



Centrul Independent de Jurnalism

ANNUAL REPORT for the year 2005

THE FREEDOM OF SPEECH AND INFORMATION IN THE REPUBLIC OF MOLDOVA

The present report represents a short description of some significant events, which highlighted the current state of the Moldavian press during the year 2005 and, according to the opinion of the Independent Journalism Centre¹, are capable to assess the quality of the freedom of speech and information in the Republic of Moldova.

LEGISLATION

- A series of electoral events marked the year 2005: during the first half of the year the public attention was concentrated on the elections of the new parliament and the president of the country; and in the second half of the year- on the triple endeavour to elect the mayor of the Chişinău municipality. The mass-media played an important role in this process, and the legislation concerning the reflection of the electoral campaign constituted the subject of continuous debates and improvements. On the 6th of January 2005, the Central Electoral Committee (CEC) adopted the Concept of the Reflection of the Electoral Campaign for the Parliamentary Elections by the Moldovan Audio - Visual Institutions, and on the 8th of January 2005 - the Regulation on the Reflection of the Parliamentary Electoral Campaign in the Moldovan Mass-Media. Only one Concept was adopted for the local elections - the Decision regarding the Approval of the Reflection of the Electoral Campaign for the New Elections of the Mayor in Some Electoral Circumscriptions by the Moldovan Audio - Visual Institutions No.1145 from 24.05.05. The above-cited deeds, during the electoral campaigns, were subject to a series of amendments, thus being permanently debated and disputed. The following issues constituted the subject of the especially problem – raising discussions: the duration off the debates at the e audio-visual institutions, the presence of electoral reporting within the framework of the news, as well as the issue concerning the mandatory or facultative implication of the private audio-visual institutions in the electoral campaign. In a large measure, the CEC paid attention to the suggestions, launched by the civil society and political parties, and implemented them into the legislation, therefor this year electoral campaigns were regulated by improved norms of legislation, if compared with the last elections.

¹ The synthesis is the product of the Independent Journalism Centre (elaborated by Olivia Pîrţac). It reflects the IJC opinions concerning the events that are referred to.

- The amendments, introduced to the Electoral Code on the 22nd of July, modified the way of the development of the electoral campaign in the mass-media and introduced a new modality to regulate the conduct of the participants in the electoral campaign - *The Code of Conduct* - a „convention concluded between the electoral competitors and the mass-media representatives regarding the way the electoral campaign is developed and reflected, which excludes the wound of dignity and the hurt of image of the competitors” (see Article 1, art. 22 letter “q”). On the 28th of October the CEC adopted the Code of Conduct, stipulating the way the electoral campaign should be developed and reflected, establishing that the adherence to its principles is a recommendation and not an obligation.
- The year 2005 also was marked by the debates, focused on the removal of the state control over the press that is financed from the state budget. This was partially realised via the liquidation of the State Enterprise the newspaper "Nezavisimaya Moldova" (Independent Moldova) pursuant to Government Decision No.515 from 01.06.05, as well as of the State Enterprise the newspaper "Moldova Suverană" (Sovereign Moldova)- Government Decision No.587 from 20.06.05. But the most disputable issue constituted the liquidation of the Municipal News Agency «Info-Prim», which was an unexpected and an unscheduled event, without being motivated or discussed with the civil society.
- The attention of the civil society and international organisations during the year 2005 also was concentrated on the deeds adopted by the Audio - Visual Coordination Committee (ACC) concerning the distribution of frequencies and TV channels. The ACC Decision No.65 from the 13th of September 2005 was severely criticised. According to the above-mentioned decision, the «Analytic Media Grup» licence for broadcasting on the III TV Public Network was declared void.
- Even though not modified, the legislation on defamation was largely discussed during the period of the year concerning the opportunities for its improvement, in the context of a big number of suits claiming compensations for moral prejudice. In the same context, the decisions of the European Court of Human Rights also had been discussed, referring to the cases *Busuioc versus Moldova* (from 21.12.2004) and *Savițchi versus Moldova* (from 11.10.2004). In the above-stated cases the Strasbourg Court established that the decision, issued by the national courts, according to which the journalists were sanctioned for publishing some articles, violated the journalists' right to the freedom of speech. The state also was obliged to pay significant reparations to the above-mentioned journalists, - sums that are to be allocated from the state budget.

EVENTS

Further on we will thematically describe, in a chronological succession, a series of events which raised the question of the quality of the freedom of speech in the Republic of Moldova during the year 2005.

Events which took place in the Audio - Visual Sector.

