

Outcry over new media code in Timor-Leste – The Edge Review

February 21st, 2014



www.theedgereview.com



Timor Leste President Xanana Gusmao holds court at CNRT meeting on July 8 2012, after winning parliamentary elections (Photo: Simon Roughneen)

A proposed new media code in Timor-Leste is raising hackles among the country's press, who see an attempt to impose curbs on journalists and criminalise transgressions in what has been one of the freer press environments in southeast Asia.

The draft law, if passed, would require new journalists to go through a six month internship prior to accreditation and would bar public relations workers, political party leaders and civil servants from working as journalists – with a necessary exception made for those working in public service media.

According to Jose Belo, editor of Dili newspaper *Tempo Semanal*, whose exposés landed former Justice Minister Lucia Lobato a five year jail term for corruption, the proposed restrictions are out of place.

“The government is trying to limit who can become a journalist or practice journalism, despite it being the era of Facebook, Twitter, blogs and so on,” Mr Belo, who was jailed and tortured by Indonesia during that county’s quarter century occupation of Timor-Leste, told *The Edge Review*.

The law, which was subject of parliament hearings in early February, outlines a list of po-faced duties that lawmakers feel that journalists must perform, such as contributing “to a free and democratic society,” something legislators feel that reporters can do “by informing citizens in an educational, honest and responsible manner in order to promote the creation of enlightened public opinion.”

The clauses above are taken from a translation of the Portuguese draft law made by *La’o Hamutuk*, a well-regarded Dili think-tank, and such overbearing guidance is prompting journalist groups to think that the Government trying to impose rather than help expose.

The notion that Timorese journalism is subordinate to the exigencies of “nation-building” has long been impressed upon the country’s media by politicians, many of whom, like Jose Belo, are legends of the country’s resistance to Indonesia’s savage 24 year occupation, which ended in 1999. For example, In March 2012, police commissioner Longinhos Monteiro warned that journalists responsible for “inaccurate” news stories would be liable for arrest.

“What we see in these laws gives an impression that they intend to regulate the press rather than protect the rights of East Timorese journalists.” said Timor Lorosa’e Journalists’ Association (TLJA) President Tito Filipe.

The draft calls for journalists to combat “any restriction on freedom of expression, freedom of the press or any other form of restriction of the right to information for citizens,” an irony given that the draft law could see journalists accused of wrongdoing subsequently facing civil or criminal charges.

Timor-Leste’s 2009 penal code decriminalized defamation, but the offence remains part of the civil code, and in a country where journalists sometimes self-censor or are induced by per diems or backhanders, such leverage could weigh against poorly-paid reporters, many of whom earn less than US\$200 a month.

However Timor Leste’s legal system is slow, and there is a backlog of cases, so there is a chance, of course, that even if a restrictive media law is passed, journalists might be slow to feel the full force.

“There’s plenty of laws on the books in Timor-Leste that are not always enforced exactly to the letter,” reminded Gordon Peake, author of *Beloved Land*, a new book about Timor Leste.

The the proposed law would provide for “the right of access to all sources of information, except as provided for by law,” and says that accredited journalists are entitled to “access to official sources of information, taking into account administrative procedures.”

Both of those rights sound good on paper, but in practice? That’s a different story in a country known for bureaucratic tardiness. A July 2013 editorial in *The Dili Weekly*, a small English-language newspaper in the capital, lamented that “our newspaper has approached the relevant sections of the Ministry of Justice, Ministry of Finance and the Ministry of Commerce to access such documents, but has been refused at a number of levels. We have put such requests formally in writing, as requested by various public servants. We’ve waited for hours in queues and been told the documents are being copied, but these documents never come.”

And the code seems to borrow from neighbours such as Malaysia where annual licensing and permit provisions have hindered the rise of an aggressive print media, though online outlets have filled that niche in recent years. The state funded Press Council proposed under the proposed law and could have the right to rescind media permits or licences, contends Jose Belo.

With only around one per cent of Timorese online regularly, compared with more than half of all Malaysians, it could be a long time before any would-be Timorkini could have the heft and readership to make up for a tamed print media.

Jose Ramos-Horta, a former President and Prime Minister of Timor-Leste, and now the head of the United Nations mission in Guinea-Bissau, said that it would be better if the mooted press law be binned.

“Let a thousand flowers blossom, let a million criticisms of political elites and businesses fly around then have a single journalist be harassed or imprisoned because of a tendentious law aiming at curbing freedom of press,” Dr. Ramos-Horta told *The Edge Review*.

Requests for comment from a Timorese Government spokesman had gone unanswered at time of writing.

**Roughneen has reported from Timor-Leste several times in recent years*