you told them in 2017 was not true; is that right?

INTERPRETER: Let me clarify. So there are two differences?

Ms JONES: We've heard today from the witness and it's in her statement, that she first said in Bangladesh what happened in her village, but what she said then is not in fact what happened?

INTERPRETER: Sorry. She is — let me clarify. Please rephrase this again.

Ms JONES: We know that she told some people while she was in the Bangladesh camp about the attack in her village and the story that she told then was that *Rakhine* military or civilians were the attackers, but her evidence now is that that's not the truth?

INTERPRETER: Yes, during the interview in the camp, they have to answer as they were told by the camp responsible person. Clearly, they were in fear — they were afraid of, so they have to say like that. Actually, that story is not . . .

Ms JONES: Understood. That was in 2017. By the time you gave your statement in 2019, you were back in Myanmar, weren't you?

WITNESS M1: Yes.

Ms JONES: Your statement records that when you gave it, it says: "I am residing in the family quarters of the tactical command in Buthidaung." Is that where you were living at the time?

WITNESS M1: I'm not sure whether it was tactical command or not, but I could live in a safe place. I know that.

Ms JONES: Well, your statement describes it as being tactical command in Buthidaung, and that's a Tatmadaw military base, isn't it?

WITNESS M1: That place was in the Buthidaung area.

Ms JONES: So those are the circumstances in which you lived when you gave the statement that's before the Court today.

WITNESS M1: Yes, but — yes. The place where I testified is not in that military tactical command, but in Sittwe Township in another place of the administration.

Ms JONES: Understand. Thank you very much, Mr President, I've got no further questions.

The PRESIDENT: I thank Ms Jones. Before I give the floor to counsel for Myanmar in the event they wish to re-examine the witness, the Court will observe a break of 15 minutes. And then you can take the floor. The hearing is suspended.

The Court adjourned from 11.10 a.m. to 11.45 a.m.

The PRESIDENT: Please be seated. The witness may be brought into the courtroom.

Witness M1, the counsel for Myanmar will re-examine you.

WITNESS M1: Yes.

The PRESIDENT: I give the floor to Mr Hooper. You have the floor.

Mr HOOPER: Thank you. After one month and five days in the Hindu refugee camp, you got back to Myanmar with the help of the Hindu community and Bangladesh police; is that correct?

WITNESS M1: Firstly, they planned to bring [us] to the Indian side because we suffer a lot during these days. At the time, we told them that we don't want to go anywhere, we didn't want to go anywhere. We only want [to go] back to the Myanmar side.

Mr HOOPER: Yes. And what happened then?

WITNESS M1: When we arrived back, we told — we explained that our people were killed by ARSA and their collaborators; [they] killed our people.

Mr HOOPER: Right. And how did you get from India to Myanmar?

WITNESS M1: Not from India; just from Bangladesh back to Myanmar.

Mr HOOPER: All right. How did you get from Bangladesh into Myanmar?

WITNESS M1: When we arrived back, we explained to the responsible authorities that our people were killed by ARSA and their collaborators. At that time, the authority also asked: "Do you know some of them?" I responded that "I know some of them; one of the collaborators is — the name is Nurolock. He is the leader of that incident."

These people, these Muslim people collaborated with ARSA forces. I know some of them by name or personally.

Mr HOOPER: All right. You list some names, I know, in the statement. I am not going to go through that. Thank you very much. Those are all my questions, thank you.

The PRESIDENT: Thank you, Mr Hooper. Before the Court and the judges ask questions to Witness M1, the Court will ask two questions to the counsel for Myanmar. Mr Hooper please come to the podium. You can explain to her that we ask a question to the counsel.

The Court has two questions to the counsel for Myanmar. One: please play the video once again and tell us which interviewee is Witness M1 in one scene, once again, please.

[On screen: video recording.]

The PRESIDENT: Maybe the counsel . . . Can the operator stop the video and indicate —.

Mr HOOPER: I wonder if I can show the screenshot again? That might help.

The PRESIDENT: Yes, that is helpful.

Mr HOOPER: Is that possible? Can you show that screenshot? Oh, it is on. Right. I understand that — which one of those is you?

WITNESS M1: This is me because they asked me to wear the —.

Mr HOOPER: Yes. Which one? Are you the one on this side or the one that side?

