

# HOLDING THE LINE

**SOUTH EAST  
ASIA MEDIA  
FREEDOM  
REPORT 2019**



**IMPUNITY, JOURNALIST SAFETY AND WORKING  
CONDITIONS IN SOUTH EAST ASIA**

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## SOUTH EAST ASIA MEDIA FREEDOM REPORT

November 2019

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**COVER PHOTO:** Filipino journalist Maria Ressa gives a statement to the media after being freed on bail on February 14, 2019. Ressa, the CEO and founder of Rappler, was arrested and was the subject of a lengthy legal campaign over the news website's criticisms of the president of the Philippines, Rodrigo Duterte. CREDIT: NOEL CELIS / AFP

**ABOVE:** A newspaper vendor the day after Thailand's much-anticipated election predicts a likely victory to the military junta-led party on March 25, 2019. The election failed to bring democracy back on track in Thailand, but reinstated military dominance in the ruling 19-party coalition. Credit: YE AUNG THU / AFP

# FOREWORD

**T**here is a pretty scary trend emerging in South East Asia when it comes to media freedom.

More and more, good journalists front their daily jobs in fear of being targeted for their work, but more specifically being caught up in debilitating legal maelstroms.

In 2019, far too many journalists in the region were threatened with legal action, stymied in the course of their work as a result and hauled through lengthy court battles on spurious charges. While some were free to continue their work awaiting trial, others had their movements severely controlled and others were simply locked up without recourse.

But the worrying end result is the potential contagion effect that could more widely impacting the media industry in South East Asia; that the broader collective is forced to self-censor or curb critical reporting that might otherwise put it in firmly in the legal firing line of political players and other powerful forces.

For those driving this surge of litigation against media workers, the objective is pretty clear. Silence the media and shut down the truth. If an idle threat isn't enough to turn the screws, then legal action is the latest weapon.

Despite this prevailing climate of intimidation, there is hope and grizzly determination.

There's no doubt that South East Asia's media workers are brave and defiant lot. This courage is epitomized in the legal travails of people like the Philippines' Maria Ressa, Malaysia's Steven Gan and Cambodia's Yeang Sothearin and Uon Chhin.

They, and many other journalists fighting their own battles, are what this report is all about in a region where the true promise of democracy continues to elude in terms of the fourth estate and the vital role it should be able play, but too often can't.

As our title suggests, South East Asia's media is determinedly *Holding the Line* against forces both overt and unseen, both online and offline that are trying in various ways to silence them. Together they are fighting back, they are building solidarity and they are raising the voice of media freedom in this complex and challenged region.

The 2019 South East Asia Media Freedom Report details some of these key legal cases across the region over the period, including that of Maria Ressa who is fronting a large scale attempt by the Philippines government to silence her and her Rappler, online media outlet. Rappler is currently facing 10 cases and investigations, including the revocation of its license to operate after it was found to have accommodated a foreign investor, allegedly in violation of regulations on media ownership.

## KEY THREATS TO JOURNALISM:

1. Arrest or detainment by authorities
2. Targeted attack for journalism work
3. Threats to myself or others close to me; Poor wages and working conditions

**61% felt insecure because of their job in the past year** (up from 50% in 2018)



**24% were personally threatened**



**28% had legal issues affect their place of work**



Indonesian journalists cited targeted attacks for their work, threats to colleagues or people close to them, and random physical attacks by the public. National demonstrations against President Joko Widodo's proposed law to outlaw gay and pre-marital sex was one of the trigger points in the year with protests in Bandung on September 23. Credit: Timur Matahari / AFP

As Ressa so aptly summarised the state of play this year: "At the very least, you see intent. ... It's the government using all of its forces to try to intimidate a journalist. ... And I don't think that I'm alone, that I was the target necessarily. I think they mean to let every journalist know, 'This could happen to you.'"

*Holding the Line* also looks at the other individual journalist violations and the major threats against media that punctuated the year: from internet shutdowns and online controls in Papua; to wide-scale protests in Indonesia where journalists were too often targeted by both the police and the public; through to the mass layoffs that impacted so much of Malaysia and Thailand's media industry with the closure of major media houses including Utusan Malaysia and the end of print production of *The Nation* newspaper in Thailand.





When we launched the first ever survey last year of impunity, journalist safety and working conditions in South East Asia last year, the aim was to get a deeper understanding of the journalist experience both in the workplace and out in the field.

To do that, we needed to talk to journalists, hear about their issues, their worries and their fears. It was an ambitious task but thanks to the dedication and determination of the IFJ's South East Asian affiliates, so began the task of building a record by which we can monitor the region year by year.

Importantly, this report could not have been possible without the dedicated and brave network of IFJ affiliates in Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Timor Leste that make up the South East Asian Journalist Unions (SEAJU). It could also not be possible without the financial support of UNESCO and the Media, Safety and Solidarity Fund (MSSF).

Individual country reports are backed also by a survey of nearly 1,300 media workers across the region. The results highlight clear evidence on the state of health for South East Asia's media and, more importantly, highlight the areas of vulnerability and issues for potential solidarity action.

Tellingly, 61 per cent of journalists felt insecure because of their job in the past year, 24 per cent were personally threatened and 28 per cent had legal issues affect their place of work. Nearly a third of all respondents defined government efforts to provide sufficient protection to journalists as worsening. And the four predominant negative influences on impunity in South East Asia, unsurprisingly, were political leadership and government.

And finally, the report also documents the many and varied attempts by governments to muzzle the media and gives a report card on the state of impunity for the region.

As we launch this year's report, it is appropriate that we are also marking the 10<sup>th</sup> anniversary of the Ampatuan massacre in the Philippines, where 58 people were murdered while travelling in a political convoy in Mindanao on November 23, 1999.

The grizzly attack – the largest single attack against the media in history – extinguished the lives of 32 journalists that day. In a special report, we outline the long fight to hold the perpetrators accountable.

Ten years on, the families and colleagues of those who lost their lives are still waiting for justice to be delivered. In terms of impunity, it is about as bad as it can get. It is in their memory that we keep up the fight for media, to never forget, to keep their story alive and to hold the line.

**Jane Worthington**  
Director – IFJ Asia-Pacific



# OVERVIEW: HOPE AMID THE DECLINE

The year 2019 has proven to be another challenging one for media in Southeast Asia, with more than half of the journalists surveyed by the South East Asia Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ) for this year's edition of the South East Asia Media Freedom Report, *Holding the Line*, saying their work continues to create safety concerns for them.

There were, to be sure, a few bright spots, not least of which was that this year, only 25 per cent of the respondents said they had negative experiences related to their work, most of these in the form of threats received either personally, through text messages, or email.

But this didn't prevent nearly half from saying the media situation in the past year had either worsened to some degree (31 per cent) or seriously declined (14 per cent).

Tellingly, 81 per cent of media workers said the media situation in their countries had either "seriously declined", "worsened to some degree" or had "not changed at all". Which simply means it

is as bad as ever.

Only in **Timor Leste** did an overwhelming majority of journalists – 63 per cent – feel the situation had "significantly improved" for media over the past year. The country's new media law, number 4/2014, articulates the state's commitment to press freedom. This commitment is reflected in the survey responses, with 84 per cent of journalists surveyed rating the government's efforts as "acceptable" but "needing improvement". The law itself is a demonstration of the government's political will, although effective implementation is wanting.

Yet Timorese journalists admit that threats still exist, foremost being poor wages and working conditions, cited by 41 per cent of respondents. But not even the improved atmosphere could prevent journalists from worrying about the threat of targeted attacks for their work, with 61 per cent saying their employers did not provide security measures to protect them.

And while Timor Leste does rank higher than its neighbours on international press freedom indices, authorities are still prone to punishing

critical journalism by withholding government advertising or even subscriptions on already struggling media outlets.

Another potential bright spot in the region – **Malaysia** – turned out mixed results.

On the one hand, following the defeat of the Barisan Nasional coalition, which ruled for six decades, there has been little to no direct government action by government against journalists. And yet with the Pakatan Harapan (PH) or 'Alliance of Hope' reneging on its



A black banner referring to the National Union of Journalists of the Philippines and other activist groups as members of the communist group was found in Cagayan de Oro, Mindanao, on May 27. Credit: NUJP





**In Myanmar, initial hopes that the rise of Aung San Suu Kyi's National League for Democracy would bring democratic rule have been dashed.**

promise of a 'New Malaysia', journalists surveyed were almost equally split over the media situation in the country. Of those surveyed, 30 per cent said the situation had worsened, 29 per cent felt it had improved, and another 28 per cent said there was no significant change.

On the whole, threats to press freedom in Malaysia can now be considered largely existential, with little to no direct action taken by the government against journalists for the stories they write. But many believe a culture of impunity for attacks against journalists exists, mainly because of political leaders' influence.

Not unexpectedly, the countries where clear majorities described the

media situation "worsening" or, at best, "unchanged", were the Philippines, Cambodia and Myanmar.

In **Myanmar**, initial hopes that the rise of Aung San Suu Kyi's National League for Democracy would bring democratic rule have been dashed. More than half of respondents in the country said there was "no significant improvement" in the media situation over the past year. Another 25 per cent said it had "worsened to some degree" and 16 per cent felt the media situation had "seriously declined." Government policy and legislation were the main obstacles to a free press in the country, with 11 journalists currently facing

Yeang Sothearin, a former journalist for Radio Free Asia, speaks to members of the media after a hearing outside the Phnom Penh municipal court on October 3, 2019. He and fellow journalist Oun Chhin are facing espionage charges for allegedly providing a foreign government with information. Credit: TANG CHHIN SOTHY / AFP

charges in eight separate legal cases filed this year.

In **Cambodia**, 50 per cent of journalists surveyed said the media situation had "seriously declined" and 29 per cent said it had "worsened to some degree." Thirty-three per cent of respondents said the biggest threat to their work was arrest, and 81 per cent felt their work was a security concern.

And in the **Philippines**, 61 per cent of respondents said the media situation



Indonesian police assaulted journalist Darwin Fathir from Antara news agency in Makassar, South Sulawesi, when he attempted to cover the student protest in front of the Regional People's Representative Council on September 24. Credit: Agus Dian

**Journalists in the South East Asia region sent a clear signal that they cannot yet expect or rely on help from their governments.**

continued to decline over the past year, with 62 per cent saying their work caused security concerns. Not surprising as, this year, security officials openly accused the media of being controlled by or conspiring with so-called “enemies of the state.”

**Thailand**, on the other hand, was hit by the largest layoffs of journalists in its history – at least 800 lost their jobs, according to estimates by the National Union of Journalists Thailand (NUJT).

The situation for media in the country's election year in 2019 can best be described as dramatic. The topsy-turvy turn of events could well shape Thailand's media landscape for years to come. While there were no major attacks on journalists or media outlets and the press enjoyed relative freedom; 40 per cent of journalists polled said the media situation was “worsening” to “seriously declining.”

Critical reporting on the military junta and its policies continues to carry grave risks and consequences for journalists in Thailand.

With the growing suppression of free speech on Facebook and censorship of politically sensitive issues in the mainstream media, young Thais are finding Twitter to be a safer space to express views and engage on sensitive topics.

A substantial number of journalists said cyberattacks and state censorship were the key threats to their safety, while legal intimidation and harassment were seen as the biggest workplace safety issues.

**Indonesian** journalists, meanwhile, cited targeted attacks for their work, threats to colleagues or people close to them, and random physical attacks by the public as the three biggest issues. The continuing impact on labour cases in 2019 fell in line with the results of

the overall SEAJU survey with 12 per cent of respondents counting low salary and working conditions as one of the most significant non-physical threats for journalists in Indonesia in the period.

Overall, journalists in the South East Asia region sent a clear signal that they cannot yet expect or rely on help from their governments.

Asked to rate their governments' efforts to provide sufficient protection, 44 per cent judged the strategies by governments or lack thereof as poor or worsening through to “extremely bad.” Another 32 per cent deemed government efforts as acceptable or needing improvement, while 21 per cent were neutral. Tellingly, only 3 per cent rated government efforts as very good.

In terms of media employer protections, nearly 60 per cent of journalists felt their employers provide ample safety measures for them.



There is no doubt that journalism remains a dangerous profession in a region that has never been known to be a bastion of freedom of the press and of expression. A tally of violations based on UNESCO's Journalists' Safety Indicators recorded 302 incidents broken down thus:

1. Threats against the lives of journalists	9
2. Other threats to journalists	219
3. Non-fatal attacks on journalists	35
4. Killings of journalists	2
5. Threats against media institutions	7
6. Attacks on media institutions	20

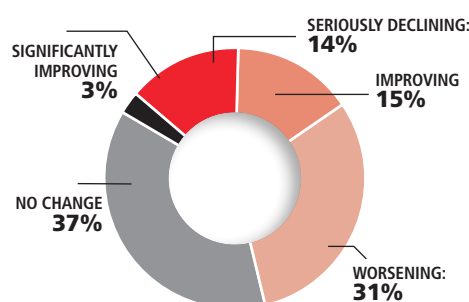
But with journalist monitoring varying in reach in some of the countries in the region, the IFJ anticipates that the actual number of threats and attacks could be even higher.

It is no wonder that journalists rank the level of impunity throughout the region at 7.2 on a scale of 1 (excellent) to 10 (extremely poor) and rate their criminal and civil justice systems' handling of threats and violence against their ranks at 7 on the same scale.

On top of these threats to their physical safety and security, journalists struggle to keep body and soul together in the face of substandard pay and poor working

## PRESS FREEDOM

### The report card on media freedom in South East Asia



#### BECAUSE OF:

- **State/political actors** (Cambodia)
- **Media ownership** (Indonesia)
- **Government policy or legislation** (Malaysia, Myanmar, Timor Leste)
- **Journalist ethics & professionalism** (Philippines)

\*Thailand results not recorded

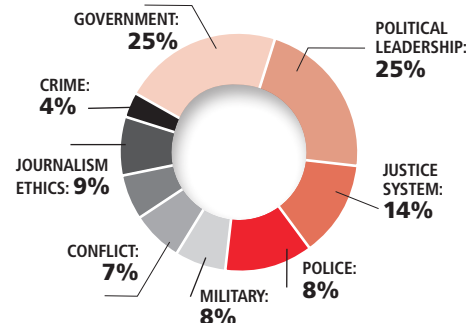
## IMPUNITY

**Impunity ranking: 7.2** (UP FROM 7 IN 2018)

**Justice system ranking: 7** (UNCHANGED)

\*scale out of 1-10 based on media workers attitudes/responses (10 being the worst score)

#### WHY:



#### KEY INFLUENCES BY COUNTRY:

- **Political leadership:** Cambodia, Malaysia, Myanmar & Timor Leste
- **Government:** Indonesia, Philippines & Thailand

conditions. Wage security remains high on the threat lists for journalists in South East Asia.

These numbers do not just tell of declining press freedom, they also chart the worsening erosion of democratic rights and liberties and the bootstrap march of populism in South East Asia.

Unless the downtrend is arrested and reversed, it cannot augur well – not only

for the media but most of all the peoples of South East Asia. •

Timorese journalists in Dili hold up Timor Leste's local daily newspapers as a visual protest against the country's controversial media law, after they submitted a petition to parliament on October 21. Photo: Jose Belo



# THE AMPATUAN MASSACRE 10 YEARS HENCE: JUSTICE AT LAST?

**O**n the morning of November 23, 2009, a convoy of vehicles left the town of Buluan, in Mindanao's Maguindanao province, for the provincial capital Shariff Aguak, to file the candidacy for governor of Esmael Mangudadatu.

Mangudadatu, then the vice mayor of Buluan, intended to run against Andal "Datu Unsay" Ampatuan Jr, at the time the mayor of the town named after him – Datu Unsay.

Days before, word had already been spreading in the province that the Ampatuans intended to make mincemeat of Mangudadatu, himself from a prominent clan, for daring to challenge them. It was not an idle threat.

The Ampatuans were among the closest allies of then President Gloria Macapagal-Arroyo. Clan patriarch Andal Sr had been governor of the province for almost a decade. One son, Zaldy, was governor of the Autonomous Region in Muslim Mindanao. Other sons, brothers, nephews and sundry relatives also held government positions.

Over the years, the Ampatuans had amassed an enormous fortune, mostly believed to be ill-gotten. They had also built up a private militia that was often described as larger and better equipped than the forces of the state, and which was allowed because the clan was a vital "force multiplier" against secessionist rebels.

This wealth and armed might – they were known to travel in convoys of as many as 50 vehicles that included armoured cars with machine guns – allowed the clan to wield what practically amounted to life-and-death power over one of the poorest provinces in the country.

In a bid to avoid what would otherwise have been a shooting war, Mangudadatu thought of sending the convoy. It included his wife, sisters and other relatives, lawyers, supporters, as well as 32 media workers who had been invited to cover the filing of his candidacy.

Mangudadatu banked on their tradition that women, children and the elderly are never made targets of conflict, and the general respect accorded media even by parties to armed conflict, to keep them safe.

As an added precaution, he also requested protection from the army. The request was denied.

At a turnoff on the highway, in Barangay Salman, Ampatuan town, the convoy was stopped at a checkpoint by around a hundred gunmen, a mix of police and private militia, led by Andal Jr himself. Also stopped were two other vehicles that just happened to be there when the Mangudadatu convoy was flagged down. There were 58 persons in all.

The vehicles were driven a few kilometres from the highway to Sitio Masalay. There, on a hilltop set amid an incredibly beautiful landscape, every passenger was executed.

The killers sought to literally bury the evidence in pits into which a backhoe, owned by the provincial government, dumped the bodies and vehicles. But they failed to finish the job, when a helicopter searching for the missing convoy flew over the massacre site.

Thus happened the Ampatuan massacre. It was so named for both the town where it happened and the clan whose key members plotted and led the slaughter – the worst incident of electoral violence in modern Philippine



**Over the course of the trial, at least three witnesses were killed and four of the accused**

history and the single deadliest attack ever on the press.

The shock and outrage that followed the massacre gave President Arroyo no choice but to turn against her former champions, although she initially had to send an envoy to negotiate the surrender of Andal Jr. She briefly placed Maguindanao under martial law, allowing the arrest of other key members of the clan, including Andal





After the massacre, soldiers initially found 22 bodies and five vehicles at the scene. Subsequent police operations revealed three pits containing another 35 victims. The 58th victim's body was never found. Credit: NONOY ESPINA

Sr and Zaldy, and the seizure of massive caches of weapons and ammunitions stashed on their many properties.

As more suspects were rounded up, government and private prosecutors began preparing for the trial.

## LONG ROAD

A decade, at least. That, said lawyers consulted by media groups in early 2010, was the earliest a conviction could reasonably be expected as soon as it became apparent that the government

intended to prosecute almost 200 suspects.

Eerily, that prediction appears to be spot on.

In mid-August 2019, Regional Trial Court Branch 221 Judge Jocelyn Solis-Reyes, who had presided over the exhausting, almost decade-old trial, deemed the case submitted for decision.

Typically, a verdict is handed down within 90 days. Justice Secretary Menardo Guevarra did expect one before the massacre's 10th anniversary.

But while the general expectation is that a number of the accused, including principal suspects, will be found guilty, justice will at best be partial.

That it took so long to try those accused of such a heinous crime is just the start. This was not only because of the sheer number of accused, but also because of what the prosecution described as the

delaying tactics of the defence – aside from the usual petitions for bail and other such pleadings that the court was also obliged to hear. Only after all that could the case in its entirety be considered, through no fault of the judge to be sure, but injustice enough. As the dictum goes, “justice delayed is justice enough.”

There was also the critical need to make sure only those who knowingly participated in the crime were prosecuted. Over the course of the trial, at least three witnesses were killed and four of the accused, including Andal Ampatuan Sr and two policemen, died. Brothers Andal Jr, Zaldy and Anwar Sr, their uncle Akmad, and several other clan members were detained.

But 80 other suspects, including principal accused Kanor Ampatuan, a brother of Andal Sr, the patriarch's

grandson Mohammad Bahnarin Ampatuan, and 13 other clan members still remain at large.

While the clan is obviously not as powerful as before, it remains a formidable force in Maguindanao politics. Many members, including some of the accused, have continued winning elections.

In what was seen as a setback with potentially serious consequences, in March 2015, Sajid Islam Ampatuan, the son of Andal Sr and an acting governor at the time of the massacre, was granted bail. He became active in Maguindanao politics again and, in the May 2019 election, won as mayor of the town of Shariff Saydona Mustapha, replacing his wife Zandria, who is now his vice mayor.

He was indicted for graft and corruption in February this year.

## THE FAMILIES

For the families of the media victims, many of whom were breadwinners, it has been a harrowing decade.

They have been hard pressed to cope with the economic dislocation on top of the grief and trauma of loss. And yet they have received no help at all from the Philippines government, despite the fact that, for all intents, those who planned and carried out the massacre were agents of the state.

Media organisations, including the National Union of Journalists of the Philippines (NUJP), which was one of the first groups to rush to their aid, have done their best to fill the gaps through scholarships for the orphans, many of whom have finished school and are now helping support their own families. Unfortunately, the scholarship program, which also served the children of other murdered journalists, has had to be suspended due to lack of funds. Efforts are continuing to seek alternatives.

Despite the hardships, the families have displayed extraordinary courage and resilience, involving themselves into the organization Justice Now and continuing to support each other.

Sadly, a number have been threatened and others offered money to withdraw from the case. None have

**A decade hence, the death toll stands at 186 since 1986, with 13 of those deaths happening under the current president, Rodrigo Duterte.**

given in. They have exhibited integrity in the face of attempts to exploit their cause for ulterior motives.

On April 23, the families joined NUJP members in General Santos City to commemorate the massacre and release a statement. It said: "We have not and are not demanding, as some quarters claim, that the NUJP open its records and show us where the funds and other assistance meant for us went." They also pointed out that they knew where and how the funds were spent: and that their children were "living proof" of the educational support provided.

"If there is anything we are demanding, it is that government show the records of where the international assistance reportedly channeled through it has gone," Justice Now said.

## JUSTICE NOW?

In the immediate aftermath of the Ampatuan massacre, hopes were kindled that the sheer immensity and horror of the crime would move the Philippines government to ensure swift justice and work seriously to end media killings in a country that, at the time, had already been dubbed the "most murderous" in the world for journalists.

It did not. It has not.

The massacre brought the tally of murdered journalists to 140. A decade hence, the death toll stands at 186 since 1986, with 13 of those deaths happening under the current president, Rodrigo Duterte.

It is tragically ironic that the decision in the massacre will be handed down at a time when the threat levels for media have never been higher.

Even when media killings were happening with alarming frequency from 2004 to 2005, neither the NUJP

nor other media organisations ever accused government of an official policy to target journalists for actual attacks.

But Philippines' president, Rodrigo Duterte, has personally targeted media outfits and journalists he disagrees with, banning them from covering him, as he did to *Rappler*. Meanwhile government agencies go on a legal offensive, as they have against *Rappler* CEO Maria Ressa.

Lately, in a really dangerous move, media organizations and journalists have become targets of red-tagging, the practice of openly accusing persons or groups of membership in or support for the communist rebel movement.

While convictions should undoubtedly be considered victories in the search for justice for 'the Ampatuan 58', it is also clear that these will have little impact, if at all, on the continuing struggle to defend and preserve freedom of the press and of expression in the Philippines.

Even the families of the 32 martyred media workers understand this.

While grateful to see those responsible for the deaths of their loved ones punished, Justice Now chair Emily Lopez and secretary general Mary Grace Morales grimly says that so long as the Philippines government fails or refuses to solve the substantial number of extrajudicial killings and human rights violations, the culture of impunity that allows murderers and masterminds to get away with their crimes will continue.

It also makes a repeat of such a heinous crime as the Ampatuan massacre all too possible, if not inevitable. •



Whatever the outcome of the massacre trial, we would do well to remember they who perished and resolve to work so that their fate does not befall anyone else:

Bai Genalin Tiamzon  
Mangudadatu

Bai Eden Gaguil  
Mangudadatu

Bai Farinah Mangudadatu  
Hassan

Rowena Ante  
Mangudadatu

Surayyda Gaguil Bernan

Wahida Ali Kaliman

Mamotabai Mangudadatu

Raida Abdul Sapalon

Faridah Sabdullah Gaguil

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Pamansag

Abdillah Ayada

Rahima P. Palawan

Norton "Sedick" Edza  
Ebus

Razul Daud Bulilo

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Periodico Ini

Alejandro "Bong"  
Reblando, Manila Bulletin

Napoleon Salaysay,  
Mindanao Gazette

Francisco "Ian" Subang,  
Socsargen Today

Andres "Andy" Teodoro,  
Central Mindanao Inquirer

Daniel Tiamson, UNTV

Reynaldo "Bebot"  
Momay, Midland Review,  
whose body has never  
been found although he  
was confirmed to have  
been in the convoy. Only  
his dentures were found  
at the massacre site.  
Despite the absence of  
corpus delicti, the court  
admitted his name as the  
58th victim.

A child gives tribute to her father at the 10th anniversary memorial on November 17, 2019. She was eight months old when her father was killed. He was one of 28 journalists killed in the Ampatuan Massacre in 2009. Credit: NUJP



■ CAMBODIA

# MEDIA FREEDOM IN FREE FALL







**T**he past year saw the consequences of the crackdown on press freedom in Cambodia during 2017-18. The impact was most apparent in the lack of critical coverage of the actions of the Cambodian government. Meanwhile, fresh instances of persecution against individual journalists continued to chill the media landscape.

The 2017 shutdown of independent radio stations and the *Cambodia Daily* newspaper, coupled with the 2018 takeover of the *Phnom Penh Post* by pro-government owners, has left the Cambodian press mostly devoid of objective voices.

Online news outlet Voice of Democracy (VOD) currently the primary independent media voice in the country, recently launched an English language version of its website.

Voice of America (VOA) and Radio Free Asia (RFA) continue to publish online articles critical of the Cambodian government, reporting on sensitive issues like corruption and government-linked illegal logging. However, both are funded by the US government and cannot be said to be truly independent.

Semi-independent outlets like the *Phnom Penh Post* and *Khmer Times* have moved closer to the government line, with the *Khmer Times* in particular often publishing scathing opinions about regime enemies, many without bylines.

Staffers from the *Post* and the *Khmer Times* have been given roles as government advisers within the Ministry of Information, prompting fears of conflict of interest. Multiple employees at both outlets reported having stories censored before

Cambodian fixer and translator Rath Rott Mony speaks to the media from a prison truck after his trial at Phnom Penh Municipal Court on June 26, 2019. Mony was sentenced to two years for working on a sex trafficking documentary that authorities slammed as “fake news”, alleging victims were paid to speak. Credit: STR / AFP

publication by senior staff, stripping the articles of content critical of the government.

