



PRESS RELEASE

19 March 2004 - For immediate Release

INDONESIAN MAGAZINE GUILTY OF DEFAMATION

ARTICLE 19 condemns the ruling yesterday by Central Jakarta District Court that *Tempo Magazine* was guilty of defaming businessman Tomy Winata in an article published in March last year. This unjustifiable and exceptional action against a leading magazine sends a clear signal that criticism of the rich and powerful will not be tolerated.

The Central Jakarta District Court ordered Tempo Magazine to pay a fine of 500 million rupiah (US\$59,000) to Tomy Winata and to run a public apology in the national media for three consecutive days or pay a fine of Rp 300,000 a day, following the case filed against Tempo by the prominent businessman. Tempo plans to appeal the verdict.

The case follows Tempo Magazine's 3rd March 2003 publication of an article entitled "Ada Tomy in Tenebang?" (Is there Tomy in Tanah Abang?) which contained allegations that Tomy Winata stood to profit from a February 2003 fire that destroyed the Tanah Abang textile market in Jakarta and that he might be responsible for the blaze. Although the article also included a denial of the allegations by Tomy Winata, the presiding judge stated: "Tempo failed to find the truth by covering both sides before publishing the article".

Winata has filed a number of civil and criminal lawsuits against Tempo Magazine, its sister publication Tempo and their journalists for their coverage of his business activities. In an earlier verdict in this series of lawsuits, delivered on 20 January 2004, South Jakarta District Court ordered Tempo Magazine to pay a massive 8.4 billion rupiah (US\$1 million) in damages to Winata. The magazine was also ordered to publish apologies in eight newspapers, six magazines and 12 television stations, including CNN and CNBC, for three consecutive days. Tempo has yet to pay the compensation, pending the outcome of an appeal.

Imposing a sanction of any sort for this article, which was balanced and touched on a matter of great public interest, is a breach of the right to freedom of expression, guaranteed under international law as well as the Constitution of Indonesia. Such sanctions threaten to roll back the gains made by Indonesia's press following the end of Suharto's dictatorship in 1998 and are likely to lead to a climate of self-censorship by the media, to the detriment of the public's right to know.

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