Quarterly report on
Press Freedom Situation in Timor-Leste
December 2022 – March 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 guarantees 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 17 in the global ranking and takes the lead in Southeast.

Problem Identification

In December 2022 – February, Timor-Leste Journalist Association (AJTL) filed some cases in connection to press freedom attempted attacks 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:
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<th>No</th>
<th>Type of cases</th>
<th>Name of Media</th>
<th>Position in Media</th>
<th>Observation/ Position</th>
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| 1  | Editor-in-chief of Independente Daily and his journalist, Domingos Gomes were summoned by the National Criminal Investigation Police (SIKN) and Criminal Scientific Police (PCIC) for an inquiry, which regarded the newspaper’s news stories published on the 1st of October 2022. The title of the news is Ezijensia demite Gastaun, Komisariu Mateus: PNTL simu kata husi Vice MI haruka karta ba Komando PNTL atu demite Gastao (English: The Demand of sacking Gastão, Deputy Minister of Interior sends a letter to sack Gastão). | Jornal Independent | 1. Domingos Gomes (journalist)  
2. Jorgino dos Santos (Chief of Editor)                                       | AJTL considers the summon and inquiry by the security authorities in this case is SIKN and PCIC is unlawful and if there is any case, which is related journalistic products must be resolved with the country’s press law. In regard to this, AJTL will continue to defend these two media practitioners to strengthen freedom of the press and independence of journalism in Timor-Leste. |
<p>|    | This type of case is to restrict and threaten freedom of the press in the context of news coverage and revelation of the truth regarding acts of corruption, which involves the Government officials.                                                                                           |                     |                                                                                 | AJTL’s position:                                                                                           | Timor-Leste has now applied its press law, therefore it is better for the country’s judicial institutions and the police to resolve the cases relating to news publications that must use the country’s press law. |
|    |                                                                                                                                                                                                                                                                                                                                            |                     |                                                                                 |                                                                                                           | AJTL has made advocacies in communication with the Press Council and Human Rights Ombudsman to approach the police to withdraw the case from the legal charge as it is unlawful to use the Penal Code to summon and legally process journalists because the country has its own press law to be used for resolving the cases, which are related to journalistic products. |
| 2  | RTTL’s (Public Broadcasting Service) reporters threatened at Dili District Court. On the 16th of                                                                                                                                                                                                 | Radio Televisaun    | Reporter - Joao da Costa                                                        | AJTL’s position:                                                                                           |                                                                                                                                                                               |
|    |                                                                                                                                                                                                                                                                                                                                            | Timor-Leste         |                                                                                 |                                                                                                           |                                                                                                                                                                               |</p>
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<th>February 2023, wife of minor sexual violence case defendant whose name is Zenilada Gusmão impeded and threatened RTTL’s reporters at the Dili District Court when trying to film the situation of the trial process. The wife was trying to smash camera of the reporters. The reporters of RTTL are João da Costa and Juvenal da Silva. Here is the link of the news: <a href="https://www.youtube.com/watch?v=LexRh01hQT0">https://www.youtube.com/watch?v=LexRh01hQT0</a></th>
<th>Cameraman - Juvenal da Silva.</th>
<th>AJTL strongly condemns Jenilda Gusmão’s acts and attitude as it is against the country’s Press Law, Article 41 (Attacks on the freedom of information Shall be punished with imprisonment up to two years or a fine anyone)</th>
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<td>3</td>
<td>The Public Prosecution Office applies a regulation to ban journalists and the media from covering stories inside the building of the Public Prosecution. On the 2nd of March 2023, journalists tried to cover stories on meeting between Prosecutor-General and Human Right Ombudsman, but the security officers of the Public Prosecution Office prohibited them, saying the new regulation is being applied for journalists and the media not to cover stories inside the building, but they can only be allowed to cover stories at the entrance.</td>
<td>Journalists covering news stories at Public Prosecution Office</td>
<td>AJTL strongly condemns it as it has limited journalists and the media’s access to the public spaces for information. AJTL will take further necessary actions against such a regulation of prohibition.</td>
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**Actions taken by AJTL:**

1. 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.

2. 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.

3. 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 rights violations.

On the basis of this situation, AJTL is committed to fighting and trying to approach the Government and the politicians not to limit journalists and the media’s access to public information and not to use the Penal Code to take journalists to courts in the context of news coverage and news publications. AJTL will also be in cooperation with its networks to continue fighting for freedom of the press and freedom of expression in the country.

**Dili-Timor Leste,**

**Zevonia Vieira**  
President of AJTL