- In May 2005 the Company “Euronova Media Grup” (TV Euronova, Albasat TV, Radio Vocea Basarabiei (Voice of Bassarabia)) largely protested against the way the licences are managed in the Republic of Moldova. During a couple of months, the “Euronova” company picketed the Parliament and the Audio-Visual Coordination Committee (ACC). In the same time, “Euronova” substantiated its position by launching a series of declarations concerning the abuses committed by the ACC. Both the Electronic Press Association (APEL) and the IJC also launched declarations, showing their concern about the situation of the „Euronova Media Grup” Holding and criticised the ACC actions. In its declaration, launched in July, the IJC assess that the harass actions, directed against the “Euronova Media Grup” Holding (EMGH), have a political character and pursue the aim to stop the process of the development of an independent national network. The Independent Journalism Centre deems that by harassing the EMGH „the pluralism of opinions is affected and the right of the public to a divers and comprehensive information is violated in the name of some easily understandable political interests”.
- During the period of January - June incl., the Electronic Press Association (APEL) monitored the public post "Teleradio- Moldova" (the news and the programs of Radio Moldova and TV Moldova 1 on the topics: eradication of poverty, anti-corruption fight, the child in embarrass). The general conclusions, enclosed into the June report, state that: «80 to 90 per cent of the monitored news reflects the non-conflict events that is to say, that are irrelevant for social changes and evolutions, and naturally, provoke overlaps and controversies. Even bigger oscillations are noticed concerning the partiality item, which the professional deontology and the news editors are responsible for. During the electoral periods (March, April, and May) the number of partiality news increased by 1-2%: 17 % in February and 8, 52% - in June). The medium proportion concerning the observance of the mandatory principle to present the event through the prism of at least 2 independent sources constituted more than 11% monthly. This index reached nearly 13 % in June - the highest one, if referred to the last 5 months, but did not exceed the one attested in January. However, a slight progress is foreseen and, if constantly maintained and developed, together with the improvement of other parameters, would lead to the set up of the features of an editorial policy peculiar for the public television service».
- On the 22nd of June 2005, at 22.00, the broadcasting of the *Radio Sângera* (the radio post that broadcasts in several suburbs of the Chişinău municipality) was suspended. This action was motivated by the fact that the above-mentioned radio post could not observe the one-month term granted by the Audio-Visual Coordination Committee (A.C.C.) for the modification of the location of the broadcasting antenna. The Independent Journalism Centre made a Declaration concerning this event, stating that: „ the suspension of the *Radio Sângera* activity is an act of preliminary censorship - extreme constraint of the freedom of speech, because it restricts the transmission of information and ideas to the population. The suspension of the *Radio Sângera* activity is an event, that would generate even more serious sequels, if considering that it took place within the period of electoral propaganda, and the right

of the listeners to plenary information about the candidates, whom they are going to elect, is violated. We notice that Radio *Sângera* broadcasts in a locality, where the general elections of the mayor of the Chişinău municipality also will take place on the 10th of July 2005". In the same time, the IJC criticised the actions, undertaken by the ACC in this case, and re-minded other 2 cases: the licence of the "Media Sfera" Ltd. for the radio broadcast was withdrawn before the expiration of the one-year term, that was granted for the beginning of the broadcasting, even though the above-mentioned organisation had shown its bona fides and informed the ACC in due time about some problems it encountered with the rent of the office, which did not depend on them. (Because they were of bona fides, the A.C.C. withdrew their licence, even before the legal term it had the right to do it). In the second case, the IJC notices that the „Euronova Media Group” Holding incorporates large popularity posts, but, working for the public interest, they can in no way get new frequencies from the A.C.C. in order to extend their coverage area”.

- On the 18th of October the „Media Satelit” Ltd. received, according to the decision of the Audio-Visual Coordination Committee, the licence for broadcasting on the third public television network, with 90% coverage of the territory of the Republic of Moldova. The „Media Satelit” company received from the A.C.C the right to retransmit the Moscow public post „Pervyy kanal” through the above-mentioned network. By the same decision, the licence for broadcasting of the „Analitic Media Grup” was declared invalid (the company which up to that moment retransmitted the „Pervyy kanal”). The next day, the ACC Decision no. 75 from the 18th of October 2005 was published in a special edition of the Official Monitor (without number), the fact which was appreciated as a suspicious one. The ACC decision provoked a real social scandal. First, responded the media organisations, launching a Declaration, as well as 9 international organisations and diplomatic missions, accredited in Chişinău. The Independent Journalism Centre, the Independent Press Association, the Union of Journalists, the Committee for the Freedom of the Moldovan Press and the Electronic Press Association (APEL) remark that the “Above-mentioned decision was taken in the conditions that lack sufficient transparency, in an unclear and unjustified hurry, the fact that suggests that other interests than those stipulated in the acting legislation determined the actions carried out by the ACC. Both at and before the moment of adopting the Decision no. 75 from the 18th of October 2005, serious doubts existed concerning the authenticity of some documents, on the basis of which the Decision was taken. The ACC declared invalid the licence for broadcasting that was issued less than one year before to the company „Analitic Media Grup” JSC, without getting an official confirmation of the dissolution of the contract with this organisation from the part of the Closed Type JSC „Pervyy kanal. Vsemirnaya seti” (Channel One. World Wide Network). The ACC has no other confirmations that the documents, signed by the responsible person and containing the seal of the Closed Type JSC „Pervyy kanal. Vsemirnaya seti” are authentic, taking into consideration that there exists a letter from this organisation, stating that, ostensibly, the corresponding documents are falsified. It’s obvious that the ACC has no justification for its hustle actions and that it was opportune to wait for the clarification of the facts”. Also, a common Declaration, signed by 13 diplomatic missions and international organisations accredited in

Chişinău, states that: “The Heads of the Missions of the signatory states and organisations express their concerns in connection with the way the licences for broadcasting and frequencies are allocated in the Republic of Moldova. Also, there’s room for serious questions concerning the transparency of such kind of decisions and the independence of the Audio-Visual Coordination Committee. The mass-media regulation and the distribution of frequencies and licences must be done in a transparent and correct way, so that to avoid any suspicions of policy implications or commercial interest”. At its turn, the Russian public post “Pervyy kanal” openly declared that the documents, that the Moldovan authorities relied on while announcing the contest for the IIIrd National Network, and when choosing the winner, were faked. The company „Pervyy kanal” mentioned that it could solicit the Moldovan law-enforcement bodies to initiate investigations in connection with the falsification of the documents and to sanction those who will be proven the guilty. At its turn, the company „Analitic Media Grup” brought an action against the ACC, on the basis that the latter had no right to announce the above-mentioned contest, but lost the case in the first judicial court - the Court of Appeal.