WITNESS M1: Left side. We are forced to wear the Muslim dress.

Mr HOOPER: Can we show the first shot as well? Are you the one with the white headdress?
Look at the picture.

WITNESS M1: Yes, this is.

The PRESIDENT: Okay, thank you very much. The second question: In your transcript, you have Interviewees 1 to 4. Maybe the counsel can tell us later, maybe if not now, which interviewee is Witness M1.

Mr HOOPER: This is a question for me.

The PRESIDENT: Yes, this is a question for the counsel.

Mr HOOPER: Sir, you would like the answer to that later?

The PRESIDENT: If you like.

Mr HOOPER: I am just looking for the reference, actually. I have just opened it again. Can you please repeat your question?

The PRESIDENT: In your transcript, there are Interviewee 1, Interviewee 2, Interviewee 3, Interviewee 4.

Mr HOOPER: Yes.

The PRESIDENT: We would like to know which one is Witness M1. You can answer the question by Monday in writing.

Mr HOOPER: Yes, certainly; if she says anything, in fact.

The PRESIDENT: Okay.

Mr HOOPER: All right, I will.

The PRESIDENT: Now, Witness M1, certain judges wish to put questions to you. Please respond to each judge's question after it is put to you. When you have finished, I will call on the next judge who wishes to put a question.

I start with the Vice-President. You have the floor.

The VICE-PRESIDENT: Thank you, Mr President. Good morning, Madam Witness. Can I start by saying how sorry I am for what happened to you.

Now, my first question is: what language do you speak?

WITNESS M1: As we live in Rakhine, we know Rakhine ethnic language, and Hindu and Bengali languages.

The VICE-PRESIDENT: Do you speak Rohingya?

WITNESS M1: Yes, I know. I can speak.

The VICE-PRESIDENT: Rohingya. Do you understand Rohingya well?

WITNESS M1: Yes.

The VICE-PRESIDENT: Where do you currently live, exactly?

WITNESS M1: Now I live in Yangon city.

The VICE-PRESIDENT: Where is that?

WITNESS M1: I know only that I live in Yangon, but I don't know the exact place in of —

The VICE-PRESIDENT: But that is in Myanmar?

INTERPRETER: Yes, in Myanmar, yes.

The VICE-PRESIDENT: And do you feel safe there, where you live now?

WITNESS M1: Now I hire — I rented a house. As there are no Bengalis, I feel safe in that place.

The VICE-PRESIDENT: The reason I ask that is because you stated in your statement that the people who attacked you have all gone to the camps in Bangladesh; is that correct?

INTERPRETER: Madam, please repeat the question again.

The VICE-PRESIDENT: The witness stated in her statement —

INTERPRETER: Yes.

The VICE-PRESIDENT: — that the people who attacked her family currently are living in Bangladesh in the camps; is that correct?

WITNESS M1: Yes, that's right. Yes, I know the men who killed our relatives, they are living there.

The VICE-PRESIDENT: So you do not have concern for your safety from those men, as you are now living in Myanmar?

WITNESS M1: They threatened us that they will kill all the other people, other ethnic people. They threatened us they would kill other Buddhist people, so that's why I am concerned about them, at that time.

The VICE-PRESIDENT: I was talking about now, not way back then. Okay, next question. Madam Witness, were you told the purpose of your coming to the Court today? Did anyone explain to you what is the reason for coming to Court today?

WITNESS M1: The evidence of killing people, killing people was only clear, but Muslim people — killing all Muslim people was clear in the news. But the news of Hindu people who were killed are not apparent or clear in the news. That's why I would like to tell the truth. And, also, the Hindu religious league also requested [me] to go and testify the truth of being killed of Hindu people. That's why I came here.

The VICE-PRESIDENT: I understand.

Now, in your testimony, you have spoken of ARSA. Who or what is ARSA?

WITNESS M1: Yes, I know ARSA. They are — the members of ARSA were people from the other side of the country — of the country. They normally wore black clothes and they usually hold weapons and guns. They collaborate with some of the Muslims from our villages.

The VICE-PRESIDENT: Now, I'm going to go to your statement, and I'm going to ask you questions from your statement, because I want you to clarify some matters for me. So you stated that in August, on 25 August 2017, a group of armed Bengali Muslims came and attacked your village, and when they came, these individuals were wearing masks and that they tied your hands behind your back and blindfolded you with cloth; is that correct?

