



28 November 2024

ASIA JUSTICE COALITION WELCOMES THE APPLICATION FOR ARREST WARRANT IN THE SITUATION OF BANGLADESH/MYANMAR AT THE INTERNATIONAL CRIMINAL COURT

Asia Justice Coalition (“AJC”) [welcomes the application by the Prosecutor](#) of the International Criminal Court (“ICC”/“Court”), Mr. Karim. A. A. Khan, to the Pre-Trial Chamber seeking the issuance of an arrest warrant against Senior General Min Aung Hlaing, the Commander-in-Chief of the Myanmar military.

The continuing crisis in Myanmar is emblematic of the accountability gap that allows for the commission of international crimes with impunity. While there are ongoing proceedings before the International Court of Justice, this is limited to state responsibility under the Genocide Convention. Myanmar is also not a State Party to the Rome Statute (“Statute”), and few States in the region have enabling legal frameworks for universal jurisdiction. These limitations make the opportunities that *are* available for individual criminal accountability—*particularly* the investigation by the ICC Office of the Prosecutor (OTP) —all the more valuable and important.

In 2019, the OTP’s *proprio motu* request to open an investigation into the situation in Bangladesh/Myanmar was granted by the Pre-Trial Chamber. The OTP innovatively argued that as the atrocities against the Rohingya in 2016-17 were committed ‘in part’ on the territory of Bangladesh—which is a State Party to the Rome Statute – the Court had jurisdiction over the situation. As a result, the crimes to be investigated were the crimes against humanity of deportation and *any* crime provided within the Court’s jurisdiction, including persecution. The Prosecutor, in his application, alleges that Min Aung Hlaing bears criminal responsibility for the crimes against humanity of deportation and persecution of the Rohingya, committed in Myanmar and, in part, in Bangladesh between 25 August 2017 and 31 December 2017.

The request for an arrest warrant against General Min Aung Hlaing marks a significant step towards accountability but is not an end of the process. As indicated by the Prosecutor, it is the first of many. The ICC proceedings complement the ongoing universal jurisdiction case in Argentina brought by AJC member the Burmese Rohingya Organisation UK (BROUK). Earlier this year, the [Argentinian Prosecutor also requested the Federal Criminal Court](#) in Buenos Aires for the issuance of arrest warrants against General Min Aung Hlaing and others for the alleged commission of crime of genocide and crimes against humanity committed against the Rohingya community between 2012 and 2018.

The Asia Justice Coalition calls upon neighbouring States in the region, including non-States Parties to Rome Statute, to cooperate with the Court. Furthermore, if the Pre-Trial Chamber approves this request to issue an arrest warrant, all States Parties without exception have an obligation under the Statute to arrest and surrender the ICC suspect if found on their territory.

We hope that the OTP’s ongoing investigation and the forthcoming arrest warrants will attest to and comprehensively address the criminality of multiple actors and the severity of the harms inflicted upon the Rohingya.
