

East Timor court media ruling sparks confusion, triggers global petition

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East Timor's José Belo ... fighting against the controversial media law with a symbolic gag. Image: © Ted McDonnell

*Parts of a controversial media law in East Timor have been ruled unconstitutional by the country's Court of Appeal. Now uncertainty is rising, and activists and journalists are preparing themselves for another attack on freedom of the press, reports **Asia-Pacific Journalism**.*

Pacific Scoop:

Report – By Lasse Underbjerg

Media freedom campaigners, civil rights activists and journalists in Timor-Leste are gearing up for a renewed struggle to try to block a controversial law that has been branded by opponents as draconian.

The campaign is being mounted in spite of a Court of Appeal ruling that found several articles of the media law to be violating country's constitution.

The ruling was initially welcomed by local journalists, foreign correspondents, civil society advocates and democrats.

[2] But since then there have been indications that the government plans to press ahead with the law and the International Federation of Journalists is launching a global petition against it.

The appeal initiative is led by SBS *Dateline* investigative journalist Mark Davis who says the "days of whispering the truth rather than speaking it may be returning".



He was referring to 24 years of harsh Indonesian rule and tight controls on the media in Timor-Leste.

Leading investigative journalist José Belo, publisher of *Tempo Semanal*, applauded the Appeal Court decision after it was made public.

'Victory for Timorese'

"The courts today have upheld our constitution, which we fought so hard for. This is a victory for the East Timorese people. The government is trying to stop freedom of the media and freedom of expression," he told Ted McDonnell in [Pacific Scoop](#) [3].

Several Pacific media reported that the entire law had been deemed unconstitutional.

But they were "jumping the gun big time", according to Bob Howarth, the country correspondent for Reporters Sans Frontières in Papua New Guinea, East Timor and the Solomon Islands.

He has had close contact with a source in Dili, capital of East Timor, who wishes to remain anonymous for safety reasons.

He now reveals, that the victory for the journalists and human rights activists may not be as big as they thought.

"The reports that the media law in East Timor had been ruled unconstitutional by the court are not correct," he says.

"It now seems that only some clauses in the legislation were ruled unconstitutional, and that creates a great deal of uncertainty."

Lobby opportunity

The ruling now gives journalists and their supporters a chance to lobby their parliamentarians again to change some of the more contentious proposals, he says.

"The biggest problem in my opinion is still the blurred definition on what it is to be a journalist."

The situation also worries Professor David Robie, director of the Pacific Media Centre and editorial manager of the [Pacific Media Watch](#) [4] freedom project.

"There is a great deal of uncertainty at the moment. On one side you have the journalist who has been fighting for abolishing the law, saying that it's a humiliating defeat for the Parliament in East-Timor," he says.

"But now there are more subtle voices that are telling us that in fact that's not true – and that dark forces are working in the country to get the law enforced. So it's very confusing at the moment."

The first draft of new media law was presented in hearings in February this year, but right from the start, journalists and freedom forums expressed their concerns with the content of the new law, pleading that it would de facto restrict them.

[La'o Hamutuk](#) [5] (Timor-Leste Institute for Development Monitoring and Analysis) also stated that the law would bar foreign journalists. It established a public web-based [media resource](#) [6] to monitor the law.

Key concerns:

- The law would create a licensing system for journalists administered by a five-member government-funded Press Council. Media organisations would be prohibited from employing “uncertified” journalists
- The licensing system would also apply to foreign media, giving the press council the power to deny access to East Timor to foreign correspondents
- The definition of what it means to be a journalist is “blurred” – as Howarth says – and this gives extra control to the government for restriction

After several weeks of revision, the National Parliament gave final approval to the Media Law on May 6.

Fifty three deputies voted in favour, nobody voted against.

On May 29, La’o Hamutuk and other organisations wrote a [letter](#)^[7] urging the President to veto the media law.

President Taur Matan Ruak received the proposed law on 25 June, 50 days after it was approved.

International petition

Three weeks later, he announced that he had submitted the media law to the Appeal Court, asking it to review the legislation’s “constitutionality”. While the law is supposed to be referred back to the Parliament for redrafting, the IFJ is moving on its international petition.

Anna Mavaju, contributing editor for *Pacific Media Watch*, says she has been covering media laws for five years, including the most recent media law in South Africa.

She believes the law will be very hard to apply.

“The law is completely unworkable and unconstitutional in at least 10 different articles,” she says.

“There are so many people doing all sorts of journalism, so you would need a whole new police force to enforce it.”

Howarth has had a long association with Timor-Leste after helping launch the *Timor Post* daily newspaper in 2000 and travelling to the country 22 times since. He sees a need for ongoing professional, up-to-date journalism training.

“A lot of people agree that we need a press council. The journalists in the country need more professional training because they basically started with nothing and even now the wages for the journalists are extremely low,” he says.

Bad precedent

Dr Robie, who has signed the IFJ petition against the law and written about the issue on his blog [Cafe Pacific](#)^[8], believes the legislation needs an overhaul and it would be a bad precedent for the Pacific region.

He says the law “is far harsher than the controversial Fiji Media Industry Development Decree imposed by the military-backed regime in Fiji in 2010”.

“I definitely think East Timor needs a media law but one protecting media freedom. It seems like the people who wrote the current law draft have got no knowledge about journalism at all. The problem is that the draft goes back to the same people who wrote it in the first place,” he says.

“So I don’t see how there’s going to be much improvement.”

[Lasse Underbjerg](#)^[9] is an Inclusive Journalism Initiative (IJI) programme student journalist from Denmark on exchange at AUT University who is reporting on the Asia-Pacific Journalism course.

[Appeal Court rejects East Timor law as ‘unconstitutional’](#)^[3]

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[1] Image: <http://pacific.scoop.co.nz/wp-content/uploads/2014/08/APJ-P2-lasse-timor-media-lawTed-McD-image425wide.jpg>

[2] Image: http://pacific.scoop.co.nz/wp-content/uploads/2010/08/APJlogo72_icon-e1281607477887.jpg

[3] *Pacific Scoop*: <http://pacific.scoop.co.nz/2014/08/appeal-court-rejects-east-timors-media-law-as-unconstitutional/>

[4] *Pacific Media Watch*: <http://www.pacmediawatch.aut.ac.nz>

[5] La’o Hamutuk: <http://www.laohamutuk.org/>

[6] media resource: <http://www.laohamutuk.org/misc/MediaLaw/14MediaLaw.htm>

[7] letter: <http://www.laohamutuk.org/misc/MediaLaw/LHLeiImprensa29MaiuEn.pdf>

[8] *Cafe Pacific*: <http://cafepacific.blogspot.co.nz/2014/08/timor-lestes-parliament-handed.html>

[9] Lasse Underbjerg: <http://www.pmc.aut.ac.nz/profile/lasse-underbjerg>