In a recent study by the South East Asia Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ), of 100 surveyed journalists in Cambodia, almost a fourth, 23 per cent said they had been sacked, demoted, or reprimanded at the office as a result of their critical journalism.

The fiercely pro-government outlet *Fresh News* continues to spread propaganda, often publishing conspiracy theories and outright lies about regime enemies.

Phil Robertson, deputy director of Human Rights Watch’s Asia division, said the free press situation in Cambodia has gotten worse in the past year. “The only bright spot has been the online VOD News which so far has been able



## CAMBODIA

■ **Media freedom situation:** Seriously declining

■ **Key safety threat/s:** (1) Arrest or detention by the authorities

■ **Key influencers on safety situation:** (1) State/political actors, (2) Government policy or legislation

■ **Media safety rating:** Poor/Worsening

■ **Biggest workplace safety issues:** Legal issues & arrest or detention

■ **Influencing factor on safety:** Media control

■ **Media impunity scale:** 7.1\*

■ **Impunity influence:** Government

■ **Justice system ranking:** 7.4\*

■ **Survey base:** 100 surveys covering 10 provinces. Largest survey base: (1) Phnom Penh

\*Scale out of 10 based on media worker/ attitudes/ responses – with 1 representing the most positive score and 10 the worst score.

## The fiercely pro-government outlet *Fresh News* continues to spread propaganda, often publishing conspiracy theories and outright lies about regime enemies.

to put its content out from Cambodia in both Khmer and English – but many fear that it is just a matter of time before the Cambodian government turns on them and shuts them down,” he said.

Nop Vy, the Director of the Cambodian Center for Independent Media (CCIM) said there haven’t been any major positive changes to the media landscape recently. He said that while the government did approve the future reopening of offices Radio Free Asia’s Cambodia office, broadcasting FM radio still remains almost impossible for organisations critical of the government. “People living in rural areas do not have access to a diversity of information. They can only access information from one side, the government or the ruling party,” he said.

Reflecting this view, 50 per cent of the respondents in the recent survey said the situation had “seriously declined” in the past year, while a further 29 per cent said it had “worsened to some degree”.

However, Ouk Kimseng, undersecretary of state and spokesman for the Ministry of Information, claimed that the situation had improved over the past 25 years, and denied that there were

any limits on press freedom. “All media outlets enjoy freedom of press,” he claimed, adding that it was “guaranteed” by law. Yet, the law itself has been used as a tool of harassment against the media in Cambodia.

### HARASSMENT THROUGH LAW

Persecution and general distrust of journalists by government actors continued this year. Former RFA journalists Yeang Sothearin and Uon Chhin were released from prison in August 2018 after being arrested in 2017 for espionage. They had continued to file stories for RFA after it closed its office in Phnom Penh, but the government failed to satisfactorily explain how that constituted espionage. They were charged under article 445 of the Cambodian Criminal Code for supplying information harmful to national security to a foreign state. If found guilty, the men could face 7-15 years in prison. In a much-awaited decision, on October 3, 2019, Justice Im Vannak ordered a reinvestigation into the case. Human rights monitors condemned the decision and argued that it violated the legal

rights of the defendants and held that if there was insufficient evidence to convict, the charges must be dropped altogether.

In June, Rath Rott Mony was sentenced to two years in prison for “incitement to discriminate” under article 496 of the Criminal Code, after working on an RT (formerly Russia Today) documentary about sex trafficking. Multiple officials, including a spokesman for the Cambodian police, claimed that the documentary contained “fake news” and damaged Cambodia’s reputation.

“By going after these individual journalists in this way, Cambodia is really kicking the media intimidation machine into gear to let other journalists know they had better watch out if they are critical or touch sensitive topics,” said Phil Robertson.

In July, Hun Sokha and Keo Rattana were arrested for live-streaming a land dispute in Preah Sihanouk province. According to the provincial court spokesman, they were charged with “incitement through journalism” among other crimes. They were released on bail shortly after their arrest, but still face charges.

But May Titthara, former executive editor of the *Khmer Times*, said the plummeting media freedom is reflected in international rankings, with Cambodia ranked lower year after year. “The arrests aim to threaten other journalists to scare them from doing their job,” he said. “We are worried about the future of our freedom,” he said.

These arrests have also had a clear impact on the security perception of other journalists, as reflected in the survey. Thirty-three per cent of the respondents said the biggest threat to their work was arrest. Another eight-one per cent said they felt their work was a security concern for them.



Former Radio Free Asia journalist Yeang Sothearin speaks to the media after a hearing outside the Phnom Penh municipal court on October 3, 2019. Sothearin and his former colleague Uon Chhin were charged under article 445 of the Cambodian Criminal Code for supplying information harmful to national security to a foreign state. On October 3, a Cambodian judge ordered a reinvestigation into the case in a outcome condemned by human rights monitors. Credit: TANG CHHIN SOTHY / AFP





Cambodia's media landscape remains challenged and people, particularly in rural areas, do not have access to diversity of information – a claim denied by government which maintains that there are no limits on press freedom in the country. Buddhists monks bless workers during a gathering to mark International Labour Day in Phnom Penh on May 1, 2019. Credit: TANG / AFP

## CRIPPLING NEW LEGISLATIONS

Proposed legal developments are also alarming, with the Cambodian government in the process of drafting a Cybercrime Law and considering a Fake News Law. Many fear that such laws could be used to target legitimate journalists who are critical of the government.

Prime Minister Hun Sen has said the Fake News Law will tackle articles that cause “hostility” or “anger” or writing that “makes the problem become worse”. This vague language appears to be more geared towards punishing journalists who expose wrong doings in Cambodian society.

An access to information law has been in the works for more than a decade, but many doubt whether it will be effective. A clause in the law allows officials to reject requests that harm national security, which many believe will be used liberally to deny legitimate requests.

Analysts like Vy said the government already has the tools to repress

journalists in the Telecommunication Law and criminal code, but the upcoming legal developments are still problematic, because the process has not been transparent.

Cambodians are still regularly arrested for Facebook posts, mostly for supporting the banned opposition party.

The lèse-majesté law which forbids insulting the monarchy, was enacted in March 2018, and has mostly been used to target opposition supporters who have criticised the king while also expressing support towards the opposition party.

In September, Yun Chanthany was among those arrested for posting her support of opposition co-founder Sam Rainsy on Facebook. Chanthany had been a news presenter for pro-opposition media prior to the party's dissolution.

Kimseng also said arrests over Facebook posts do not violate press freedom. “They are not covering an event whatsoever but they are publishing harmful information,” he said, that this was “never allowed”.

**Cambodians are still regularly arrested for Facebook posts, mostly for supporting the banned opposition party.**

Many reporters have also experienced harassment and intimidation, especially in the provinces. It is common for police to take photographs of journalists covering protests or politically sensitive court cases. Journalists say this is intended to intimidate and create fear.

When entering rural areas, reporters are often asked by local authorities why they are there and sometimes subjected to extended questioning.

Access to events has also become increasingly difficult for journalists critical of the government. Journalists with proper press passes have reported being denied entry to politically sensitive court cases without explanation. Many events like political rallies and political anniversaries now



**Public campaigns supporting press freedom are rare, both out of fear of legal punishment and also because the government controls most journalists' organisations.**

Cambodian government spokesman Phay Siphan speaks beside Ministry of Defense spokesperson Chhun Socheat during a government organised media tour in Preah Sihanouk province on July 26, 2019. Credit: TANG CHHIN SOTHY / AFP

require an additional specific press pass, and applications can be rejected without explanation.

VOA journalist Kann Vicheika said the press situation has steadily deteriorated since 2017 and she experiences frequent harassment in the field. "When I go to the field, I face verbal harassment from government officials, some even threaten sources not to interview with me. And if the interviewees are the authority or government official themselves, sometimes they don't give the interview and some have insulted me before they give the interview," she said.

Vicheika also said she has seen authorities monitoring her, taking photos of her while covering protests. "It makes me concerned, what they are going to do with my picture and video, it's kind of a threat to my security," she said.

Vicheika is not alone. Over 40 per cent of the survey respondents said the government's efforts to protect journalists is poor or worsening, with 18 per cent more saying it's "extremely bad".

Vicheika said some government officials refuse to comment when she tells them that she is from VOA. The outlet is also frequently attacked by authorities. "When we quote them, they deny our quote and attack our media agency, even though the local media or pro-government media had the same quote," Vicheika said.

Potential sources are also more afraid

to speak to journalists according to Vicheika. "It's more difficult for me to contact and seek comment from analysts, politicians, and human rights activists as they are worried about their security. They need to be very careful what they tell the media. If they make the government upset, they could get into trouble or get sued," she said.

## NO ACCOUNTABILITY

Outright violence against journalists has not occurred in the last year, but many who have been attacked or killed in the past still await justice. Historically, politics and illegal logging are the most dangerous topics to report on. According to local human rights group Licadho, 13 journalists have been murdered since 1994, with only two killers having been held accountable.

"I don't see any progress in the investigation of previous cases," Vy said.

Political commentator Kem Ley, who frequently made comments critical of the government in various news outlets, was murdered in 2016. Prior to his murder, he had spoken on radio about a Global Witness report exposing the immense wealth accumulated by the prime minister's family. Many accused Prime Minister Hun Sen of ordering the assassination, a charge he denied, and some of his accusers were hit with defamation charges.

However, in a move that raised eyebrows, Hun Sen gave USD 60,000

to Ley's family to pay for a memorial stupa, hand delivered by the CEO of pro-government outlet *Fresh News*.

Human rights organisations and United Nations officials have demanded an independent investigation, but to no avail. Ley's widow has also been vocal in her criticism of the government since her husband's death. She and her children fled Cambodia to Australia. During a diplomatic visit to Australia, Hun Sen said during a speech, "as a mother, do you want your children alive or dead?" in reference to Ley's widow.

Two VOD journalists were beaten by local authorities during a political protest in 2014, and two more suffered the same fate in 2015. Nobody was held accountable for either incident.

One of the beaten VOD reporters now works for NiceTV, a television station run by the Ministry of Interior - the same ministry that oversees the security guards who viciously beat him. For many, safety can only be found in working for pro-government media.

Hang Serei Odom was murdered in 2012, just days after he published a story linking a military police officer to the illicit timber trade days. The officer was arrested but released shortly after due to a claimed lack of evidence. No further progress has been made.

Chou Chetharith and Khem Sambo were shot to death in 2003 and 2008 respectively. Both men worked for opposition-aligned media outlets. Both were murdered with total impunity.



When asked to rate the problem of impunity in the country, 58 per cent of survey respondents gave it a four or five, with five being the worst. Sixty per cent blamed the government or political leadership for this issue.

## CAMPAIGNS AMID CURBS

While there are some individual voices campaigning for free press, there aren't many independent media organisations or unions leading the way.

Public campaigns supporting press freedom are rare, both out of fear of legal punishment and also because the government controls most journalists' organisations.

The Union of Journalist Federations of Cambodia, for example, is led by Huy Vannak, also a Secretary of State in the Ministry of Interior. Vannak is also the head of a working group assigned to monitor the Prime Minister's Facebook page for critical comments and "fake news".

However, the situation is not all bleak. Independent journalists do occasionally organise, and in a show of solidarity, a group of more than 50 reporters wrote a letter to the Ministry of Justice demanding to know the date of the RFA verdict, after the verdict was delayed without warning or rescheduling. Local organisations like the Cambodian Centre for Human Rights and the Cambodian Center for Independent Media also put out a statement to "strongly condemn" the decision to reinvestigate the case. In a situation of deteriorating press freedom, it is a small but significant steps that can bring change.

Recently, many of the journalists who wrote the aforementioned letter to the Ministry of Justice, registered a new association called the Cambodian Journalist Association, or CamboJA.

While still very new, CamboJA aims to assist independent journalists and promote press freedom. Its 15 inaugural board members have experience at some of the most critical local outlets, including the *Cambodia Daily* and *Voice of Democracy*. •

# Who shapes the news?

Most media outlets in Cambodia are owned by ruling party officials, their relatives, or their cronies. Twenty per cent of the survey respondents listed media ownership as the primary reason for the decline of free press.

Bayon TV, for example, is owned by the prime minister's daughter, Hun Mana. Politically connected tycoons, Kith Meng and Ly Yong Phat have also founded media companies. Yong Phat's CTN had a 30 per cent audience reach in 2017 according to the Cambodia Media Ownership Monitor, and Meng's MyTV had 16 per cent.

Lim Cheavutha, CEO of pro-government outlet Fresh News, insists that the outlet is financially independent from the government, but credible sources say the outlet receives money and support from the government when needed.

The *Khmer Times* is owned and published by a Malaysian, T Mohan. Mohan, who has been caught plagiarising in op-eds multiple times, holds an editorial line favourable to the government. In 2017, leaked text messages appeared to show the owner of NagaWorld Casino and Hun Sen's son, Hun Manith, discussing funding of the *Khmer Times*. Mohan denied the veracity of the leaks, but the *Times* does frequently publish favourable articles about NagaWorld that are almost indistinguishable from advertisements.

The most controversial change in media ownership came in May 2018 when the last independent newspaper, the *Phnom Penh Post*, was hit with a whopping multi-million-dollar tax bill. Many believed the bill was fabricated

in order to force the sale, as the back taxes seemed to disappear when the paper was bought by Malaysian national Sivamukar S Ganapathy. This however, was only the beginning of the controversy. Two months later, Ganapathy quietly disappeared, and Cambodian national Ly Tayseng was listed as the paper's new owner. Tayseng had been introduced to *Post* staff as the lawyer representing Ganapathy in the sale. Prior to taking over the *Post*, Tayseng had a history of sharing pro-ruling party Facebook posts, leading some to believe that Ganapathy was a smokescreen intended to allow the government to take over the paper.

International media outlets are able to cover Cambodia reasonably well, and regional outlets in particular do write about Cambodia frequently. Hong Kong's *South China Morning Post*, Japan's *Nikkei Asia Review*, and *Al Jazeera* (which has an office in Kuala Lumpur) all cover human rights, politics, business, and Chinese influence in Cambodia.

Media houses like the *New York Times*, *LA Times*, and BBC do write about Cambodia, but coverage has noticeably decreased after the 2017/18 press crackdown, after which many freelancer contributors left the country.

The biggest problem is the decrease of independent Khmer language media reporting. The *Phnom Penh Post* translates most articles into Khmer, but its recent lack of independence deprives non-English speakers of an important source of information. The closure of local radio stations also contributes to a noticeable dearth of independent Khmer language media. •



■ INDONESIA

# UNFULFILLED PROMISES

**T**wo decades into Indonesia's reform era, the country is yet to see significant improvements in freedom of the press; freedom of expression and opinion; freedom of association and assembly; and the right to access information.

Intense advocacy for press freedom and journalists' rights were clearly noted in 2019, particularly in cases concerning violence against journalists. Although Indonesia has implemented its national Press Law, which guarantees protection for journalists to carry out their duties without impediment, violence against media workers continues.

The ongoing threats against journalists were clearly reflected in the annual survey by the South East Asian Journalist Unions (SEAJU) and the International Federation of Journalists

(IFJ) released in November 2019 to coincide with the International Day to End Impunity. The survey highlighted three kinds of violence that typified the year: targeted attacks for journalistic work (29 per cent), threats to journalists or others close to them (17 per cent), and random physical attacks by the general public (16 per cent).

Abdul Manan, the chairman of Aliansi Jurnalis Independen (AJI), said the largest contributors to violence against journalists during the year were the large scale public demonstrations following the announcement of the presidential election results in May and the student protests rejecting the revision of Law on Corruption Eradication Commission (KPK) and the passage of Criminal Code Bill (RUU KUHP) in September. Many of these demonstrations turned chaotic and journalists were caught in the firing line

of both police and protesters.

"Ironically, most of the perpetrators were police officers, who are part of the state institution that was supposed to protect journalists in carrying out their profession," Manan said.

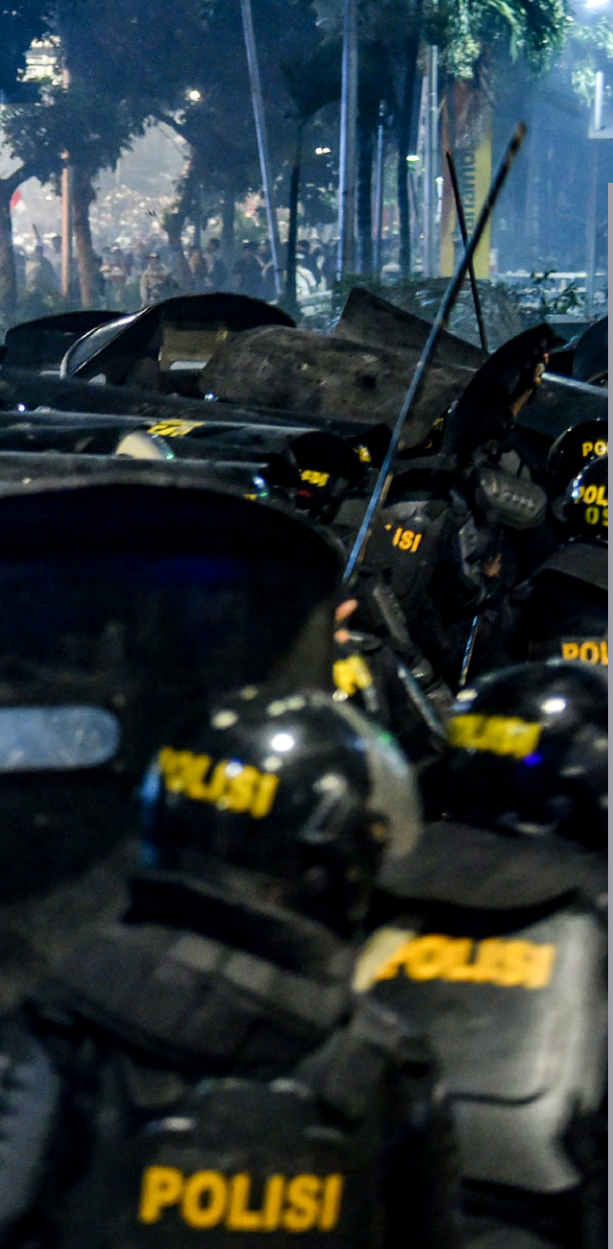
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## IN THE LINE OF FIRE

On May 21 and 22, at least 20 journalists from various media were attacked while covering demonstrations in Thamrin, Central Jakarta.

The protest took place after the General Election Commission (KPU) announced the results of the presidential election on May 21. Dissatisfied with the results that declared incumbent Joko Widodo and running mate Ma'ruf Amin victorious, people flocked to the Bawaslu election office to stage a rally. As the mob turned chaotic and enraged, it turned its anger





## INDONESIA

- **Media freedom situation:** Moderate (No change)
- **Key safety threats:** (1) Targeted for journalism work, (2) Threats to journalists or others close to them, (3) Physical random attacks
- **Key influencers on safety situation:** (1) Media ownership
- **Media safety rating:** Poor/Worsening
- **Biggest workplace safety issue:** Legal issues
- **Influencing factor on safety:** Legal mechanism for journalist safety
- **Media impunity scale:** 7.6\*
- **Impunity influence:** Government
- **Justice system ranking:** 7.5\*
- **Survey base:** 511 responses covering 32 provinces. Largest survey base: (1) Jakarta (2) East Java

\*Scale out of 10 based on media worker/attitudes/ responses – with 1 representing the most positive score and 10 the worst score.

Dissatisfied with the results that declared incumbent Joko Widodo and running mate Ma'ruf Amin victorious, people took to the streets in protest clashing with anti-riot police in Jakarta on May 22, 2019. Credit: BAY ISMOYO / AFP

on attacking the office of the General Election Supervisory Body (Bawaslu).

Journalists who arrived to cover the demonstration were subjected to violence, hit by stones thrown by the mob and beaten by police officers. Phones, cameras and voice recorders were seized and valuable footage deleted.

Police officers attempted to block journalists from covering the demonstration, despite journalists showing their press cards. Some media vehicles and journalists' equipment were also destroyed. One photographer from a national media house suffered eye injuries when he was hit with a rogue Molotov cocktail.

"This is the worst case of violence against journalists during the reform era," said Asnil Bambani, chair of the AJI Jakarta.

From September 23 to 26, a wave of demonstrations in the country was

marred by violence against journalists, with at least five journalists being targeted and victimised. In Jakarta, thousands of university students and a range of civil society groups flocked to the House of Representatives (DPR) to oppose a number of controversial laws, including the Law on Corruption Eradication Commission (KPK) and the bill on Criminal Code (KUHP).

Intimidation, physical abuse, prohibition of coverage, expulsion and destruction of vehicles overshadowed the demonstration, threatening media freedom and access to reporting.

A woman journalist from Kompas.com was intimidated after recording a police officer assaulting a man near the Jakarta Convention Centre, not far from the DPR. While recording, she also asked the police officer to stop the attack, an action which possibly provoked the assault on her.

Police pressured the journalist to delete the video of the incident, attempted to snatch her bag and pulled her roughly by her hands. After heavy interrogation, she was eventually allowed to go. Even though journalists covering the demonstration presented official press IDs, they remained targets of intimidation and violence.

In Makassar, South Sulawesi, three journalists, including Muhammad Darwin Fathir, a journalist of Antara newswire, were attacked as police trying to disperse a mob also beat journalists reporting on the scene. Darwin was pulled, kicked and hit with a club in the middle of the crowd, despite showing a press ID. Darwin was dragged and sustained a head injury, bruises around his neck, fingers and right hand. Advocates from Makassar Legal Aid Institute for the Press (LBH Pers Makassar), filed a report for the three victims to the South Sulawesi Police. The investigation is ongoing.

Criticism of the brutal acts of the police by various parties and organisations in many cities was swift. "We demand that the police stop committing violence against journalists covering the demonstrations. The perpetrators should be punished and brought to justice," said Usman Hamid, Executive Director of Amnesty International Indonesia.

## TARGETED VIOLENCE

In addition to journalists covering demonstrations in the capital, media crew in other cities too were subjected to violence related to their journalistic work. In Aceh, for example, the home of local journalist from *Serambi Indonesia* in South East Aceh, was set on fire by an unidentified person on July 30, at around 2 a.m.

Asnawi Luwi was sleeping with his wife and three children when they woke to find that fire had engulfed their house. Asnawi's wife escaped with their 3-month-old baby, while the journalist hurried to rescue their other two children, aged 7 and 5 years old. The family managed to escape out of the house's back door as fire raged around their car and house.

Three days before the incident, an unidentified man had visited Asnawi's house and asked his wife for his phone number. Prior to the fire, he also received a short message from an unknown phone number, containing a murder threat.

Although the motive behind the arson attack is unclear, Asnawi suspects it was

possibly related to his news coverage. He had previously written about a road construction project, a micro hydro power plant, illegal logging, tax case in mining and gambling. In another incident on April 18, Imam Hamdi, a journalist working for *Tempo* in Central Jakarta, was intimidated by the police while he was filing stories for the General Commission Elections in a local media centre. Just past midnight, police forced him to exit the centre and tried to hit him. The officer also threatened Imam by saying that he was carrying a gun and asked Imam to hand over his phone.

## VIRTUAL ABUSE

Besides physical abuse, other journalists experienced doxing or online intimidation. Victor Mampor, a journalist with *Koran Jubi* and *jubi.co.id* and member of AJI's national organising committee, was a key target of doxing on Twitter.

Hacking was another form of online attack that journalists were subjected to. On, February 19, CekFakta.com, a fact-checking collaboration site supported by 22 national and local mass media, fell victim to hackers. The display of the web page was manipulated and visitors were diverted to a ghost video on YouTube. News links published by members of the CekFakta media coalition could also not be accessed.

Two journalists working for international media outlets were subjected to online abuse, intimidation and doxing, with their photographs and office addresses made public, and attempts made to access the home address of one of the journalists. Their social media accounts were targeted and labelled as belonging to "foreign intelligence" and intimidatory tweets were repeatedly shared.

## COMBATING IMPUNITY

Recognising that the effort to minimise violence against journalists in Indonesia requires solidarity, ten organisations including AJI, LBH Pers, Foundation of the Indonesian Legal Aid Institute (Yayasan Lembaga Bantuan Hukum Indonesia), Union of Indonesian Television Journalists, Association of Indonesian Cyber Media, Amnesty International, International Media Support, The Indonesian Journalists Association/PWI, SAFEnet, and Sindikasi, a trade union for media and creative workers,

## The campaign against granting of remission to I Nyoman Susrama, the mastermind behind the murder of Radar Bali journalist Gde Bagus Narendra Prabangsa in 2009, was a highlight of advocacy and protests in 2019.

collaborated to establish a Committee for Journalists Safety on April 5, 2019. This solidarity forum will look into cases of violence against journalists in Indonesia.

The Committee is also mandated to combat impunity, namely the failure of police to file cases of violence against journalists, not conducting investigations and not processing cases against perpetrators of violence and intimidation. More than half of the respondents in the IFJ-SEAJU annual survey cited that Indonesia's culture of impunity was a serious problem.

The campaign against granting of remission to I Nyoman Susrama, the mastermind behind the murder of *Radar Bali* journalist Gde Bagus Narendra Prabangsa in 2009, was a highlight of advocacy and protests in 2019.

The conviction for life in the Prabangsa murder case was a milestone in fighting impunity in Indonesia, as it is the only case to date that has been thoroughly resolved and the perpetrators meted out severe punishments. Eight other cases of journalist murders still await justice.

In December 2018, Indonesia's media community was shocked by the decision of President Joko Widodo, to reduce the sentence of Susrama from life to 20 years. AJI followed the announcement with a campaign to reject Susrama's remission with demonstrations, protest letters and an online petition.

January and February 2019 witnessed at least 30 demonstrations organised by the media alliance, together with organisations concerned about press freedom. AJI's online petition to gather public support to reject the remission was backed with 48,000 signatories. The efforts to reject the remission worked, with the President finally backing down and revoking the remission on February 9, 2019. It remains a pivotal win in the fight against impunity.

## REGULATION AND CONTROL

The Criminal Code, which contains articles not in accordance with the spirit of reform and a transparent government, remains a clear emerging threat.

A statement on the draft of the bill issued by AJI and LBH Pers on August 28, said that at least 10 articles in the draft that had the potential to criminalise journalists and the media in carrying out their duties.

These articles include: Article 219, insults to the president and vice president; Article 241, insults to the government; Article 247, incitement against the authorities; Article 262, broadcasting false news; Article 263, misinformation; Article 281, contempt of court; Article 305, insulting religion; Article 354, contempt of public authority or state institutions; Article 440, defamation and Article 444, defamation of the dead.

