Situation of Freedom of the press in Timor-Leste 2023

Asosiasaun Jornalista Timor Lorosa’e
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.

The State of Timor-Leste has ratified a number of the International Conventions, which includes Article 19 of the International Convention on Civil and Political Rights (ICCPR) on freedom of the press, freedom of opinion without borders and interventions. Timor-Leste is a new democratic country in southeast Asia where it is internationally recognized through the 2022’s democracy index. Timor-Leste’s press freedom is also highly recognised where Reporters without Border places the country’s press freedom index at 10 in the global ranking and takes the lead in Southeast.
Situation of Freedom of the press in Timor-Leste 2023

The digital era is a big challenge for journalists, because the public has so much access to digital platforms, especially social media, which freely provides freedom of expression, which of course, according to human rights principles, is legal or normal, but for politicians and leaders it is part of the defamation that disrespectful or unethical, and could be under the legal arena or a criminal act.

This poses a major threat to media workers and journalists who carry out investigative and critical reports, to be brought into the legal arena. AJTL has collected 6 cases faced by journalists, with the types of limiting the freedom of the press to write news reports, freedom of the press in the digital space which is subject to intimidation and terror.

From the Independent Journal print media, one journalist and the Chief of Editor were summoned by the police, to clarify the contents of the news that had been published about the Timor-Leste police, because according to them it was fake news and declared defamation. The two journalists were asked to delete the news and apologize to the police.

Another case from the online media Hatutan.com, was called by the Prosecutor as an act of defamation. One journalist and the Chief of Editor were asked to admit that the secret document was obtained by hatutan.com

One cameraman from TV Edukasaun was wrongly arrested by the police and put in a cell for 72 hours. This was a wrong action carried out by the police because they did not verify before arresting, because when a conflict occurred between groups in one of the areas where the cameraman lived in that area, at the same time the cameraman was covering a campaign for one of the parties in Dili, and when he came home he was immediately arrested. The problem that AJTL is worried about is that the cameraman who was arrested will be threatened with his life because his photo was published by the police on Facebook, and he intimidated many people, because they thought that he was involved in the riot.
The online media Diligente received intimidation and terror on social media due to their coverage of cases of physical and mental violence at Catholic seminars, which were carried out by officers at the church or seminar. The Catholic seminar held a press conference regarding their article, and the diligent media became the subject of bullying, so that the journalists' families were also intimidated, because according to the seminary the news brought down the Catholic church.

From several of these cases, AJTL held debates on TV, press conferences and press statements to inform the police, prosecutors and churches to respect the work of journalists, because they did not commit criminal acts, because after analyzing their news, it was in accordance with the journalistic code of ethics.

According to AJTL, this is a threat to press freedom in Timor-Leste because it scares the media and journalists from being more critical and making investigative reports.
With the current situation regarding press freedom in Timor-Leste from January – August 2023, AJTL held several debates on TV, press conferences and meetings with institutions such as the Police and Prosecutor to understand every work carried out by the media and journalists, if there were any mistakes made. carried out by the editorial team, must be completed in accordance with media law.

AJTL asks the Timor-Leste Press Council to work harder, explaining to government institutions, Security, Defense, churches and political parties to understand press freedom and the important role of the media and journalists in a democratic country.
AJTL implemented the activities and doing advocacy for new government

- Organize Press Conference used all platform to continue socialize the importante of freedom of the press and expression in Timor-Leste, how to respect the role of journalists, and the impact of criminalize the defamation law ad cybercrime law for journalists

- Talkshow with Timor-Leste Press Council to continue promote the freedom of the press and expression in Timor-Leste

- 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.
Observations

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.