

URGENT ACTION

HEALTH CONCERNS FOR DETAINED FILMMAKER

Min Htin Ko Ko Gyi, a prominent filmmaker, has been detained since 12 April 2019 and is facing charges in connection with a series of social media posts in which he criticised Myanmar's military-drafted 2008 Constitution. He has serious health problems and is in urgent need of specialized medical treatment; however, his requests for bail have been denied. If formally charged and convicted, he faces up to four years in prison. 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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Dear Attorney General U Tun Tun Oo,

I am writing to express my concern about the detention of filmmaker Min Htin Ko Ko Gyi, who was arrested on 12 April and faces charges in connection with a series of social media posts in which he expressed critical views of the military-drafted 2008 Constitution and the role of the military in politics. He is charged with making "statements conducing to public mischief" under Section 505(a) of Myanmar's Penal Code and has also been accused of "online defamation" under Section 66(d) of the 2013 Telecommunications Act. If formally charged and convicted of both counts, he faces up to four years in prison. Amnesty International considers him to be a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression.

I am especially concerned about Min Htin Ko Ko Gyi's health while in detention. He has liver cancer and underwent a major operation earlier this year. He requires ongoing specialized medical treatment, which is not available in Insein prison, where he is currently being held. I am concerned that his health will continue to deteriorate without access to the treatment he needs. Myanmar has an obligation to uphold Min Htin Ko Ko Gyi's right to health, and international human rights standards specify that prisoners who require specialized treatment or surgery should be transferred to specialized institutions or to civil hospitals.

More generally, I am worried about a recent surge in the number of politically motivated arrests and detentions in Myanmar. These arrests are made possible by a range of laws which have for years been used to arrest, detain, and prosecute peaceful political activists and human rights defenders. These laws are contrary to international human rights law and standards and have no place in any country committed to freedom of expression.

I am therefore writing to urge you, a matter of urgency, 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 the specialized medical treatment he requires by granting Min Htin Ko Ko Gyi bail on humanitarian grounds;***
- ***Review and 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 in line with international human rights laws and standards.***

Your sincerely,

ADDITIONAL INFORMATION

Min Htin Ko Ko Gyi is a prominent filmmaker and founder of 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's role in politics.

He was initially accused of "online defamation" under Section 66(d) of the 2013 Telecommunication Act after a military official filed a complaint against him. 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 505(a) case is being heard by the Insein Township Court in Yangon, Myanmar's main city. 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: 18 July 2019

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)