



Xanana Gusmão, Prime minister
Deputada Carmelita Caetano Moniz of Parliamentary Committee A
Roberto Sousa Advisor, Information Technology and Communication
Aderito Hugo da Costa 2nd Vice President
Nélio Isaac Sarmento Secretary of State for Social Communication
Pedro Lay da Silva Minister of Transport and Communications
Flávio Cardoso Neves Vice-Minister of Transport and Communications

Paris, 26 February 2014

Dear Sir or Madam,

Reporters Without Borders, an international organization that defends freedom of information, would like to share with you its concerns about the draft media law currently being considered by Timor-Leste's parliament.

Last November we hailed the historic congress that led to the creation of a Press Council and a Code of Ethics. Timor-Leste rose significantly, from 90th to 77th out of 180 countries, in the Press Freedom Index that Reporters Without Borders published on 12 February. The result of major efforts, this rise was above all a reflection of a more positive perception of media freedom on the part of the journalists who answered the questionnaire used to compile the index.

The draft media law that was approved by the cabinet on 6 August 2013 and is now being examined by parliament is nonetheless the source of a great deal of concern to journalists. For a media law to represent a step forward, it must above all protect journalists in the exercise of their profession. But some of this bill's provisions make it harder for journalists to do their job. It thereby obstructs the freedom to inform others.

Although parliament has agreed to certain changes at the request of journalists' associations, many negative aspects remain, above all the introduction of criminal penalties proposed by the Secretary of State for Media, Mr. Nélio Isaac Sarmento.

We also think that the bill's licensing system for journalists could result in political pressure on journalists and undermine their ability to do fully independent investigative reporting. The power accorded to the Press Council, which is responsible for issuing licences to journalists, is disproportionate. It is the journalists' associations and the media that employ journalists, not the Press Council, that should be responsible for issuing and withdrawing press cards.

The definition of journalists in the current draft is, to say the least, restrictive, as it excludes freelance journalists, independent journalists and student journalists. Only "individuals employed by a recognized media outlet and who have served at least six months as an intern in a media organization" would be recognized.

Although the Press Council is a full-blown supervisory body, its independence has yet to be demonstrated and it has significant links with the government that include its funding.

Changes are needed to the articles covering judicial proceedings and fines for violating the media law. It is vital that the term "criminal," mentioned in article 18 with reference to the proceedings that can be brought against journalists, should be deleted from the law. Journalists should under no circumstances be held responsible for their work under criminal law, only civil law. As regards the fines that can be imposed, we propose a ceiling of 5,000 dollars so that no media or journalist is threatened with financial ruin.

Finally, this law would require visiting foreign journalists and foreign correspondents based in Timor-Leste to obtain the government's permission to operate inside the country. This could obstruct access to information, especially as it is often the case that the fresh approach of foreign reporters lends an added dimension to media coverage and produces investigative reporting that is in the public interest.

Such provisions are not acceptable because they endanger freedom of information and media independence, which are needed for a country to function democratically. They constitute a dangerous first step towards censorship and the gagging of news media by leaving the door open to abuse of power by the government and by officials.

Reporters Without Borders urges Timor-Leste's parliamentarians not to approve this proposed law in its current form and to carry out the changes outlined above, which have been requested by journalists' associations. This will ensure respect for the fundamental rights and freedoms of news providers and, by extension, the entire population's right to freely reported news and information. Journalists should not have to work in constant fear of prosecution and even a possible jail sentence for what they report.

Modifying this proposed law would give Timor-Leste's parliament and the entire political class the opportunity to reaffirm their commitment to freedom of information and to reaffirm the sincerity of their often-stated desire to preserve a favourable media environment for all journalists that respects international standards.

Sincerely,

A handwritten signature in black ink, appearing to read 'Benjamin Ismail', written in a cursive style.

Benjamin Ismail
Head of the Asia-Pacific Desk
Reporters without borders