



Transitional Justice Timeline in Myanmar (2017-2025)





Collected from 2017 to December 2025.

The Network for Human Rights Documentation- Burma

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Photos by - UN, ICJ, ICC, Kofiannan Foundation

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Introduction

With regard to transitional justice, official initiatives undertaken by the government in Myanmar, as well as activities carried out by civil society organizations, were compiled up to January 2017. Following the military's unlawful seizure of state power in 2021, widespread human rights violations committed by the military junta have caused Myanmar's human rights situation to deteriorate severely.

Before the 2021 military coup, even during the tenure of the National League for Democracy (NLD), the 2008 Constitution—drafted by the military—ensured the military maintained dominance in parliament, the government, and all key decision-making bodies of the state. As a consequence, throughout more than 70 years of internal armed conflict in Myanmar, the military has remained immune from accountability for the crimes it committed. Efforts to reform the Constitution and state institutions were likewise obstructed by the 2008 Constitution itself. Mechanisms to ensure justice for victims and to hold perpetrators accountable were therefore undermined and rendered ineffective. This situation deteriorated to its worst point, particularly after the 2021 military coup.

Therefore, from 2017 through the end of 2025, the processes within the framework of Transitional Justice (TJ) in Myanmar—including Truth, Justice, Reparations, and Guarantees of Non-Recurrence—have been examined and compiled in chronological order by the Network for Human Rights Documentation—Burma (ND-Burma), to the greatest extent possible.

Final Report

, 2017



Justice

In 2016, in relation to conflicts in Rakhine State, Myanmar, a commission led by former United Nations Secretary-General Kofi Annan was established to conduct an investigation. The commission released its findings in a 2017 report. The report recommended promoting peace, fostering reconciliation, and, in particular, ensuring equality for affected Muslim communities. It concluded that a national-level commission should be established to implement the recommendations contained in the report¹.

1. Report of Advisory Commission on Rakhine State, A path to peace and prosperity.



Human Rights Council

As justice mechanisms in Myanmar were unable to operate independently and effectively, the United Nations Human Rights Council established an Independent International Fact-Finding Mission on Myanmar (IIFMM)² in March 2017 to collect and examine information on alleged human rights violations committed by the military and security forces in Myanmar. The mandate of the IIFMM concluded in September 2019.

- ❖ **Since 30 September 2019**, the Independent Investigative Mechanism for Myanmar (IIMM) has been operational, and the Independent International Fact-Finding Mission on Myanmar (IIFMM) transferred the evidence it had collected to the IIMM.
- ❖ **In September 2018**, the IIFMM submitted its final report on its investigative findings. The report recommended that Senior General Min Aung Hlaing and other top military commanders be investigated and prosecuted for genocide, crimes against humanity (CAH), and war crimes (WC)³.
- ❖ **In 2018**, the Human Rights Council established the Independent Investigative Mechanism for Myanmar (IIMM). The mandate of the IIMM is to investigate serious international crimes committed in Myanmar since 2011⁴.
- ❖ The Mechanism collects, preserves, and analyzes evidence, prepares case files, and then shares those case files with relevant national, regional, or international courts or tribunals for the purpose of prosecuting perpetrators.

2. Independent International Fact-Finding Mission on Myanmar.

3. Report of Independent International Fact-Finding Mission on Myanmar (27 August 2018)

4. မြန်မာနိုင်ငံအပေါ် လွတ်လပ်သော စုံစမ်းစစ်ဆေးမှု ယန္တရား



International Court of Justice (ICJ)

Ongoing case at the International Court of Justice on the application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar).

- ❖ **11 November 2019:** The Gambia filed an application at the ICJ, instituting proceedings against Myanmar, arguing that Myanmar has failed to meet its obligations under the Convention on the 1948 Prevention and Punishment of the Crime of Genocide (Genocide Convention).
- ❖ **10-12 December 2019:** ICJ heard representations from The Gambia and from Myanmar regarding provisional measures
- ❖ **23 January 2020:** ICJ unanimously issued the provisional measures ordering Myanmar to:
 - (1) prevent the commission of genocidal acts against the Rohingya; (2) to ensure its military, police, or any other irregular armed unit supported or directed by it or under its control not commit genocidal acts; (3) to preserve all evidence of genocidal acts; and (4) submit a status report every six months until a final judgment by the Court.
- ❖ **23 October 2020:** The Gambia filed its memorial (substantial legal arguments and evidence) with the Court.

