



Filmmaker Min Htin Ko Ko Gyi sentenced to one year's hard labour

AUGUST 29, 2019



By NAW BETTY HAN | FRONTIER

YANGON — A Yangon court has sentenced filmmaker U Min Htin Ko Ko Gyi to one year's imprisonment with hard labour for criticising the Tatmadaw in a series of Facebook posts.

The sentence was announced at Insein Township Court on August 29 after the 57-year-old filmmaker, who is suffering from liver cancer, was convicted under section 505(a) of the Penal Code, which criminalises making, publishing or sharing “any statement, rumour or report” that might induce any military service member “to mutiny or otherwise disregard or fail in his duty”.

The maximum penalty for a conviction under 505(a) is two years' imprisonment and a K500,000 fine.

“I expected the worst and I'm not surprised; don't worry I'll be back,” Min Htin Ko Ko Gyi said as he was being led from the court.

He told reporters he did not know if he would receive treatment in Insein Prison for his liver cancer.

The conviction follows legal action brought by the Tatmadaw over Facebook posts on February 15 and March 23, which resulted in the founder of the

Support independent journalism in Myanmar

Sign up to be a [Frontier member](#).



Human Rights Human Dignity International Film Festival also being charged with criminal defamation under section 66(d) of the Telecommunications Law.

Min Htin Ko Ko Gyi's lawyer, U Robert San Aung, said he would appeal against the conviction.

The lawyer said the court was yet to decide whether to proceed with the 66(d) case.

Activists who support what is known as the Blue Shirt campaign in support of freedom of expression waited outside the court for the verdict.

"Freedom of expression is still lacking in Myanmar and we feel that the judiciary is not fair and just," said Ko Maung Saungkha, founder of youth activist group Athan, which was formed in January 2018 and campaigns against 66(d).

In an interview in Insein Prison in June that was published by *Frontier* on July 17, Min Htin Ko Ko Gyi said he had posted criticism of the Tatmadaw in previous years but was never charged.

"I think it's indicative of the apprehension within the Tatmadaw as the 2020 election draws near," he told *Frontier* at the time, adding that he was "astonished" when he was refused bail when he first appeared in court on the 505(a) charge on April 12.

He said in the interview that he did not regret criticising the Tatmadaw.

"I have been saying for a long time and will continue to say that the Tatmadaw should leave politics and that the constitution should be amended. Only when the Tatmadaw leaves politics and the constitution is amended can Myanmar build a genuine Federal Union and have a true democratic civilian government," he said.

In a statement, the deputy Asia director of Human Rights Watch, Mr Phil Robertson, said Min Htin Ko Ko Gyi should never have been arrested, "much less prosecuted and imprisoned, for airing critical views about Myanmar's rights abusing military".

The case showed why Myanmar's civilian government must urgently use its overwhelming majority in the parliament to revoke laws that clearly violate the right of free expression, including section 505(a) and section 66(d) of the Telecommunications Law, Robertson said.

"The treatment of Min Htin Ko Ko Gyi has been a travesty of justice, and these laws need to be stripped off the law books so no one else will have to suffer the way he has in this ordeal," he said.

Robertson said it was "shocking" that the court paid so little heed to the filmmaker's health.

More stories





Pro-military death squad rallies openly on social media

The emergence of a vigilante hit group targeting regime opponents has once again demonstrated the failure of social media companies – in this case Facebook and Telegram – to remove dangerous actors.

Related stories



Myanmar junta likely using air strikes as 'collective punishment': Amnesty





Is the US Senate Republican leader genuine about his support for Burma?



Junta-controlled court sentences Aung San Suu Kyi for corruption

Latest Issue



VOLUME 6, ISSUE 18 JANUARY 27, 2021

STORIES IN THIS ISSUE

Myanmar enters 2021 with more friends than foes

The early delivery of vaccines is one of the many boons of the country's geopolitics, but to really take advantage, Myanmar must bury the legacy of its isolationist past.

Will the Kayin BGF go quietly?

The Kayin State Border Guard Force has come under intense pressure from the Tatmadaw over its extensive, controversial business interests and there's concern the ultimatum could trigger fresh hostilities in one of the country's most war-torn areas.

[SUBSCRIBE](#)

[VIEW ALL ISSUES](#)

BECOME A FRONTIER MEMBER

Support our independent journalism and get exclusive behind-the-scenes content and analysis

[JOIN US](#)

GET EXCLUSIVE DAILY UPDATES

Stay on top of Myanmar current affairs with our Daily Briefing and Media Monitor newsletters.

[SUBSCRIBE](#)



JOIN THE COMMUNITY

Sign up for our Frontier Fridays newsletter. It’s a free weekly round-up featuring the most important events shaping Myanmar

Your email address

SIGN UP



- MAGAZINE
- MEMBERSHIP
- THE FRONTIER STORY
- WORK WITH US
- DONATE
- CONTACT US

FOLLOW FRONTIER



LANGUAGE
ENG BUR

© 2020 FRONTIER MYANMAR

PRIVACY POLICY