Significantly, the draft reintroduced an article penalising insults to the president and vice president, which had already been declared void by the Constitutional Court in 2006. In responses, LBH Pers issued a note urging the change of defamation from a criminal offense to a civil offense in line with international trends.

"Incorporating defamation in the criminal realm will have a chilling effect. This is against the spirit of democracy, and also not in accordance with Article 6 of the 1999 Press Law (UU No. 40/1999) which stipulates that the press should play a role in supervision, criticism, correction and advice on any matters related to the public interest," said Ade Wahyudi, LBH Pers Executive Director.

Though the House of Representatives has decided to postpone the passage of RUU KUHP, there is still a looming problem for press freedom if the controversial articles remain in the draft.

The Law on Information and Electronic Transaction (UU ITE)





A woman argues with plain-clothes police during a large-scale protest near the constitutional court in Jakarta on June 26, 2019. The day before the Indonesian court handed down its decision on defeated presidential challenger's claim that Indonesia's 2019 election was rigged, an allegation that spawned deadly rioting a month earlier. Credit: BAY ISMOYO / AFP

continues to be a major thorn in the side for media freedom, with an abundance of vague and undefined provisions under which journalists can be charged.

The Southeast Asia Freedom of Expression Network (SAFEnet) recorded that since the UU ITE was enacted in 2008, at least 20 criminal cases against journalists and the media have been filed. Those charged under the regulation were particularly hit with Article 27 paragraph 3, concerning defamation. The last year saw eight criminal cases launched against three journalists and five media houses. From January to August 2019, there were six journalists and one media house charged under the law, including a legislative candidate from National Mandate Party (Partai Amanat Nasional) who made a police complaint on February 1 against two journalists from Southeast Sulawesi, Fadli Aksar of *detiksultra.com* and Wiwid Abid Abadi of *okesultra.com*.

UU ITE has also been regularly utilised to charge journalists who conduct investigations. The manager

of Surabaya soccer club Persebaya complained against national media house *Jawa Pos* for an investigative report based on suspicions of a soccer mafia in one of the matches between Persebaya and Kalteng Putra team on October 12, 2017.

Police complaints over the report are in contradiction with established mechanisms of conflict resolution under the Press Law. In process, anyone who objects to a journalistic work can exercise their "right of reply" or "right of correction". If the right of reply is insufficient, they can then raise a report with the Press Council. The assessment by the Council will define whether or not the journalistic work violates the journalism code of ethics or not.

"If this continues to happen, there will be more cases of using UU ITE to report a journalistic work and charge it as a criminal offense, and it will further threaten press freedom, which we have just started to enjoy after the end of the New Order era," said Anton Muhajir, SAFEnet Secretary General. "At this point, the public

should understand the Press Law, which clearly regulates the mechanism of complaining about a journalistic work. By using the right of reply, the complaining party can explain their objection openly to the media and the public."

## SURVIVING THE DIGITAL DISRUPTION

With digitisation changing the way readers gather and process information, print media companies are facing decreasing circulation and advertising with the revenue decline adding to the burden of production costs and the need to pay salaries.

Digital disruption, along with a decline in an ageing readership and a younger generation more attracted to digital device-led media, has forced Indonesia's media to alter business models. Only media able to quickly and precisely adjust and respond to the challenges of digital disruption, including developing new business models, are poised to survive the current economic crisis.

Those unable to adapt fast enough, have been forced to lay off staff and, in some cases, even close down operations. Over the past 15 years, around 1,300



**The accelerated pace of media shutdowns, particularly of newspapers, is predicted as unavoidable, with advertising decreasing by around 40 per cent over the past two years.**

An armed Indonesian policeman stands guard near a burning building after hundreds of demonstrators marched on Papua's biggest city Jayapura on August 29, 2019, setting fire to a regional assembly building and hurling rocks at shops and hotels. Credit: INDRA THAMRIN HATTA / AFP

print media houses ceased operation in Indonesia. The accelerated pace of media shutdowns, particularly of newspapers, is predicted as unavoidable, with advertising decreasing by around 40 per cent over the past two years.

In early August, private television station NET TV announced it was 'reformulating strategies', which translated to laying off hundreds of its employees. NET TV, which mostly targets young viewers, also closed down its offices in Semarang and Surabaya.

Besides NET TV, mass lay-offs also occurred in Femina Group, a media company operating since 1972 when it established *Femina*, the first women's magazine in Indonesia. The company had been in the spotlight since 2016 due to labour disputes, including the payment of salaries in instalments. In June 2017, the company also failed to provide full payment of holiday allowance, or full salaries.

A case brought to the Court of Industrial Relations on September 20, 2017, was finally resolved and won by the Femina Group Employee

Communication Forum, which had delegated its authority to the Press Legal Aid Institute (LBH Pers).

Last year, the 2018 IFJ-SEAJU survey revealed that the major threats against journalists were strongly associated with the poor welfare and working conditions of journalists, namely low wages and working conditions, irregular wage payment, and random physical attacks by the general public.

The continuing impact on labour cases in 2019 fell in line with the results of the latest IFJ-SEAJU survey with 12 per cent of respondents counting low salary and working conditions as one of the most significant non-physical threats for journalists in Indonesia in the period.

Digital disruption continues to push media to adjust production and distribution of news online, while speed of access contributes substantially to income revenue and its relationship with online traffic and page hits. In order to boost the visitor rate numbers, newsrooms are competing to produce news as quickly as possible. Too often,

information unrelated to public interest is sensationalised to attract visitors. Clickbait titles that 'trap' readers are common. This trend is in contradiction with journalistic code of ethics where verification and accuracy are key.

The speed of packaging news and placing undue emphasis on certain emotional and/or personal facets of interests of the subjects inevitably attracts criticism that media is ignoring quality and accuracy and indulging in breaches of privacy in poor taste. This is demonstrated with the number of complaints filed with the Press Council concerning news reports. In 2018, the Press Council received 582 complaints. From January to August 2019, it received 380 complaints.

What is clear in this period of transition for Indonesia's media is that media houses that experiment and explore new business models that can support decent wages and benefits for journalists, while continuing to adhere to the code of ethics, are those most likely to shape the journey of the media in Indonesia. •



# Papua: veil of silence

The provinces of Papua and West Papua, with entrenched corruption; environmental degradation; threatened biodiversity; public disgruntlement with Jakarta control and an ongoing insurgency, are difficult places for both Indonesian and foreign journalists.

Papuan journalists face harassment and intimidation from both security forces and pro-independence forces. In a recent incident, Benny Mawel, a correspondent for English daily newspaper the *Jakarta Post* and the local newspaper *Jubi*, was still sleeping in his house in Jayapura, Papua, on September 9, 2019, when his oldest daughter informed him that members of the Indonesian Army's Papua Mobile Brigade (Brimob) were approaching their house.

Benny went outside and saw around 20 members of Brimob toting rifles and clad in bullet-proof vests, a few of them with their faces covered. They circled the house, and others barged

into the house in which several members of his family were still asleep. One of the Brimob members then asked where Lucky Siep, a student activist from Cenderawasih University, was. Benny said he did not know and asked them to show a search warrant, but they refused. The men then continued searching his house and gave Benny a message for Lucky to surrender immediately. Benny's family and his neighbours were traumatised following the incident.

But this was not the end of his harassment. A few weeks later, on September 23, he and two other journalist colleagues, Ardi Bayage from local media *Suara Papua* and Hengky Yeimo from local media *Jubi*, were intimidated by police while covering a protest in front of the Cenderawasih University. Police also shouted epithets at the journalists.

In Papua, the safety of journalists is one of the biggest challenges for media freedom. Unrest in the area was triggered by the protests in different cities in both Papua and West Papua, after the racial abuse of Papuan students in East Java. Journalists faced violence and intimidation merely because they were doing their jobs. In response, Lucki Ireuw, the chairman of the Alliance of Independent Journalists (AJI) Jayapura, urged all sides, particularly law enforcement agencies to ensure the safety of journalists as guaranteed by the Press Law.

Victor Mambor, a senior journalist of local media *Jubi*, says local journalists were also harassed by different parties, such as police officers or the military.

"What happened to Benny was not new for journalists in Papua," he said. "We have been subjected to harassment for a very long time. It ranges from rarely responding to local or Papuan journalists' questions when we try to verify information, to physical attacks and intimidation. Security officers often question our

independence and see us as a part of the supporters of the freedom movement."

In late August 2019, Victor himself became the victim of a doxing attack on social media following his reporting on the internet blackout sanctioned by the Indonesian government in the middle of escalating protests in Papua and West Papua. Another journalist Febriana Firdaus was also doxed on social media over her coverage of the unrest in Papua in the international press.

Reporting became more challenging for journalists covering Papua during the unrest when the government blocked internet access in the area for specific periods ostensibly, it said, to stop the spread of racist and provocative content as well as disinformation. It was difficult for journalists to send news and verify information from the ground, especially from more remote areas. Newsrooms relied heavily on costly

private Wi-fi networks, while the broader internet shutdown limited the rights of the public to receive information from Papua.

According to Human Rights Watch, the right of journalists to carry out their work safely is hard to achieve in Papua, not only for local journalists but also foreign correspondents. To control coverage, Indonesia's government established a clearinghouse at least 25 years ago supervised by the Ministry of Foreign Affairs and 18 working units from 12 different ministries, including the National Police and the State Intelligence Agency. To report

from Papua, foreign journalists must secure permission from the clearinghouse. Though President Joko Widodo released a statement on May 10, 2015 – nearly a year after he came to power – that restrictions would be lifted for foreign journalists in Papua, in reality, the controls on coverage continue.

Even those who are lawfully in the country are deported if they travel to Papua without official permission. Foreign journalists report being required to have an official "minder" from the State Intelligence Agency (Badan Intelijen Negara, BIN) at all times during visits, thus impeding independent reporting particularly on 'sensitive' issues.

Some foreign journalists were blacklisted and denied visas following reports that displeased the Indonesian government. So too, Papuan sources who talked to journalists with official permission, face harassment and intimidation. Needless to say, getting official permission to report from Papua is mired in bureaucratic processes and permits which can take months or even years.

Reporting on and from Papua thus remains a challenge for both local and foreign journalists, who have to battle a multitude of official bureaucracies to gain access, only to face harassment and intimidation for independent reporting. •



Protestor in Jakarta outside the Ministry of Communications demand the government restore internet access to Papua and West Papua on August 23, 2019. Credit: DASRIL ROSZANDI / AFP



## MALAYSIA

# NEW DAWN, DEFERRED

As late as September this year, the Malaysian Communications and Multimedia Minister Gobind Singh Deo described the formation of the long-mooted Media Council as “imminent,” adding that the media “should not allow themselves to be compromised or intimidated in any way.”

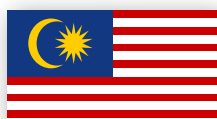
Despite Gobind and other leaders from the ruling Pakatan Harapan (PH) or ‘Alliance of Hope’ coalition promising support for the council after sweeping into power in the historic 2018 general election, the long-awaited council – meant to allow media practitioners to self-regulate – has yet to take shape.

The delay is seemingly in keeping with the mixed messages coming from PH, who is often accused of renegeing on its promise of a ‘New Malaysia’ after six decades of authoritarian rule under the Barisan Nasional (BN) coalition. In its election manifesto, PH had pledged to review “all laws and regulations related to the media so that media freedom is guaranteed,” and its leaders continually stress that such a review is in the works.

However, the presumed threat of hate speech and fake news – particularly that touching on the three ‘Rs’ of race, religion and royalty – unravelling the relative harmony between ethnic groups has tempered the passage of this review.

### FAKE NEWS

The mixed messaging is particularly apparent in the case of the Anti-Fake News Act passed in 2018 just before the election. It was seen as a means for now-deposed prime minister Najib Razak to suppress news on the scandal surrounding the insolvent strategic development company 1Malaysia Development Berhad (1MDB) owned by the Minister of Finance.



### MALAYSIA:

#### Media freedom situation:

Worsening

■ **Key safety threats:** (1) Poor wages and working conditions, (2) Censorship

■ **Key influencers on safety situation:** (1) Government policy or legislation, (2) Changing state of journalism

■ **Media safety rating:** Neutral

■ **Biggest workplace safety issue:** Threats to individual journalists

■ **Influencing factor to safety:** Ruling party position

■ **Media impunity scale:** 6.1\*

■ **Impunity influence:** Political leadership

■ **Justice system ranking:** 6.2\*

■ **Survey base:** 100 responses covering 6 provinces. Largest survey base: (1) Federal Territory of Kuala Lumpur, (2) Selangor

\*Scale out of 10 based on media worker/attitudes/responses – with 1 representing the most positive score and 10 the worst score.

The synonymy of the Anti-Fake News Act with Najib, and with 1MDB considered the straw that broke BN’s six-decade stranglehold on power, seemingly hastened PH’s efforts to remove it from the statute books once in power. Its repeal was passed in the lower house of Parliament in 2018, but was shot down in the Senate, which is still dominated by holdouts from the old regime. Given that the upper house can only delay the passage of acts for a year, the repeal bill is set to be tabled again and will likely be passed.

But even without the law, the new government is still intent on combating fake news, with Gobind stating that a select committee to deal with its spread on social media

A participant at Malaysia’s 62nd National Day celebration parade dons a heart-shaped rendition of the Malaysian flag on her face as the country marked its independence from British colonial rule in Putrajaya on August 31, 2019. Credit: MOHD RASFAN / AFP

will be formed by the end of the year, whether or not the Anti-Fake News Act is repealed. “The proposal and the suggestions that have come to me will go ahead notwithstanding. That is a separate initiative altogether,” he said.

And despite its pledges for greater media freedom, PH also mooted a law that would make news portals liable for “inflammatory” remarks made by readers in comment sections, a move that Gobind said was “not meant to curtail civil liberties, but





rather to maintain decorum and avoid expression which promotes inflammatory remarks which may impact on the security of our nation which we increasingly see today.”

The specific reforms demanded by journalists include repealing the Printing Presses and Publications Act (1984), the law most infamously wielded during Mahathir Mohamad’s first tenure as prime minister during Operasi Lalang in 1987. The crackdown

led to the jailing of over 100 activists and politicians and three newspapers having their licences temporarily revoked and has long cast a pall on press freedom in Malaysia.

Although the act has not been used of late, other pieces of legislation deemed oppressive, such as the Sedition Act (1948) and the Communications and Multimedia Act (1998), remain on the statute books and are still being enforced, despite PH leaders’ heavy

opposition to both laws during the previous Barisan Nasional (BN) regime.

As a case in point, the de facto Law Minister, Liew Vui Keong on September 11 2019, reiterated the coalition’s commitment to abolishing the Sedition Act – but with some of the provisions transplanted onto the Penal Code. Just two days later, however, an activist was detained under the same law over allegedly insulting tweets against the queen.

PH itself seems to be sending mixed messages on curtailing free expression, with some leaders insisting that the Sedition Act should be abolished – most notably former opposition leader Lim Kit Siang, who often issues rejoinders when the coalition is seen to stray from its manifesto. But PH leaders, including Lim, have at the same time called for clampdowns on the rising tide of online hate speech.

‘Hate speech’ – like ‘fake news’ – itself becoming a catch-all term that means different things to whoever is hurling the accusation. While actual racist and sexist abuse is correctly termed as such, others suggest that statements seemingly questioning affirmative action for the ethnic Bumiputera can also be categorised as ‘hate speech.’

Those in the latter camp are not limited to the now-opposition, however, with factions in PH intent on capturing the conservative base that was once the stronghold of BN.

Documents are brought to the High Court in Kuala Lumpur for the trial of Malaysia's former Prime Minister Najib Razak over the 1MDB corruption allegations on August 28, 2019. Credit: MOHD RASFAN / AFP

**‘Hate speech’ – like ‘fake news’ – itself becoming a catch-all term that means different things to whoever is hurling the accusation.**

The contestation over the limits of free expression is manifested most clearly in PH leaders being split over the controversial Zakir Naik – with some demanding the Islamic preacher's extradition to his native India to face money laundering and terrorism-related charges, and others cosying up to him to boost their own religious credentials.

This mixed messaging seems to be reflected in sentiments of journalists in the country. In a survey conducted by the South East Asian Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ) the 100

media practitioners interviewed were almost equally split on the media situation in the country over the past year, with 30 per cent saying that it had “worsened”, 29 per cent saying that it had “improved”, and 28 per cent saying that there has been “no significant change”.

## POLITICAL PATRONAGE

The delay in establishing the Media Council cannot, however, be pinned on the government alone. It was only in May that the Journalist Alliance – made up of the National Union of Journalists Malaysia (NUJM), Institute of Journalists (IoJ) Malaysia, Gerakan Media Merdeka (Geramm) and other press groups – finalised its draft proposal for membership of the body.

In its proposal, the alliance recommended that membership on the council would be open to all journalists, even those not members of media associations. It also said that four seats on the council should be reserved for members of the public or civil society representatives.

Last year, NUJM president Mohd







Despite its election promises, the new government of Malaysia's Prime Minister Mahathir Mohamad failed to deliver meaningful media reform for Malaysian journalists in 2019. The prime minister through the viewfinder of a video camera at a press conference in Putrajaya on May 9, 2019. Credit: MOHD RASFAN / AFP

Taufek Razak said that one of the aims of this council would be to limit political ownership of media outlets. This patronage had for years, under the previous regime, cushioned declining readership for print newspapers.

This was most apparent in the fates of *Utusan Malaysia*, *The Star* and *Tamil Nesan*, linked to United Malays National Organisation (UMNO), Malaysian Chinese Association (MCA), and Malaysian Indian Congress (MIC) respectively – the three major component parties of BN. While *The Star* carried out a mutual separation scheme in late 2017, it is *Utusan Malaysia's* prolonged woes that continue to hog the headlines.

Parent company Utusan Melayu (Malaysia) Bhd was delisted from the Kuala Lumpur Stock Exchange this year after failing to find an investor to rescue it from the red. It even had trouble honouring severance payments to the over 700 staffers it offloaded last year, let alone the wages of those kept on board.

Soon after journalists picketed, the company announced the shuttering of the print editions of *Utusan Malaysia*

and sister publications. This was put off with a last-minute cash injection from UMNO – despite the party already ceding its majority control of the company – and a decision to increase the price of the paper on the stands.

Despite various quarters pleading for the 80-year-old institution to be kept afloat by the government, media adviser to the prime minister A Kadir Jasin called such calls “illogical” due to UMNO maintaining its close ties with the paper. The paper eventually ceased publication in October.

Less notable was *Tamil Nesan*, one of the oldest newspapers in South East Asia, ceasing operations in February after about a decade of falling profits. Meanwhile, Media Prima Berhad – the owner of the TV3, 8TV, NTV7 and TV9 channels and publisher of the *New Straits Times*, *Berita Harian* and *Harian Metro* newspapers – reported a second straight quarterly loss this year.

This was reflected in the responses of journalists surveyed by IFJ-SEAJU, with

an almost equal number attributing the media situation in the country to ownership (24 per cent), governmental policy (23 per cent) and state actors (22 per cent). Additionally, 15 per cent listed poor wages or working conditions as the biggest existential threat to their profession.

The Edge Media Group chief executive officer Ho Kay Tat attributes the decline of print media to readers becoming disenchanted with newspapers being used as “tools of politics.” “I think journalists can only play a role in society if we build trust so that the public will support us, whether they are readers or advertisers,” he said.

But Ho added that journalists “can only play that role if there’s enough money to fund us,” which he believes is being made near impossible with Facebook and Google taking the lion’s share of advertising dollars. Local companies are increasingly shifting their ad spend to social media and digital, where the tech duopoly

controls over 80 per cent of digital advertising revenue.

This, according to Ho, has caused local media players to lose approximately USD900 million in market value in the last five years. “We also have websites, but the revenue generated from there is very small compared to what we have on print. My estimate is that for every dollar that has been generated from digital, Facebook and Google will take 90 cents while we are left with 10 cents,” he said.

This means that unless subscription models become the norm, more media outlets would be forced to downsize. “Unless readers are willing to pay for newspapers without them being heavily subsidised, media companies will not be able to keep up with the duopoly and there might be no money left to invest in journalism,” he said.

Even if the fates of political parties and certain media outlets are no longer inextricably tied, the difficulty of keeping above water on advertising dollars alone means that private backers could come to dominate the media landscape.

For instance, reclusive tycoon Syed Mokhtar Al-Bukhary has been hoovering up local media assets in

**Malaysiakini released an op-ed stating that “in such heated times, we believe it is the responsibility of media organisations to educate Malaysians and to rid them of their mutual fears and distrust of one another”.**

recent years, slowly positioning himself as Malaysia’s media czar. Syed Mokhtar – who already has interests in Media Prima, business paper *The Malaysian Reserve*, digital TV companies and publishing houses – enlarged his stake in *Utusan Malaysia*’s parent company just days before it announced its closure.

Ho believes that turning to tycoons to sustain media outlets, as *South China Morning Post* and *Washington Post* have done, is not sustainable, because they “have lost billions in the destruction of their media companies over the last five years” and would be unlikely to pump in more cash.

### THREAT TO SURVIVAL

On the whole, threat to press freedom in Malaysia can now be considered largely existential, with little to no direct

action taken by the government against journalists for the stories they write. This is reflected in the country jumping up 22 places to finish 123rd in the World Press Freedom Index this year, ahead of other countries in the region.

In September, however, a journalist for a Malay-language daily received a death threat via email which police are still investigating. “The NUJ is very concerned about this incident and will continue to monitor the safety of the journalist,” secretary-general Chin Sung Chew said.

Although few such cases make it to the press, 29 per cent of journalists surveyed by IFJ-SEAJU said that they had been personally threatened while carrying out their work, and a quarter reported attacks on their colleagues. These attacks include individual threats (22 per cent), legal wrangles (19 per cent) and personal attacks (12 per cent).



Leaders from the National Union of Journalists Peninsular Malaysia (NUJM) at a press conference following the announcement of the closure of the *Utusan Melayu* (Malaysia) on October 9, 2019. Credit: NUJM





A man reads the last edition of the Utusan Malaysia and Kosmo newspaper at a stall in Klang Valley on August 20, 2019. Credit: AZNEAL ISHAK / MALAYSIKINI

**There is visible progress in terms of press freedom in Malaysia since the change of government in 2018, at least in terms of the cloud of self-censorship being lifted.**

Nearly half the respondents feel that they are afforded sufficient protections by their employers, but 32 per cent believe that the state should do more in this regard. Additionally, many believe that a culture of impunity for attacks against journalists exists, which is predominantly influenced by political leaders.

Ahead of National Day in August, online portals – including *Malaysiakini* and several vernacular language outlets

– were drawn into proxy political battles, being accused of provoking racial sentiments by reporting on matters perceived to be anti-Islamic.

*Malaysiakini* released an op-ed stating that “in such heated times, we believe it is the responsibility of media organisations to educate Malaysians and to rid them of their mutual fears and distrust of one another.

“We also believe it is our collective responsibility to expose those who seek to divide Malaysians through hateful remarks, and to push for those in power or with influence to rebuke these individuals or groups, and take measures to heal these divides,” the portal said.

## CONCLUSION

There is visible progress in terms of press freedom in Malaysia since the change of government in 2018, at least in terms of the cloud of self-censorship being lifted. However, many of the promised reforms have not materialised

as quickly as expected, as many of the laws muzzling free expression remain on the statute books.

Even as it seeks to abolish the Anti-Fake News Act, the PH administration continues to insist that fake news poses a threat to national security. The term itself remains vague, however, with statements from politicians indicating that it also encompasses comments touching on race, religion and royalty.

Whether or not this leads to a new form of self-censorship by the free press – especially with a proposed law that would hold news portals responsible for readers’ comments – remains in the balance.

This is compounded by the existential threat facing most news organisations struggling to keep up with the means by which news is consumed. The press may be freer under the new administration, but the limits of that freedom continue to shift. •

# MYANMAR

## CRITICAL CROSSROADS

**W**ith a general election scheduled for 2020, the Aung San Suu Kyi-led NLD government has not shown the political will to address the plight of the media in Myanmar. Despite the release in May of incarcerated Reuters journalists Wa Lone and Kyaw Soe Oo after intense international pressure, the country's media has only encountered restrictions and stumbling blocks over the past year.

Myanmar has failed to create a conducive environment for independent media to thrive, even as judicial means are aggressively used as tools to prevent governance accountability. Public trust in the media is at a low at a critical time when social media is flooding the public sphere with divisive and harmful content. Meanwhile, local media outlets are struggling to survive due to lack of viable business models.

### CAUTIOUS CELEBRATION

On May 7, 2019, Reuters journalists Wa Lone and Kyaw Soe Oo were released under a presidential amnesty for 6,520 prisoners. Their release, after more than 500 days of incarceration, was widely welcomed internationally.

Amal Clooney, legal team member for two journalists, highlighted the role of their employers, saying, "It is inspiring to see a news organisation so committed to the protection of innocent men and the profession of journalism".

UN human rights experts also welcomed the release but remained cautious about the state of press freedom and democracy in Myanmar. "We remain terribly concerned about the state of media freedom and the democratic space in Myanmar. The authorities have a considerable way to go in law, policy and institution-building to ensure a minimum level of democratic space, which is particularly important in the lead up to national

elections next year," said a joint statement from UN special rapporteurs for freedom of expression, Yanghee Lee for Myanmar and David Kaye.

This case represents a litmus test for the situation of press freedom in Myanmar. The incarceration of the journalists for more than 16 months despite the backing of a major international media outlet, a high-profile legal defence team and international outcry suggests the extent of the clampdown on press freedom in the country. It also set a clear disciplinary tone for journalists in Myanmar, signalling that the same fate could befall them if lines were crossed. This climate of fear and the warning signal of the Reuters journalists no doubt contributes to a prevailing climate of self-censorship.

### LEGAL SHACKLES

While the release of the two Reuters journalists could be seen as a key triumph for press freedom in Myanmar, various draconian laws continue to muzzle journalists. Moreover, not every journalist who faces trial in Myanmar receives support from an international legal team or even a fraction of the public attention that could boost advocacy efforts. This is particularly so for journalists working for small local media outlets or in the frontier areas.

The severity of harassment of the media through laws in Myanmar is reflected in the results of a recent survey conducted by South East Asia Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ). According to the survey, 59 per cent of the respondents said that there was "no significant improvement" in the media situation over the last year, while 25 per cent said it had "worsened to some degree" and 16 per cent felt the media situation had "seriously declined". Identifying factors that impede press freedom, 56 per cent said that government policy



### MYANMAR

- **Media freedom situation:** Moderate (no change)
- **Key safety threats:** (1) Targeted for journalism work, (2) Cyber-attacks
- **Key influencers on safety situation:** (1) Government policy or legislation, (2) Journalist ethics and professionalism, (3) Media ownership
- **Media safety rating:** Improvements needed
- **Biggest workplace safety issue:** Legal issues
- **Influencing factor on safety:** Media control
- **Media impunity scale:** 7.7\*
- **Impunity influence:** Political leadership
- **Justice system ranking:** 6.9\*
- **Survey base:** 250 survey responses covering 6 provinces. Largest survey base: (1) Yangon, (2) Mandalay, (3) Shan

\*Scale out of 10 based on media worker/attitudes/responses – with 1 representing the most positive score and 10 the worst score.

and legislation are the main threats to the independent media in the country.