5. ICJ, REPORTS OF JUDGMENTS, ADVISORY OPINIONS AND ORDERS.

- Myanmar was due to file its Counter-Memorial by July 23, 2021; however, in January 2021, Myanmar filed preliminary objections to the case.
- Myanmar argued that the Court lacked jurisdiction, and that Gambia did not have legal standing
- ❖ **22 July 2022:** ICJ rejected objections raised by Myanmar
 - Has jurisdiction to decide whether Myanmar is responsible for committing genocide against its Rohingya Muslim minority.
- ❖ Myanmar was required to submit its counter-memorial by 24 April 2023.
 - However, in March 2023, Myanmar requested an extension of time from the ICJ until 24 February 2024.
 - The ICJ rejected this request but granted Myanmar a time extension until 24 May 2023. Myanmar requested a further time extension until 24 February 2024.
 - The ICJ rejected the request but allowed further extension until 24 August 2023.
 - Myanmar filed its Counter-Memorial on 24 August 2023.
- ❖ **May 2024:** Deadline for The Gambia to submit final filing; deadline for Myanmar's final filing December 2024

State Interventions:

- ❖ November 2023: Canada, Denmark, France, Germany, the Netherlands, the UK, and the Maldives asked to formally intervene (support) in the case
- ❖ 3 July 2024: ICJ ordered that all 7 countries were allowed to intervene
- ❖ A total of eight countries (the seven listed above plus Ireland) have formally intervened in the case.



Status of International Criminal Court (ICC) investigations and proceedings related to Myanmar

- ❖ An investigation by the Office of the Prosecutor of the ICC is currently in progress regarding the Situation in Bangladesh/Myanmar
- ❖ The ICC's current investigation is limited to "continuing crimes," most notably the crime against humanity of "forced deportation" of the Rohingya, which began in Myanmar but continues in Bangladesh (a State Party of the Rome Statute).
- ❖ Myanmar has neither ratified the Rome Statute nor made a declaration under Article 12(3) accepting the jurisdiction of the ICC.
- ❖ This means that the ICC does not have jurisdiction over crimes committed inside Myanmar
- ❖ **2018:** The prosecutor sought a ruling from the Pre-Trial Chamber on whether the Court could exercise jurisdiction over the alleged deportation of Rohingya people from Myanmar to Bangladesh
- ❖ The Prosecutor noted that although the coercive acts causing the forced deportation occurred in Myanmar (not a State party to the Rome Statute), an essential legal element of the crime—crossing an international border—occurred in part in **Bangladesh, which is a State party to the Rome Statute.**
- ❖ **6 September 2018:** The pre-trial Chamber issued its decision
- ❖ The court may exercise jurisdiction if an element of a crime or part of such a crime is

committed in the territory of a State that is party to the Statute (in this case, Bangladesh).

- ❖ **4 July 2019:** (following preliminary examination)
- ❖ The prosecutor requested authorization to investigate the situation in Bangladesh/Myanmar since 9 October 2016.
- ❖ **14 November 2019:** Pre-Trial Chamber authorized the Prosecutor’s investigation into any Article 5 crime[2] that
 - (1) is within the Court’s jurisdiction,
 - (2) is allegedly committed at least in part in the territory of Bangladesh or in the territory of any other State accepting the Court’s jurisdiction,
 - (3) was allegedly committed on or after the date of entry into force of the Rome Statute for Bangladesh or other relevant State Party.[3]
- ❖ The investigation is now underway, with the Office of the Prosecutor organizing fact-finding missions to Bangladesh to gather evidence and build a case.
- ❖ 17 July 2021: NUG lodged a declaration under Article 12(3) Accepting jurisdiction of the Court “with respect to international crimes committed in Myanmar territory since 1 July 2002.”[4]
- ❖ 27 November 2024: ICC Prosecutor Karim A. A. Khan KC submitted an application to the International Criminal Court seeking an arrest warrant against Min Aung Hlaing, alleging crimes against humanity committed against the Rohingya population in Myanmar.



