



His Excellency Taur Matan Ruak
Prime Minister of the Democratic Republic of Timor-Leste
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cc. Mr Afonso Corte Real

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cc. Her Excellency Ms Inês Maria De Almeida
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cc. Senator the Hon Marise Payne

Minister for Foreign Affairs

PO Box 6100

Senate

Parliament House

Canberra ACT 2600

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11 June 2020

Your Excellency,

Re: Timor-Leste Defamation Law

The Media, Entertainment & Arts Alliance (MEAA) is the trade union and professional association of Australia's journalists. MEAA is an affiliate member of the International Federation of Journalists.

MEAA, together with our colleagues in Timor-Leste, is deeply concerned at the proposal to introduce a law of criminal defamation to Timor-Leste's *Penal Code* (Articles 187-A to 187-F) – a proposal that will soon be presented to the Council of Ministers.

We believe this proposed law is a dangerous step that would undermine press freedom and have a chilling effect on public interest journalism. The end result would be the use of these laws to harass and intimidate journalists and deny the public's right to know. Such an outcome would have a deleterious effect on democracy in Timor-Leste.

MEAA is deeply concerned that the proposed law is vague and poorly defined; it applies to the dissemination of material whether via the media, social platforms or public gatherings; it places the onus on journalists and publishers to disprove the matter at the heart of the complaint and it carries jail terms of up to three years and/or fines for the proposed "offences".

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It creates a class of “protected” citizens, including government and church officials, who would be placed beyond scrutiny while empowering them to wield the proposed law as a weapon. The law even allows the dead to attack journalists and media outlets from the grave.

As such, this law has the potential to be used as a muzzle with which to threaten journalists and publishers as they carry out their duties of informing their communities. It would create an environment where journalists and media outlets are fearful of reporting matters where they may have to defend themselves, and the truth, at great expense. It stifles freedom of expression, making opinions and the sharing of information a criminal offence.

The result would be to put legal restraints on the fourth estate in a democracy that should value openness and transparency, legitimate scrutiny of the powerful, and public interest journalism that upholds the public’s right to know.

As you know, Australian journalists have deep, profound and inviolable ties to the people of Timor-Leste. For MEAA members, this relationship is maintained not least through our support of the Balibo Five-Roger East Fellowship that helps nurture a democratic free press, and builds links and solidarity between journalists in Australia and Timor-Leste

It is therefore of great concern to us that if this new law is enacted it would create a threatening legal regime so at odds with the aspirations for a free media reporting for the benefit of the community.

Your Excellency, three years ago you showed your strong support for press freedom when our colleague Raimundos Oki was threatened with prosecution because of his journalism. In that spirit, we respectfully urge you to ensure that the proposed criminal defamation law never appears on the statutes of Timor-Leste. Journalism is not a crime.

Yours sincerely,



Marcus Strom
Federal President
MEAA Media section



Paul Murphy
Chief Executive
MEAA