

# URGENT ACTION

## FILMMAKER CHARGED, HEALTH CONCERNS REMAIN

Min Htin Ko Ko Gyi, a prominent filmmaker, has been formally charged after being detained for more than three months in connection with a series of Facebook posts criticizing the Myanmar military's role in politics. His bail requests have been denied despite concerns for his health. If found guilty and convicted, he faces two years in prison. A second complaint against him – which carries a maximum of two years in prison – remains pending. He is a prisoner of conscience who should be immediately and unconditionally released.

### TAKE ACTION:

1. Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
2. [Click here](#) to let us know the actions you took on **Urgent Action 81.19**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

#### Union Attorney General U Tun Tun Oo

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Nay Pyi Taw Republic of the Union of Myanmar  
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#### Ambassador U Aung Lynn

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Contact form: <https://goo.gl/5eMa54>  
Salutation: Dear Ambassador

Dear Union Attorney General U Tun Tun Oo,

I want to express my concern about the charges against filmmaker Min Htin Ko Ko Gyi, his health concerns in detention, and an increase in politically-motivated charges stifling freedom of expression in Myanmar. Min Htin Ko Ko Gyi has been formally charged for Facebook posts critical of the 2008 military-drafted Constitution and the military's role in politics. On 18 July, the Insein Township Court formally charged him under Section 505(a) of Myanmar's Penal Code, which provides up to two years in prison for anyone who makes "statements conducing to public mischief." He is also accused of "online defamation" under Section 66(d) of the 2013 Telecommunications Act, which remains pending. Amnesty International considers him a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression. I am concerned about Min Htin Ko Ko Gyi's health in detention. He has liver cancer and underwent a major operation earlier this year. Finally, I want to express my alarm regarding the recent surge in politically-motivated arrests and detentions in Myanmar, carried out via a range of laws that allow peaceful political activists and human rights defenders to be arrested, detained, and prosecuted. These laws contradict international human rights law and standards and are detrimental to freedom of expression in Myanmar.

I write to urge you to immediately and unconditionally release Min Htin Ko Ko Gyi and drop all charges against him; pending his unconditional release, ensure that he has full and regular access to the specialized medical treatment he requires by granting Min Htin Ko Ko Gyi bail on humanitarian grounds or allowing him to be transferred to a specialized institution or civil hospital; repeal or amend laws that restrict the right to freedom of expression, including Section 505(a) of the Penal Code and 66(d) of the 2013 Telecommunications Act, to bring them into line with international human rights laws and standards.

Yours sincerely,

**AMNESTY  
INTERNATIONAL**



## ADDITIONAL INFORMATION

Min Htin Ko Ko Gyi is a prominent filmmaker and founder of the Human Dignity Film Institute (HDFI) and the Human Rights, Human Dignity International Film Festival in Myanmar. He was arrested on 12 April 2019 after a Myanmar military official accused him of defaming the military in a series of Facebook posts critical of the military-drafted 2008 Constitution and the military's role in politics.

He was initially accused of "online defamation" under Section 66(d) of the 2013 Telecommunication Act after the military official filed his complaint. Several days later the same officer filed a second complaint under Section 505(a) of Myanmar's Penal Code. The provision prohibits the circulation of statements and reports with the intent to cause officers or soldiers in the Myanmar Armed Forces to mutiny or otherwise disregard or fail in their duties and carries a maximum sentence of up to two years in prison. Section 505(a) is a "non-bailable" offence, and the decision to grant bail rests with a judge. However, to date, Min Htin Ko Ko Gyi's requests for bail on humanitarian grounds have been denied. The case is being heard by the Insein Township Court in Yangon, Myanmar's main city, and on 18 July 2019, the Court formally charged Min Htin Ko Ko Gyi under Section 505(a). Meanwhile, the complaint under 66(d) is still under investigation. Section 66(d) carries a maximum two-year prison sentence.

The Myanmar authorities continue to arrest and imprison activists and human rights defenders simply for peacefully exercising their right to freedom of expression, which is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Amnesty International is concerned about a number of laws in Myanmar which restrict the right to freedom of expression, including Section 505 of the Penal Code and Section 66(d) of the 2013 Telecommunications Act.

The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) state that the provision of health care for prisoners is a State responsibility and that all prisons shall ensure prompt access to medical attention in urgent cases. Health-care services for detainees should be organized in a way that ensures continuity of treatment and care and prisoners who require specialized treatment or surgery should be transferred to specialized institutions or to civil hospitals.

The Myanmar military continues to wield significant economic and political power in the country. It operates independently of civilian oversight, effectively shielding members of the military from accountability. Under Myanmar's 2008 Constitution, the military also has a guaranteed 25 per cent of seats in Parliament, giving it an effective veto over key Constitutional amendments. It also controls the three key ministries of Defence, Border Affairs, and Home Affairs.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English and Burmese

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 4 September 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PRONOUN:** Min Htin Ko Ko Gyi (He/Him/His)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/asa16/0478/2019/en/>