Currently, 11 journalists are facing charges in eight separate legal cases filed this year. Athan, an advocacy group for free expression in Myanmar said that the military had lodged three complaints, the police two and Special Branch police two. A local business owner also filed charges against journalists for reportage that exposed the adverse social and environmental costs of certain business enterprises.

Aung Kyi Myint, aka Nanda, was arrested on May 15 while covering a crackdown on protests at a cement factory in Aung Tha Pyay village, Patheingyi township in Mandalay. The local police charged him with criminal





A woman holds a mobile phone with an image of Aung San Suu Kyi films during a protest in support of amendments to the 2008 Myanmar Constitution in Yangon on July 17, 2019. Credit: SAI AUNG MAIN / AFP

offences instead of under provisions of the News Media Law, 2014.

It has been six months since Nanda was detained and he could face up to 17 years in prison if found guilty.

Within two weeks, the Myanmar military filed charges against another journalist from the same TV channel. On May 27, Win Naing Oo was charged with violation of the Telecommunication Act 66 (d) for his report on local farmland grabbing. Based on interviews with farmers at press conference, he wrote a story titled "Farm lands grabbed for cow husbandry project". Before filing the story, the journalist had asked the Tatmadaw (army) for comment but none was forthcoming. "This charge is

clearly intended to suppress the local press and has a chilling effect so that the press won't cover the doings of the Tatmadaw," said Win Naing Oo.

### LAWLESS FRONTIERS

With weak oversight of rule of law, journalists in the seven ethnic states in Myanmar (the Shan, the Karen, the Rakhine, the Kayah, the Chin, the Kachin and the Mon) habitually face repercussions from the military or from ethnic armies and business conglomerates.

The remnants of decades of conflict and gross human rights violations in the ethnic state areas produce daily headlines. Endowed with rich natural

resources, these frontier areas are subjected to extraction of resources for mining, plantations and logging. As a result, journalists who cover development projects in ethnic states find themselves under physical threat and legal harassment when their coverage exposes the adverse social and environmental impact of these resource-extraction projects.

On February 25, *Myitkyina News Journal* in Myanmar's northern Kachin State published a story about local residents' concern regarding social and environment impact of the tissue-culture banana plantations in Mandaung village of Waimaw Township. The article highlighted encroachment of land for the plantations by the two

companies including Tha Khin Sit Mining Company.

The day after the article was published, company personnel came to the *Myitkyina News Journal* office and asked reporters Mon Mon Pan and Ar Je to go with them to further clarify facts in the published story. The reporters were detained on arrival in separate rooms at the company office and subjected to physical assault. Mon Mon Pan said she was slapped across the face with paper while Ar Je said he was forced by the company's staff to do sit-ups as 'punishment'. Both journalists were released when the paper's executive directors arrived, accompanied by with local authorities.

The *Myitkyina News Journal* filed charges against six employees of the Tha Khin Sit company under sections 354, 294, 341, 323, 114 of the Myanmar Penal Code. The charges cover various criminal offences including "punishment for wrongful restraint", "assault or criminal force on women with intent to outrage her modesty". In retaliation, Tha Khin Sit Mining Company lodged defamation charges against the published article. The case is pending, with both sides appearing 23 times in court proceedings.

A few months later, on June 19, the military in Demoso Township of Kayah State launched legal action under Article 12 of the Law Protecting Privacy and Security of Citizens against three reporters from three different media houses who were covering farmers' protests against alleged land-grabbing by the military.

**With more than a third or 37 per cent of the respondents in the IFJ-SEAJU survey reporting that their workplace and/or colleagues had been attacked as a result of their reporting, the situation continues to be grim.**

Captain Aung Myo Tun of No. 360 Artillery Battalion filed a case against three reporters from the *Democratic Voice of Burma* (DVB), *Eleven Media Group* and *Kantarawaddy Times* after they covered a farmer-led protest in the State Capital, Loikaw. The military claimed the reporters had helped the farmers to trespass into the Battalion compound and had broken fences in the process.

"These reporters were simply doing their job to report from the scene of a protest, but what we have is yet another case of excessive intimidation by law to silence and repress the media," said the International Federation of Journalists (IFJ) in a statement. The IFJ also asked the Myanmar Military to drop all charges against the three journalists and suggested the Army submit complaints to the Myanmar Press Council (MPC) to resolve disputes with the press.

Subsequently, the MPC sent a letter to the military chief asking him to apply the News Media Law in the case of the three journalists charged under privacy law violations by the Tatmadaw for their reporting of the farmers' protest.

"MPC is trying to resolve complaints against journalists before they reach the court. We did manage to intervene

successfully in some cases before the complaints get institutionalized," said Myint Kyaw, the first joint-Secretary of MPC.

In May, the MPC issued a statement urging that journalists not be charged under criminal laws, but under the News Media Law pertaining to journalists as journalists.

The increasing muzzling of the media by authorities in Myanmar seriously threatens press freedom. In particular, journalists who cover conflict in Rakhine State are vulnerable to harassment, arrests or lawsuits. This situation makes reporters cautious while reporting the conflict as the clashes continue between the Arakan Army (AA) and the Myanmar Military.

On April 12, the military's Yangon Region Command filed a lawsuit against *The Irrawaddy News* over its coverage of the clashes between the AA and the military in Mark-U township in Rakhine State. Lieutenant Colonel Zaw Min Tun of the Yangon Regional Command filed the case against U Ye Ni, a Burmese edition editor, under Article 66(d) of the Telecommunications law, on grounds that the news outlet's coverage of the Rakhine conflict had not been fair, thus prompting them to take legal action.

Journalists surveyed in the IFJ-SEAJU survey said that legal factors were the biggest impediment to achieve safety and security at work. Impunity, they said, was high because of a political leadership and justice system that was unresponsive to issues of media safety. According to the survey, 66 per cent said that there was "room for improvement" in the government's efforts to provide protection to journalists and 40 per cent blamed government control of the media



Jailed Reuters journalists Wa Lone and Kyaw Soe Oo walk to Insein prison gate after being freed in a presidential amnesty in Yangon on May 7, 2019. Credit: ANN WANG / POOL / AFP





While the release of two Reuters journalists could be seen as a key triumph for press freedom in Myanmar, various draconian laws continue to muzzle journalists making them a target. Conflict areas such as Rakhine state are particularly difficult for journalists to access and report. A boy rides a bicycle near the Maungdaw town market in the restive Rakhine state on January 24, 2019. Credit: RICHARD SARGENT / AFP

as the reason for insufficient attention to journalists' safety. More than half, 57 per cent of the respondents reported that their employers did not provide them with safety and security measures. Almost half, 47 per cent respondents felt there was "room for improvement" in their employers' handling of journalists' safety. In light of this situation, 42 per cent of the respondents said the culture of impunity in the country was "epidemic", with more than half, or 51 per cent, identifying the combined factors of "political leadership" and "justice system" as responsible for this state of affairs.

In May, another editor was charged in Rakhine State of western Myanmar. The Special Branch Police which operate under the Ministry of Home Affairs filed a complaint against Aung Marm Oo, an editor-in-chief of Rakhine-based Development Media Group (DMG), under Article 17(2) of the Unlawful Association Act.

Myanmar authorities accused DMG of being biased against the police force in its report titled "Moonless Night in Mrauk-U". The article, published in January 2019 to mark a year after the event, chronicles a police crackdown on peaceful protesters in Rakhine State's

Mrauk-U township in January 2018 that left seven people dead and several others wounded.

Two reporters from DMG are facing harassment due to the case and its editor Aung Marm Oo who faces the possibility of a five-year prison sentence, is currently in hiding.

"Editors are targeted more, as they are gatekeepers of newsrooms. It is an indirect way of compromising editorial freedom" says Myint Kyaw of MPC.

An ethnic Rakhine media outlet, DMG was founded in 2012 in the region of the Thai-Myanmar border before moving to Myanmar and registering in Sittwe, Rakhine State. DMG is a member of Burma News International, a member-based alliance of ethnic media outlets in Myanmar.

With Aung Marm Oo's case and general restrictions on media access to Rakhine State, UN human rights experts on Myanmar expressed their "terrible concern" about press freedom in Myanmar.

On June 14, three UN Special Rapporteurs dealing with human rights, human rights defenders and freedom of opinion and expression in Myanmar, wrote to the Myanmar Government

expressing "serious concern at the charge filed against Mr. Aung Marm Oo under the Unlawful Association Act. The charge appears to be laid in relation to him carrying out his professional duties as editor-in-chief of DMG, a news outlet reporting information about the conflict in Rakhine State which is of high public interest." There was no official response to these concerns.

With more than a third, or 37 per cent of the respondents in the IFJ-SEAJU survey reporting that their workplace and/or colleagues had been attacked as a result of their reporting, the situation continues to be grim.

## VIABILITY CONCERNS

"Digital leapfrogging and over-reliance on social media for news has damaged Myanmar's media ecology," says Han Thar Nyein, co-founder of Kamayut Media.

Established as a digital news outlet in 2012 just before mid-term elections, Kamayut online news intended objective is to reach a growing online audience at a time when press freedom was still in big question mark. The digital news outlet expanded

operations with revenue generated from commercial advertising. “We did manage to survive till 2016. After that, the revenue from the news outlet covers only 10 per cent of the operational cost,” says Han Thar Nyein.

Currently running with 60 in-house staff, in early 2017, Kamayut media needs to develop a viable media business model if it is to survive. A commercial multimedia production house was later established in 2018 to generate more revenue to prop up the online news outlet.

“We are doing these businesses just to support our newsroom operations. We want to continue production of ethical and impartial news for Myanmar at a time when the quality of independent news is declining. We cannot survive on news business alone,” says Han Than Nyein.

As has happened in countries globally, social media platforms like Facebook have dismantled the existing media business model. Myanmar has witnessed its share of news outlets being shut down and journalists laid off. Mass audiences are now migrating to social media platforms for news, information and discussion. These changing trends have reduced commercial revenue for independent media outlets.

To worsen the situation, violations of content copyright are escalating because of monetisation incentives from social media marketing tools. Lately, there is a spate of copycat news agency websites as well as news and entertainment social media pages. These sites regularly copy content from registered news agencies without proper accreditation and financial compensation.

On August 15, the Myanmar Press Council released a statement with a list of 48 news pages that were in breach of intellectual property rights under Myanmar’s News Media Law. The MPC also asked the business community not to run advertising on such sites.

Individual media outlets are also taking action. “We have stopped providing content to other news agencies as our content copyrights are being breached by these copycat sites,” said Cherry Htike, co-founder and executive editor of Tachileik News Agency (TNA).

Named after a border town with Thailand in the Shan State of eastern

**For the upcoming general elections, Myint Kyaw of MPC warns that political parties will use ‘proxy media outlets’ or ‘manipulated media’ to shape public opinion for political gains.**

Myanmar, the agency devotes its coverage to eastern Shan State where transnational organised crimes flourishes. Tachileik is also used by several armed ethnic armies and is also a transit hub for illicit border trade.

Given the lawlessness on borders and its perilous environment, local journalists are cautious when covering the complexity of the region. “Journalists’ access to information and safety is quite tricky here and we often resort to self-censorship for our own safety. It is hard to be a journalist here,” said Htike, highlighting the balancing act required for journalists reporting from the margins.

## UNCRACKING THE GLASS CEILING

Despite having Aung San Suu Kyi as a State Counsellor, female leadership in the public and private sector remains strikingly low in Myanmar. This unbalanced gender representation is also reflected in decision making positions of the media industry.

Female media practitioners represent 50 per cent of the workforce, but only a very small minority take a lead in the editorial, management and operations of media industry.

In newsrooms in Myanmar, as in many parts of the region, women are typically viewed as handlers of ‘soft beats’ such as entrainment, fashion and arts, and deemed incapable of covering ‘hard beats’ such as politics, conflict and technology.

“Woman media workers are facing both cultural norms and structural barriers to advance our careers and to do our daily work,” said Nyein Ei Ei Htwe, a lifestyle editor of the *Myanmar Times*. “Editors, including women editors don’t want to send women journalists to the frontline for reporting as they feel that we are not fit to cover it”, she added.

According to the study *Gender in Myanmar News* by the Myanmar Women Journalist Society (MWJS) and Fojo Media Institute, women journalists constitute less than a quarter (23 per cent) of political reporters in Myanmar.

This situation is exacerbated by suspicions about access to information. “If we manage to secure scoops from high-level political officers, we are normally viewed as having illicit relationships with our sources. Male journalists don’t get that kind of slander,” said Nyein.

## SINGLE NARRATIVE

Myanmar still has state-owned media outlets and military-funded media business. This weakens the independent news sector. Furthermore, the state-monopolised media establishments make an uneven playing field for private sector media, which are forced into unfavourable positions in order to survive financially.

In addition to print media, all TV channels and radio stations belong to the Myanmar government. Only a handful of companies trusted by the military are licensed to run FM radio stations.

The current attitude of the NLD government towards the media reform process has not contributed to significant development of the broadcasting media sector.

Despite its shortcomings on international legal standards, the broadcasting law was enacted in August 2015 by the previous military-backed government. The current government amended it in 2018 but according to critics, the government failed to protect freedom of expression and had done so without consultations with industry experts. Enactment of technical parameters of the law has been delayed, and new broadcasting licenses have not been issued.

“Our online media outlet can’t





A Myanmar border guard policeman stands near a group of Rohingya Muslims during a government-organized visit for journalists in Buthidaung townships in the restive Rakhine state on January 25, 2019. Credit: RICHARD SARGENT / AFP

apply for broadcasting licenses as internet-based media is not included in broadcasting law. Neither can we apply now for the broadcasting license as it hasn't been finalized yet," said Han Than Nyein of Kamayut media.

Myint Kyaw of MPC said the NLD government had no intention of finalising the broadcasting law during its governing term. "It seems that the government doesn't want a diversity of private broadcast media sectors which will compete with the state's narrative," he said

## DIGITAL DISRUPTION

Myanmar is expected to go to the polls in late 2020. In the current political climate, the general elections risk being undermined by undemocratic forces, including a lack of independent media reporting.

Inclusion, one of the core values for citizens to exercise their democratic rights can be fore-fronted by

independent media. For that to be a reality, Myanmar needs a thriving independent media ecosystem, as well as genuine press freedom. The responsibility to protect press freedom should extend beyond the news organisations. Civil society organisations, business communities and members of parliament must all strengthen civic space and protect press freedom.

For the upcoming general elections, Myint Kyaw of MPC warns that political parties with deep-pockets will use 'proxy media outlets' or 'manipulated media' to shape public opinion for political gains. "We must all be steadfast to uphold independent and ethical journalism to safeguard election integrity. It is also to bring a level playing field for small and independent parties including ethnic parties," he said.

In 2015, the NLD won a landslide victory and secured a majority of contested seats in Parliament along with 25 per cent of seats that must be reserved for the military.

Given the present disruption of the online news ecosystem, a digital disruption for election inference is not

unimaginable. Social media in Myanmar is already polarised along racial and religious lines, and this has exacerbated internal conflicts. Furthermore, extreme narratives regarding religion, ethnicity and minorities on social media platforms are influencing policy-making bodies, thus depriving minority groups of their rights.

With the upcoming election likely to be more competitive than the 2015 election, disinformation campaigns through coordinated attempts are anticipated which could disturb the local and national elections. To prevent this, collaborations between the media and wider civil society organisations need to speedily detect and debunk malicious interference in democratic processes.

At this critical juncture, the people of Myanmar must access verified information, so that they can debate, discuss, deliberate and make informed decisions. For this to happen, the media in Myanmar must champion the core values of journalism: accuracy and impartiality. Indeed, the forthcoming election will judge how the media in transition in Myanmar has fared. •



## ■ THE PHILIPPINES

# SOLIDARITY IN THE TRENCHES



**T**he Government of the Philippines through its security forces has included the media as a target in its campaign against the 50-year old communist insurgency, currently the longest-running in the world.

To be sure, the “red-tagging” or “red-baiting” – the practice of accusing persons and groups of belonging to or sympathising with the rebels in the

Philippines – of journalists and media groups is not new.

Alternative media organisations, which mostly cover social issues – poverty, inequity, government corruption, human rights abuses – that are seen as the root causes of the insurgency, have long been accused of fronting for the rebels.

In 2005, when the country was dubbed the “most murderous” for

journalists, the National Union of Journalists of the Philippines (NUJP) was included among supposed “enemies of the state” in a PowerPoint presentation titled “Knowing the Enemy” that was produced by the Intelligence Service of the Armed Forces of the Philippines (AFP) and presented in schools and communities around the country.

With 186 journalists slain since





1986, there can be no dispute about the Philippines continuing to be one of the most dangerous countries to practice the profession.

But never before has the NUJP or allied press freedom and free expression groups ever accused the government of a deliberate policy of targeting journalists or the mass media. Not during the Gloria Macapagal-Arroyo presidency, when 103 media persons were murdered over nine



## THE PHILIPPINES

■ **Media freedom situation:** Seriously declining

■ **Key safety threats: Equal score:** (1) Online harassment; Attacks on the workplace; Being reprimanded or sacked from job; Targeted for my journalism

■ **Key influencers on safety situation:** (1) Journalist ethics and professionalism, (2) Government policy or legislation

■ **Media safety rating:** Poor/ Worsening

■ **Biggest workplace safety issue:** Legal issues

■ **Influencing factor on safety:** Political statements

■ **Media impunity scale:** 6.8\*

■ **Impunity influence:** (1) Government, (2) Political leadership

■ **Justice system ranking:** 6.6\*

■ **Survey base:** 150 responses covering 10 provinces. Largest survey base: (1) National Capital Region, (2) Southern Luzon

\*Scale out of 10 based on media worker/ attitudes/ responses – with 1 representing the most positive score and 10 the worst score.

years; not even when Arroyo initially wavered about taking action against the perpetrators of the November 23, 2009 Ampatuan massacre, of which 32 of the 58 victims were media workers and not even as the death toll rose to 13 since Duterte became president in mid-2016.

Although red-tagging often has serious consequences for activists, including attack and assassination, the accusations against media organisations and journalists have remained just that – accusations. Until now, it seems.

## SMOKE WITHOUT FIRE

On September 17, Rolando Asuncion, a regional director of the National Intelligence Coordinating Agency (NICA), the government's primary

intelligence gathering and analysis arm, openly accused Sonia Soto, president and general manager of cable station Central Luzon TV 36, of being a member of the Communist Party of the Philippines. Soto, he said, was one of 31 journalists in a heretofore unknown list in his agency's possession.

Asuncion was speaking at a forum at the Don Honorio Ventura State University in the province of Pampanga on Luzon. A memorandum issued by the school to its faculty, staff and student council said the event was in compliance with Executive Order 70 issued by President Rodrigo Duterte mandating the creation of a "National Task Force to End Local Communist Armed Conflict."

In short, the briefing was a counterinsurgency activity and the media officially a target.

Although Asuncion later apologised to Soto for "endangering" her, he did not deny the existence of the list of purported journalist-rebels, and in fact vowed to "continue what we are doing because it is mandated by our President..."

Even before this incident, NUJP had received information about NICA officials making the rounds of government offices, giving briefings on the insurgency and naming the media organisation as one of the so-called "legal fronts" of the communist rebel movement.

On October 10, 2019, Al Jazeera aired a special report, "Duterte's New War" which investigated extrajudicial killings that have plagued the central Philippine island of Negros since late last year.

Among those interviewed for the report was Major General Antonio Parlade Jr., the AFP deputy chief of staff for civil-military relations. The general dismissed news accounts of the Negros murders, which the kin of many of the victims suspect were carried out by state forces, claiming that these reports were not credible "... because the media, especially the mainstream media, they're dominated by these CPP (Communist Party of the Philippines) cadres, in the print, in TV even."



Philippines President Rodrigo Duterte poses for selfies after delivering his state of the nation address at Congress in Manila on July 22, 2019. Credit: NOEL CELIS / AFP

It is important to note that except for Soto, neither Asuncion nor Parlade named any of the journalists they claimed were members of, or supported the rebel movement. Nor have they or any other government official or agency presented proof of these allegations. In short, a blanket accusation has been made against all Filipino journalists.

But way before Asuncion and Parlade's pronouncements, there were already signs that critical media organisations and journalists were in the crosshairs of the state's security apparatus.

Among the first to be targeted was Raymund Villanueva, deputy secretary general of the NUJP.

In August 2018, a post on the Facebook page of the AFP's 101st Technical and Administrative Service Group, a unit based in the capital Metro Manila, accused Villanueva of being a member of the NPA (New People's Army, the armed wing of the CPP). The post against Villanueva included photos of him with rebel personalities he had interviewed and also of union officers, members and guests at the NUJP's 10th National Congress last year.

Then on December 26, incidentally the 50th anniversary of the CPP, news reports quoted a purported former rebel naming NUJP as one of the underground

movement's "legal fronts".

The campaign against the NUJP picked up in January this year when several news outfits ran stories quoting another purported former rebel, who claimed – falsely – that he was a founding member of the media group, "confirming" that the organisation was under the command of the CPP. When the organisation refuted the accusations, the government-run Philippine News Agency (PNA) came out with a follow-up story quoting the same dubious source repeating his claims. Not once did any of the outfits, including PNA, ever bother to get NUJP's side.

PNA also later ran a story quoting a communications undersecretary challenging the NUJP to "issue a statement denouncing the atrocities committed by the CPP-NPA to disprove their alleged allegiance to the communist rebel group."

Individual NUJP members have also found themselves vilified as rebels or rebel supporters by mostly anonymous accusers. Among the most notable is former national director Cong Corrales, who found himself along with his wife and son on a list of alleged rebel supporters, and later had a P1-million (almost USD 20,000) bounty for his death announced.

## IN THE CROSSHAIRS

The intimidation escalated in June when, at the height of a red-tagging campaign against NUJP officers and members in northern Mindanao, Margarita Valle, a columnist for online portal Davao Today, was abducted by police from an airport in the region and driven to a city more than 200 km away where she was held incommunicado for 12 hours. When police eventually released her, they claimed it was a case of "mistaken identity."

A month after her ordeal, Valle continued to be targeted, with her picture appearing alongside that of Pamela Jay Orias, the chair of NUJP's Cagayan de Oro chapter, on a Facebook community page called "Quiet No More PH" that accused them of being rebel supporters.

And on August 6, Brandon Lee, an American who had been living for 10 years in Ifugao province in the highlands of northern Luzon, was shot and critically wounded as he arrived home with his child, whom he had fetched



**With 186 journalists slain since 1986, there can be no dispute about the Philippines continuing to be one of the most dangerous countries to practice the profession.**

from school. Lee wrote on human rights abuses and other social issues for the local news outfit *Northern Dispatch*,

For weeks, Lee was critically ill, but survived despite suffering multiple cardiac arrests while undergoing surgery. Before the attempt on his life, human rights groups said Lee, who also did volunteer work with human rights and peasant groups, had been constantly harassed by the Army. *Northern Dispatch*, several of whose staff are NUJP members, has also been labelled a rebel “front” by the NICA.

The goal of this campaign appears to be to intimidate media from reporting on alleged abuses – especially human rights abuses – committed by state security forces.

In fact, when newly appointed Armed Forces of the Philippines chief of staff Noel Clement was asked by reporters about the red-tagging of journalists, this was his reply: “Just be factual and do not give (sic) biases ...”

Expanding on this, he went on to claim that “sometimes, what happens is the alleged violations committed by security forces are highlighted more vis-à-vis than those committed by other threat groups.”

“If that happens,” he added, “there’s a tendency for us to look at the personalities involved as favoring what the enemies do vis-à-vis to (sic) security forces.”

In short, toe the line or else.

A statement by Soto about her experience perhaps best describes this state of affairs: “This is not really an issue between me and Asuncion. He represents a state policy wherein citizens who question and oppose the government are red-tagged.”

## THE PRICE OF TRUTH-TELLING

To illustrate how swiftly the situation for media has deteriorated, on World Press Freedom Day last year, May 3, 2018, the Freedom for Media and

Freedom for All coalition, composed of three major groups – the NUJP, the Philippine Centre for Investigative Journalism, and the Centre for Media Freedom and Responsibility – released the report, “Speak Truth to Power, Keep Power in Check,” detailing the Duterte government’s attempts to stifle free discourse and erode trust in media by using its army of trolls and influencers in a campaign of intimidation and disinformation.

The coalition at the time said it had documented at least 85 cases of assault on the media under Duterte from June 30, 2016 to May 1, 2018, including murders and attempted murders, death threats, online harassment, police surveillance and the revocation of operating licenses.

A year later, when the coalition released an update, the number of attacks had increased to 128, with state agents or officials identified as the perpetrators in 60 of the incidents.

However, there are no indications that these recent developments are connected to the other, equally alarming, assaults on independent news organisations and journalists such as the continued persecution of Rappler and its CEO, Maria Ressa, and the threat to block the franchise renewal of broadcast network ABS-CBN, which appear to stem from Duterte’s well-known aversion to criticism and disdain for media. On May 31, 2016, even before he assumed the presidency, he declared: “Just because you’re a journalist you are not exempted from assassination, if you’re a son of a bitch.”

The NUJP stood in full support of the call by close to 1,000 actors, directors, writers, musicians, composers, cinematographers and other members of the television and film industry to the House of Representative to demand the passage of the bill renewing the franchise of broadcast network ABS-CBN.

But Duterte’s hostility towards media does appear to have emboldened

the red-tagging of journalists and news organisations. Additionally, the administration has accused media organisations and institutions of plotting to oust Duterte.

Before this year’s mid-term elections in May, the *Manila Times* newspaper bannered the story, “Oust Duterte plot bared,” an “exclusive” written by its chairman emeritus, Dante Ang, who also happens to be the president’s special envoy for international affairs.

The article quoted a single unnamed “highly placed” source within the Office of the President and drew on a “matrix” provided by the same source, which purportedly showed the links between the “plotters” – journalists and media organisations, including Rappler CEO Maria Ressa, the target of a legal offensive, and former NUJP chair Inday Espina-Varona – who were ostensibly plotting to “manipulate public emotion, touch base with leftist organization(s), enlist support of the police and the military, then go for the ‘kill’.”

