



## Statement on the Arrest Warrant Against Burmese Military Leaders

February 19<sup>th</sup> 2025

On February 14th, 2025, a court in Buenos Aires, Argentina, issued arrest warrants for 23 Burmese military leaders, including Min Aung Hlaing and Soe Win, as well as two civilian government leaders, former President U Htin Kyaw and State Counselor Daw Aung San Suu Kyi. These individuals are to be tried for genocide against the Rohingya people.

We welcome this legal process as an important step toward justice for the Rohingya and as an effort to uphold the principles of accountability and the end of impunity. However, it is essential to consider the structural constraints imposed by Myanmar's 2008 Constitution, which was unilaterally drafted by the military. Under this constitution:

1. The armed forces are exclusively under the command and direction of the Commander-in-Chief of Defense.
2. The Ministers of Defense, Home Affairs, and Border Security—key institutions implicated in the genocide—are directly appointed by and operate under the orders of the Commander-in-Chief of Defense.
3. Military operations, such as "area clearance operations," are conducted under the direct command of the military, separate from civilian authority.

Given these constitutional limitations, the elected civilian government had no meaningful authority over security matters. Thus, at this stage, it remains uncertain whether former President U Htin Kyaw and State Counselor Daw Aung San Suu Kyi had the power to intentionally direct or prevent the military's actions against the Rohingya.

Furthermore, Daw Aung San Suu Kyi is currently serving a prolonged prison sentence following the military coup. Her incarceration severely restricts her ability to defend herself against the arrest warrant or to present her case in any legal proceedings.

The ongoing Spring Revolution in Myanmar aims not only to dismantle military dictatorship and all forms of authoritarianism and to establish a federal democratic union but also to bring an end to the practice of impunity for the oppression committed against the people by successive authorities. Political leadership and stakeholders are actively working to develop transitional justice policies and mechanisms to ensure accountability for past and present human rights violations.

In seeking justice for various crimes, including the genocide committed against the Rohingya, it will also be possible to investigate in the transitional justice process, whether the elected civilian government leaders who were responsible at the time participated in, supported, or failed to prevent any such violations.

We therefore urge the international community, including Argentina, to intensify actions against the perpetrators of the military dictatorship and to extend all possible support in bringing an end to military rule. Only through the dismantling of this oppressive regime can the people of Myanmar, including the Rohingya, be freed from the ongoing atrocities, paving the way for a free, just, and democratic society.