- The company „NIT” also was in the centre of the public opinion. This company considerably extended its broadcasting area during the last years, but this thing seems not be due to some special merits of this company (and the civil society monitoring confirmed that the above - mentioned company shows nearly brutal partiality in favour of the governors), but as a result of some ungrounded favours offered by the state and the ACC. The issue of the ACC lack of impartiality in favour of the company “NIT” was publicly supported during one of the latest ACC sessions by the representatives of the „Euronova Media Grup” Holding. They stated that “a case of incompatibility, which disqualifies any decision, adopted the ACC, regarding the issuance of licences for broadcasting” was attested in the present ACC membership. Mr. Sergiu Drobot, one of the ACC members, “continues to transgress the acting norms of the audio-visual legislation”. Sergiu Drobot, being one of the ACC members, and in the same time, a media holding owner, that is managing the activity of the radio post “Serebrianyy Dojdi” (Silver Rain) and the “NIT” TV post, “lobbies in an open way the interests of these audio-visual institutions”. Even though being nothing more than an opinion, and not a stated fact, the favouring of the company «NIT» and the disfavouring of the components of the «Euronova Media Grup» Holding can be observed in the way the licences are allocated. For instance, at the ACC meeting, which took place on the 6th of December, none of the two frequencies, requested by the „Euronova” TV post for the company extension purposes, were allocated. And only one out of the four radio frequencies, requested by the company „Emico” Ltd., for the extension of the radio post „Vocea Basarabiei” received the broadcasting licence for the frequency 67, 79 from Soroca. In the same time, the company „NIT” got all those seven frequencies, requested for the extension of the „NIT” TV post. Even though it is not a new issue, the authorities ignored the fact that Mr. Sergiu Drobot’s position is incompatible with the ACC membership, and allowed him to exercise his full term mandate. Provided the observance of the legislation norms, Mr. Drobot would have been replaced by the authority that had appointed him with another compatible person, possessing the ACC membership status. In an article,

published in the „JURNAL de Chişinău” (Journal of Chişinău), written by Mariana Rata, the author touches upon other possible ways of the development of the company “NIT”. According to the published information, the evacuation of the National Bureau of Statistics from its office (located in the same building as the “NIT”) was ostensibly done in favour of the NIT TV post.

- At the ACC meeting from December, 6, an intensively solicited channel was channel 43, possessing approx. 50 km area of coverage, previously pertaining to the ex - TV post „Catalan”, and lately utilised by the „Media-Portal” Ltd. and the company „Mir”. The company „Analitic Media Grup” and other three media companies: „Baza TeleBaşтина” Ltd from Chişinău, „TV Euronova” Ltd. from Nisporeni and the Publicity and Commercial Agency „Promo şi Punctum” from Chişinău for the studio „DTV” competed for this channel. The „Analitic Media Grup” (AMG) company was appointed the winner. Some time ago (on the 18th of October 2005) this company licence for the retransmission of the «Pervyy kanal» on the IIIrd Public Network was withdrawn in a suspicious way. According to our opinion, the „Analitic Media Grup” company received this channel due to the fact that the ACC wanted to attenuate the existent conflict, and not because it was surely the most fit to get the corresponding licence.
- Some months after the new parliament started its activity, the information that the legislative body works on the new Audio-Visual Code was publicly announced. This draft had not yet been finalised by the end of the year, and its adoption constitutes the priority issue of the Parliament for the year 2006.

The State of the Written Press and of the Investigation Journalism

- Starting with the beginning of the year the investigation, conducted by the “Ziarul de Gardă” (On Duty Newspaper) newspaper had a social resonance. As consequence, the public opinion was informed that the Government disposed subscription to thousands of issues of the newspaper “Comunistul” (the Communist) from the state account, and that means tens of thousands of Moldavian lei spent for this purpose. The author of the article states that a directive containing the above-stated indications was circulated to all the ministries. In the same time, each minister issued a directive, stipulating that: “In order to fulfil the indications issued by the Government of the Republic of Moldova, the heads of the General Divisions, principal divisions and sections of the ministry will undertake measures concerning the subscription of the institutions, organisations and joint stock companies with preponderant share-part of the state to the newspapers according to the annexe, and report within ten days about the realisation of the corresponding indications”. In the same newspaper it’s mentioned that the annexe of the directive contains the list of some publications that are mandatory for subscription from the state budget funds: “Nistru”, “Moldova Suverană” (Sovereign Moldova), “Nezavisimaya Moldova” (Independent Moldova), “Trud” (Labour), “Vremea” (Time), “Comunistul” (the Communist). “Ziarul de Gardă” also states, that according to the Directive no. 1, issued by the Ministry of Agriculture and Food Industry on the 4th of January 2005, more than 50 institutions

and enterprises subordinated to this ministry are due to make over 300 subscriptions from the state budget to the "Comunistul" newspaper, approx. 300 - to "Trud" (a newspaper from the Russian Federation) and the same number of subscriptions for the private Russian language newspaper "Vremea". (According to the Reporter.md, 21st of January 2005).

