

URGENT ACTION

TWO JOURNALISTS ON TRIAL FOR DEFAMATION

Two Timorese journalists, Raimundos Oki and Lourenco Vicente Martins, are facing trial on criminal defamation charges filed by Timor-Leste's Prime Minister over a 2015 article they published about irregularities during the tendering process for a government IT project. If found guilty they may be sentenced to three years' imprisonment each.

Timor Leste's Prime Minister Rui Maria de Araujo filed criminal defamation charges on 22 January 2016 for false accusations or "slandorous denunciation" under Article 285(1) of the Timor-Leste Criminal Code against two former Timor Post journalists **Raimundos Oki** and **Lourenco Vicente Martins** over an article alleging official interference during the tendering process for a government IT project. The trial is scheduled to start on 2 December. If found guilty, the journalists could be sentenced to up to three years' imprisonment.

On 10 November 2015, Raimundos Oki, then a journalist for the Timor Post, published in the newspaper an article alleging irregularities during the tendering process for a project to supply and install IT equipment in a new Ministry of Finance building in 2014. The article alleged that Prime Minister Rui Maria de Araujo, in his former position as advisor to the Finance Minister, had recommended a company before the process had begun, and that company won the tender. On 17 November 2015, the Prime Minister issued a reply to the article denying the allegations which were published on the newspaper's front page. On 18 November the Timor Post published a clarification and correction to a factual error in the article, as well as an apology. Lourenco Vicente Martins, the editor of the Timor Post at the time, also resigned. On 22 January 2016, Raimundos Oki received notice that defamation charges were being filed against him and Lourenco Vicente Martins. The Dili District Court had scheduled the first trial for 7 October, but later postponed it to 2 December.

In 2013, Raimundos Oki and another journalist were convicted for exposing alleged corruption in their country's judicial system though were later absolved of their liability in the defamation case under the Article 285 of the Criminal Code. However, the court fined each journalist and their informant US\$ 150 for causing psychological distress to the defendant.

Please write immediately in English, Portuguese, Tetum or your own language urging authorities:

- To repeal immediately all criminal defamation charges against Raimundos Oki and Lourenco Vicente Martins under the Timor-Leste Criminal Code or any other law;
- To refrain from bringing criminal charges or any other proceedings against journalists for peacefully exercising the human right to freedom of expression which includes freedom to seek, receive and impart information and ideas of all kinds through any media and ensure they are able to carry out their work without fear of intimidation or harassment;
- To revise the Criminal Code and bring it into line with international law and standards, in particular to ensure that the peaceful work of journalists is not criminalised.

PLEASE SEND APPEALS BEFORE 23 NOVEMBER 2016 TO:

Minister of Justice

Ivo Jorge Valente
Ministry of Justice
Avenue Jacinto Candido
Dili, Timor-Leste
Email: gabinete@mj.gov.tl

Salutation: Dear Minister

Permanent Representative of Timor-Leste to the UN in Geneva

Maria Helena Lopes de Jesus Pires
Rue Pestalozzi 7
1202 Geneva
Switzerland
Fax: +41 22 788 3564

Email: info@timor-lestemission.ch

Salutation: Dear Ambassador

And copies to:

Chairpersons of the Office of the
Provedor for Human Rights and Justice

Silverio Pinto Baptista
Estrada de Caicoli
Dili, Timor-Leste
Fax: +670 723 0177
Email: provedoriatl@gmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The right to freedom expression, right to receive and impart information and media freedom are guaranteed in Articles 40 and 41 of the Timor-Leste Constitution. Further, Article 8 of the Timor-Leste Media Law, which was passed by the National Parliament on 6 May 2014, stipulates that "the right of journalists to report shall be exercised on the basis of constitutional powers, may not be subjected to interference that threatens their independence and objectivity, freedom of establishment, and freedom of conscience."

Article 285 of the Timor-Leste Criminal Code, however, still provides criminal defamation and states that "any person who, by any means, before authorities or publicly, and aware of the falsity of the accusation, informs or casts suspicion on a certain person regarding commission of a crime, with the intent of having criminal proceedings initiated against said person, is punishable with up to three years' imprisonment or a fine".

The use of criminal defamation laws with the purpose or effect of inhibiting legitimate criticism violates Timor-Leste's legal obligation to respect and protect the right to freedom of expression under the International Covenant on Civil and Political Rights, to which Timor-Leste is a state party. Defamation should be treated as a matter for civil litigation by injured parties. The UN Human Rights Committee has encouraged states to consider decriminalizing defamation and has underlined that defamation laws must be: crafted with precision to ensure that they comply with states' international human rights obligations and do not in practice stifle freedom of expression; a public interest in the subject matter of the criticism should be recognised as a defence; and, states should take care to avoid excessively punitive penalties. Further, it is well established under international law that public officials must tolerate more, rather than less, criticism than private individuals.

Name: Raimundos Oki and Lourenco Vicente Martins
Gender m/f: both m

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