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's 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: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Union Attorney General U Tun Tun Oo
Union Attorney General Office No. 25
Nay Pyi Taw Republic of the Union of Myanmar
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Email: ago.h.o@mptmail.net.mm

Dear Union Attorney General U Tun Tun Oo,

I am writing 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.

It is worrying to learn that 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 has also been accused of "online defamation" under Section 66(d) of the 2013 Telecommunications Act, a complaint which remains pending. Detained in Yangon's Insein prison since his arrest on 12 April 2019, he is, in the view of Amnesty International, a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression.

I am particularly concerned about Min Htin Ko Ko Gyi's health in detention. He has liver cancer and underwent a major operation earlier this year. I appreciate that he was recently allowed to leave the prison for a post-operation medical check-up at a government hospital; however, he requires regular check-ups and medication which are not provided nor are they available at the prison. Without regular monitoring and access to the medication he needs, his health may deteriorate further. As a state party to the International Covenant on Economic, Social and Cultural Rights, Myanmar has the obligation to uphold his right to health.

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 am therefore writing 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,

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 PREFFERED PRONOUN: Min Htin Ko Ko Gyi (He/Him/His)

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