- During the year 2005 the journalists drew the public attention on a series of cases of harassing. For instance, the journalists of the independent weekly newspaper "Unghiul" (the Angle) from Ungheni pointed out to the fact that the local authorities exercise pressure on the above-mentioned publication. Besides the fact that the reporters of the newspaper "Unghiul" were harassed by the authorities, they also complained about that the access to public events was prohibited to them, thus a breach of the Law on Access to Information was committed. The access to a working session, where the issue of heat supply was discussed, was prohibited to the reporter of the newspaper "Unghiul", Mr. Ion Calmăș. Mrs. Lucia Bacalu, the editor-in-chief of the corresponding publication was threatened by the head of the Ungheni district (who is a member of the Communist Party of the Republic of Moldova (CPRM)), that he would sue her, if she continues to write about his verbal attacks against the newspaper. (according to "Monitor Media", 1st of February)
- The same Agency "Monitor Media", which was launched as a monitoring agency of the mass-media events, drew the attention of the public opinion on the fact that the Ministry of Justice (MJ) from Chișinău refuses to register the publication "Socius", - the press body of the Social Democrat Party from the Republic of Moldova (SDPM). In a SDPM communicate it is stated that the SDPM presented an application to the Ministry of Justice to register the publication "Socius" in October 2004, but the corresponding institution did not approve it. Also it states that this fact seriously affects the possibility of the Party to communicate its message to the voters and has an impact on the fulfilment of the electoral right. The SDPM reckons that the Ministry of Justice committed a serious violation of the provisions of article 32 "Freedom of Speech and Opinions" and article 34 "The Right to Information" of the Constitution of the Republic of Moldova, as well as of the article 47 (1) of the Electoral Code. «This is one of the numerous cases when the governing party influences and utilises the administrative instruments to prevent the SDPM access to the voters and not to give the possibility to the opposition electoral competitors to inform the electorate about their electoral platforms», states the SDPM. Finally, the "Socius" was registered some days after the SDPM launched the press communicate we are referring to, and namely on the 24th of February 2005.
- The Russian language newspaper "Moldavskie vedomosti" assessed as an intimidation the visit of some representatives of the law-enforcement bodies to the office of the editorial board, under the pretext that they were seeking some ... citizens of the Russian Federation. The visitors explained that they came to the editorial board following an information they received by a telephone call, according to which citizens of the Russian Federation, having no right for the residence in the Republic

of Moldova, were present at the editorial board of the newspaper. It seems that this event had no negative sequel for the publication.

- Some serious abuses, that were committed during the subscription campaign, were reported by the editorial board of the independent weekly newspaper "Ecoul nostru" (Our Echo) (Sângerei). Mrs. Maria Țurcanu, the chief of the newspaper, drew the attention of the public opinion upon the fact that the Sângerei authorities massively favoured the official newspaper «Plai Sângerean" (Sângerei Native Land), in disfavour of the newspaper «Ecoul nostru". She also mentioned that during the recent subscription campaign a rumour was launched, according to which the newspaper "Ecoul nostru" was not existing any more and that instead of it appeared the newspaper of the District Council - "Plai Sângerean". But the most serious event, as she considers, was the incident, when the head physician of one of the medical institutions from Sângerei tore the subscriptions to the newspaper «Ecoul nostru", made by the medical staff. The manager of the publication also communicated that a number of state institutions and district decisional authorities were imposed to subscribe to and promote the newspaper "Plai Sângerean". (After the "Monitor Media", 28th of February).
- The Russian language publication „Komersant plus” was submitted to a search, that was carried out by the representatives of the law-enforcement bodies. Before it, the editorial board of the newspaper received a letter from the Department of Operative Services of the Ministry of Interior Affairs, requesting the names of all the economic stakeholders that provided publicity starting with the year 2002 up to the present. The editorial board asserts that the newspaper was subject to a series of verifications and controls. (after the "Monitor Media", 2nd of June)
- The last incident, which happened on the 16th of December, was the half-an-hour retention of Mrs. Aneta Grosu, editor-in-chief of the weekly newspaper "Ziarul de Gardă", by the guards of the Chișinău Court of Appeal. This is the narration of the incident, presented by the newspaper „Ziarul de Gardă": „the journalist was making some photos in the halls of the Court of Appeal. Suddenly, two persons, one dressed in the judge robe and another - in civilian clothes, who were dialoguing in the hall, noticed that they were shot on the video camera and attacked the journalist, insisting to give them the digital camera. In spite of the fact that the journalist showed her press card and asked them to do the same, they did not stop the rough treatments. The men called the guards and after that the judge disappeared, but the second person, together with the guards, escorted the journalist by force to the Guards Service cabin. The man in civilian cloths ordered the guards to call for their senior and police, to escort the journalist to the Botanica Police Commissariat. Very soon, the first sergeant, Constantin Soltan, from the Guards Service came to the site. The man in civilian continued to treat the journalist in a rough way, and threatened her with physical reprisals and menaced her that she would be sent to a prison if not leaving him the camera. In spite of the fact that the journalist insisted to be set free, proving that the above-stated actions constituted pure abuses, and that she was exercising her function, the man in civilian forced her to destroy, in his presence, the photos she had