Although the story was greeted with widespread disdain and ridicule, not least because of the error-riddled “matrix” – for example, Espina-Varona was listed not as a journalist but as a human rights lawyer – the presidential palace vigorously insisted the plot existed and even later presented another matrix, this one broader and even more ridiculous, which named, aside from journalists and media groups, opposition politicians, Communist Party founder Jose Ma. Sison, and Olympic weightlifting silver medallist Hildelyn Diaz.

The canard eventually fizzled out but the NUJP nevertheless slammed the government for engaging in the “criminal endangerment of people it accuses of serious offenses without an iota of evidence.”

While such antics have always failed to intimidate their targets, it is not farfetched to imagine that the government could use these as a pretext for a broader and more brazen crackdown against those plotting its downfall.

Such tactics invariably fail to intimidate their targets but do serve to pump up the gallery of Duterte supporters, which use these as fodder to launch their own attacks on independent journalists and media outfits.

## BELEAGUERED PROFESSION

Not surprisingly, 61 per cent of Filipino respondents to this year's press freedom survey by the Southeast Asian Journalist Unions (SEAJU) and International Federation of Journalists (IFJ) say the situation for media in the Philippines has continued to decline over the past year, and only 17 per cent saw some improvement and a minuscule 4 per cent said there had been "significant improvement".

The Philippine leg of the survey polled 150 journalists – 82 male and 66 female, with two identifying as "other" – mostly aged 26-45, with a quarter based in the National Capital Region, about the same in Southern and Central Luzon, and the others spread through the Visayas and Mindanao islands. However, 31 respondents did not indicate where they are based.

Half of the respondents (75) said they are full-time employees, 29 are freelance journalists, 20 work as part-time regulars, 13 are full-time contract workers, and eight are part-time contractual.

Privately owned media employed the most respondents at 97, with community media a far second with 27. Another 16 identified as self-employed and only 10 said they worked for public media.

The respondents were evenly spread

**Journalists have reported to unions and colleagues being asked to water down or even pull reports seen as too critical of the Duterte administration which might invite retaliation from the government and its supporters.**

in terms of workplace location, with 51 employed in Metro Manila-based outfits, 56 in regional companies, and 42 in local (community) media.

In terms of medium, 40 respondents reported working in television, 49 in radio, and 45 in print.

However, reflecting the increasing cross-platform nature of journalism today, 31 respondents identified as multimedia journalists compared to 36 broadcasters/presenters and 40 who identified as only journalists.

Asked to expand on why they believe the media situation in the country has continued to worsen over the past 12 months, 62 per cent of the respondents said their work had caused them security concerns, with 53 per cent saying they had experienced "negative consequences," mainly through threats delivered personally or through text messages (46 per cent). Another 37 per cent confirmed experiencing these consequences but did not say what these

were.

And illustrating the viciousness with which technology has been weaponised against journalists, a third of those surveyed said they had been victims of doxing or saw their organisations, websites and blogs hacked or shut down.

But in a significant development, the worsening situation also appears to have prompted journalists to take a long, hard look at their profession. Asked to identify the main reason for saying the situation for media continues to decline, more than 40 per cent named "journalist ethics and professionalism." In last year's survey, this was the second choice.

The top choice in the 2018 survey – government policy and legislation – slid

Maria Ressa, co-founder and CEO of the Philippines-based news website *Rappler*, speaks at the Human Rights Press Awards at the Foreign Correspondents Club of Hong Kong on May 16, 2019. Credit: ISAAC LAWRENCE / AFP







to third this year, with last year's third choice, state and political actors, moving up to second place.

While the survey results do not detail why ethics became the top concern among journalists this year, it isn't difficult to see why.

From the get-go, Duterte has lashed out at media, hurling such blanket accusations as "corrupt" and "presstitutes" at the profession and its practitioners, charges that his followers, including social media influencers and the troll armies who follow their lead, pick up, echo and use to harass journalists.

Many news outfits and journalists that have reported critically on raging issues like the government's bloody war on drugs and the thousands of lives it has claimed have been deluged with accusation of engaging in "fake news" and propaganda.

Yet, pro-administration outfits have brazenly flouted ethical standards by publishing undisguised disinformation, like the *Manila Times'* "oust Duterte plot."

Another pro-administration paper, the *Daily Tribune*, also bannered the story "Papa Kiko joins DU30 war," which

made out a statement by Pope Francis reminding governments of their duty to fight drug trafficking as an endorsement of Duterte's war on drugs.

Government-run media outfits such as PNA have also been accused of engaging in disinformation and outright propaganda. In September, the state news agency posted a video on social media that, among others, used the picture of the body of an administrator of an alternative school for indigenous people after he had been murdered by state-sponsored militia, as an example of indigenous people murdered by communist rebels, and claimed that the Philippine economy experienced unprecedented growth from 1972-1979, when the country was placed under martial law by the dictator Ferdinand Marcos.

In a positive move, on February 26 the Court of Appeals in the Philippines in a case filed in 2014, upheld the decision of the National Labor Relations Commission (NLRC) to recognise regularly contracted staff at national TV broadcaster GMA as workers.

In another boost to the profession, as of September 27, 2019, online and

Students protest in the state university grounds in Manila on February 14, 2019, in support of CEO of *Rappler*, Maria Ressa, who was arrested a day earlier in a cyber libel case. Credit: TED ALJIBE / AFP

broadcast journalists in the country will have greater ability to protect their sources following an expansion of the country's existing shield laws. The Republic Act 11458, an amendment to previous RA No. 53 or Sotto law, will allow media workers from television, radio, online and wire service news organizations in broadcast and online media to refuse to reveal confidential sources.

In order to maintain the credibility and independence of the media, the NUJP launched a campaign dubbed "Sign Against the Sign", calling upon law enforcement agencies to end the continued practice of requiring journalists to sign on as witnesses to the inventory of contraband and other items seized during anti-drug operations. The practice has since ceased in some jurisdictions because of resistance from local journalists but in most places, it remains, mainly through coercion, as journalists who



Workers burn an effigy representing Philippine President Rodrigo Duterte during a demonstration marking Labour Day in Manila on May 1, 2019. Credit: TED ALJIBE / AFP

**... of the 186 media killings recorded by the NUJP, less than 20 have been successfully prosecuted**

refuse to sign risk losing sources and opportunities for reportage. This situation might be set to change, with allies in the legislature having filed a bill to amend the law to exclude journalists from being made witnesses.

### **DANGEROUS NAME-CALLING**

Ironically, government policy and legislation slid down amid moves in Congress to amend the already repressive Human Security Act, the local anti-terror law, posing an ever-greater threat to civil liberties, including freedom of the press and of expression.

For example, if the amendments are approved, interviewing suspected terrorists or even writing expository articles on the roots of terrorism could expose journalists and news outfits to possible prosecution for such offenses as

“inciting to terrorism” or “glorification of terrorism.”

It is worth noting that the Duterte administration has taken to calling communist rebels and those accused of supporting or being “fronts” of the insurgents “terrorists.” A recent victim of red-tagging, veteran journalist Froilan Gallardo, said he believed he was targeted because he included the rebels’ side for a story he wrote on a New People’s Army raid.

Equally worrisome, the proposed amendments include making “cyber libel” as defined in the Cybercrime Prevention Act a “predicate crime” to terrorism. It is noteworthy that the penalty for cyber libel is twice that for “traditional” libel.

Congress continues to ignore calls to decriminalise libel and pass the Freedom of Information Act.

On the other hand, the rise to second spot of state and political actors as reasons for decline of the media, indicates growing recognition of how government leaders’ words and actions can lead to media repression and the suppression of free expression.

It comes as no surprise, therefore, that 60 per cent of those surveyed rated government efforts to protect journalists as “poor/worsening” to “extremely bad”, pointing to political statements (29 per cent) and media control (21 per cent) as the main reason.

### **LACK OF ACCOUNTABILITY**

Impunity for media killings and other assaults on press freedom, remains persistent, with 78 per cent of those surveyed rating it from bad to



“epidemic.”

Identifying the factors that allowed impunity to thrive, 71 per cent pointed to the government and political leadership, and another 25 per cent cited the weak justice system.

This helps explain why, of the 186 media killings recorded by the NUJP, less than 20 have been successfully prosecuted. And in practically all these cases, only those who pulled the trigger were convicted, while those who ordered the killings remain free. A rare exception was the murder of Herson “Boy” Hinolan of Bombo Radyo Aklan, whose killer, former town mayor Alfredo Arcenio, was both mastermind and gunman.

As of this writing, although the trial of those accused for the November 23, 2009 Ampatuan massacre has ended, no verdict has yet been handed down almost 10 years after the single deadliest attack on the media ever recorded.

## PRECARIOUS LABOUR

In what would normally be seen as a bright spot, more than half of the respondents of the IFJ-SEAJU survey said that they belonged to professional organisations or unions that meet and dialogue with government on media safety.

While almost three out of five respondents acknowledged that their media houses have set up measures for their protection, only 37 per cent rated their employers’ handling of safety and security matters as “acceptable” to “very good”.

Most attributed this to their employers’ lack of awareness about the matter, while others pointed to leadership issues and the lack of training and resources.

Economic welfare and security of tenure have also continued to decline as the media industry increasingly hands out jobs to contractual workers.

This accounts for why roughly half of the respondents identified poor wages and working conditions and the lack of job security to be among the biggest threats to journalism.

But while the lack of viable workplace unions – the NUJP, for example, is a lateral guild, not a collective bargaining agent – remains

**Many news outfits and journalists that have reported critically on raging issues like the government’s bloody war on drugs and the thousands of lives it has claimed have been deluged with accusation of engaging in “fake news” and propaganda.**

a major obstacle in the struggle to ensure the welfare of media workers, efforts to organise them and help them protect themselves continue, with some modest success.

In late February, the Court of Appeals upheld the decision of the National Labor Relations Commission to recognise contractual workers of GMA, one of the major broadcast networks, as regular employees. Welcoming the decision, the Talent Association of GMA, which filed the case, said: “The purpose was always clear to us – to shine the light on a prevalent issue that affects millions of Filipinos, and to increase the pressure on companies and the government to stop this unjust, inhumane, and illegal labor treatment.”

There have been bright spots as well in the resistance to the increasing repression of media.

In early October, a trial court ordered the reinvestigation of a criminal case filed against Rappler executives, including its CEO Ressa and managing editor Glenda Gloria, for allegedly violating the Securities Regulation Code.

Judge Elma Rafallo-Lingan of Pasig Regional Trial Court Branch 159 ordered the proceedings suspended and remanded the case for preliminary investigation, saying the “undue haste in the transmittal of records” by the city prosecutor’s office violated the right to due process of those accused.

The case was filed by last year the National Bureau of Investigation following the Securities and Exchange Commission’s revocation of Rappler’s license for supposedly violating the constitutional prohibition on foreign ownership of Philippine media. The court also ordered the consolidation and joint trial of the securities case

with another one filed for alleged violation of the anti-dummy law.

The cases are among the 11 filed against Ressa and other Rappler officers and staff. The others are four tax violations before the Court of Tax Appeals, another tax violation case before a Pasig trial court, and a cyber libel case against Ressa in Manila.

The cases and the continuing ban on Rappler from covering all of Duterte’s activities has not dampened the media house’s spirits, although Rappler and its reporters continue to be harassed by the president’s ardent supporters.

There can be no doubt, however, that the inclusion by state security forces of media among the targets of their counterinsurgency campaign has greatly increased the dangers Filipino journalists have long had to face as they go about their work.

It remains unclear whether they actually intend to take action or if the intention is to intimidate media into limiting critical reportage or churning out only reports favourable to them. But even if they do nothing more, other quarters may take these allegations seriously enough to take matters into their own hands.

However, as they always have, the vast majority of Filipino journalists and news outfits remain unfazed by the increased danger and have fiercely clung to their independence.

Time and again, they have cast aside professional rivalries and linked arms to face threat after threat to the profession and its mission to serve the people’s right to know. Just as important, they know they are not alone, and that they can count on the solidarity and support of the network of colleagues and friends around the world. •

# ■ THAILAND MISSED OPPORTUNITY



The Thai press enjoyed relative freedom to cover stories before the election that would otherwise be off-limits – such as the royal family's involvement in politics. Mahouts ride on their elephants as they march with well-wishers during a procession near the Grand Palace to pay their respects to Thailand's King Maha Vajiralongkorn in Bangkok on May 7, 2019. Credit: JEWEL SAMAD / AFP





**T**he situation of the media in Thailand's election year in 2019 can best be described as dramatic. The topsy-turvy turn of events could well shape the country's media landscape for years to come.

It was a year marked by the largest-ever lay-offs in the country's history – the National Journalists Union of Thailand (NUJT) estimates that at least 800 journalists lost jobs – which hit the media substantially, particularly the broadcast sector.

The period also saw the rapid growth of online news platforms that took the opportunity to cash in on the “breathing space” during the country's much-anticipated election. It was first election since the military junta, the National Council for Peace and Order (NCPO) came to power in a May 2014 coup that ousted the civilian government of Prime Minister Yingluck Shinawatra.

While the Thai press enjoyed relative

freedom to cover stories before the election that would otherwise be off-limits – such as the royal family's involvement in politics – criticism against the military junta and its policies still wasn't possible without consequences. This perception was shared by media workers surveyed by the South East Asia Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ) in the 2019 survey into journalist safety, impunity and working conditions.

Of the Thai media workers surveyed, 40 per cent described the media situation as “worsening” to “seriously declining”, with 39 per cent and 21 per cent citing that cyber-attacks and censorship by the state respectively as key threats to their safety. Legal intimidation and harassment was seen as the biggest workplace safety issue by 37 per cent of respondents.

While they were no major physical attacks on media outlets or individual journalists in the past year, respondents felt journalists' safety needed more focus in terms of newsrooms' safety policies and government policies towards the media.

Journalists' awareness of impunity for violence against the media was not strong but almost a third of journalists surveyed felt impunity was problematic in Thailand, while a quarter said it was widespread. They also identified the government and political leadership as two major obstacles to improving the situation.

## LOSING VOICE

On February 13, Voice TV was suspended for 15 days under an administrative order of the National Broadcasting and Telecommunications Commission (NBTC), allegedly for program content critical of the military junta and deemed to be ‘confusing for the public’ (under NCPO announcement No 97 and No103). It was the third such order since the junta came to power in 2014, but prompted strong protests from local and international media advocates including the IFJ and the Southeast Asian



### THAILAND

#### ■ Media freedom situation:

Worsening

#### ■ Key safety threats: (1) Cyber-attacks, (2) Censorship

#### ■ Key influencers on safety situation: Not recorded

#### ■ Media safety rating: Neutral

#### ■ Biggest workplace safety issue: Legal issues

#### ■ Influencing factor on safety: Not recorded

#### ■ Media impunity scale: 5.9\*

#### ■ Impunity influence: Government

#### ■ Justice system ranking: 6\*

#### ■ Survey base: 109 survey responses covering 1 province (Bangkok)

\*Scale out of 10 based on media worker/attitudes/ responses – with 1 representing the most positive score and 10 the worst score.



Prayut Chan-ocha speaks to the media after the royal endorsement ceremony appointing him as Thailand's new prime minister at Government House in Bangkok on June 11, 2019. Credit: LILLIAN SUWANRUMPHA / POOL / AFP

Press Alliance (SEAPA). "Such perceived risk is unwarranted and could only be construed as yet another unmistakable curtailment of press freedom by the ruling junta," said SEAPA in a statement.

In a rare joint statement the same day, the Thai Journalists Association (TJA), the Thai Broadcast Journalists Association (TBJA) and the Society of Online News Producers (SONP) protested that the NBTC was operating against the 2017 Thailand Constitution, which guarantees press freedom and bans media shutdowns. The statement urged NBTC to reconsider the Voice TV suspension "to allow the society to move forward to the poll in an enabling and open climate in which people can freely exercise their opinions".

Freedom of expression legal documentation centre iLaw recorded that NBTC sanctioned media was perceived to be "colored" or partisan at least 59 times between May 2014 to 2019. Voice TV was the hardest-hit, with at least 24 sanctions – including warnings, adjustment of program content and suspension of commentators, as well as program blackouts lasting between 7 to 15 days.

"Voice TV will take legal action

to set the standard of NBTC's power back in line with rule of law and press freedom, which has been questioned and challenged since the 2014 coup," said Voice TV chief executive officer, Makin Petplai, in a statement issued on February 13. Voice TV is owned by members of the Thaksin Shinawatra's family, who was ousted as prime minister in a September 2006 coup and has since lived in self-exile overseas since 2007.

The embattled station secured a Central Administrative Court injunction to return to air after a two-day closure and won a ruling on February 27 declaring that the NPCO suspension as unlawful. However, Voice TV ceased digital broadcasting in September 2019, citing business losses. It continues to maintain a satellite broadcast and some online services but is still awaiting the Supreme Administrative Court's verdict on the legality of the NBTC order to suspend its operation.

On March 1, Orawan Choodee, a news anchor with public broadcaster Channel 9, was removed from hosting the election

debate program "Election 62" for alleged bias against the military government.

The veteran journalist said the order from station management stemmed from her hard-hitting questions to 100 university students in the weekly program's second episode on February 29. The TBJA said that the order was an "interference with media freedom in news presentation" and posed a direct threat to the public's right to information. Despite this support and a strong Twitter #SaveOrawan campaign, she never returned to the program.

## A MUCH-MONITORED BALLOT

While lifting a ban on political activities ahead of the March 24 election, the military junta kept its restrictions on freedom of expression, particularly criticism against its officers and policies. Content deemed as 'confusing the public' under the NCPO announcements No.97/2557 and No.103/2557, was prohibited throughout the election period.



The Election Commission of Thailand (ECT), appointed by the junta-picked National Legislative Assembly (NLA) in January 2019 issued election regulations restricting political campaigning on social media. This was viewed as an attempt to control political debate that might sway voters in favour of the anti-junta political parties, including over seven million first-time voters accounting for more than 10 per cent of the 51-million Thailand electorate. Poll administrators also set up a war-room to monitor online campaigning and political discussion in the lead-up to the election.

Asian Network of Free Elections (ANFREL) noted in its June 21 report *2019 Thai General Elections: A missed opportunity for democracy*, that civil society and the media sector was weakened and “stunted by years of the ban on political activities and hounded by intimidation, abuse of legal processes to suppress dissent, and other threats to the freedoms of expression and association.”

Members of the media also found themselves caught in the “hate” politic and “fake news” war that escalated across platforms. This was fought out between the pro-establishment front led by junta-supported Palang Pracha Rat Party (PPRT), the pro-democracy Thaksin-linked Pheu Thai Party (PTT) and its young but strident ally, Future Forward Party (FFP).

The much-delayed referendum, governed by the 2017 Constitution, failed to bring democracy back on track. Skewed in favour of the junta-created party, the referendum served only to reinstate military dominance in the ruling 19-party coalition with a slim majority in the lower house, but a full backing of the junta-appointed 250-member upper house senate.

The bickering underpinned by the longstanding conflict between the Red Shirts (supporting fugitive leader Thaksin Shinawatra) and the pro-royalist Yellow Shirts was subdued. Far from

being resolved under the military junta as promised, it is poised to grow more polarised, particularly in the online space.

In one of the few positive notes for the year, the Appeal Court in Bangkok dismissed charges of violating the Public Referendum Act against independent media outlet *Prachatai* journalist Taweesak Kerdpoka and four activists on April 11. Taweesak and the activists Phanuwat Songsawadchai, Anucha Rungmorakot, Anan Loked, and Pakorn Areekul were charged in 2016 after officers found ‘Vote No’ stickers as well as leaflets and documents opposing the draft constitution. Phanuwat was arrested the same day, accused of hosting an event for the opening of a referendum monitoring centre.

## CENSORSHIP AND INTIMIDATION

In this precarious state, Thailand’s media community found itself too vulnerable to fight against threats and attacks in the midst of other challenges from digital disruption in the form of “fake” news and hate speech.

The post-election period did not see a return to normalcy, contrary to claims made by Gen Prayuth Chan-ocha when he issued the NCPO chief order on July 9 to relinquish military junta power to a cabinet he still headed. Among 100 diktats, including the two main instruments used to stifle free speech (NCOP No 97/2557 and No 103/2557), were terminated. However, he retained some institutions created by the junta including the power of the military to detain and interrogate those it deemed as threatening the national security.

Soon enough, defiant politicians, political activists, human rights defenders and journalists started to feel renewed pressure.

The foreign media community in Thailand sounded the alarm when it learnt that Phnom Penh-based Belgian

journalist Kris Janssens was prevented from interviewing an activist Anurak ‘Ford’ Jeantawanich. On October 3, Janssens was escorted by five immigration officers from a Bangkok hotel and questioned for five hours at the Immigration Bureau in Suan Plu, without access to contacts or the Belgian embassy.

In a statement issued a day after the incident, the Foreign Correspondents’ Club of Thailand (FCC) termed the police action as “an unwarranted infringement on media freedom” and urged the government to ensure foreign journalists could report on political issues in Thailand “without facing threats of unspecified legal action.”

On September 10, the new Deputy Agriculture Minister, Thammanat Prompao, threatened to sue *The Sydney Morning Herald*, and local media for exposing his past criminal record. And on September 6, Chalermchai Yodmalai, the editor and columnist of pro-junta local language daily *Naew Na* was removed from hosting the morning news talk program “101 News Points” broadcast on the army-owned radio station, FM101MHZ, without prior warning.

These incidents signalled a surge in state surveillance and censorship to counter political activity and debate around the nation-wide constitutional amendment campaign led by the Future Forward party and any press coverage that could threaten the junta’s fragile coalition.

## NEW COMMUNICATION CULT

Thais are among the highest social media users in the world, ranking eighth in social media penetration, at 74 per cent, according to the Global Digital 2019 Report released in January. There are 49 million users of social media on mobile phones, representing a penetration of 71 per cent, as well as 51 million internet social media users.

With the growing suppression of free speech on Facebook and censorship of politically sensitive issues in the mainstream media, young Thais have found Twitter to be a safer space to express views and engage on sensitive topics.

#ThaiElections2019 was one of the top ten hashtags that trended over the last six months of 2019. Others were criticisms against the junta and the

**While lifting a ban on political activities ahead of the March 24 elections, the military junta maintained restrictions on freedom of expression, particularly criticism against its officers and its policies.**

elections. On October 2, #SaveTwitterTH trended top with more than 700,000 tweets.

The military junta and the Thai army are worried about the growing power of social media in Thailand. In January 2019, Army Chief Gen Apirat Kongsompong was forced to retract his order to 150 army radio stations across the country to play the 70's anti-communism song "Nak Paen Din" in his campaign against FFP leader Thanathorn. The restrictions on social media political campaigning prevented political parties from all but posting their party's name, logo, candidates and policy and registering their party Twitter handles with the Election Commission, but it soon became clear that it was impossible to control the world of Twitter in Thailand.

## WAR AGAINST "FAKE NEWS"

In a lead-up to the election, journalists who posed questions about the incumbent government, military influence in the election, the impartiality of the ECT or even interviewed the opposition soon became targets of nationalist tirades and hate campaigns. These included Jonh Winyu, editor of satirical internet-based Spoke Dark TV, and Jomkwan Laopetch, news anchor of Thai Rath Digital TV's high-rating political news talks program Tham Troung Troung (Ask hard-hitting questions).

At the opposite end, news talks program Khao Khon Khon Khao of pro-establishment Nation Multimedia Group (NMG), hosted by Kanok Ratwongkul broadcast an unverified sound bite on March 19 featuring a conversation about political bargaining between two men sounding former PM Thaksin and FFP leader Thanathorn. The audio clip went viral but was later proved to be fake and caused a social media storm with the Twitter backlash hashtag, #NationPohTak or "Blunder The Nation". In defending Kanok, the NMG management said the report was in line with the standard of professional ethics.

"Smear campaigns and slanderous accusations are regular features of any electoral system, but Thailand's election surpassed the "norm" as countless disinformation campaigns in the form of fake news, doctored images, edited

**There are 49 million users of social media on the mobile phone in Thailand, or 71 per cent penetration of mobile users, and 51 million active Internet social media users.**

video, and even content that endorsed outright witch hunts, snuck their way into mainstream media by way of social media channels," wrote media critic Prof Pironrong Ramasoota of Chulalongkorn University, in her *Bangkok Post* column on June 17.

On July 18, the new Minister of Digital Economy and Society, Puttipong Punnakanta, revealed a plan to set up an anti-fake news centre "to take down online content from child pornography to insults against the country's monarchy", in addition to tackling "fake news" and "fake accounts", it raised the alarm.

A spokesperson for the opposition Future Forward Party quickly rebuked the state-sponsored initiative potential use to undermine opposition voices, rather than combating fake news.

Puttipong later said the centre's purpose was to monitor misinformation about natural disasters and events and finance, beauty and health-hazardous products as well as government policies that could cause confusion or panic in the public sphere and undermine national security. Line Thailand has been consulted to provide technical assistance to set up the ministry's Line Official Account to channel 'authentic information'.

Supinya Klanarong, founder of Digital Thinkers Forum, remains sceptical about the Center's purpose, function and scope. "The idea resonates with the global efforts to combat disinformation and the magnitude of problems Thailand is facing. But we need to wait and see how it will unfold," she said.

## LEGAL OVERREACH?

Earlier in 2019, the NLA adopted two laws: the amended National Intelligence Act (NIA) and a new National Cyber Security Act (NCSA). The laws, which went into force in March and April, give state agencies broad powers to pry on and take actions against citizens,

civil society and the private sector for a perceived threat to "public peace and order" and "national security" without.

A new provision in the revised NIA gives powers to intelligence officers to pry on individual, groups and organisations both domestic or abroad seen as threat to national security by "any means deemed as necessary". The law also protects activities such as hacking and wiretapping as lawful and for the benefit of security and prevention of public danger.

The amended computer crime law can be abused to curb free speech with the government increasingly heading toward a path of "digital authoritarianism", a term coined by Freedom House to describe the China-model.

Concerns over the spread of fake news and its impact on human rights and elections in Cambodia, Malaysia, Myanmar and Indonesia have been widely discussed. However, civil society's response to threat of "fake news" in Thailand remains latent and uncoordinated, particularly state-sponsored disinformation campaigns when compared to neighbours such as Indonesia and the Philippines. A number of fact-checking initiatives by media organisations and professional groups already exist, such as Sure and Share of MCOT's Thai News Agency, Sure Before Share of Society of Online News Producers (SONP) and Thai public broadcaster TBPSSs, but none specifically counter state-sponsored disinformation.