*ICC Prosecutor
Karim A. A. Khan KC*

Utilizing Universal and Extraterritorial Jurisdiction as a potential accountability pathway (UJ)

UJ: legal principle that allows countries to claim jurisdiction over accused persons regardless of where the alleged crime was committed or the accused's nationality

- ❖ Enables domestic courts to prosecute individuals for serious crimes under international law (war crimes, genocide, crimes against humanity, crimes of aggression)
- ❖ Based on the country's national law, national/domestic law must allow for the prosecution of these international crimes.
 - Limits and procedures will depend on that country's specific laws specific to each country

Current UJ/EJ filings related to Myanmar:

Argentina:

- ❖ Filed in November 2019 by BROUK
- ❖ Alleging crimes against the Rohingya
- ❖ 26 November 2021: authorized opening of an investigation into the crime of genocide committed against the Rohingya
- ❖ 28 June 2024: The Argentine Prosecutor asked the Federal Court to issue arrest warrants for 25 members of the Myanmar government and military
- ❖ 13 February 2025: The Argentine court issued international arrest warrants for 22 military officials, including Min Aung Hlaing, and 3 civilian government members for committing genocide against the Rohingya.

Türkiye:

- ❖ Filed in March 2022 by the Myanmar Accountability Project (MAP),
- ❖ Represented by Turkish lawyer Gülden Sönmez, against 24 alleged perpetrators of torture as crimes against humanity in Ye Kyi Ain interrogation center in northern Yangon, on behalf of more than one victim.

Germany:

- ❖ Filed in January 2023 by Fortify Rights, represented by Convington & Burling LLP, on behalf of 8 alleged victims of the Rohingya genocide and 2016/2017 “clearance operations” and 8 alleged victims of post-coup atrocities throughout Burma in 2021 and 2022 (16 victims total).
- ❖ In December 2023, the German Federal Prosecutor declined to investigate the case.

The Philippines:

- ❖ Filed in October 2023 by the Chin Human Rights Organization (CHRO)
- ❖ Filipino lawyers Romel Bagares and Gilbert Andres, supported by MAP
- ❖ alleging war crimes against ten members of the junta relating to attacks in Chin State, which allegedly occurred in September 2021, on behalf of five complainants.
- ❖ Limited public information is available on the status
- ❖ May 2024: The Philippine Department of Justice rejected the complaint.

Guarantees of Non-Recurrence

Guarantees aimed at preventing, in the future, the recurrence of serious and widespread human rights violations that occurred in the past.

One of the core processes of **Transitional Justice (TJ)** is providing **Guarantees of Non-Recurrence**, which aim to prevent the repetition of serious and widespread human rights violations committed in the past. To ensure that past grave and brutal atrocities do not occur again, this involves undertaking **institutional reforms**, including reforms of the Constitution and other unjust and repressive laws; reforming state institutions responsible for upholding the rule of law, such as the police force and the prison administration; and reforming armed forces, such as the military, which are responsible for national defence.

Constitutional Reform Initiatives

- ❖ **25 July 2013** – The then-ruling party, the **USDP**, established a **Joint Parliamentary Committee** composed of 109 members, including representatives from all political parties in Parliament, with the mandate to review the Constitution and to collect and submit recommendations.
- ❖ **31 January 2014** – The USDP's Joint Committee submitted its findings to Parliament. The report included **44,221 recommendations** on constitutional amendments collected from both within and **outside Parliament**.
- ❖ **10 June 2015** – The USDP submitted **two draft bills** to amend the Constitution. These draft laws proposed amendments to **34 articles of the Constitution**, as well as **54 amendments to provisions** in the annexed schedules.
- ❖ **21 February 2019** – The **NLD** established a **Joint Committee of 45 members**, with proportional representation from the parliaments, and began reviewing the **entire Constitution** for amendment.
- ❖ **27 January 2020** – The **NLD** submitted **two draft bills** to amend the Constitution. These draft bills proposed 114 amendments to constitutional provisions. The NLD's draft bills were signed by **more than 50 percent of Members of Parliament**, while **USDP and military representatives did not support** the draft legislation.

