

## **Jurisdiction over international crimes and the Rohingya case**

### **Abstract**

This thesis discusses the situation of the Rohingya minority in Myanmar in relation to two court cases that have been initiated in recent years before the International Criminal Court and the International Court of Justice. The thesis examines whether the elements of the crime of genocide and selected crimes against humanity, i.e. crimes of deportation, persecution and other inhumane acts, have been fulfilled. After summarizing the historical development of modern Myanmar and the position of the Rohingya in Myanmar society, the thesis identifies the individual elements of the selected crimes under international law, which were chosen for the thesis based on the aforementioned ongoing proceedings. Furthermore, the author evaluates the previous decisions of the two judicial institutions and comments upon them on the basis of secondary literature. The question of state responsibility for breaches of obligations under international law and the position of victims in international criminal proceedings are also approached in relation to the Rohingya cases. In the final chapter of the thesis, the author not only assesses the chances of success for both prosecutors and victims, but also looks for the relevance of international (criminal) law in the 21st century.

Based on verified information from several sources, the author concludes in the thesis that all the crimes mentioned above were committed against the Rohingya. Moreover, both international institutions have jurisdiction over the said crimes and can thus hear the cases. However, the author expresses doubts in the thesis whether the perpetrators of these crimes will actually be punished and whether the victims will receive reparations. The thesis also explains that the interests and goals of prosecutors and victims are not always the same. Beyond these conclusions, the author finds that the current concept of the crime of genocide does not allow for its prevention, but at best punishes the perpetrators and compensates the victims, and even this is not always achieved. The author also believes that academics, who have in large neglected, for example, the issue of victims' independent procedural rights and their greater involvement in international criminal proceedings, could also contribute to a better functioning of international criminal law.

**Keywords: Rohingya, Myanmar, genocide, crimes against humanity, deportation, persecution, International Court of Justice, International Criminal Court, jurisdiction, victims, responsibility**