A wider concern is that Thailand's media is yet to adequately monitor companies such as Facebook, Google and Line to ensure their business interests and cooperation with the Thai government on the taking down of content and concerns over privacy do not compromise international standards and principles of freedom of expression. Google statistics show the Thai government's requests to take down content spiked at 276 by the end of December 2018, from 150 cases recorded





Demonstrators attempt to break through a phalanx of police outside Thammasat University during a protest to mark the fourth year of junta rule in Bangkok on May 22, 2018.  
Credit: LILLIAN SUWANRUMPHA / AFP

six months earlier.

In January 2019, Facebook said it would cooperate with the junta during the elections to strengthen its capacity and rapid response to safety and security issues and to combat disinformation. The platform has now also started engaging with media and academic institutions on combating disinformation and promoting news literacy with measures such as the “Tips to Spot False News” advertorials done with the Sure And Share Center of the Thai News Agency and Chulalongkorn University and election coverage best practices with some media publishers.

## PERFECTING THE PITCH

Digital disruption continues to contribute to the breakdown of traditional print and broadcast media in Thailand and is forcing media houses to build readership by pitching to selected audiences.

Hathairiat Phaholtap, editor of

the Thai-English social and cultural news site, *The Isaan Record*, views the industrial adjustment as an opportunity. Hathairat, who the *Thai Public Broadcasting Service (TPBS)* in 2018 to join *Isaan Record* said a growth in online news media helped push the boundaries of traditional media and fill a gap left by censorship and lower capacity. Based in Khoan Khan, the Northeast province of Thailand, Hathairat said the online media platform can better articulate the voice of its community with nuance and at the same time cover mainstream issues that are either censored or ignored by the national media.

In May, the business data-driven media platform *Business Today* entered the market. A joint venture between media and market company Adapt Creation, it is run by former editors and executives from the *Nation Multimedia Group (NMG)* and *Media Expert International*, a Bangkok publisher of foreign magazines. Two other business dailies, *Krungtep Turakit* and *Than*

*Setthakit* were already allied under the umbrella of the same business group that owned *Nation Multimedia Group*, while *Prachachart Turakit* under the anti-junta *Matichon Group* has its own niche market.

Online news magazines already in the market the last few years such as *The Standard*, *The Momentum*, and *The Matter*, are also growing fast. They are among top twenty online news sites attracting a large number of viewers during the elections. Orapin Yingyongpattana, the editor-in-chief of *The Momentum*, said it was a good year for online news platforms to operate on modest budgets, largely without a consequence thanks to the election. “But the challenge is that we are now turning to become more like news agencies, competing for the same segment of market and audience”, he said.

Despite its small market share in the digital advertising, online news is poised to grow, due to increasing internet penetration and rising consumption among the urban middle class who can afford technology and a reasonable internet fee.





Thai women walk past a portrait of Thailand's King Maha Vajiralongkorn displayed outside a building near the Grand Palace in Bangkok on May 3, 2019, ahead of the royal coronation in May. Credit: MANAN VATSYAYANA / AFP

## DEFAMATION, THE NEW NORMAL

Less than a month after the elections, Thailand witnessed a spike in defamation cases, mostly by public institutions against their critics including the media and social influencers. Rival politicians also used defamation as a weapon to attack each other, embroiling the media in legal disputes.

The FFP, which was already hit with a separate election-related charge, filed a defamation lawsuit in early April against well-known royal family member Chulcherm Yugala for allegedly accusing the FFP party on a Facebook post of seeking to overthrow the monarchy. The news editor of pro-royalist online news site *Tnews*, Ekkachai Ruangchai, was also hit with defamation case for publishing excerpts of the same Facebook post. On September 18, the Criminal Court acquitted Chulcherm and ruled that his comment did not compromise the party's reputation. It remains to be seen whether the case against the media will also be dropped.

On April 5, anti-junta academic Sirote Klampaiboon and civil rights activist

Nutta Mahattana, who co-hosted Voice TV's election program, were served with separate police summons related to a defamation lawsuit filed against them by the Election Commission of Thailand (ECT). The legal action concerned a Change.org online signature campaign that Sirote and Nutta shared on Facebook on April 3 to invite the public to sign up to remove ECT for its flawed performance.

Defaming a public officer is punishable with up to two years in jail and/or a fine of up to 200,000 Thai Baht (USD 6,450) under Section 326 and Section 328 of the Criminal Code. The ECT action appeared to be aimed at using law to stop the campaign, which had already attracted more than 800,000 signatures. The unprecedented response to the campaign made it the largest in five years, according to Varisra Sornpetch, Thailand Director of Change.org.

On April 11, the campaigners filed a petition with the National Counter Corruption Commission to investigate complaints about the ECT, a small but incremental step toward the impeachment of a public institution in question, in a move mandated under the Constitution.

## CONTEMPT OF COURT

In two separate high-profile cases of "contempt of court", the office of the Constitutional Court and the Supreme Court's Election Cases Division took action to summon political expert Kowit Wongsurawat, independent scholar Sarinee Achavanunthakul, and journalist Yuthana Nuancharat, a news editor business daily *Krungthep Turakit*.

Kowit had criticised the Constitutional Court's ruling related to the media shareholdings of 32 MPs, mostly from the coalition side, in a Tweet published on June 26 as beyond "thick skinned". This followed the court's decision to accept the petition against the politicians, but without suspending their duties. This was in contrast with the same petition against FFP leader Thanathorn, who the court determined to suspend from duty.

However, the court chose not to prosecute Kowit following a meeting at the Office of the Constitutional Court on August 30 after he apologised and



**Compounding the amended computer crime law that could still be abused to curb free speech, the government is heading toward a path of “digital authoritarianism”**

agreed to publish an explanatory note about his misunderstanding of the case. The academic was the first to be summoned by the Court under Section 38 and Section 39 of the amendment to Constitutional Procedure Code, which took effect in March 2018. Defaming an officer, a judge and the court is punishable up to one month's jail and/or a fine of up to 50,000 baht (about USD1600) under Section 39 of the Code.

The statement by the Constitutional Court issued on July 25 to explain the rationale and sanctity of contempt of court in the amended code appeared to be a warning to the public of such offense, following a spike in online criticism of its rulings related to the disqualification of political parties and candidates.

Earlier this year, the court also ruled that the Thaksin-linked Thai Raksa Chart Party's nomination of popular Princess Ubolratana as a party candidate for prime minister was unconstitutional, ultimately leading to the dissolution of the party. There were other pending decisions expected this year related to the election, including the controversial petition filed by the ruling junta against the opposition FFP on “overthrowing the constitutional monarchy”.

The Supreme Court ruled on October 22 dismissing the contempt of court charge Sarinee and co-defendant Yutthana following a court-ordered apology on Sarinee's website, *fringer.co*, for seven days from October 10 and Yutthana, respectively, in *Krunthep Turakit* newspaper for three days and its website for seven days. Sarinee was accused of disparaging the Supreme Court in an article titled “Perils of Excessive Rule by Law (Revisited), the Case of

Media Shareholding by MPs Candidates published in the newspaper on May 14.

## HARDER TIMES

The 800 job losses recorded in the year include 120 media workers from two established newspapers, the national English daily *The Nation* and the Thai-language business daily *Post Today*, which closed their print editions this year to go digital-only following years of business losses. One of the oldest political newspapers in the country, *Siam Rath* also closed down its 66 year-old news magazine *Siam Rath Weekly*.

Another 700 job losses were from broadcast media, including seven digital TV stations largely operating in the red since 2014. In May 2019, General Prayuth issued NCPO Chief's order No. 4/2562 to bail out the anti-junta *Voice TV*, and six other six pro-establishment stations: *MCOT Family*, *Spring*, *Spring News*, *3SD*, *3 Family* and *Bright TV*, to return their operating licenses to the NBTC with a compensation package. With a combined worth of three billion *baht* (about USD 100 million), the order also waived the licensing fees of the operators wanting to continue operation.

NBTC secretary general, Takorn Tantasith, said the stations had a combined net loss worth of about 10 billion baht (USD 90 million) and he could not see a recovery any time soon. A Thai media market seen as vibrant five years ago has lost out to the internet, with only 15 out of 22 digital channels left in operation after September 2019. Thai TV cancelled two channels in 2015. Remaining digital channels *TNN*, *True 4 U*, news and entertainment channel *GMM News* were also struggling and were planning to reduce staff by the year's end. Even the army-owned station Channel 7 planned to retrench a large number of staff working for the now-defunct analogue channel.

The National Union of Journalists Thailand (NUJT) and other four media professional groups, the Thai Journalists Association, Thai Broadcast Journalists Association, Thai Broadcast, The News Broadcasting Council of Thailand as well as the Press Council of Thailand have all criticised the NBTC's bail-out program as unfair to laid-off staff, who were among the most experienced and committed professionals. In a joint statement on

May 14, the coalition said not all of the seven stations had suffered losses but were compensated with a huge sum of money. They urged the industry to ensure fair treatment for staff by compensating them above the standard required by the labour law.

Television advertising continued to shrink in 2019 and the 2020 forecast looks grim, according to data from media and marketing research agency Media Intelligence. Advertising in the media sector is set to decline by 2.83 per cent to 8.73 billion baht (USD 2.5 billion), as internet and ‘out of home’ (OOH) platforms are expected to grab a larger share of the market.

“Experienced journalists who lost their jobs will find it hard to adjust to the new landscape where the working conditions, content and speed would be far different from what they were used to,” said Mongkol Bangprabha, President of the Thai Journalists Association.

The current media market requires journalists to have multi-platform skills, but with relatively low compensation. Work is too often under part-time or freelancing conditions, without social welfare or other benefits.

According to the NUJT, the figures of actual job losses might be much higher than the figures documented. According to insiders, a significant number of media workers – particularly field reporters – left their jobs due to management pressure to resign or other personal reasons.

NUJT and a coalition of professional groups have set up a centre to monitor the labour crisis in the media industry and are helping some media workers with legal aid, while also supporting them to negotiate with their employers. This includes a number of Channel 3 staffers who filed petitions with the labour court for unlawful termination and unfair compensation. A series of skill building and knowledge support programs have been planned to enable journalists to survive in the changing media landscape, NUJT said.

What is clear by year's end is that the largest media lay-offs ever to hit the Thai media industry had raised concerns, not only over the livelihoods of media workers into the future, but also about the impact on quality journalism and the capability of the media to hold powers to account. •

## TIMOR LESTE

# NEW COUNTRY, OLD CHALLENGES

During the struggle for restoration of independence, the leadership of what was then East Timor committed to freedom of expression and a free media. In 2019, the country marked 20 years since the people of East Timor voted overwhelmingly for independence from Indonesia after 24 years of occupation which paved the way for a new media industry.

After the birth of the Democratic Republic of Timor Leste in 2002, the promise of democracy was, in part, demonstrated by constitutional guarantees of press freedom. The country also witnessed the critical emergence of print, electronic, radio and online portals.

According to the Press Council of Timor Leste, in 2017 there were 50 media organisations: 10 print, including five daily newspapers; 33 radio stations, four television stations, four online media, three of which are privately owned (partly supported by political parties) and one online state news agency.

In this burgeoning media landscape, many challenges need to be surmounted and much needs to be done to guarantee genuine press freedom in Timor Leste.

The 2019 survey by the South East Journalist Unions (SEAJU) and the International Federation of Journalists (IFJ) canvassed 49 media workers in Timor Leste. The survey revealed that 63 per cent of respondents felt that the country's media situation had "significantly improved" over the past 12 months. Despite the positive outlook, however, the survey found certain threats persist. Poor wages and working conditions is considered the main threat to press freedom (according to 41 per cent of responses), followed by the threat of targeted



### TIMOR LESTE:

■ **Media freedom situation:** Improved

■ **Key safety threats:** (1) Poor wages and working conditions, (2) Targeted attack for my journalism

■ **Key influencers on safety situation:** (1) Government policy or legislation, (2) Journalist ethics and professionalism

■ **Media safety rating:** Acceptable/Moderate

■ **Biggest workplace safety issue:** Equal score: (1) Threats to individual; Threats to organisation

■ **Influencing factor on safety:** Education/training

■ **Media impunity scale:** 4.7\*

■ **Impunity influence:** Political leadership

■ **Justice system ranking:** 4.3\*

■ **Survey base:** 49 survey responses covering 6 provinces. Largest survey base: (1) Dili

\*Scale out of 10 based on media worker/ attitudes/ responses – with 1 representing the most positive score and 10 the worst score.

attacks for journalism (20 per cent).

The country's new media law, number 4/2014, articulates the state's commitment to press freedom. This commitment is reflected in the survey responses, with 84 per cent of journalists surveyed rating the government's efforts as "acceptable" but "needing improvement". The law itself is a demonstration of the government's political will, although effective implementation is wanting.

Although Timor Leste ranks higher

than its neighbours on international indices of press freedom, the reality is not quite as rosy. Journalists continue to face many problems in their daily work.

### LACK OF TRANSPARENCY

Access to information is one of the most important professional aspects for journalists, helping them produce in-depth, clear, balanced and well-informed reports. However, one





The birth of the Democratic Republic of Timor Leste in 2002 supported democracy with constitutional guarantees of press freedom. A sunset tribute was among the many celebrations marking 20 years since Timor Leste's historic independence vote celebrated across the country in September 2019. Credit: EUGENIO PEREIRA



of the main problems journalists in Timor Leste continue to face, is a lack of access to crucial information and documents. The government holds a monopoly on information, regularly refusing to give documents to the media. In particular, this information includes proposals by companies that have participated in bidding for government projects and too often fall beyond scrutiny by the media. Even after the bidding and decision-making process is complete, relevant

documents are not accessible by the media.

There are several reasons for this. Some sources are still yet to comprehend and understand the role of the media, and in other cases, officials are hesitant to give information in fear of losing their jobs. In what appears to be an attempt to hide corruption, some officials claim – inaccurately – that the information they possess is a state secret.

Domingos Gomes, a journalist for

*Jornal Independente* said: “Many times, I meet with sources but they refuse to give comments. Some of them are afraid. Others say, ‘it’s a state secret’. So, I can’t really produce a good story.”

The lack of transparency on the part of the government makes it challenging for journalists to produce complete and balanced stories.

Article 41 of the Social and Communication Law (the Media Law) 4/2004 penalises attempts to thwart freedom of information. Acts that stop,



threaten, prohibit or deny space to those carrying out journalistic work can be punished with up to two years imprisonment. Yet the inadequacy of legal procedures to gain access to supporting documents to implement this law makes its efficacy dependent on official whims.

Timor Leste's Press Council is raising awareness about the media law among the police, the defence forces and the authorities in districts. Such publicity is aimed at giving the message that the work of journalists must be respected. The Press Council explains in practical terms that it is against the law to stop a journalist from covering a story, from filming or taking pictures of the house of a minister, for instance. The law also says that if a journalist asks for comments, the government has to cooperate.

Importantly, real freedom of the press lies not only in legal guarantees but also their effective implementation. In reality, however, many government officials are unaware of the rights of journalists. Much more needs to be done to raise awareness around these guarantees.

## LONG ARM OF THE STATE

There remains considerable intervention by the government in the editorial decisions by state-owned TV-station TVTL (which is part of RTTL - Radio Televisi Timor Leste). A government-appointed advisor

sits in the editing room, overseeing journalistic activities and decides what stories to cover, how they should be covered and also which sources should be used.

The control is clear: if a TV-station doesn't follow instructions, funding will be reduced.

In October last year, another act of interference came to light when the State Secretary for Social and Communication, Mericio Juvinal do Reis 'Akara', assigned his advisor Francisco da Costa Gari to investigate Gill da Costa, president of the board of the state-owned radio and television station RTTL and also a member of the opposition party Fretilin. Following the investigation, Akara removed Gill da Costa from the RTTL board, replacing him with Francisco da Costa Gari. This clear conflict of interest is yet another sign of the erosion of editorial independence at RTTL.

Timor Leste's Press Council has issued strong statements to condemn such intervention, asking all institutions to respect editorial independence, and to refrain from political intervention and interference at RTTL. It also asked for the rights of journalists to be respected,

pointing out the public has a right to balanced and credible news at the state-owned TV-channel.

## CONTROLLING THE NARRATIVE

Most media institutions are commercial organisations, which make money through advertising. But Timor Leste is a small country and media operations compete with each other to get government attention, with most media relying on advertisement revenue from the government. This puts media in a precarious situation, with the government able to intervene or stop advertising anytime. When authorities are unhappy with certain coverage, they withhold advertising as punishment. Indeed, if a journalist writes critical stories about a minister, subscriptions can also be cut.

This situation continues to give authorities undue influence over news coverage, putting journalists in an uncomfortable position in the workplace: both in terms of critical reporting and the subsequent economic impacts. Aside from the clear impact on media independence, the end result is a media that is pressured to focus on

**Although Timor Leste ranks higher than its neighbours on international indices of press freedom, the reality is not quite as rosy.**



Timor Leste Prime Minister Taur Matak Ruak speaks to the Media after his weekly meeting with President Francisco Guterres Lú Olo in Dili on November 6, 2019. Credit: JOSE BELO





Twenty years on from Independence Timor Leste still has work to do to guarantee genuine press freedom in the country. East Timorese refugees cheer the arrival of trucks carrying Australian troops and United Nations representatives to a refugee camp in Dare, East Timor, outside of the capital of Dili, September 21, 1999. Credit: DAVID GUTTENFELDER / POOL / AFP

psychological pressure on journalists considering doing critical stories, giving rise to self-censorship.

“safe” stories that don’t rock the boat or jeopardise advertising revenue.

The daily *Jornal Independente* has already been blacklisted by Dionisio da Costa Babo Soares, the current Minister of Foreign Affairs, after publishing an article regarding suspicions that he had a child outside of marriage. At the time, he was not yet a minister but held a government post. The case was subsequently taken to court and later when he became minister of foreign affairs, he stopped the allocation of advertisements to the newspaper.

While journalists are expected to do their jobs in accordance with high professional standards, to do so they need to be paid decent wages. However, media organisations in Timor Leste continue to pay very low salaries which are insufficient for most journalists to make a decent living and provide for their families. This results in journalists being forced to take on other work after hours to supplement their income. It also affects their professionalism and

independence, when journalists turn to sources who are more likely to give a fee for their services.

The lack of decent wages, benefits, bonuses and decent welfare measures continues to discourage and undermine good journalism in Timor Leste.

Within the government, all serving ministers have media officers who write positive stories about the government’s policies and activities and publish them on various social media platforms. These media officers also attack critical media, calling them “incompetent” or “thieves” and label their stories “hoaxes” and try to destroy the reputation of the media.

But these media officers are the very authorities that journalists must approach when they are seeking interviews with a minister. These officers can block access to ministers in various ways and regularly attack the media if stories are published without official comment.

These actions continue to exert

## VIOLENCE AND THREATS

The number of violent attacks against journalists is low in Timor Leste compared with other countries in the South East Asia region. In the IFJ-SEAJU survey, 61 per cent of respondents said their employer did not provide any safety or security measures to protect them. The majority of respondents said leadership was key to improving journalist safety in Timor Leste. What is clear is that the few cases of violence that have occurred need to be addressed in order to prevent numbers from going up.

According to Press Council data, from 2016 to 2019, two cases of violence against journalists were registered. There were four cases of threats or discrimination, committed by the state and government officials. In one case, a press officer sent a message to a journalist and publicly wrote on Facebook: “This person committed





**There are renewed moves to include defamation in the penal code, with the Justice Minister Manuel Carceres stating publicly in May 2019, that the government intended to propose relevant amendments.**

Students participate in the “Road to Peace” rally in Timor Leste’s capital Dili to celebrate the 20 year anniversary of the successful referendum vote for independence on September 4, 2019. Credit: EUGENIO PEREIRA

gross defamation against our minister. You will see the consequences later. You will face justice.”

Many media workers practice various forms of self-censorship to deal with such intimidation. For example, reporters who have been sent out by their editor to chase a story might become cautious and come back saying they could not find a source.

In terms of safety and security issues, 60 per cent respondents of the IFJ-SEAJU survey ranked threats to the individual along with threats to the workplace as the main issues.

To date, no state officer or any other individual has been prosecuted for violating the laws that are there to protect the media. This raises doubts about the commitment of the government to true media freedom in Timor Leste, and more specifically

the Secretary of State of social and communication, whose task it is to protect journalists.

During its visit to Indonesia in March this year, the Timor Leste Press Council signed several agreements with local organisations to promote press freedom in Timor Leste and Indonesia. This move came at a time when the number of complaints, including the breach of code of ethics as well as threats against journalists were predicted to increase in the coming years.

### CRIMINALISING DEFAMATION

A UNTAET Executive Order in 2002 decriminalised defamation.

Controversially, a first version of the penal code, ratified by parliament in 2005, included defamation as a crime in line with the Indonesian and

Portuguese criminal codes. Following protests by civil society groups, NGOs and the international community, the then President, Xanana Gusmao, called on the parliament to drop the proposal.

During the 4<sup>th</sup> constitutional government, there was a new attempt by the minister of justice, who was drafting a new penal code (at that time Timor Leste still used the Indonesian penal code) to include defamation as a crime. However, the article was later removed. Nevertheless, these attempts were seen as threats to scare journalists from doing investigative stories about collusion, nepotism and corruption in official circles in Timor Leste.

On December 12, 2008, the office of the Prosecutor General used the provisions for criminal defamation despite the UNTAET Order clearly stating that the law of defamation was not an applicable criminal offence in the country. The order was made in



relation to an article written by *Tempo Semanal* about corruption allegations against the then Justice Minister Lucia Lobato in a case about the supply of uniforms to prison guards. This led to protests and petitions from civil society, international solidarity movements and journalists. Later in 2009, when the first Timorese penal code was finally approved, it was without an article dealing with criminal defamation. The case against *Tempo Semanal* was then dropped.

Ten years on, there are renewed moves to include defamation in the penal code, with the Justice Minister Manuel Carceres stating publicly in May 2019, that the government intended to propose relevant amendments. This idea was widely accepted by other state actors with the president, speaker of the parliament as well as the opposition expressing their support for the proposal. It should be noted that under the Communication Law, there are avenues to request media rectification and to demand civil liability for defamatory material, but these avenues are rarely used.

Civil society groups have said that if Timor Leste goes ahead with the introduction of criminal defamation, it would amount to a betrayal of constitutional promises of democracy.

**When authorities are unhappy with certain coverage, they withhold advertising as punishment.**

The consequences are potentially huge, notwithstanding the negative impact on journalists and the entrenched fear of doing critical stories. The end result may be that the media walks away from investigative reporting altogether because of the severity of the consequences.

While the penal code does not currently criminalise defamation, the provision of the old Portuguese criminal code, Article 285 for “slandorous denunciation” has been referred to by press freedom advocates as a ghost of a colonial Portuguese law that can put a journalist behind bars for up to three years.

The rationale behind the Article is to prevent people from abusing the justice system as an instrument of retribution against others. However, in 2016 the public prosecutor received a complaint

from the then Prime Minister Dr Maria de Araujo in relation to a story published by two journalists from the *Timor Post*. The prosecutor used Article 285 to investigate and prosecute the two journalists. After a lengthy process and a campaign by Timorese and international media, including the IFJ, the Court cleared the journalists of any charges. But the case did raise questions regarding the use of this criminal provision as a weapon against journalists.

According to *JU,S Jurídico Social*, which provides legal assistance to strengthen human rights in Timor Leste, this legal provision is being misused by Timorese authorities and has the potential to seriously impact the right of freedom of expression. While this criminal offence is intended for use when there is clear evidence of false accusation, there is potential to use it against individuals and to silence media as a defamation law alternative.

In a new country where there is limited understanding of the complexities of the legal framework and where options for legal challenges are also limited, journalists in Timor Leste need to be equipped with sufficient information, support and training to adequately protect themselves and safeguard the freedom of the press. •

Former Prime Minister of Timor Leste, Xanana Gusmao, is greeted by students on August 3, 2019 while attending an event to commemorate the 20th anniversary of the referendum in Tasitolu, Timor Leste. Credit: EUGENIO PEREIRA



# KEY FINDINGS AND RESULTS

## Demographics:

The greatest proportion of journalists surveyed in the IFJ-SEAJU survey were aged 26-35 (41%), followed by 36-45 (28%).

AGE	18-25	26-35	36-45	46-55	55+
	13%	41%	28%	10%	7%

WOMEN 35%	MEN 65%
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## Professional Career:

- 57% of respondents were reporters/ journalists; 10% were multimedia journalists; and smaller numbers were represented in other professional sub-sections.
- Within media platforms, 32% identified as working in print media, followed by 23% in digital, and 5% in television. In the digital space, 23% of journalists identified as digital media journalists, while another 10% respectively identified as having the work primarily in social media and multimedia.
- 40% of journalists surveyed were employed by metro-based media, 28% by regional, and 16% by local media.
- 61% were employed by private media, 24% by public and 7% by the community. Another 5% identified themselves as self-employed.
- 50% were full-time regular employees, followed by 26% identifying as freelancers. There were also 11% of full-time contract employees and 5% of part-time employees.
- The most common beats covered by the respondents were: (1) general news, (2) politics/ governance, (3) human rights (3) crime/law. In Myanmar, 27% of respondents covered human rights.
- 65% were members of professional organisations or unions, and 47% said their unions or organisations had already conducted meetings/ discussions or dialogues with government or state on the issue of media safety.

## Media Situation:

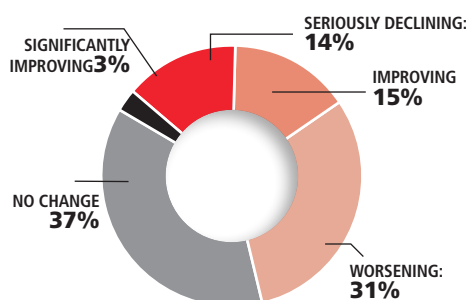
The biggest threats across South East Asia were: (1) Arrest or detainment by authorities; and (2) Targeted attacks for journalism.

