Quarterly report on press freedom situation in Timor-Leste
APRIL – JUNE 2023

BACKGROUND

Freedom of expression and freedom of the press is a key element of human rights and is a cornerstone of democracy. Both freedom of expression and freedom of the press are enshrined in the Constitution of the Democratic Republic of Timor-Leste, Article 40 and 41 as a base for sustainable development, which leads to strengthening the country's young democracy, prevention of corruption and good governance.

The 40 and 41 sets out guarantee of press freedom, independence of journalists and the public's rights to credible information. The respect for privacy and good names of others is also set out in the Constitution Articles 67, 68, 76, 77, 417, 418 and is also outlined in the country’s Civil Code except it is in public interest.

Apart from this, there have been some unlawful acts and laws that impede freedom of expression and freedom of the press in the country. The Article 285 of Timor-Leste’s Penal Code (slanderous denunciations) has also been a huge threat to the country’s media and journalists as the Government officials and public use this article to take journalists and the media to courts due to their news publication. Discrimination based on ethnicity and religion and other acts of crime are also set out in the Article 189 and 183 of the Penal Code.
IDENTIFICATION OF PROBLEM

Since April – July 2023, Timor-Leste Journalist Association (AJTL) filed some cases in connection to press freedom attempted attack in the country. Therefore, AJTL is trying to accumulate the cases that have occurred. Those case are related to the police summon (notification), direct threat and also limitations of the media’s access to public information in the public spheres:

TV-Edukasaun’s camera person, Eric Gomes, was detained as he was suspected of engaging in acts of crime. It occurred when he returned from covering political campaigns of the country’s legislative election 2023. He was detained for 72 hours. When he was in police custody the AJTL team approached him in the detention centre, he told the team that when he returned from covering PLP Party’s political campaigns at the same time there was a clash happening at the neighbourhood where he lives involving two gangsters leaving one killed. Once he arrived at the place where the clash happened, the police then captured him.

The clash emerged from terror and intimidation launched by irresponsible people against Mr. Eric Gomes on social media, saying he was part of the clash. AJTL was concerned about this situation of intimidation and threat on social media because it can also affect other journalists doing journalism in the fields, which of course affects press freedom.

The case is considered to be digital threats where it makes the country’s journalists unsecured.

AJTL OBSERVATION/ POSITION

AJTL considers the security authority’s actions unlawful because Mr. Eric was not found guilty of committing acts of such an act of crime. Threat and intimidation by irresponsible people on social media affected other journalists’ freedom in the context of news coverage in public spheres.

AJTL approached the police by explaining the real circumstances and the facts in order to free him. AJTL also urged the police to publicly announce that Eric Gomes was not guilty and had to ensure that he could move freely in doing journalism, especially in the public sphere.
Media online Hatutan.com's journalist, Rogério Pereira Cáceres and his editor in-chief, Francisco Simões Belo da Costa were summoned by the Public Prosecution Office due to it’s the news story published on June 20 2023 entitled Prosecutor-General Alfonso Lopes and his Advisor Óscar Tavares Spend State Budget for their Private Trip to Portugal.

On the basis of this news story, the Public Prosecution Office summoned both Mr. Rogério and Francisco to testify in the Public Prosecution Office as according to Prosecutor-General Alfonso Lopes, Hatutan.com’s news story is considered to be an act of defamation.

The Public Prosecution Office’s summon came after Hatutan.com offered the right to response to Prosecutor-General Alfonso Lopes in compliance with the Press Law, Article 35, which is about the right to response and corrections.

Following are the news links of Hatutan.com:
**AJTL’s position:**

AJTL as an umbrella organization of Timorese journalists strongly condemns the Public Prosecution Office’s summon because it affects freedom of the press and makes journalists afraid of doing investigative reporting into any case, which involves the country’s public figures. The referred summon must not be referred to journalists because the news is a journalistic product and it is not an act of crime. In regard to the Public Prosecution office’s summon AJTL held a press conference calling on it to withdraw the summon and AJTL pledged to take this case to President of the Republic, José Ramos Horta to warn Prosecutor-General Alfonso Lopes. AJTL prefers to use the country’s Press Law, Article 35 to resolve the dispute between the public and the media, which is caused by the news publications.

