

# URGENT ACTION

## RELEASE JAILED FILMMAKER IN MYANMAR

Filmmaker Min Htin Ko Ko Gyi has been convicted under 505(a) of Myanmar's Penal Code and sentenced to one year in prison for a series of Facebook posts critical of the Myanmar military. The appeal against his conviction was rejected, and he faces up to two additional years in prison as another complaint against him 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

**President U Win Myint**  
President's Office,  
Office No. 18 Nay Pyi Taw  
Republic of the Union of Myanmar  
Fax: +95 1 652 624

Dear President U Win Myint,

I am writing to express my grave concern for filmmaker **Min Htin Ko Ko Gyi**, who has been sentenced to one year in prison for his Facebook posts. Amnesty International considers him to be a prisoner of conscience, detained solely for peacefully exercising his human right to freedom of expression. I urge you to take swift action to ensure his immediate and unconditional release.

Detained since April 2019, Min Htin Ko Ko Gyi was arrested for a series of Facebook posts in which he expressed critical opinions of the military's role in politics as well as the military-drafted 2008 Constitution. On 29 August, he was sentenced to one year in prison for violating Section 505(a) of Myanmar's Penal Code. His appeal against the conviction was dismissed on 9 September. I am deeply disturbed that Min Htin Ko Ko Gyi faces additional prison time, as a complaint of "online defamation" under Section 66(d) of the 2013 Telecommunications Act is still pending.

Further to my concern is Min Htin Ko Ko Gyi's well-being. He underwent major surgery for liver cancer earlier this year, and although he is now in remission and is receiving medical check-ups while in prison, I am worried that his health may deteriorate without regular monitoring, care, and access to the medication and treatment he needs. I note that Myanmar has the obligation to uphold his right to health as a state party to the International Covenant on Economic, Social and Cultural Rights and the authorities are directly responsible for providing healthcare for those in custody and must ensure detainees receive prompt access to treatment in urgent cases.

Finally, I want to express my alarm that the authorities in Myanmar are continuing to use a range of oppressive laws to arrest, detain and prosecute peaceful political activists, critics, and human rights defenders. These laws are not in line with international human rights law and, as long as they remain on the books, Human Rights Defenders and other peaceful activists will remain at risk of arbitrary arrest and detention.

#### I am therefore writing to urge you to:

- **Immediately and unconditionally release Min Htin Ko Ko Gyi, ensure his conviction is quashed, and drop further charges against him;**
- **Pending his unconditional release, ensure that Min Htin Ko Ko Gyi has full and regular access to specialized medical treatment as he requires;**
- **Repeal or amend laws that arbitrarily 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 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, which criminalises anyone who “makes, publishes or circulates any statement, rumour or report,— (a) with intent to - cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty” and carries a maximum sentence of two years in prison. Ming Htin Ko Ko Gyi was found guilty of the charge and sentenced to one year in prison on 29 August 2019. His appeal against the conviction was immediately dismissed. 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. Amnesty International is concerned about a number of laws in Myanmar which arbitrarily 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/Myanmar  
You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 2 January 2020  
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

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

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/asa16/0779/2019/en/>