



Paris, France
1 February 2021

For the attention of:

His Excellence, Marcelo Rebelo de Sousa, President of the Republic of Portugal
Eduardo Ferro Rodrigues, President of the Parliament
Francisca Van Dunem, Minister of Justice
Lucilia Gago, General Prosecutor

Dear Mr President,

We are writing on behalf of the World Association of News Publishers (WAN-IFRA) and the World Editors Forum, representing 60 national membership associations, 18,000 titles and 3,000 media organisations in over 120 countries, to express our deep concern at recent reports detailing unlawful surveillance against two journalists, the results of which provoked a serious violation of established press laws protecting journalistic sources.

According to reports, on 16th January, prosecutor Andrea Marques of the Department of Investigation and Penal Action (DIAP) in Lisbon ordered the Public Security Police (PSP) to undertake surveillance of Carlos Rodrigues Lima (Sabado) and Henrique Machado (TVI, formerly at Correio da Manhã), in relation to their contacts with a confidential source.

The suspect accused of passing information to the two journalists is a high-ranking inspector in the judicial police. The journalists' bank accounts were also searched.

We understand that Portuguese press laws require any surveillance, judicial pursuit, or search of a journalist to be ordered by a judge. Journalists are not obliged to reveal their sources and must be notified in advance by the judicial authorities about the content and extent of the right to non-disclosure of sources of information.

Furthermore, if there are to be physical searches - of newsrooms, private homes, vehicles, etc. - they may only take place in the presence of a judge and a representative of the journalists' union.

We are alarmed that in this instance, a public prosecutor – a position that is not independent – ordered both the surveillance and the subsequent searches. Our understanding is that no warrant was sought from an investigating judge and no legal objections were raised in relation to the surveillance, which clearly undermined the confidentiality of the source. According to the law, only a higher court can order the breach of journalists' confidentiality.



World Association of News Publishers

We reiterate the words of a joint communiqué issued by Portugal's leading media organisations in response to this case:

“Freedom of expression, the guarantee of professional secrecy and the guarantee of independence of journalists (art. 6º Journalist Statute), as well as the prohibition on subordinating said freedom of expression to any type or form of censorship, are fundamental pillars of the constitutionally consecrated freedom of the press.”

As our Portuguese colleagues maintain, the law establishes that if the disclosure of sources “is ordered under criminal procedural law, the court must specify the scope of the facts on which the journalist is obliged to give evidence”, which demonstrates “that it has to be a judge to order the said disclosure of sources.”

Mr President, these actions remain entirely unexpected in a country that, until now, has been rated highly for its respect for the law and the protection of journalists by all international press freedom and human rights organisations.

We urge you to call for an independent, comprehensive and transparent investigation into this breach of legal protocol, and to commit to reassuring the media in Portugal that there will not be a repeat of this violation.

We look forward to a response at your earliest convenience.

Most respectfully,

A handwritten signature in black ink, appearing to read 'F. Lopez-Madrado'.

Fernando De Yarza Lopez-Madrado

President, WAN-IFRA

A handwritten signature in black ink, appearing to read 'Warren Fernandez'.

Warren Fernandez

President, World Editors Forum