done. (...) Later on, the journalist established, according to the sayings of the persons, who had identified the man in civilian clothes, that the latter was not an employee of the Court of Appeal, but an attorney, the husband of a judge from the Economical Court of Appeal. (...) The journalist Aneta Grosu was set free only after the intervention of the mass-media representatives and her attorney, pursuant to the indication given by the chairman of the Court of Appeal, Mr. Anatol Doga, who had been phoned by the journalists. Mr. Doga refused to disclose the names of the persons who had retained and intimidated the journalist, although Aneta Grosu requested to do it. (...) The team of the newspaper "Ziarul de Gardă" expresses its concern about the above-stated incident of flagrant constrain of the professional liberties, applied to a journalist who was exercising her function in a public location and more than that, in a law institution. In the same time, taking into account that the person, who had threatened the journalist with physical reprisals and disposed her arrest, is an attorney - a person who has a special status in the judicial world, we express our concern in connection with the journalist's security. We mention that this incident took place shortly after another case of the intimidation of the "Ziarul de Gardă" journalists, following the investigations they carried out about the activity of a number of companies, which were performing illegal business. The journalists received telephone calls at the editorial board, at home and on the mobile phones, and were requested to stop the investigations. We draw the attention on the especially dangerous and uncertain status of the investigation journalists in the Republic of Moldova, who, in their efforts to disclose the corruption activities, do not benefit from the protection, offered by the law enforcement bodies. The latter case proves us that even the official representatives of the above-mentioned bodies challenge the law. The question still persists: why those two persons, the representatives of justice, being shot in a public institution, at the end of a working day, were so much alarmed, as though they were caught on the scene of the crime?"

- The state of the investigation journalism continues to be a precarious one in the Republic of Moldova. The journalists, who carry out investigations, do not benefit neither from legal guarantees and facilities, nor from any support offered by the law enforcement bodies. The fact that the law enforcement bodies do not react to the disclosures, published in the press is also a sign of alarm. And from other hand, the journalists are the target of different kinds of intimidation: civil proceedings and different threats. The journalists from the newspaper „Ziarul de Gardă” are amongst those who made public the threats launched in their address as a consequence of the investigations they have done.
- Other factors, such as the tariffs for the distribution of the newspapers also contribute to the unreliability of the situation of the Moldovan newspapers. On the 16th of December, the Association of Independent Press (AIP) and the Independent Journalism Centre (IJC) organised a round table discussion on this topic. The participants expressed their concerns about the imminent degradation of the economic situation (which is quite unsure even now) of the written press, after the so-called „adjustment” of the tariffs for the distribution of newspapers, applied by the State Enterprise „Poșta Moldovei” (Moldovan Post) in the mid of November, in full swing

of the subscription campaign. The newspapers managers and editors-in-chief criticised the tariff policy of the SE „Poșta Moldovei”, which discourages the written press and also showed their discontent, caused by the fact that the relationship between the editorial boards of the newspapers and the post centres is not a mutually advantageous partnership, based on direct negotiations, as the normal way would be. From other hand, the tariffs for the distribution of the newspapers are extremely high and continue to grow, thus having a direct impact on the subscription price for the newspapers. In the same time, the subscription price cannot be increased, and this is because the purchasing power of the population is quite low. As a consequence, the written press has to pay up to 30% from the cost of the newspaper subscription to the newspaper distributor. In our case, when other editing costs are also very high, the editorial boards of the newspapers have no profit, or it is so low, that it doesn't allow for sustainable development of the newspaper. During the round table debates, the participants launched a series of suggestions regarding the steps that are to be undertaken in order to give an impetus to the press development, amongst which: “the freeze” of the tariffs for the distribution of the newspapers, - the eventual price difference to be paid to the SE „Poșta Moldovei” from the state budget or from the local budget, as an indirect subvention to the press; carry out the monitoring and public control over the process of the tariff set up, elaborate a national strategy of the press development; direct the “state publicity” on a non-discriminatory basis towards all the newspapers etc.

- The parliamentary faction „Alianța Moldova Noastră” (Our Moldova Alliance) (OMA) launched a legislative initiative to modify and complete art. 16 of the Civil Code, that provides for the “defence of honour and dignity” with the view to improve the legislation basis and add legal guarantees to the journalists’ activity and mass-media institutions. The OMA legislative initiative focuses on the elimination of the probation burden, mandatory for the defendant in case of defence of honour, professional dignity and reputation, introduction of one year term of prescription for the actions filed by public persons against mass-media institutions for the reparation of the moral prejudice. Also it was suggested that the ceiling of the moral prejudice reparation to be established by the journalists and the mass-media: in case of bona fides - up to the maximum of 200 conventional units for institutions and 100 conventional units for authors and in case of malae fides - maximum 500 conventional units for institutions and 200 conventional units for authors. The OMA also suggested considering the publication of apologies or denials as basis for diminishing or refusal to repair the moral prejudice. However, article 16 of the Civil Code was not amended during the year 2005, even though its need for improvement was also confirmed by the Parliamentary Assembly of the Council of Europe in the Resolution no.1465 (2005) on the operation of the democratic institutions in the Republic of Moldova.
- In p. 14 of the above stated Resolution, the Parliamentary Assembly of the Council of Europe requests the Moldovan authorities: „14.1 to set up all the necessary guarantees and to undertake practical steps to observe the freedom of speech, in the way it is stipulated in art. 10 of the European Convention on Human Rights and in compliance

with the judicial precedents of the European Court of Human Rights, and namely: 14.1.1. to review the legislation on public television and radio broadcasting service (both national and local) and the whole audio-visual sector; 14.1.2. to continue transformation of the „Teleradio-Moldova” company into a real public radio broadcasting service, in compliance with the provisions of the Recommendation 1641 (2004) of the Parliamentary Assembly «On the Radio Broadcasting Service»; 14.1.3. to review the legislation on defamation with the view to ensure the proportionality of the imposed sanctions».

