



Wednesday, March 19, 2014

Parliament soft-pedals over East Timor's harsh draft media law



East Timorese media ... fears draft media law could lead to censorship.
Photo: *Diariu Timor Pos*

JOSÉ BELO, Timor-Leste's celebrated champion of investigative journalism and advocate for a free media, recently vowed he was prepared to go to jail rather than allow his fledgling independent nation to muzzle the press.

Belo, 42, publisher of the small yet probing *Tempo Semanal* online and print weekly, says he won't give up in the current struggle over the fate of the media.

He has been campaigning against a draconian [draft media law](#) over the past few months.

"It's about the future of our country," he told [Fairfax Media's](#) Lindsay Murdoch.

But the news about a draft law that is feared could lead to censorship is not getting any better. Since [Café Pacific](#) broke this story in early February, the Timorese non-government organisation La'o Hamutuk has been [monitoring developments](#) closely – and making quality submissions.

In a subdued message to "concerned friends", it commented on the parliamentary Committee A report and the approval of the controversial law "in principle". This is what it had to say:

Parliament Committee A finalised its [Report and Opinion](#) on the law on 28 February, identifying many of its flaws and controversial topics. They read the 29-page report to the Parliamentary plenary session on 11 March. Two hours of debate followed, most of which concerned issues of personal concern to Members (such as being misquoted or defamed, and the right of political parties to own media).

Although the draft law is largely based on Indonesia's discredited Press Council, Secretary of State for Media Nelio Isaac agreed with MP Mandati that Timor-Leste doesn't want "Pancasila Democracy." At 5:30 that afternoon, the MPs approved the law in generality with 49 votes in favor, none opposed and no abstentions.

Because Committee A's report discusses general issues and controversies without proposing specific amendments, the bill is being sent back to the committee for article-by-article revision, after which the plenary will resume discussion on specifics. Concerns have been raised that this process, likely behind closed doors, will prevent the press and public from observing the substantive debate.

'Climate of real tranquility'

The [committee A report](#) said in an Orwellian executive summary:

For more than 10 years the Democratic Republic of Timor-Leste has enjoyed, in the opinion of many, a climate of real tranquility in terms of exercise of the fundamental freedoms of citizens, these freedoms provided for either in instruments of

>>> Pacific media uncensored



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international regulation that Timor-Leste ratified or in the Constitution.

Media professionals, the owners of the media, citizen beneficiaries of the services provided by one or the other have lived in relative harmony, without frequent cases reported by the press of complaints from citizens or media professionals transgressing or abusing press freedom.

For more than 10 years, media professionals had access to sources of information, no one forced them to reveal their sources, reported the information they had access to and no one was prosecuted for exceeding the limits usually imposed on the exercise of freedom of expression.

In all that time, the country was informed regularly without any state agency having to intervene to deal with disputes that sometimes arise in the exercise of press freedom. No regulatory agency was created to oversee the activities of the media, but nothing restricted a lively and active media.

We realise now that the state has decided that it's time to regulate the media sector, establishing some rules of functioning, in order to be more rigorous in the information provided and to set minimum parameters that everyone must obey to regulate the sector. And so it is, above all, the establishment of criteria to access the profession of journalism.

What are the minimum requirements that a person must meet in order to pursue that profession? Should one reserve these functions just for Timorese citizens or should they be open to foreigners? Should they require a certain educational background?

But this also involves anticipating who may or may not create media. Can only nationals own them, or can foreigners also have media? Who is forbidden to create media? Can associations and foundations own media or just only persons organised as commercial companies?

But regulating media also disturbs a very sensitive sector because news dissemination could involve breaching rights protected by international legal instruments, as well as the Constitution and ordinary laws. It is the freedom to inform, to inform and to be informed must be exercised with limits.

On the other side, the activity of the mass media is carried out by profit-seeking companies. Hence the possibility that this activity, in the pursuit of profit, could harm other legally protected rights. Thus a press law has to provide for a set of situations of violation of citizens' rights by commercial media and a corresponding sanctions framework to deter potential offenders.

But, in this matter, the press law can opt for initially regulating conflicts outside the courts, where possible, with recourse to the courts as a last resort when it is not possible to settle the dispute extrajudicially.

Beyond these matters, the press law has to envisage situations in which the published news is inaccurate, untrue or false, injuring the rights of third parties, who, of course, would like to clean up their image, see a correction or restore the truth the facts. Thus a press law must establish mechanisms for responding to false or inaccurate news.

And when a published response is illegitimately denied, the law must provide a compulsive or coercive mechanism requiring the media to ratify the mistake and restore the truth of the facts. And this is done with the courts. Finally, the state wishing to regulate the press must provide for an independent administrative authority with powers of regulation and supervision of the media to also serve as a dispute resolution forum before such disputes are taken to the courts. This bill will intend to give an answer to these questions, adjusted to Timorese reality.

- [Draft media law could bring censorship to East Timor - Global Voices](#)
- [La'o Hamutuk draft media law website resource](#)

Posted by [café pacific](#) at 12:53 AM