



# Special Advisory Council for MYANMAR

## States Must Enforce Historic Arrest Warrants for Myanmar Officials Issued by Argentine Court

20 February 2025

States must enforce international arrest warrants issued by an Argentine court for 25 persons in senior military and government positions in Myanmar in 2017 for their alleged roles in genocide and crimes against humanity committed against the Rohingya, says the Special Advisory Council for Myanmar (SAC-M). Those subject to the warrants include Commander-in-Chief of the Myanmar military Senior General Min Aung Hlaing and Vice-Senior General Soe Win and then President U Htin Kyaw and State Counsellor Daw Aung San Suu Kyi.

SAC-M urges the Argentine government to build on this significant development by requesting Interpol to issue Red Notices for those named in the warrants to initiate their extradition to Argentina to stand trial.

Rohingya survivors have been unwavering in their pursuit of justice for atrocities committed against them by the Myanmar military and security forces in Myanmar in 2016 and 2017. Last week's court ruling, in response to a 2019 complaint filed in Argentina by the Burmese Rohingya Organisation UK (BROUK) under Universal Jurisdiction, marks the strongest action yet by any court to hold the alleged perpetrators accountable.

The inclusion in the warrants of State Counsellor Daw Aung San Suu Kyi and then President U Htin Kyaw, who from 2016 to 2018 occupied the highest civilian positions in Myanmar under the 2008 Constitution, is unsurprising. The Argentine court has applied the same legal standards applied by the International Criminal Court (ICC) when it issued arrest warrants for Vladimir Putin and Benjamin Netanyahu as the highest civilian authorities in Russia and Israel, respectively.

SAC-M urges all 25 individuals named in the warrants to surrender to the Argentine court for investigation and, if deemed appropriate after investigation, prosecution. The Myanmar military should release Daw Aung San Suu Kyi from arbitrary detention immediately so that she can travel to Argentina for that purpose.

The court will be aware that Myanmar's military-drafted 2008 Constitution gave the military total autonomy from the civilian side of the government and parliament and





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excluded the former President and the State Counsellor from any control over military operations. SAC-M is confident that the court will examine that constitutional context when looking at the potential criminal liability of the former President and State Counsellor.

We are also confident that U Htin Kyaw, Daw Aung San Suu Kyi and the other 23 individuals named will have every opportunity to defend themselves against any charges, as is their right, and will be treated according to international standards of justice. This cannot be said for the untold numbers of civilians dragged before military courts in Myanmar, as well as those the military has arbitrarily detained, tortured and executed.

In November, the Office of the Prosecutor of the ICC applied for an arrest warrant for Min Aung Hlaing for his role in crimes against humanity committed against the Rohingya in Myanmar. SAC-M urges the ICC judges to issue an arrest warrant for Min Aung Hlaing without further delay. Additionally, SAC-M calls on the ICC to accept the Myanmar National Unity Government's Article 12(3) declaration and urges ICC Members to submit an Article 14 State Party referral of the situation in Myanmar to the Prosecutor.

The hard-fought international momentum now building for accountability in Myanmar must be sustained to ensure that justice is delivered and impunity is finally ended.

