

East Timor journalist faces jail over corruption allegations

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The East Timorese government is using a penal code imposed by the former Indonesian military regime to charge a journalist with criminal defamation following the publication of corruption allegations against a minister.

Under Articles 310, 311 and 312 of the old Indonesian Penal Code, journalist Jose Antonio Bello faces total penalties of up to six years in jail. A new penal code has been drafted that de-criminalises defamation but the legislation has not been put before the country's Council of Ministers and enacted by President Jose Ramos-Horta.

The prosecution highlights the anti-democratic character of the government headed by Prime Minister Xanana Gusmao. Just as the Indonesian junta introduced and used the criminal defamation laws to silence criticism and stifle dissent, so is the East Timorese government seeking to jail a critic.

Justice Minister Lucia Lobato, a member of the Social Democratic Party (PSD), which is part of Gusmao's ruling coalition, is pressing both the criminal charges and a civil defamation suit against Belo.

Last October, Belo's weekly *Tempo Semanal* news magazine published details of alleged corrupt tender letting by Lobato for the rebuilding of the walls of the Becora prison and the supply of prison guard uniforms. The article accused Lobato of corruption, nepotism and collusion, citing excerpts of leaked mobile phone text messages, supposedly between Lobato and various friends and business associates. The value of the tenders was over \$US1 million.

While attacking Belo for invading her "privacy," Lobato has also accused him of trying to bring down the government. She launched the prosecution last December as Gusmao's Parliamentary Majority Alliance (AMP) government faced increasing accusations of corruption.

In the same month, Jack Salatian, a director of Sunshine Petroleum, claimed he received death threats after he challenged the awarding of a contract to supply diesel fuel to the state-owned electricity utility.

In January this year, Fretilin, the main opposition party, accused the government of misappropriating \$6 million of unaccounted government expenditure. The *Australian* newspaper reported allegations that senior officials held unauthorised bank accounts that were shut down.

Last week, Fretilin issued a media release challenging a number of government purchases that have been shrouded in secrecy, including luxury vehicles for MPs, a second-hand power station, two navy patrol boats and \$48 million worth of rice.

The prosecution of Belo may also be connected to the unanswered questions that remain about the February 2008 alleged attempts to assassinate Ramos-Horta and Gusmao. The government claims that rebel army major Alfredo Reinado attempted to stage a coup but was shot dead by guards at the presidential residence. Ramos-Horta was also shot during the incident.

Belo was the producer and camera operator of a "Dateline" program broadcast in April 2008 on

Australian SBS television that cast doubt over the official explanations for those murky events. The "Dateline" program pointed to the possibility that Reinado was himself set up for assassination (See "East Timor: Plot thickens as leader of alleged 'coup' attempt surrenders").

The issue is a sensitive one for the government, which immediately exploited the "coup attempt" to impose emergency measures and bolster its own shaky hold on power. Belo's involvement in the SBS program that undermined the official version of what happened on February will undoubtedly have angered Gusmao and his ministers. The government account was already widely disbelieved.

A briefing issued last month by the Brussels-based International Crisis Group (ICG) pointed to continuing political instability in East Timor in the wake of the February 7 events. It referred to the charges against Belo as one of a number of "worrying signs of intolerance of dissent". It further criticised the government for failing to get "a grip on corruption", for "lagging" in pushing through pro-market measures and for offering monetary compensation to "buy off" groups of former soldier and internally displaced people.

Whatever the Gusmao government's exact motivations, the prosecution of Belo is a clear violation of basic democratic rights. While Gusmao claims to be an advocate of freedom of speech and an opponent of press censorship, he has refused to halt the charges laid by Lobato.

Belo's *Tempo Semanal* is one of a handful of newspapers in the tiny impoverished country. East Timor, which ranks 158th on the Human Development Index, has only one national television station and a few radio stations. It has no broadband or ADSL Internet, and only 0.1 percent of the population has Internet access, so the newspapers are one of the few sources of information.

Belo was jailed for three years as an opponent of the Indonesian occupation of East Timor before 1999 and has been a journalist for 13 years. He has reported for

various Australian media outlets, including the Australian Broadcasting Corporation, the Associated Press and Channel Seven.

Belo has said he will fight the charges despite lacking the financial resources for an expensive legal battle. "An integral part of a democratic state is the right to be informed," he said. The International Federation of Journalists, local journalist groups and Australian media personnel have appealed to the government to drop the charges.

Despite these calls, the government has refused to withdraw the charges. Interviewed on ABC radio on February 16, Deputy Prime Minister Jose Luis Guterres claimed that Lobato was acting as a private citizen, but: "We have to recognise the right of all citizens to take any case to the court."

Lobato has insisted that she will proceed, even if the old penal code is replaced by the time the case gets to court. "If we still have the [Indonesian penal] law that says defamation is a crime, then he will be tried under that," she said. If the new East Timor law commenced before the trial, "I still have the civil law".



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