## By country, the key threats were as follows:

- Cambodia: Arrest or detainment by the authorities
- Indonesia and Myanmar: Targeted for journalism work
- Malaysia: Poor wages and working conditions
- Philippines: Equally scoring were - Online harassment; Attacks on the workplace; Being reprimanded or sacked from job; Targeted for journalism work
- Thailand: Cyber-attacks through mobile devices
- Timor Leste: Poor wages and working conditions
- 61% of journalists said their work created safety concerns for them
- In the past 12 months, 25% of journalists had negative experiences related with their work
- 24% of journalists were personally threatened; 9% received threats through messages; another 9% were sacked, demoted, or reprimanded at work; and 8% were physically attacked.
- 37% of the respondents said the media situation in their country had not improved or remained unchanged in the past year in terms of impunity. The reasons cited for the lack of positive developments were: (1) Media ownership; and (2) government policy or legislation.
- In Cambodia, 50% of journalists felt that the media situation was seriously declining. Key influencers on safety situation were: (1) State/ political actors, (2) Government policy or legislation
- Journalists in Timor Leste felt the media situation had improved (63%). Key reasons for this were (1) Government policy or legislation, (2) Journalist ethics and professionalism

## PRESS FREEDOM

The report card on media freedom in South East Asia



## BECAUSE OF:

- State/political actors (Cambodia)
- Media ownership (Indonesia)
- Government policy or legislation (Malaysia, Myanmar, Timor Leste)
- Journalist ethics & professionalism (Philippines)

\*Thailand results not recorded

## Government efforts:

- Nearly a third of respondents (33%) defined government efforts to provide sufficient protection to journalists as worsening. Respondents in Myanmar and Timor Leste ranked their governments' efforts as acceptable, with 66% and 84% of respondents respectively. In Malaysia, 51% of respondents ranked it as moderate or neutral.
- The key influences that defined the level of government commitment or otherwise to address the safety situation for journalists were: (1) Media controls (25%), followed by (2) Legal mechanisms for journalist safety (16%)
- In Cambodia and Myanmar, a majority of respondents identified media control as the biggest influence on the safety situation. While in the Philippines, the main factor was political statements by the government or politicians.

## Workplace issues:

- The majority of respondents (57%) said their employers or media organisations do not provide adequate safety and security measures to protect them.





In Cambodia, persecution and general distrust of journalists by government actors continued this year. Cambodian Prime Minister Hun Sen (R) speaks at a press conference with South Korea's President Moon Jae-in (L) in Phnom Penh March 15, 2019. Credit: TANG CHHIN SOTHY / AFP

- In the Philippines, however, more than half of all respondents (58%) said their employers or media organisations did provide the safety and security measures for them.
- 38% of respondents ranked employer handling of safety and security issues as neither positive or negative. A lack of leadership and awareness was identified as the key influence.
- In the workplace, the biggest safety and security issues for journalist workplaces were (1) legal issues, (2) threats to journalists and (3) personal attacks.
- 28% of journalists said legal issues had affected them or their workplace colleagues within the last 12 months.
- Legal issue was also the main key safety and security concerns for journalists in Cambodia, Indonesia, Philippines, Myanmar, and Thailand. In Timor Leste, the main factor were the threats to individual and threats to organisation, which had the same percentage of the responses, and in Malaysia, respondents were said that the key safety and security concerns for them was threats to individual.
- 43% ranked their employers handling of the incidents as good and the key factor for this were communication.

### Impunity

- The four predominant negative influences on impunity in South East Asia were identified as: (1) political leadership, (2) government, (3) justice system, and (4) journalism ethics.
- Journalists in four countries (Cambodia, Indonesia, Malaysia, & Thailand) identified the government as the dominant impunity influence.
- The overall regional ranking for the South East Asian government's handling of impunity was 7.2 out of possible score of 10 (1 being excellent and 10 being extremely poor).
- Criminal and civil justice system handling of threats and violence against journalists was 7 out of possible score of 10 (1 being excellent and 10 being extremely poor).

1. This question of the reasons on the media situation was not answered by Thailand respondents

2. This question of the key factor on how the employers handling of the incidents was not answered by Thailand respondents

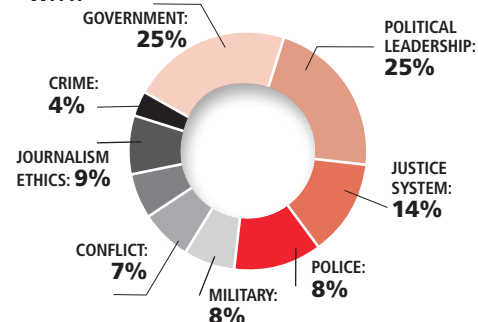
### IMPUNITY

**Impunity ranking: 7.2** (UP FROM 7 IN 2018)

**Justice system ranking: 7** (UNCHANGED)

\*scale out of 1-10 based on media workers attitudes/responses (10 being the worst score)

#### WHY:



#### KEY INFLUENCES BY COUNTRY:

- **Political leadership:** Cambodia, Malaysia, Myanmar & Timor Leste
- **Government:** Indonesia, Philippines & Thailand

#### SAFETY AND SECURITY CONCERNS:

1. Threats to organisation
2. Personal attacks
3. State intervention or police raids

#### KEY THREATS TO JOURNALISM:

1. Arrest or detainment by authorities
2. Targeted attack for journalism work
3. Threats to myself or others close to me; Poor wages and working conditions

**61% felt insecure because of their job in the past year** (up from 50% in 2018)



**24% were personally threatened**



**28% had legal issues affect their place of work**



## ■ MEDIA RIGHTS VIOLATIONS IN SOUTH EAST ASIA

BY JOURNALISTS' SAFETY INDICATORS (JSI) NOVEMBER 1, 2018 – OCTOBER 31, 2019

IFJ-SEAJU violations monitoring is undertaken by the IFJ Asia-Pacific, together with IFJ affiliates in South East Asia. IFJ mapping provides specific categorisation of violations of journalists across the region by UNESCO Journalist Safety Indicators (JSIs). These indicators are further defined by IFJ classifications.

### SOUTH EAST ASIA VIOLATIONS BY JOURNALISTS' SAFETY INDICATORS (JSIS)

1. THREATS AGAINST THE LIVES OF JOURNALISTS - 9
2. OTHER THREATS TO JOURNALISTS - 219
3. NON-FATAL ATTACKS ON JOURNALISTS - 35
4. KILLINGS OF JOURNALISTS - 2
5. THREATS AGAINST MEDIA INSTITUTIONS - 17
6. ATTACKS ON MEDIA INSTITUTIONS - 20

**TOTAL: 302 VIOLATIONS RECORDED**

#### IFJ Indicators

- a. Arrests/jailing: 7
- b. Attacks/threats against freelancers: 1
- c. Attacks/threats on rural, regional or minority journalists: 4
- d. Defamation attacks/threats: 5
- e. Disappearances: 1
- f. Gender-based attacks: 2
- g. Legal cases: 16
- h. Legislation/Government Controls: 5
- i. Online attacks/internet shutdowns: 9
- j. Wage threats: 3

#### Notes:

Internet shutdowns for the purpose of monitoring are recorded as attacks on the media. Intimidation and harassment are considered threats to journalists. Arrests and jailing are listed under threats to journalists but further detailed under the IFJ indicators above.

### CAMBODIA

1. Threats against the lives of journalists: 0
2. Other threats to journalists: 5
3. Non-fatal attacks on journalists: 2
4. Killings of journalists: 0
5. Threats against media institutions: 0
6. Attacks on media institutions: 1

**TOTAL: 8**

#### IFJ Indicators

- A. Arrests/jailing: 2
- C. Attacks/threats on rural, regional or minority journalists: 1
- G. Legal cases: 3

#### OTHER THREATS TO JOURNALISTS

**February 12, 2019: Ang Snuol, Kandal (G) \*\***

Businessman Tak Chilao files a complaint against three journalists - Uon Minea, of *Khemrak Angkor*, Tun Mouy, of *Khmernote*, and Thuok Samnang of *Kampot Daily*. He accuses the journalists of interrupting business operations by blocking the entrance with their cars and extorting money from the owner of a mining pit in the area. The reporters claim they were visiting the site to report on operational irregularities. They were detained a day later on February 13 and released the following day.

**March 15, 2019: Siem Reap, Siem Reap Province (G) \*\***

*Kampuchea Sovanphum News* publisher, Phlong Ret, receives a court complaint filed by the president of Boeng Pearaing Bird Sanctuary Tourism and Culture, Kong Mongkul. The complaint relates to a story on forest clearing published on the website on March 12, 2019. In a video clip, the publisher said the local authority colluded with a businessman in order to clear a flooded forest.

**June 26, 2019: Phnom Penh, Phnom Penh Municipality (A) \*\***

Translator and local journalist Rath Rott Mony is sentenced to two years in prison for his work with Moscow's *RT News Service* after the news service produced a documentary on child prostitution called "My Mother Sold Me". His sentencing came after two hearings on May 30 and June 12 that found him guilty of "incitement to discriminate".

**July 19, 2019: Muoy, Sihanoukville (A) \*\***

Two reporters are arrested for covering the protest regarding an ongoing land dispute. Hun Sokha, of Facebook media outlet *CPNTV*, and Keo Rattana, a reporter for *TN TV Online*, were reporting from Sihanoukville's Muoy commune covering the story of a 20-year dispute between villagers and the powerful Thai Boon Roong corporation when they were arrested.

**July 26, 2019: Phnom Penh, Phnom Penh Municipality (G) \*\***

Court trial proceedings begin against two former *Radio Free Asia (RFA)* journalists accused of espionage. Uon Chhin and Yeang Sotheary both deny they shared state secrets. On October 3, the Phnom Penh Municipal Court defers a verdict in the trial and orders a new investigation into the case.

#### NON-FATAL ATTACKS

**January 26, 2019: Beong Pearang, Siem Reap (C) \*\***

Sim Chhivchhean Piseth, a journalist for the Cambodia Media Association for Freedom, is assaulted by community leader Kong Mangkul and his accomplices while reporting on forest clearing near the river fishing area in the Siem Reap province.

**June 17, 2019: Phnom Penh, Phnom Penh Municipality (F) \*\***

April Reposar, a Philippine journalist, resigns from the *Khmer Times* after allegedly being sexually harassed by the newspaper's publisher, Mohan Tirvmanasam Banddam. The journalist wrote an open letter to the Philippine embassy in Phnom Penh outlining the details of the incident and provided screenshots of WhatsApp messages between her and the publisher.

#### ATTACKS AGAINST MEDIA INSTITUTIONS

**December 25, 2018: Phnom Penh**

*Radio Free Asia* broadcasts a leaked 15-minute audio recording of Cambodia's prime minister, Hun Sen, ordering CNC TV owner, Kith Meng, to remove the company CEO, Ouk Vora, from his position. The conversation relates to Vora's alleged plan to fire 32 staffers, including a pregnant female relative of the leader. Hun Sen went on to warn Vora that if Meng refused to go he could "face protests" and that he could "handcuff an opposition party leader in the middle of the night".

### INDONESIA

1. Threats against the lives of journalists: 1
  2. Other threats to journalists: 15
  3. Non-fatal attacks on journalists: 24
  4. Killings of journalists: 0
  5. Threats against media institutions: 0
  6. Attacks on media institutions: 3
- TOTAL: 43**

#### IFJ Indicators

- A. Arrests/jailing: 1
- B. Attacks/threats against freelancers: 1
- C. Attacks/threats on rural, regional or minority journalists: 2
- D. Defamation attacks/threats: 1
- G. Legal cases: 4
- H. Legislation/Government controls: 1





Former employees of Syarikat Ritz Global TV Berhad lodged a report with Malaysia's Labour Department over unpaid wages affecting at least 15 staff. Credit: Malaysiakini

## THREATS AGAINST THE LIVES OF JOURNALISTS

### December 4, 2018: Pakpak Bharat, North Sumatra (B) \*\*

Correspondent for TV station, *TV One*, Irvan receives a death threat warning him against entering the area of Pakpak Bharat, North Sumatra. Irvan had previously voiced concerns over public services in Pakpak Bharat in his stories.

## OTHER THREATS TO JOURNALISTS

### November 27, 2018: South Jakarta, Special Capital Region of Jakarta (G)

Mawa Kresna, a journalist from *Tirto.id*, is threatened with legal action by the special staff to the Minister of Research, Technology and Higher Education Abdul Wahib Maktub.

### December 7, 2018: Central Jakarta, Special Capital Region of Jakarta

President Joko Widodo commutes the sentence of convicted journalist killer I Nyoman Susrama from a life sentence to 20 years' jail time. Susrama was convicted of killing Balinese journalist Anak Agung Gde Bagus Narendra Prabangsa.

### January 8, 2019: Kendari, Southeast Sulawesi (G) \*\*

South East Sulawesi journalists Fadli Aksar, of *Detiksultra.com*, and Wiwid Abid Abadi, of *Okesultra.com*, are reported to police by a legislative candidate after publishing stories on allegations of financial fraud involving the candidate.

### February 18, 2019: Blora, Central Java (D, G) \*\*

The Indonesian Olympic Committee in Blora, Central Java, files a defamation complaint against the local media outlet, *infodesanews.com*, following a story on alleged budget misuse.

### March 5, 2019: Belawan, North Sumatra

Five journalists are intimidated by the two security officers after covering a national safety and health at work event in Pelindo I, a port operator, in Belawan, North Sumatra.

### April 9, 2019: Surabaya, East Java

Police intimidate and force Fajar Mujianto, a journalist at *jatimnow.com*, and Anggi Widya Permani, a journalist at *Suara Surabaya*, to delete photos and videos of police using excessive force against supporters who had gathered outside the Gelora Bung Tomo stadium in Surabaya.

### April 29, 2019: Bangkalan, East Java

The District Court of Bangkalan, Madura, East Java, releases a perpetrator who assaulted *Radar Madura* journalist Ghinan Salman after he recorded staff of the District Office of Public Work and Housing playing table tennis during work hours.

### May 15, 2019: Bireuen, Aceh (A) \*\*

A court in Bireuen hands down a one-year sentence to M. Reza, a journalist for *Realitas.com*, after he is found guilty of defamation for posting a statement on Facebook. The case was brought by the brother of the area's Bireun Regent, whom he alleged had been 'granted legal immunity' for taking subsidised oil from a corporation.

### July 9, 2019: Mataram, West Nusa Tenggara

Journalists Fitri Rachmawati and Derry Harjan are intimidated by a police officer while covering a bribery trial of a female police officer in the corruption court in Mataram, West Nusa Tenggara. The police officer and husband of the defendant forced the journalists to stop taking pictures.

### July 18, 2019: Padang, West Sumatra

Journalists from public broadcaster *TVRI Padang*, West Sumatra, are denied access to film in the area of the Great Mosque of West Sumatra.

### August 28, 2019: Jember, East Java (H)

Journalists in Jember, East Java, are asked by the authorities to not cover protests against discrimination in Papua and instead told to report on government-friendly messages from the protesters.

### September 5, 2019: Ambon, Maluku

Dozens of Go-Jek drivers harass and block access to journalists covering the meeting between the drivers and Ambon Legislative Council members. One driver took the press card of a journalist. The day before, one of the journalists from *iNews TV*, who was covering the protest, was also intimidated by drivers and police present at the demonstration.

### September 13, 2019: South Jakarta, Special Capital Region of Jakarta

Journalists covering a demonstration in front of the Corruption Eradication Commission (KPK) in Jakarta are harassed by protestors and denied access to the scene. Some have their equipment smashed. Protesters also threw stones at a press room located beside the lobby of the KPK building.

**September 11, 2019: Jayapura, West Papua (C) \*\***

Members of the Papua Mobile Brigade, known as Brimob, search the house of journalist Benny Mawel without a warrant allegedly looking for a student activist identified as Lucky Siep.

**September 26, 2019: Jakarta, Special Capital Region of Jakarta (A)**

Dandhy Dwi Laksono, a journalist and documentary filmmaker, is arrested for tweets on the conditions inside Papua and charged under the Information and Electronic Transaction Law.

**NON-FATAL ATTACKS****December 10, 2018: Terong Tawah, West Nusa Tenggara**

Zulfahmi, journalist for *Radar Lombok*, is attacked by a mob in Terong Tawah village, West Lombok while covering a clash after the local election. He is hit on the face and his mobile phone taken.

**December 13, 2018: East Jakarta, Special Capital Region of Jakarta**

Two journalists are assaulted by a mob while covering an attack on Ciracas Police Station in East Jakarta. A mob of around 100 men had attacked the station over dissatisfaction with police handling of an assault case the previous day. The mob prevents journalists from recording the attack and a journalist is hit on the head and left bleeding.

**January 5, 2019: Bandung, West Java**

Journalist Rio Tuasikal is forced to delete photos while covering a demonstration of a group protesting the launch of a book about the Islamic movement Ahmadiyya in Bandung, West Java. Five protesters attack the journalist before he could free himself and seek police protection.

**January 12, 2019: Pematangsiantar, North Sumatra**

Tri Aditya, a journalist for the online media outlet in *Pematangsiantar* in North Sumatra, is assaulted by a group of men following a report on illegal logging. Tri is beaten and hit on the head before being rushed to hospital.

**January 26, 2019: Bima, West Nusa Tenggara**

Ibrahim, a correspondent in Bima, West Nusa Tenggara is attacked by a civil servant teacher after confronting a teacher about allegations of wrongdoing.

**February 19, 2019: Medan, North Sumatra**

Eddy Sah Putra Tarigan, a *Posmetro* daily journalist is assaulted by an unidentified man. The journalist was previously assaulted over his coverage on illegal gambling in the Karo regency area of North Sumatra.

**February 21, 2019: Central Jakarta, Special Capital Region of Jakarta**

Journalists covering the "212 Munajat Night" rally in Jakarta are attacked by

members of the Islamic Defender Front. During a gathering, a journalist from *Detik.com* is dragged into a VIP tent where he is verbally abused and hit, his phone taken and footage deleted.

**March 27, 2019: West Jakarta, Special Capital Region of Jakarta**

Several journalists are attacked by a local gang leader as he arrives at court. One journalist recorded the assault as he was punched in the face by the gang leader.

**May 1, 2019: Bandung, West Java**

Journalists Prima Mulia and Iqbal Kusumadireza aka 'Reza' are assaulted by police while reporting on the International Labour Day march in Bandung, West Java. After the journalists took photos of the clash between protesters and the police, police seized Reza's camera, erased photos and hit his legs. Prima was also approached by three police officers who threatened him and forced him to delete photos.

**May 21-22, 2019: Central Jakarta, Special Capital Region of Jakarta**

More than 20 journalists are subjected to intimidation, persecution and assault while covering the protest against the election results released by the General Elections Commission. Journalists are physically attacked by police and protesters near the building of the Elections Supervisory Agency. Some equipment is seized and journalists forced to delete footage. One journalist's motorcycle is also set alight.

**May 22-25, 2019: Jakarta, Special Capital Region of Jakarta (I) \*\***

Indonesia's government limits access to social media following protests over the disputed election result, in Central and West Jakarta, saying its actions are aimed at avoiding incitement and false news from spreading to the wider public.

**June 22, 2019: Palopo, South Sulawesi**

A journalist for *Rakyat Sulsel Daily* is attacked by two relatives of the head of the village with rocks thrown at his car after reporting on the local state's budget mismanagement in the village of Central Pompengan, Luwu, South Sulawesi, Haerul Tungga.

**July 30, 2019: South East Aceh**

The house of Indonesian journalist Asnawi Luwi is burned down in an alleged arson attack. Asnawi, who works for *Serambinews.com*, had received death threats for his reportage on corruption and illegal logging.

**July 31, 2019: Makassar, South Sulawesi**

A chancellor of the State University of Makassar in South Sulawesi, assaults Wahyudin, a reporter with the university press *LPMPProfession* at an event celebrating the university's 58<sup>th</sup> anniversary. *LPMPProfession* had previously reported on

students being admitted to the university via in-house entrance exams as a way of increasing the university's funding but also exceeding the official university quota.

**August 16, 2019: Central Jakarta, Special Capital Region of Jakarta**

Police assault journalists reporting on a workers' rally in front of the House of Representative building coinciding with a parliamentary address by President Joko Widodo, one day before Indonesia's Independence Day. Police forced journalists to delete photographs and videos of police dispersing crowds and arresting demonstrators.

**August 21, 2019: Papua and West Papua (I) \*\***

The Indonesian government orders the shutdown of the internet in Papua and West Papua province in eastern Indonesia following riots and demonstrations in several towns, citing that the shutdown would accelerate government efforts to restore security and order.

**August 22, 2019: Jayapura, West Papua (I) \*\***

Victor Mambor, a journalist for *Jubi.co.id* in West Papua and an executive member of AJI Indonesia, becomes a victim of doxing, intimidation and harassment for reporting on the region's internet blackout.

**August 30, 2019: Jakarta, Special Capital Region of Jakarta (I) \*\***

Febriana Firdaus, a journalist for *Al Jazeera*, falls victim to doxing after her reports on riots in Papua. She receives intimidation and threats on different platforms, including SMS and social media.

**September 23, 2019: Jayapura, West Papua (C) \*\***

Papuan journalists Benny Mawel, Hengky Yeimo, and Ardi Bayage are assaulted and intimidated by the police while covering the opening of a centre in Cenderawasih University after students from cities and towns outside Papua were forced to return home because of security concerns. Officers prevent journalists from filming and photographing and allegedly shout racial slurs at the journalists.

**September 24, 2019: Jakarta - Special Capital Region of Jakarta**

Journalists covering student protests across Indonesia are attacked by police in a series of brutal incidents. At least four journalists are attacked during protests in front of the House of Representatives building in Jakarta.

**September 24, 2019: Makassar - South Sulawesi**

Journalists covering student protests across Indonesia are attacked by police in a series of brutal incidents. In Makassar, South Sulawesi, three journalists are assaulted by police in front of the regional legislative council.



### September 24, 2019: Palu – Central Sulawesi

Journalists covering student protests across Indonesia are attacked by police in a series of brutal incidents. In Palu, Central Sulawesi, police snatch the camera of a TVRI Central Sulawesi journalist, demanding he delete his videos.

### October 21, 2019: Yogyakarta, Yogyakarta Special Region

Journalists covering the football match between PSIM Yogyakarta and Persis Solo at Mandala Krida Stadium in Yogyakarta Special Region on October 21 are attacked by spectators and a footballer from PSIM Yogyakarta.

### October 22, 2019: Kendari, Southeast Sulawesi

Nine journalists are assaulted by the police while covering the protest in front of the regional police office. Journalists are forced to delete footage and some police take the journalists' mobile phones and attempt to erase videos and photos.

### ATTACKS ON MEDIA INSTITUTIONS

#### January 24, 2019: Surabaya, East Java (G) \*\*

A football team in Surabaya, East Java Persebaya files a report against *Jawa Pos*, a national news outlet, over the investigative story of a match-fixing scandal in a game between Persebaya and Kalteng Putra on October 12, 2017. *Jawa Pos* faces defamation charges under the Information and Electronic Transaction Law.

#### March 20, 2019: Medan, North Sumatra

University of Sumatera Utara student publication *Suarausu.co* is shut down for three days after publishing a story about discrimination against the LGBTI community. Following a meeting between the chancellor and the editorial team, the publication is ordered to be disbanded, and 18 students from its editorial board are dismissed.

### July 29, 2019: Makassar, South Sulawesi

*Sulselsatu.com* in Makassar, South Sulawesi is vandalised by a group of unidentified attackers and several windows are broken.

## MYANMAR

1. Threats against the lives of journalists: 2
  2. Other threats to journalists: 8
  3. Non-fatal attacks on journalists: 1
  4. Killings of journalists: 0
  5. Threats against media institutions: 0
  6. Attacks on media institutions: 1
- TOTAL: 12**

### IFJ Indicators

- A. Arrests/jailing: 2  
C. Attacks/threats on rural, regional or minority journalists: 1  
D. Defamation attacks/threats: 1  
G. Legal cases: 5  
H. Legislation/Government controls: 2

## THREATS AGAINST THE LIVES OF JOURNALISTS

### April 4, 2019: Sittwe, Rakhine

The Development Media Group (DMG) receives email death threats demanding the newsroom stand with the armed forces or 'face the fate' of U Ko Ni, a prominent lawyer and politician of the National League for Democracy (NLD), who was assassinated on January 29, 2017.

### April 4, 2019: Yangon, Yangon State

Several independent media outlets receive threats following their coverage of the clashes between the Arakan Army and the military. The threats are delivered by phone and email.

## OTHER THREATS TO JOURNALISTS

### February 18, 2019: Dawei, Tanintharyi (A) \*\*

The district court of Dawei sentences the editor of the *Tanintharyi Journal*, U Myo Aung, to six months jail or face a fine of 500,000 kyats (USD 450) for publishing a satirical story. The court finds the story is violative of Article 25 (b) of the 2014 Media Law.

### February 26, 2019: Waimaw, Kachin (C) \*\*

*Myitkyina News* journalists Mon Mon Pan and Ah Je are detained and assaulted by employees from the Tha Khin Sit Mining, Import and Export Company. They are detained for over two hours and allegedly abused and assaulted in separate rooms.

### March 14, 2019: Waimaw, Kachin (D, G) \*\*

Tha Khin Sit Mining, Import and Export Company files a case against two senior executives and a reporter at the *Myitkyina News Journal* for defamation following a story about the company's operations in Waingmaw with local residents accusing the banana plantation of seizing land illegally and causing environmental damage.

### April 23, 2019: Kyauktada, Yangon (G) \*\*

Myanmar's military launches a suit against *The Irrawaddy*, suing the media outlet under Article 66(d) of the Telecommunications Law for its coverage of clashes between the army and the Arakan Army, an ethnic armed group.

### May 8, 2019: Sittwe, Rakhine (G) \*\*

Myanmar Home Affairs Ministry takes legal action against the Development Media Group (DMG)'s chief editor U Aung Min Oo under the Unlawful Association Act after DMG published a series of reports on the conflict between the Arakan Army and the Myanmar military.

### June 19, 2019: Loikaw, Kayah (G) \*\*

Myanmar's military launches legal action against three local journalists from the *Democratic Voice of Burma* (DVB), *Eleven Media Group* and *Kantarawady Times* following their reports on a farmer protest in Loikaw.

### August 29, 2019: Insein, Yangon (G, A)

A Yangon court sentences filmmaker U Min Htin Ko Ko Gyi to a year in prison with hard labour for his criticism of the Tatmadaw (Myanmar's military) in a series of Facebook posts. Min Htin Ko Ko Gyi who is suffering from liver cancer tells reporters he fears that he may not get treatment in Insein Prison.

### October 22, 2019: Yangon, Yangon State (H)

Yangon city's government excludes critical media from attending a press conference at the government office to explain 149 development projects, which are yet to receive parliamentary approval. Only state-run and affiliated media and a small number of private dailies were invited to attend the briefing.

## NON-FATAL ATTACKS ON JOURNALISTS

### June 21, 2019: Rakhine and Chin States (H, I)

Four telecommunication companies in Myanmar order temporary suspension of internet services in nine townships amid military crackdowns on ethnic rebels. The internet suspension is justified by authorities as a response to the ongoing conflict between Myanmar's military and the rebel Arakan Army.

## ATTACKS AGAINST MEDIA INSTITUTIONS

### December 28, 2018: Yangon, Yangon State

Myanmar's military accuses seven media outlets of publishing false stories about clashes between the army and the Ta'ang National Liberation Army (TNLA) in Kutkai on December 25. The Myanmar Press Council urges Myanmar's military to release contact details of government spokespersons after the Office of the Commander-in-Chief said journalists should check their reports with military and regional security, border ministers and commanders before publication.