Electoral Campaign 2005

- Even from the beginning of the year we were surprised by the decision of the Government and Presidency, as well as of the representatives of the majority of the Parliamentary faction to refuse, starting with the 1st of January 2005 and up to the end of the electoral campaign, the reflection of their activity to be done by the company “Teleradio-Moldova”. In a message, addressed to the Committee of Observers of the audio-visual public institution the company “Teleradio-Moldova” on the 28th of December, the president Vladimir Voronin mentioned that the company “Teleradio-Moldova”, as well as other „public television and radio posts”, continue to deliver the same products „quite primitive and tritely, which used to be delivered to the auditor during all the years previous to the starting, in the year 2002, of the mass-media reform process in the Republic of Moldova. „It provoked disappointment and concern both from the part of the civil society and from the part of politicians, international observers, as well as from the part of the power itself, which had not only to review its activity, refracted by a kind of a distorting mirror, but also to tolerate unfair blows because it ostensibly made abuse of the audience attention and exercised administrative pressure on the mass-media”, states Mr. Voronin in his message. In order to exclude the „tendentious or wrong interpretation of the appearance of any information about the current activity of the power”, circulated according to the initiative of the managers of the “Teleradio-Moldova” company, Mr. Voronin solicited the Committee of Observers to adopt a decision regarding the limitation of the presentation of such kind of information max. up to a minute within the framework of the general timing of the informative edition and, max. up to 10 minutes, during one week. Mr. Voronin mentioned that the power bodies and representatives will be open for the mass-media. „All the information, press communicates and audio-visual materials about the current activities of the power bodies and about the decisions, which were adopted by them, will be sent by the presidency and prime-minister press services to the State Agency “Moldpres”, which has to ensure access to this information to all the media structures, if requested by them”, - states Voronin in his message. He recommended taking into account the recommendations of the OSCE representative in charge for the freedom of press Miklos Haraszti. Amongst the multiple assessments, generated by this event, we would mention the opinion, according to which the President’s interference into the activity of the company „Teleradio-Moldova” is an inadequate one. The fact that the President admitted such hard declarations (regardless of the utilised formula) constitutes an indirect proof that the censure do exist.

- The elections, which took place on the 6th of March 2005, turned out to be a new exam for the mass-media concerning the correctness, equity and impartiality issues. The NGOs, acting in behalf of the „Coalition-2005” monitored the conduct of the majority of the television and radio posts, as well as of some of the newspapers. The basic conclusion was that both the state press and the private press were not impartial while reflecting the electoral campaign, except several media institutions. Both the state press and the private press incorporated much of disguised electoral publicity, unmarked according to the requests of the Regulation on the Mass-Media Reflection of the Electoral Campaign, approved by the Central Electoral Committee (CEC). At the majority of the monitored radio and TV public and private posts there also persisted the tendency to favour the governing party and disfavour the opposition during the period of the electoral campaign. The public (state) press favoured in an obvious way the governing party, ignoring or presenting only in a negative context the main opposition parties and electoral coalitions. During the whole period of the electoral campaign the state press manifested itself as an electoral agent of the governing party. The private press either favoured other electoral competitors but not the governing party, or did not manifest sympathy towards any of the electoral competitors.
- On the 4th of April 2005, the leader of the Communist Party, Vladimir Voronin, was elected the president of the Republic of Moldova. He was supported not only by the communist deputies, but also by the Popular Christian Democrat Party (PCDP), Democrat Party (DP) and by the Social Liberal Party (SLP). Motivating the PCDP decision to vote Vladimir Voronin’s candidature to the post of the president of the country, Mr. Iurie Roșca, the PCDP leader, stated that he presented a list of conditions and suggestions, which were accepted by the above-mentioned candidate integrally and without any reserves. Four out of those ten suggestions refer to the press issues in the Republic of Moldova. The PCDP solicited to „adopt a new editing of the Law on the Audio-Visual in exchange of the old one, adopted in the year 1995 and to set up new democratic principles, a new Audio-Visual Coordination Council, free of any political or administrative interventions; to „adopt a new Law on the national television and radio posts, the institutions which should be really public ones, having an independent editorial policy and professional employees, institutions which should promote the freedom of speech, ideas and opinions without any censure or political interference”; ensure transparency of governing, „amending the acting legislation with the view to ensure live broadcast of the plenary sessions of the Parliament and the Government on the national television and radio posts, as well as publishing of the verbatim records of the works of the Parliament and Government on the web sites of the above-mentioned institutions”. The Government was also requested to stop publishing the newspapers „Moldova Suverană” and „Nezavisimaya Moldova”.
- The Independent Journalism Centre, the Centre of Social, Political Sciences and Psychological Investigations and Analyses CIVIS, the Association of Independent Press from Moldova and the international organisation Global Campaign for the

Freedom of Speech “Article XIX” continued on monitoring the mass-media compartment during the period 5 March - 5 April 2005, too. Based on the results stated in the report, we draw the conclusion that the political engagement continue to be an obvious one, if referring to the major part of the monitored press bodies.