WITNESS M1: Yes, we were arrested and we were blindfolded and then they also asked for the valuable things, like money and other jewellery from us.

The VICE-PRESIDENT: In your statement you name nine persons that you say you identified. My question is: if the men were wearing masks and you were blindfolded, how were you able to tell these nine names and identify them?

WITNESS M1: Only when those people received some of their gold and jewellery, because we ran a goldsmith shop, so they asked for that gold from us, only after that they blindfolded us.

The VICE-PRESIDENT: Sorry. I don't understand.

WITNESS M1: Only those terrorist people asked for some money and gold from us, only after they received those valuable things they blindfolded us.

The VICE-PRESIDENT: Okay. But still I don't understand, if they were wearing masks, how did she tell who was who?

WITNESS M1: So when they took us to the way along, we cannot walk because we were blindfolded. Only when we asked them, they take off our blindfolds from our faces.

The VICE-PRESIDENT: Okay. I'll not pursue that question further. What language did these men speak to you in?

WITNESS M1: Bengali language.

The VICE-PRESIDENT: Which you say you understood well?

WITNESS M1: Yes, I understand. I also know that language. I can also speak that language.

The VICE-PRESIDENT: And what made you draw the conclusion that they were ARSA?

INTERPRETER: She heard that those men told themselves as ARSA members; they came here to occupy that area of those people, the land of Myanmar.

The VICE-PRESIDENT: The question I asked the witness is: how does she know that the people who attacked their village were ARSA? How does she know that fact?

WITNESS M1: Some of the people in our village know that those men were ARSA. Those people tell her these people are ARSA members.

The VICE-PRESIDENT: So she herself did not know, but she was told by someone else?

WITNESS M1: Yes, some of the Muslims told us about these men, that they are the members of ARSA.

The VICE-PRESIDENT: I think one last question I have is: she stated that the attackers announced to the eight women that they were going to attack police, military posts and also to attack the other communities after they had attacked the village; is that correct?

WITNESS M1: Yes, that's right.

The VICE-PRESIDENT: And does she know if in fact they carried out this threat?

WITNESS M1: Yes, they did because I also saw at the time, I was in the forest, so I saw some of the flames and smoke burning the village, I saw by myself.

The VICE-PRESIDENT: Thank you. No further questions.

The PRESIDENT: Thank you, Madam Vice-President. I now give the floor to Judge Aurescu.

Judge AURESCU: Thank you, Mr President. Madam Witness, thank you for being with us today. I have only one question.

In your 2019 statement, you have said that, and I quote from page 3: "Later, it was known that 108 persons from our village were killed."

WITNESS M1: Yes.

Judge AURESCU: Today, you mentioned that 99 persons from your village were killed. But I'm not asking you about the numbers. I'm asking you, and this is my question: where do you have this information from about the numbers? Who told you about these numbers?

WITNESS M1: I only tell the truth based on the information I got.

Judge AURESCU: Well, the question is: where do you have this information from about the total number of people?

INTERPRETER: Let me rephrase that question.

WITNESS M1: When we were arrested and brought to the cow-shed, we saw the killing of those people and we know the number in that place.

Judge AURESCU: Thank you, Mr President.

The PRESIDENT: I give the floor to the verifying interpreter.

VERIFYING INTERPRETER: Thank you, Mr President. The witness was answering that: "When we were brought to that other house and I saw them." And the witness did not mention about the killing. Thank you.

Judge AURESCU: Thank you, Mr President.

The PRESIDENT: Okay. I now give the floor to Judge Hmoud.

Judge HMOUD: Thank you, Mr President. Thank you, Witness, for coming over and describing the account that you are saying happened to you during this difficult time. My question, the video that was just shown to you, when was this video taken? Do you remember?

INTERPRETER: Escape? When? How?

Judge HMOUD: If she remembers, when was this video taken? When?

INTERPRETER: When?

Judge HMOUD: Yes, when the video was taken.

WITNESS M1: The video was taken in Kutupalong refugee camp at about 3 p.m., which is the Muslim refugee camp.

Judge HMOUD: Which day?

WITNESS M1: Maybe 28 or 29 August. At the time, they also planned to feed us with beef curry.

