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## High-Level Defamation Cases Curb Critical Journalism

By Lyndal Rowlands



**Timorese journalist Raimundos Oki, pictured with UN Secretary-General Ban Ki-Moon, is being sued for defamation by the Prime Minister of Timor-Leste. Credit: Hikari Rodrigues.**

**UNITED NATIONS, May 4 2016 (IPS)** - High-level defamation, libel and sedition cases in Asian countries are sending signals to journalists that writing critical journalism can cost millions of dollars or years in prison.

“Increasingly we’re seeing countries, especially countries that call themselves democracies, (using) this more subtle approach within the means of the law to silence criticism,” Sumit Galhotra a Senior Researcher at the Committee to Protect Journalists (CPJ) told IPS.

In two current cases in Bangladesh and Timor-Leste journalists are being sued for articles they wrote about their respective Prime Ministers.

Mahfuz Anam, editor of Bangladesh’s Daily Star, is currently facing billions of dollars in lawsuits.

“Over 70 defamation and sedition cases (have) been filed against this amazing editor at one of the largest English language papers in the country,” Galhotra told IPS. “The staggering number of them is really alarming.”

“Anam’s admission that he published unsubstantiated information accusing Prime Minister Sheikh Hasina of corruption has led to a barrage of defamation and sedition cases against him,” Galhotra wrote in a blog post published by the CPJ.

On the other side of the Indian ocean, Raimundos Oki a journalist with the Timor Post is facing possible jail time for an article he wrote about Timor-Leste’s Prime Minister Rui Araujo.

Oki is facing a defamation case over a factual error in Oki’s reporting on a government tendering process.

Yet, according to a letter from four international journalism organisations, including CPJ, sent to Araujo, Oki and Timor Post published a correction and right of reply “in accordance with Timor Leste’s own Press Law.”

The Australian newspaper reported that Araujo’s response to the letter said that “press freedom and freedom of expression” should not be traded for “press irresponsibility”

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Sumit Galhotra.

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and “irresponsible expression of freedom.”

IPS spoke with Oki about what it is like to be a journalist in Timor-Leste. Timor-Leste is one of the least developed countries in Asia, according to the UN Human Development Index, and journalists there are paid less than \$200 per month.

Oki said that the journalists have an important role in Timor-Leste's development.

“To develop this country we need a journalist sometimes who pushes the government or pushes another institution in order to accelerate the development process,” he said.

Due to Timor-Leste's oil and gas revenues, the national economy is dominated by the Timorese government, which uses this money to provide services to the Timorese people.

Oki said that it is important for journalists to follow where government spending is going, because it isn't always known where these funds end up.

“The role of the journalist (is) to follow the money, where is the money going,” he said.

Yet, according to Galhotra, defamation cases such as the one Oki is facing send a signal to journalists who write about governments and large corporations.

“There's a signal being sent that this is what can happen to you,” he said. “You can also be in a court room facing financial devastation so think twice before you lift your pen to criticise.”

He said that it is very hard to know exactly how many articles don't get written because of the resulting self-censorship.

Commenting on Oki's case, Galhotra told IPS that Oki has also received threatening phone calls telling him that he should “be careful.”

“Governments are very quick to take to courts to proceed on defamation proceedings but when it comes to affording journalists protections when we're under threat we don't see any action on that front,” said Galhotra.

Update:

In a letter published by several Timorese newspapers on April 29, Araujo claimed that Timor Post had not made a correction, only an apology mentioning a “technical error.”

Correction:

An earlier version of this article stated that Rui Araujo is suing Oki for defamation. However in the above mentioned letter Araujo wrote that he has only presented “the facts to the Prosecutor's Office of a publicly disseminated false accusation against me. It is up to the Prosecutor's Office to file or not to file a lawsuit.”