- The monitoring also continued to be developed during the period of the campaign for the anticipated elections of the mayor of the Chişinău municipality. Five television posts („Moldova 1”, „Euro TV Chişinău”, „NIT”, „Pervyy kanal v Moldove”, „PRO TV”) and two radio stations („Radio Moldova”, „Antena C”) were monitored. The final report states that during the period 27 June-10 July, the monitored media institutions compartment developed towards a more temperate and balanced reflection of the electoral competitors’ actions, avoiding, in general, open favouring or attacks. The “NIT” was an exception and did not disguise its electoral preferences for the candidate of the CPRM. The other posts either imitated or even disciplined themselves rigorously, maintaining the equal distance position concerning all electoral competitors. “Moldova 1” is still included in the first category, in the second - the private post “PRO TV”. „Moldova 1” and „Radio Moldova” followed their editorial policy based on triumph, exclusively positive reporting, while referring to the actions and the results achieved by the actual governing, especially those of the Ministry of Finance, conducted by Mrs. Zinaida Greceanîi, creating, in this way, a favourable informational background for the communist candidate. From the other hand, the sympathies of both municipal public posts “Antena C” and “Euro TV”, especially during the first stage of the campaign, slightly oscillated towards the opposition candidate. The CPRM candidate was critically approached within the framework of some municipal posts news broadcasts, especially in the press magazine, if referring to the “Antena C”. “Antena C” and “Euro TV” also broadcast negative news, concerning some opposition candidates. After the recall of those eight candidates, the companies “Moldova 1”, “Radio Moldova” and “NIT” developed an aggressive campaign of electoral education, pursuing the aim to convince the voters to come for voting. Sometimes, the boundaries of the good-sense were overstepped, resorting to the electorate threatening proceeds, affirming that “the lack of a Chişinău municipality mayor will lead to the situation, when the city inhabitants will have to face a price explosion”. Actually, it was a trick to manipulate the audience in favour of the communist candidate. According to the opinion, stated by the company „Teleradio-Moldova”, the monitoring results were not objective and the above-mentioned company sued the IJC and CIVIS on the grounds of art. 16 of the Civil Code (defence of honour, dignity and professional reputation). The IJC considers that the process that was intended is a policy game and a kind of harass. The judicial trial still goes on in the year 2006.

State Press and the Removal of the State Control

- On the 17th of May the Chişinău Municipal Council (MC) decided to strike off the News Agency „INFO-Prim”. The manager of the “INFO-Prim” Agency, Mr. Valeriu Vasilica, stated that the decision of the Chişinău MC had an obvious political character and was aimed to send off the informational market the competitors of the

information media controlled by the CPRM and PCDP. A certain number of mass-media opinion leaders confirmed the discriminatory character of the liquidation of the „INFO-Prim” News Agency. After the finalising of the liquidation process in August, the Agency team continued its activity under the aegis of the Independent Agency „INFO-Prim Neo”. At the beginning, during one month, the Agency was hosted by the IJC and lately, up to the end of the year 2005, - by APEL.

- In a short time, the Government announced the liquidation of the newspaper "Nezavisimaya Moldova", and after it - of the newspaper „Moldova Suverană”. The corresponding decisions were adopted on the 1st and on the 20th of June 2005.
- On the 26th of July 2005 the Independent Press Association and the Independent Journalism Centre organised the first performance of a round table discussion on the removal of the state control over the local press. The participants at the above-mentioned round - table discussion adopted a Resolution, which was signed by 22 persons, mostly the representatives of the local independent newspapers. Among many others, the Resolution also states that: “After the switching back to the previous territorial administrative units - the districts - edited by the local public administrations at the initiative of the president Voronin, the operating conditions of the regional and local newspapers worsened, if referred to a series of different aspects. In this way, the newspapers are forced to face both the non-loyal competition and some administrative pressure, and even harass from the part of some local officials. Due to the fact that the newspapers of the district councils receive subventions form the local public budgets, they are sold at a lower price, compared with the private ones. In some districts, the Mayor’s offices, state institutions and post offices have specific subscription tasks for the newspapers that are edited by the district councils, while the independent newspapers meet obstacles during the subscription campaign; the distribution of publicity is done in favour of the state newspapers. Such a situation does not comply with the mass-media democracy standards. The undermining policy directed against the independent local press contradicts the engagements of the Republic of Moldova to respect the mass-media freedom and the freedom of speech. The OSCE representative for the freedom of press Mr. Miklós Haraszti, while visiting the Republic of Moldova in October 2004, stated, referring especially to the item of the district newspapers: “The concept of a press, supported from the public money, is incompatible with an advanced democracy. As minimum, the number of such newspapers should not increase any more and there should not be any administrative or economic (publicity) discrimination, directed against the independent press. There’s no need to re-set the so called “district newspapers”, that is to say, the newspapers paid by the local governments”. (...) The Action Plan EU-RM provides, among many other, to „ensure transparent relationship between the authorities and the media institutions in compliance with the recommendations of the Council of Europe; render financial support to the mass-media from the part of the state, based on strictly determined criteria and objectives, equally applied for all mass-media; elaborate and implement an adequate legal framework that would guarantee the freedom of speech and mass-media in compliance with European standards, based on the recommendations of the

