

## East Timor's "Repressive" Media Law Declared Unconstitutional

Written by Mong Palatino On 9 September 2014 @ 15:45 pm | [1 Comment](#)

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[1]

East Timorese youth undergoing a journalism training sponsored by the Independent Centre for Journalism. Photo from Flickr page of DFAT photo library (CC BY 2.0)

East Timor journalists and human rights groups scored partial victory when the Court of Appeal ruled that the [Press Law](#) [2] passed by parliament last May is unconstitutional.

Media and activist groups [oppose](#) [3] the law which they describe as a serious threat to free speech. They [cited](#) [4] several "dangerous" and "broad" provisions in the measure which would undermine media freedoms such as new policies requiring journalists to register with and be supervised by a Press Council, as well as one that would require the licensing of foreign journalists. They warned that the law would restrict the role of citizen journalists and all those who are not officially recognized as members of the corporate press. They also charged that the provision called for excessive regulation of the activities of foreign reporters.

Last week, the Court of Appeal [struck down](#) [5] several provisions of the law as unconstitutional such as Article 20, which outlined journalist's obligations, Article 24 on foreign capital and Article 40 on the issue of media fines. The law was returned to parliament for reconsideration and amendment.

Still, even if the law has been declared as unconstitutional, the court did not comment on some of the provisions that activists wanted to remove. This has motivated the Timor-Leste Press Union to [demand](#) [6] that legislators draft a new law by restarting deliberations in consultation with the media sector.

One of the consistent critics of the law is Jose Belo, an East Timorese journalist and director of the newspaper Tempo Semanal. Earlier, he [wrote](#) [7] that he intends to disregard the requirements imposed by the law:

The tale of East Timor's controversial proposed media law is a story of insiders versus outsiders, of the rich versus the poor.

As the director of Tempo Semanal newspaper and president of the Timor-Leste Press Union I will neither submit to being certified, nor will I pay any fines. As a result, in the worst-case scenario, there is a strong chance I will be prosecuted and jailed for not submitting to the new law.

Since the law was proposed last year, various media advocacy groups around the world have expressed concern and opposition to the measure. Jane Worthington, Asia-Pacific Acting Director of the International Federation of Journalists, is worried that the law will [compromise](#)<sup>[8]</sup> the independence and freedom of journalists in East Timor:

We are greatly concerned for the freedom of the media and journalists ability to report in East Timor should these laws proceed.

These unacceptable laws threaten East Timor's democracy and show the Government's attempts to limit the ability of journalists to freely report.

The media has long played an integral role in East Timor's struggle for independence. This should not be forgotten or compromised.

Ashlee Betteridge, a Research Officer at the Development Policy Centre in Australia, [reminded](#)<sup>[9]</sup> East Timor authorities about the other more pressing challenges facing the media today:

This law will not solve the quality challenge facing the Timor press. New voices, increased competition and stronger demands from audiences are probably the best hopes, and they cannot be legislated into existence.

Instead, there is a real threat of increasing self-censorship by publications and individual journalists to mitigate their financial and legal risk in the face of the new sanctions that can be imposed under the law, and a real threat to the freedom and diversity of the Timor-Leste media.

East Timor was placed under Indonesian military occupation from 1975 to 1999. During the struggle for independence, the media was one of the powerful instruments used by the Timorese to sustain their fight. Activists and former freedom fighters are now invoking this legacy to assert the drafting of a media law that will strengthen, and not reverse, the country's democratic commitments.

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[1] Image: <http://www.flickr.com/photos/106853342@N04/10730521496/in/photolist-hmdJcj-c4RhpddcuJHR-dcHAXB-dcBsSw>

[2] Press Law: <http://www.laohamutuk.org/misc/MediaLaw/LeiImprensa25June2014en.pdf>

[3] oppose: <http://globalvoicesonline.org/2014/06/02/why-human-rights-advocates-are-opposed-to-east-timors-draft-media-law/>

[4] cited: <http://advocacy.globalvoicesonline.org/2014/02/27/activists-fear-draft-media-law-could-bring-censorship-to-east-timor/>

[5] struck down: <http://blogs.crikey.com.au/northern/2014/08/21/east-timors-media-law-unconstitutional-court-of-appeal/>

[6] demand: <http://www.temposemanal.com/nasional/tl-court-justifies-media-complain-government-and-parliament-get-the-humiliation>

[7] wrote: <http://www.crikey.com.au/2014/06/23/east-timor-elites-try-to-muzzle-media/>

[8] compromise: [http://www.ifj.org/nc/news-single-view/backpid/33/article/unconstitutional-media-law-a-death-sentence-for-free-media-in-east-timor-1/?utm\\_content=buffer4e80e&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://www.ifj.org/nc/news-single-view/backpid/33/article/unconstitutional-media-law-a-death-sentence-for-free-media-in-east-timor-1/?utm_content=buffer4e80e&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

[9] reminded: <http://devpolicy.org/why-is-timor-leste-trying-to-restrict-the-media-20140821/>