Judge HMOUD: Yes. My question, in the video you are wearing Muslim clothes, correct?

WITNESS M1: Yes. Since we were in Bawtala village, in Myanmar side, we are asked to wear those clothes. And then after changing our clothes, they brought [us] to the camp. After killing the other people, they asked us to wear those dresses.

Judge HMOUD: So those clothes, the terrorists — the Muslim terrorists — brought them with them? So they brought them with them and gave them to you; is this correct?

WITNESS M1: There was a house owned by Raulfi. So these Muslim terrorists brought those clothes from that house.

Judge HMOUD: From that house? So they went to that house?

The PRESIDENT: Wait, wait. I give the floor to the verifying interpreter.

VERIFYING INTERPRETER: Thank you, Mr. President. The witness also mentioned about the house and then “he’s Rohingya”.

The PRESIDENT: Judge Hmoud.

Judge HMOUD: Yes. And the terrorists brought you to that house, all of you, the eight women, to wear the clothes?

WITNESS M1: Yes, those clothes were brought from Raulfi’s house. If we would like to convert to their religion and if we would like to be their wives, they told us we need to change our clothes.

Judge HMOUD: My question is, you said that you understand Hindu, you understand Burmese, and you understand Bengali; is this correct?

WITNESS M1: Yes, that’s correct.

Judge HMOUD: Do you read and write?

WITNESS M1: We understand what other people said. We cannot write or read.

Judge HMOUD: So you just understand Bengali language from talking to the neighbours before? This is how she learned the language?

WITNESS M1: Yes, that’s correct.

Judge HMOUD: Finally, on page 3 in the statement, you say — and I know that you cannot read it — that “[t]he Bengali terrorists forced us not to worship Buddhism”. This is what is said in the statement. Is this correct?

WITNESS M1: Yes. After explaining that, they told us that you cannot confess other religions, you cannot live here. After telling this, they kill our people.

Judge HMOUD: So basically — but you are Hindu. Why would they stop you from practising Buddhism?

WITNESS M1: There should be one religion in this area, which is Islam. Other religions could not be worshipped or confessed in these areas. After that, they kill other people.

Judge HMOUD: Thank you, Witness. Mr President, I do not have any further questions. Thank you.

The PRESIDENT: I thank Judge Hmoud. I now give the floor to Judge Tomka.

Judge TOMKA: Thank you, Mr President. Good afternoon, Madam. Thank you for coming before this Court. I have a question concerning those who, according to your statement, abducted you. In your statement you name them, nine persons: Nurolock, Hamita, Adul Gori, Falra Nyar, Malikya, Gulara, Runara, Mardulu, Anul Waja.

WITNESS M1: Yes.

Judge TOMKA: My question is, did you know these persons, or some of them at least, before August 2017?

WITNESS M1: I don't know other ARSA members, but I know all of them, all nine of them. I also know then where they live.

Judge TOMKA: Yes, but the question was whether she knew them prior to August, before August 2017.

WITNESS M1: Yes, I knew them before August 2017. They are from our village.

Judge TOMKA: Okay. Thank you very much. I have no more questions.

The PRESIDENT: Thank you, Judge Tomka. Witness M1, thank you very much. There is no other judge who would like to ask a question. Witness M1, I wish to thank you for having come to The Hague to appear before this Court and giving your testimony.

WITNESS M1: I came here to express the truth.

The PRESIDENT: Thank you very much. You may leave the room.

The Court will meet again on Monday 26 January 2026, at 10 a.m., to begin hearing the second round of oral argument of The Gambia. At the end of that second round, on Tuesday 27 January, The Gambia will present its final submissions. For its part, Myanmar will present its second round of oral arguments on Wednesday 28 and Thursday 29 January, followed by its final submissions.

As the Parties and their counsel turn to their preparation for the second round of these oral proceedings, I take this opportunity to remind them of Article 60, paragraph 1, of the Rules of Court, pursuant to which the oral statements of the second round are to be as succinct as possible. The Court has emphasized this requirement in Practice Direction VI. The Parties should not use the second round to repeat statements that they have previously made. The second round is an opportunity to respond to points that were made earlier in these oral proceedings and the questions addressed by judges at the closure of the first round.

The sitting is closed.

The Court rose at 12.25 p.m.