## MALAYSIA

1. Threats against the lives of journalists: 3
2. Other threats to journalists: 10
3. Non-fatal attacks on journalists: 4
4. Killings of journalists: 0
5. Threats against media institutions: 2
6. Attacks on media institutions: 1

**TOTAL: 20**

### IFJ Indicators

- D. Defamation attacks/threats: 1  
F. Gender-based attacks: 1  
H. Legislation/Government controls: 0  
I. Online attacks/internet shutdowns: 2  
J. Wage threats: 3

## THREATS AGAINST THE LIVES OF JOURNALISTS

### September 9, 2019: Kuala Lumpur, KL Federal Territory

A *Berita Harian* journalist (identity is protected due to security concerns) receives an email death threat following a news report and lodges a police report over the incident.

**December 19, 2018: Kedah State (I) \*\***

Kumaran Rajamoney, an ethnic Indian reporter for TV3, is targeted in a Facebook message by online group Gerakan Pengundi Sedar (GPS), for covering the funeral of firefighter Muhammad Adib Mohd Kassim who died from injuries during a Hindu temple riot in Selangor.

**April 25, 2019: Negeri Sembilan State (I) \*\***

The Menteri Besar (head of state) for Negeri Sembilan, Aminuddin Harunand, posts a statement on Facebook against *Sinar Harian* journalist Syamila Zulkifli for her story on supermarkets being able to sell chicken without halal certificates.

**OTHER THREATS TO JOURNALISTS****November 29, 2018: Ipoh, Perak**

Police arrest blogger Wan Muhammad Azri Wan Deris, also known as Papagomo, for a Facebook video which the police claim was attempting to incite the public on racial issues.

**December 2, 2018: Kuala Lumpur, KL Federal Territory (F) \*\***

Allegations of sexual harassment of staff at radio station *BFM 89.9* spread through an email that alleges management failed to adequately address sexual harassment claims.

**January 16, 2019: Perak State (D) \*\***

Perak state executive councillor A Sivanesan, files a defamation suit against English language daily *The Star* for two articles about farmers in Kampung Baru Kuala Bikam who feared their fruit trees and land being bulldozed by a sand mining company.

**March 18, 2019: Kuala Lumpur, Selangor (J) \*\***

Former Ritz Global TV Berhad employees file a complaint with the Labour Department for unpaid salaries of around 15 staff that had remained unpaid since February 27. The employees earlier filed a report to the Petaling Jaya district police headquarters on March, 15.

**March 19, 2019: Pasir Gudang, Johor**

Media workers are prevented from entering a disaster relief management centre at Pasir Gudang Municipal Council (MPPG) Menara Aqabah. The journalists came to Menara Aqabah to ministerial and government press conferences after a toxic spill in the Kim Kim River on March 7.

**July 1, 2019: Pasir Gudang, Johor**

Mohd Azren Jamaludin, photographer with the *New Straits Times Press*, is hospitalised after covering toxic pollution in Kim Kim River.

**July 12, 2019: Penang State**

Several newsrooms are given instructions not to publish stories on a protest against the Penang South Reclamation project and sand mining in Perak.

**July 14, 2019: Petaling Jaya, Selangor**

Malaysia's largest opposition party UMNO's Lembah Pantai division expels non-Malay reporters from covering its annual general meeting, a move later explained by UMNO vice president, Ismail Sabri Yaakob, as unintentional.

**August 19, 2019: Kuala Lumpur, KL Federal Territory (C) \*\***

*Malaysiakini* journalist Ng Xiang Yi is harassed and intimidated by Entrepreneur Development Minister, Mohd Redzuan Yusof, after she asked him during a press conference to elaborate on his claim that Malays were "accommodative" to too many ethnic groups in Malaysia. The minister later posted a clip on his personal and professional Facebook pages deriding her for alleged lack of knowledge on the country's constitution.

**August 23, 2019: Kuala Lumpur, KL Federal Territory (J) \*\***

Former workers of long-running Tamil newspaper *Tamil Nesan* stage a protest demanding payment of outstanding salaries and compensation and demanded intervention by the Human Resources Minister. South East Asia's oldest Tamil newspaper closed on February 1 after 96 years of operation.

**NON-FATAL ATTACKS ON JOURNALISTS****November 26, 2018: Subang Jaya, Selangor**

*Malay Mail* photographer Mohamad Azinuddin Ghazali is surrounded by approximately 15 men while covering an attack on a temple in Subang Jaya. He is hit on the head with a stone. The attackers force him to delete photographs and destroy his memory card.

**March 15, 2019: Pasir Gudang, Johor**

At least three journalists are hospitalised suffering from nose bleeding, headache, sore throats, and breathing problems after covering toxic pollution in Kim Kim River.

**March 22, 2019: Kuala Lumpur, Selangor**

Two interns from online news platform *Malaysiakini* are verbally and physically harassed by the chief of the UMNO Petaling Jaya Selatan, Mutalib Abdul Rahim; UMNO Supreme Council member, Lokman Noor Adam, and other UMNO party supporters while covering a talk by former Prime Minister Najib Razak.

**May 12, 2019: Alor Setar, Kedah**

Two journalists are attacked by a security officer while covering the death of an 11-year-old boy in the Sultanah Bahiyah Hospital.

**THREATS AGAINST MEDIA INSTITUTIONS****August 19, 2019: Kuala Lumpur, KL Federal Territory (J) \*\***

Nearly 100 current and former employees of Utusan Melayu Bhd, the publisher of Malay daily *Utusan Malaysia* and *Kosmo!* demonstrate and demand payment of unpaid wages from June 2019. In a staff briefing, staff are informed that the company will cease publication of its print edition due to ongoing financial struggles. The next day, the publisher agrees to pay outstanding salaries of 800 journalists.

**November 1, 2019: Kuala Lumpur, KL Federal Territory (J) \*\***

Media Prima Berhad, the owner of various media including *New Strait Times*, *Berita Harianb* and *Harian Metro* as well as four television channels, is reporting a cut of more than 1,000 media workers. The company said it will downsize by the first quarter of 2020.



Former employees of Syarikat Ritz Global TV Berhad lodged a report with Malaysia's Labour Department over unpaid wages affecting at least 15 staff. Credit: Malaysiakini



## ATTACKS AGAINST MEDIA INSTITUTIONS

### March 8, 2019: Kuala Lumpur, KL Federal Territory

Private radio station *THR Raaga* receives threats from unidentified parties and cancels talk show program 'Hot Seat' which was scheduled to discuss the arrest of two Batu Caves Sri Maha Mariamman temple officials by the Malaysian Anti-Corruption Commission and issues related to the Indian community.

## PHILIPPINES

1. Threats against the lives of journalists: 2
2. Other threats to journalists: 178
3. Non-fatal attacks on journalists: 3
4. Killings of journalists: 2
5. Threats against media institutions: 11
6. Attacks on media institutions: 11

**TOTAL: 207**

### IFJ Indicators

- A. Arrests/jailing: 2
- D. Defamation attacks/threats
- F. Gender-based attacks: 1
- G. Legal cases: 3
- I. Online attacks/internet shutdowns: 7

## THREATS AGAINST THE LIVES OF JOURNALISTS

### June 21, 2019: Norzagaray, Bulacan, Luzon

Carmela Reyes-Estropo (*Philippine Daily Inquirer Bulacan*), Louie Angeles (dwIZ), Isagani Navarro (cameraman of GMA-7), stringer Rommel Ramos, Frederick Silverio (*The Manila Times*) and Eloisa Silverio (iOrbitNews online) are threatened by a gunman as they ride in a vehicle provided by the Bulacan Provincial Office while covering the Department of Environment and Natural Resources' (DENR) water sampling in Wacuman Sanitary Landfill in Norzagaray, Bulacan.

### August 28, 2019: Cagayan de Oro, Mindanao

Journalists in Cagayan de Oro receive threats via a courier service sent to Iglesia Filipina Independiente priest Father Rolando Abejo and a city hall employee. The threats target former NUJP director and associate editor of *Mindanao Gold Star Daily*, Leonardo Vicente "Cong" Corrales, NUJP member Froilan Gallardo and a reporter from *MindaNews*. Cong had earlier received several threats during the year, including a flyer from a "Black Mamba," purportedly of the "MAT-NMR Press Club Chapter," claiming a PHP 1 million (USD 19,000) bounty for his murder.

## OTHER THREATS TO JOURNALISTS

### November 19, 2018: Manila, National Capital Region, Luzon (D) \*\*

The Department of Interior and Local Government (DILG) threatens to file charges against television network *ABS-CBN* over the action/drama series "*Ang Probinsyano*" which it claimed unfairly portrayed the country's police force. Days after the announcement,

DILG and the production and cast of *Ang Probinsyano* resolved their differences. The case was not filed.

### November 27, 2018: Manila, National Capital Region, Luzon

A senate committee on public order and dangerous drugs and national defence and security back a National Intelligence Coordinating Agency (NICA) proposal to empower the government to shut down social media accounts considered to be a threat to national interest or to be linked with terrorism.

### December 3, 2018: Pasig, Manila, National Capital Region, Luzon

The Pasig Regional Trial Court Branch 265 releases a warrant for the arrest of *Rappler* CEO Maria Ressa for violating Section 255 of the National Internal Revenue Code of 1997. Ressa posts the bail of PHP 60,000 (USD 1,160) and is given a release order by the judge.

### December 9, 2018: Davao City, Davao del Sur, Mindanao (I) \*\*

Former Davao City vice mayor, Paolo "Pulong" Duterte, the son of President Duterte, posts on his official Facebook page a file of the alleged "Anti Administration Group Oust Duterte Movement" containing journalist names and media outlets including *Rappler's* Maria Ressa, Ellen Tordesillas of *Vera Files*, and Ed Lingao of *TV5*.

### January 17, 2019: Manila, National Capital Region, Luzon

The Supreme Court of the Philippines upholds the dismissal of a PHP 10million (USD 235,000) civil suit filed by 36 journalists and four media groups against government officials in response to journalist arrests and other forms of intimidation by the government.

### January 30, 2019: Ormoc City, Leyte, Visayas (G) \*\*

The mayor of Ormoc City, Richard Gomez, files a libel case against journalist Paul Farol, claiming the journalist violated the Cybercrime Prevention Act 2012 for his online articles and Facebook posts.

### February 12, 2019: Bacolod & Negros Occidental, Visayas

Several journalists are named on a list and accused of involvement in the drug trade in Bacolod City and Negros Occidental.

### February 22, 2019: Cagayan de Oro, Mindanao

Filipino journalist Cong Corrales and his family are identified as members of the Philippines Communist Party in an anonymous "red-tagging" list.

### March 24, 2019: Cagayan de Oro, Northern Mindanao, Mindanao

*Rappler* Cagayan de Oro City correspondent, Bobby Lagsa, is ordered to leave the University of Science and Technology in Southern Philippines (USTP)

hours before President Rodrigo Duterte arrives to lead a campaign rally of political party Partido Demokratiko Pilipino-Lakas ng Bayan (PDB Laban).

### March 28, 2019: Manila, National Capital Region, Luzon

*Rappler* CEO, Maria Ressa, is arrested after landing in Manila from San Francisco for allegedly violating foreign ownership rules and securities fraud.

### April 11, 2019: Manila, National Capital Region, Luzon

*Rappler*, together with its reporters and regional correspondents, files a petition in the Supreme Court to end President Rodrigo Duterte's nationwide ban on *Rappler* reporters from covering his events since February 20, 2018.

### April 22, 2019: Manila, National Capital Region, Luzon

*Rappler* journalist Sofia Tomacruz is blocked from covering the launch of the country initiative to end tuberculosis which President Rodrigo Duterte was set to attend and denied accreditation.

### May 13, 2019: Davao City, Davao del Sur, Mindanao (F) \*\*

President Rodrigo Duterte calls veteran journalist Ellen Tordesillas, media founder of *Vera Files*, a "prostitute".

### June 9, 2019: Pagadian City, Zamboanga del Sur, Mindanao (A) \*\*

Columnist and journalist for *Davao Today* Fidelina Margarita Valle is arrested, and released nine hours later in Pagadian City in a case of 'mistaken identity'.

### August 4, 2019: Bacolod, Negros Occidental, Visayas

Marchel Espina, the chairperson of the National Union of Journalists of the Philippines' Bacolod chapter and correspondent for *Rappler*, is tailed by a suspicious motorcycle-borne individual as she returns home from covering a killing in Negros Oriental province. The rider trailed her rental car for approximately 18 km.

### September 17, 2019: Bacolor, Pampanga, Luzon

The director of the National Intelligence Coordinating Agency (Nica), Rolando Asuncion, accuses the president and General Manager CLTV36, Sonia Soto, of being a supporter of communist and terrorist groups.

### September 18, 2019: Davao City, Davao del Sur, Mindanao (I) \*\*

Leo XL Fuentes, a columnist of independent online news site *Davao Today*, has his picture and personal information shared by Facebook page "Lapu-Lapu" after he shared news article on activist Alexandra Pacalda with a critical comment to the military.

## NON-FATAL ATTACKS ON JOURNALISTS

**December 28, 2018 Tandag City, Surigao del Sur, Mindanao**

Radio broadcaster Joel Salinas Pimentel escapes being shot at by two unidentified gunmen as he makes his way home by motorcycle from his program, *Bandera News Afternoon Edition* in Tandag City.

**August 3, 2019: Manolo Fortich, Bukidnon, Mindanao**

Kristin Lim, a former station manager of *Radyo Lumad*, is assaulted in her home by soldiers of the 1st Special Forces Battalion based in Manolo Fortich, Bukidnon. Lim had also been accused of being connected to the Communist Party of the Philippines and the New People's Army.

**August 6, 2019: Tungngod, Ifugao, Luzon**

Brandon Lee, a journalist with *Northern Dispatch Weekly*, is shot and injured outside his house in Tungngod, in Lagawe municipality, Ifugao province. Lee, an American citizen who has a permanent residency in the Philippines, was shot in the back and the face, with the bullet exiting his neck.

## KILLING OF JOURNALISTS

**July 10, 2019: Kidapawan City, Cotabato, Mindanao**

Eduardo Dizon, an anchor working for the *Brigada News FM* radio, is shot dead while driving home after hosting his daily news commentary show. He was assaulted and shot five times by two men riding a motorcycle.

**November 7, 2019: Dumaguete City, Negros Oriental**

Dindo Generoso, a radio broadcaster for DYEM 96.7 Bai Radio is shot dead in his car. Generoso, the anchor of program *Konsencia sa Provincia*, is killed by armed men on motorcycles while driving to his radio station. He died on the spot. According to police reports, two suspects were remanded in custody, including a retired police officer.

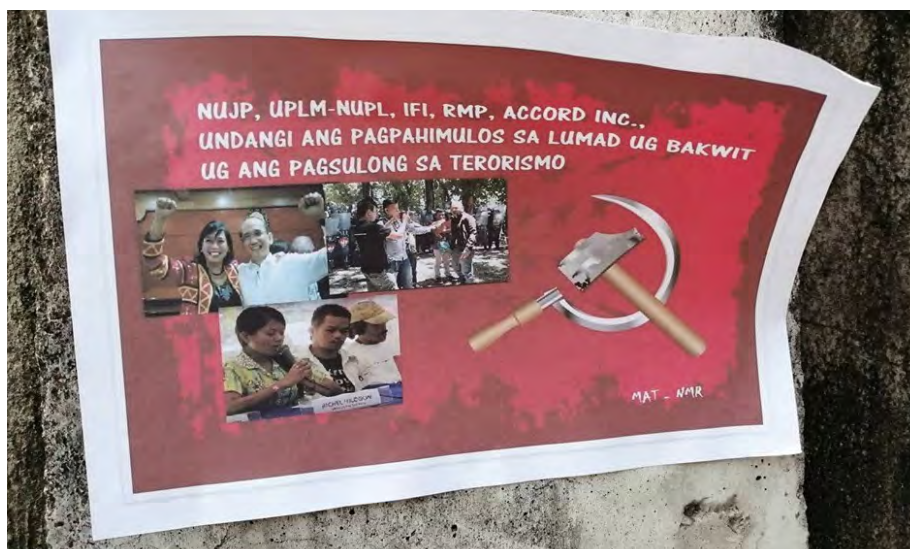
## THREATS AGAINST MEDIA INSTITUTIONS

**December 26, 2018: Manila, National Capital Region, Luzon**

A person claiming to be a former ranking officer and founder of the Communist Party of the Philippines accuses the National Union of Journalists of the Philippines of being a legal front of the revolutionary movement. NUJP published the statement to counter the accusation as absurd but says the claim served to put the organisation, its officers and members at risk of attack.

**January 7, 2019: Manila, National Capital Region, Luzon**

At least three Manila-based tabloids publish "red-tagging" stories accusing the National Union of Journalists of the Philippines as being the New People's Army and the National Democratic Front, alleging links to the communist revolutionary movement.



The National Union of Journalists Philippines (NUJP) and other advocacy organizations and individuals were among those listed in 'red tagging' posters found in various parts of the Philippines. The posters accused the union of being a terrorist organisation. Credit: NUJP

**February 18, 2019: Manila, National Capital Region, Luzon**

News website *Philstar.com* deletes articles from 2002 after the arrest of *Rappler* CEO Maria Ressa due to fears of prosecution under the Cybercrime Prevention Act 2012.

**March 20, 2019: Gumaca, Quezon, Luzon**

Local radio station *Radyo Natin Gumaca* struggles to secure operation permits after harassment by Gumaca mayor, Erwin Caralian, who claims the station was operating illegally and called for its closure, despite the station completing and submitting all necessary papers.

**April 22, 2019: Manila, National Capital Region, Luzon**

Dante Ang, the chairman emeritus of the *Manila Times* and special envoy for international public relations for President Rodrigo Duterte, writes about an alleged ouster plot against the president which alleges distribution of anti-Duterte material by media outlets *Vera Files* and *Rappler*, and also the Philippine Center for Investigative Journalism.

**May 27, 2019: Cagayan de Oro, Mindanao**

A black banner referring to the National Union of Journalists of the Philippines and other activist groups as members of the communist group is found in Cagayan de Oro.

**July 7, 2019: Cagayan de Oro, Mindanao**

Propaganda posters accuse members of the National Union of Journalists of the Philippines as being members of the communist party. The so-called 'red-tagging' of journalists is found on a poster on the wall of the Iglesia Filipina Independiente church in Northern Mindanao.

**July 12, 2019: Manila, National Capital Region, Luzon (I) \*\***

The 'Quiet No More PH' Facebook page accuses National Union of Journalists of the Philippines (NUJP) Cagayan de Oro City leader Pamela Jay Orias, and Margarita Valle, *Davao Today* columnist, as being 'supporters' and 'protectors' of the Communist Party of the Philippines and the New People's Army (NPA), the party's armed wing. The post includes photographs of Orias and Valle.

**August 19, 2019: Catarman, Northern Samar, Visayas**

Staff from the University of Eastern Philippines, Catarman, official student publication, *The Pillars*, are intimidated by police over the approval for a candlelight vigil relating to recent killings in Negros.

**September 2, 2019: Manila, National Capital Region, Luzon**

The Presidential spokesperson Salvador Panelo announces the intention to file libel and cyber-libel charges against *Inquirer.net* and *Rappler* following their reporting that Antonio Sanchez, a former Calauan municipality mayor in Laguna province convicted of rape and murder charges in 1993 would be granted executive clemency.

**September 26, 2019: Manila, National Capital Region, Luzon**

Newly appointed chief of staff of the Philippines armed forces, Lt. Gen. Noel Clement, issues a statement justifying the army's targeting of the media because of alleged support for the communist rebel movement.



## ATTACKS AGAINST MEDIA INSTITUTIONS

### December 21, 2018: Diliman, Quezon City, Luzon

A hand grenade in a plastic bottle is found inside the locker near the newsroom of ABS CBN in Mother Ignacia, Diliman, Quezon City.

### December 26, 2018: Manila, National Capital Region, Luzon (I) \*\*

Alternative media websites including *Bulatlat.com*, *Kodao Productions* and *Pinoy Weekly* are hit by Distribution Denial of Services (DDoS) attacks.

### February 7, 2019: Manila, National Capital Region, Luzon (G)

Online news website *Rappler's* CEO Maria Ressa and reporter Reynaldo Santos Jr are indicted on libel charges over a story published on May 29, 2012.

### February 7, 2019: Manila, National Capital Region, Luzon (I) \*\*

Filipino news websites *Bulatlat* and *Kodao Productions* are hit with a series of cyber-attacks, between January 19 and 31, and on February 4, 2019. The organisations are targeted with Distribution Denial of Services (DDoS) attacks, forcing them offline.

### February 11, 2019: Manila, National Capital Region, Luzon (I) \*\*

A series of DDoS cyber-attacks intermittently shut down the National Union of Journalists of the Philippines (NUJP)'s website.

### February 13, 2019: Manila, National Capital Region, Luzon (G)

The National Bureau of Investigation (NBI) detain *Rappler* CEO, Maria Ressa, on libel charges over an article published in 2012 during the impeachment trial of former Chief Justice Renato Corona.

### March 14, 2019: Manila, National Capital Region, Luzon

Manila Regional Trial Court imposes a PHP 500,000 (USD 9,480) travel bond on *Rappler* CEO and executive editor, Maria Ressa, for cyber libel charges. After an urgent motion, the court reduces the travel bond to PHP 100,000 per trip or PHP 300,000 (USD 6,000) overall.

### May 13, 2019: Manila, National Capital Region, Luzon (I) \*\*

Alternative media *Kodao's* website receives a Distributed Denial of Service (DDoS) attack following coverage of the midterm elections.

### July 3, 2019: General Santos City, South Cotabato, Mindanao

Unidentified gunmen open fire on commercial radio station, DXES, in General Santos City. Several windows are broken by the gunfire. The incident is thought to be related to the network's reports on Kapa-Community Ministry International, a religious group offering an investment scheme prohibited by the Securities and Exchange Commission.

### September 9, 2019: Manila, National Capital Region, Luzon

The office of Philippines tabloid *Abante Toniteare* is stormed by four men and set alight in an arson attack at around 2am. It is the first attack on the outlet in more than three decades.

## THAILAND

1. Threats against the lives of journalists: 1
2. Other threats to journalists: 3
3. Non-fatal attacks on journalists: 0
4. Killings of journalists: 0
5. Threats against media institutions: 4
6. Attacks on media institutions: 2

**TOTAL: 10**

### IFJ Indicators

- E. Disappearances: 1
- D. Defamation attacks/threats: 2
- G. Legal cases: 1
- H. Legislation/Government Controls: 2

## THREATS AGAINST THE LIVES OF JOURNALISTS

### January 26, 2019: Bangkok, Bangkok Province (E) \*\*

Vietnamese blogger and *Radio Free Asia* (RFA) journalist Truong Duy Nhat goes missing in Thailand a day after applying for refugee status in Bangkok. His last contact with RFA editors was January 24.

## OTHER THREATS TO JOURNALISTS

### February 28, 2019: Bangkok, Bangkok Province (H) \*\*

Thailand's Parliament passes a cybersecurity bill that will allow government to search and seize data and equipment in cases deemed to be related to national emergencies. It will also enable traffic monitoring and access to private data without court approval.

### March 2, 2019: Bangkok, Bangkok Province

Political reporter Orawan Krimwiratkul is dismissed from *Election War 62*, a program aired by state-owned public broadcaster MCOT. The dismissal was for alleged bias in a program where young voters answered questions on policies introduced by the military government.

### March 2, 2019: Bangkok, Bangkok Province (H) \*\*

Thailand approves the Cybersecurity Act, which authorises the National Cybersecurity Committee to interrogate individuals and search private property without orders from court.

### October 3, 2019: Bangkok, Bangkok Province

Kris Janssens, a Belgian freelance reporter, is detained by Thai immigration police for more than four hours in Bangkok. Janssens who is based in Phnom Penh, Cambodia, was to interview Anurak "Ford" Jeamtawanichcons, a Thai activist assaulted several times in 2019.

## THREATS AGAINST MEDIA INSTITUTIONS

### May 29, 2019: Bangkok, Bangkok Province (G) \*\*

Former immigration bureau chief Surachate "Big Joke" Hakparn files a suit against *Manager Online* for a story alleging that a policeman swindled millions from the state by selling 'fast-tracked immigration' tickets to tour groups.

### April 5, 2019: Bangkok, Bangkok Province (D) \*\*

The Election Commission of Thailand (ECT) files defamation charges against *Voice TV* host Sirote Klampaiboon and activist Nutta Mahattana over an election day broadcast.

### April 23, 2019: Bangkok, Bangkok Province

Defense ministry spokesman, Kongcheep Tantravanica, warns of prosecution of anyone that shares an article identifying the deputy junta chairman, General Prawit Wongsuwan, as one of 45 real-life "crazy rich Asians" in the published article in *Investing.com*. The spokesman said such sharing of the story would be in violation of the Computer Crime Act.

## ATTACKS AGAINST MEDIA INSTITUTIONS

### February 13, 2019: Bangkok, Bangkok Province

Thailand's National Broadcasting and Telecommunications Commission announces the suspension of *Voice TV's* broadcasting license in response to the *Voice TV* programs that cause "public confusion and incited conflict".

### March 24, 2019: Bangkok, Bangkok Province (D) \*\*

A host from Thai TV channel *Voice TV* is charged with defamation after hosting a panel discussion about the general election. The charges were filed by the Election Commission of Thailand.

## TIMOR LESTE

1. Threats against the lives of journalists: 0
2. Other threats to journalists: 0
3. Non-fatal attacks on journalists: 1
4. Killings of journalists: 0
5. Threats against media institutions: 0
6. Attacks on media institutions: 1

**TOTAL: 2**

## NON-FATAL ATTACKS

### September 5, 2019:

Daki Belo, a journalist of RTTL, is assaulted by an unnamed man allegedly over his discontent with RTTL coverage.

## ATTACKS AGAINST MEDIA INSTITUTIONS

### February 3, 2019

Timor Leste Press Council condemns the political-appointee advisers for the president of RTTL, calling it political interference in the newsroom of the public broadcasting service. •

<https://www.ifj.org/regions/asia-pacific.html>

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The IFJ is a non-government, non-profit organisation that promote coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. IFJ Asia-Pacific coordinates the IFJ activities in the Asia-Pacific region. The IFJ works closely with the United Nations, particularly UNESCO, the United Nations OHCHR, WIPO and the ILO, the International Committee of the Red Cross, the European Union, the Council for Europe and with a range of international trade union and freedom of expression organisations. The IFJ mandate covers both professional and industrial interests of journalists.