AJTL also approached the Public Prosecution Office to cancel its legal proceedings. On the basis of AJTL’s efforts, the Public Prosecution Office just in a few days, sent a letter to the Press Council, saying it withdrew the case from the legal charges.

AJTL took this position as the Public Prosecution Office tries to limit press freedom in Timor-Leste.

AJTL also approached Prosecutor-General Alfonso Lopes to halt the process of criminalization against these two media practitioners. All of these are part of AJTL’s achievement in terms of providing advocacies for the country’s media and journalists.

For these cases, AJTL approach the Prosecutor-General, to retire his notification to asked journalists and chief of editor from Hatutan.com, and to criminalize the role of journalists. AJTL using space to did press conference and TV talkshow, the end result the Prosecutor retired the cases, and has stop to notify the those journalists. AJTL considered is part of succeed that we have done.

**Type of cases**

Media online Dilegente is threatened, terrorized and bullied on social media by irresponsible people after it uncovered maltreatment and unsafe food supplies happening at SENOFA (seminary – a catholic convent). The news is entitled “agressoes-e-alimentacao-ma-ex-seminaristas-denunciam-maus-tratos-no-seminario-menor”.

The news generated strong reactions from SENOFA, saying Diligente Online’s news is fake and baseless. Some ex-students of SENOFA threatened Diligente Online on social media (facebook).
AJTL’s position:

In regard to this threat and bullying on social media, AJTL took the opportunity to meet with journalists and the editor-in-chief of Diligente Online, discussing the case and AJTL’s plan to hold a press conference. The process conference was held calling on SENOFA to use its the right to response as outlined in the Press Law, Article 35 as the most proper means to resolve the dispute as according to AJTL threatening and bullying journalists on social media will make the country’s journalists afraid and will make a self-censorship when doing investigative reporting into any act of corruption in the country.
President of AJTL Zevonia Vieira approach the Prosecutor-General Alfonso Lopes to retired his notification of journalist and Chief of editor of media online Hatutan.com

President of AJTL participate in TV Debate about freedom of the press in Timor-Leste
Actions taken by AJTL:

- AJTL is in cooperation with the Press Council of Timor-Leste to continue providing advocacies by socializing the Press Law of the country to the Government officials, ordinary citizens, judicial institutions and security authorities and explaining the role of the media and press freedom in a democratic country like Timor-Leste.
- AJTL will also be in cooperation with the Press Council of Timor-Leste to approach the security authorities and judicial institutions to use the Press Law to resolve and process any case relating to journalistic products, except it is about criminal cases.
- AJTL will continue to hold its so-called program editors club discussion by inviting Government officials, activists, journalists, jurists and also the security authorities in order to discuss the issue of freedom and freedom of expression in Timor-Leste.

Observation

AJTL observes that the authorities and some other State institutions preferred using power to threaten and restrict freedom of the press and freedom of expression in Timor-Leste and from the numbers of incidents happening shows that the Press Law is unknown to them and they do not understand the role of the media in a democratic country like Timor-Leste. They tried to limit and restrict the media and journalists from uncovering the truth in relation to good governance and human right violations in Timor-Leste.

This situation pushes AJTL to be committed to fighting for freedom of the press and freedom of expression in the country. It will also keep approaching the Government and the politicians in the Parliament not to limit and impede the media and journalists from accessing public information. AJTL will continue to approach the Government and the Parliament to stop drafting any lawsuit that may threaten and criminalize defamation as it is against the country’s Constitution, Article 40 and 41, which are about freedom of the press and freedom of information. Previously, the Ministry of Justice tried to pass a draft of criminalization of defamation law, however it has been pending following waves of protests by AJTL and civil society organizations.