Constitution-Drafting Initiatives Following the Military's Failed Coup in 2021

Following the military's failed coup in **February 2021**, newly emerged bodies such as the **NUG**, **NUCC**, and **CRPH**, together with **Ethnic Revolutionary Organizations**, declared the **2008 Constitution abolished**. Subsequently, they have been forming and working through **committees to draft a Federal Democratic Constitution**.

At the same time, relevant **federal units** have also been drafting constitutions for their respective regions using a **bottom-up approach**.

For example, the **National Unity Consultative Council (NUCC)** has adopted **Parts (1) and (2) of the Federal Democracy Charter**, with **Part (1)** including the process of **drafting a Federal Democratic Union Constitution**. In addition, the **National Unity Government (NUG)** has established the **Transitional Constitution Preparation Team (TCPT)** to work on constitutional reform during the transitional period.

These include the **Karenni State Interim Arrangements** prepared by the **Karenni State Consultative Council (KSCC)**.

In the current constitution-drafting efforts, two parallel processes within the political mechanisms can be seen: the **drafting of a Transitional Constitution** and the drafting of a **Federal Union Constitution**.

- ❖ **27 February 2025** – The **Mandalay Region Interim Arrangements** are currently being drafted through a process of **public consultation**. As of now, **nine chapters** have been completed. This was announced by the **Coordination and Drafting Committee for Interim Political Arrangements in Announcement No. 4/2025**, issued on 26 February.
- ❖ **1 February 2025** – After reviewing the **recommendations, assessments, and discussions of various stakeholders within the Sagaing Federal Unit**, the **Sagaing Federal Unit Parliament** announced on 1 February that the **Interim Constitution of the Sagaing Federal Unit (Second Draft)** had been completed. This second draft was prepared after examining the various suggestions submitted following the completion of the first draft.

- ❖ **15 January 2025** – Taking into account **public feedback**, the **Mandalay Region Interim Political Arrangements (Draft)** had been preliminarily drafted, with a total of **four chapters (Chapters 1 to 4)** completed. This was announced on **15 January** by the **Coordination and Drafting Committee for the Mandalay Region Interim Political Arrangements**.

- ❖ **25 October 2024** – The **first draft of the Interim Constitution of the Sagaing Federal Unit** was completed.

- ❖ **31 March 2021** – The **National Unity Consultative Council (NUCC)** approved the **Federal Democracy Charter**. The Charter consists of **two parts: Part (1)** is the **“Federal Democratic Union Declaration,”** which sets out the fundamental values and principles to serve as the foundation for the Union; and **Part (2)** is the **“Interim Constitutional Arrangements.”**

- ❖ **27–29 January 2022** – At the **People’s Assembly** held during this period, the **revised and supplemented Charter** was reaffirmed and approved once again.

2025 Election

After the military's failed coup in **2021**, civilians who rejected the military takeover carried out peaceful protests, which were violently suppressed by the military. In addition, armed conflict spread across the country, with the military carrying out **mass killings, airstrikes deliberately targeting civilians and civilian infrastructure**, and large-scale killing and destruction of civilian populations and property during military operations.

Many military headquarters and bases were also jointly attacked and captured by armed resistance forces and PDFs.

Across Myanmar, the military continues to commit **serious human rights violations on a daily basis** and is **losing control over the territories it previously held**. Despite **domestic and international opposition and condemnation** calling for elections not to be held under these conditions, the military conducted **Phase (1) of the elections on 28 December 2025** in **102 townships**. **Phase (2)** of the elections is planned to be held on **11 January 2026** in **100 townships**.