Council of Europe". (...) The state itself, the society and the journalists will benefit from the removal of the state control. The state - because it will be released from the burden to pay the maintenance costs of the state newspapers; the society - because it will plenary benefit from one of the most important Power control instruments, from a qualitative and objective press, that could exist only when the readers' interests and needs are valued as the most important issues, and not those of the authorities and governing parties; the journalists will be granted the possibility to activate in equal, civilised and inherent to a democratic society conditions, based on market economy principles." The representatives of the newspapers that are financed by the district councils had not signed the above-mentioned Resolution.

Access to Information

- We assessed as an example of non-justice and political engagement the Decision of the Supreme Court of Justice, according to which the Parliament of the Republic of Moldova got the acquittal in a judicial process initiated by the newspaper "TIMPUL". The newspaper charged the Legislative body with the non-observance of the Law on the Access to Information. In May, 2004, the newspaper "TIMPUL" solicited the verbatim records of the autumn - winter parliamentary sessions of the year 2002 from the Legislative body, but the Parliament Administration refused to satisfy the journalists solicitation, on the grounds that the internal regulation of the institute do not allow for that.
- In the same context, we have to remark that, similarly with the precedent years, the journalists draw the public opinion towards the impediments they meet while trying to get access to information: first of all, the Law on Access to Information is not observed, the solicitations rather being ignored than promptly satisfied; secondly, even when the journalists have the courage and force to bring actions against the public officials, who had committed breach of law, and get acquittal, they face the problem of the non-execution of final decisions. During the period of the year 2005, the Centre of Journalist Investigations denounced many cases of abuses, committed by the officials via the non-observance of the Law on Access to Information and non-execution of the judicial decisions.
- During the same year, the civil society had the unpleasant surprise to discover that the state bodies set up, in a secret way, 2 drafts of laws, the adoption of which would have a disastrous impact on the access to the official information of public interest. The Draft of the Law on the State Secret and the Professional Secret, elaborated by the Security and Information Service and the Draft of the Law on Information, elaborated by the Ministry of Informational Development alerted not only the NGOs from the field of the Moldovan mass-media, but also the international organisations, which gave their negative avis to the above-mentioned drafts, drawing the attention of the society towards the imminent perils in case the above-mentioned drafts are adopted. As a response to the prompt actions undertaken by the civil society, the Parliament took off the daily routine the above- said drafts. However, it is not clear yet, if the Legislative body will proceed with the improvement of the corresponding drafts, or it had definitely abandoned them.

- Two journalists denounced cases of intimidation during the execution of their profession. So, while demolishing a building (a historical monument), located on the Ștefan cel Mare și Sfânt (Stephen the Great and the Saint) blvd., Chișinău, Raisa Lozinschi, a reporter of the „JURNAL de Chișinău”, was verbally aggressed by some individuals, who have introduced themselves as working for the „Security Service”, and, in the same time, was prevented from exercising her profession.. (The incident took place on the 11th of August). The second case was declared by Alina Radu, the manager of the „Ziarul de Gardă”, who was roughly treated even in the premises of the Parliament, because she wanted to enter room 300, where was developing the conference “Free Access to Information: Legislation, Practice, Perspectives”. Due to the fact that the journalist was late by approx. 10 minutes, the policeman, who was on duty on the second floor of the Parliament, prohibited the access to room 300 to her and also to several journalists „till the speaker Marian Lupu would leave the chamber”. The policeman took away the notices Alina Radu was jotting down while dialoguing with the representative of the law-enforcement bodies. More than that, the policeman forced her to leave the location of the Parliament. The witnesses of the incident affirm that Mrs. Valeria Șterbeț, the Chairman of the Supreme Court of Justice, also came late for that conference, but the policeman did not prohibited her the access to the above-mentioned room. The Chairman of the Parliament Committee for the Means of Mass Information, Mr. Victor Stepaniuc, publicly presented his apologies to Alina Radu for that incident. (on the 28th of September).

Conclusions

Traditionally, the Days of the Freedom of Press took place at the beginning of May. On that occasion, numerous problems that the press bodies are facing were put into discussion. So, the difficulties, which the press bodies meet during the exercise of their activity, as well as the pressures and abuses they undergo are related in a Memorandum that is analysing the current situation of the press in the Republic of Moldova and had been signed by 11 non-governmental media organisations. The state-of-art described in this Memorandum is an objective one: even though the legislation provides for certain guarantees, in practice the mass-media struggles between political pressures and economic difficulties. The same Memorandum comprises several specific suggestions aimed to improve the situation: „ - review the Legislation on the Audio-Visual Public Institution and ensure real independence to radio and TV public companies; improve the legislative framework concerning the issuance of licences for the broadcasting and frequencies; de-politicisation of the ACC; set up the conditions that are necessary for the development of the national audio-visual branch and the local audio-visual production; modify the Civil Code so that the amount of compensations to be proportional with the caused prejudices; implement the Law on Access to Information, guarantee the execution of the judicial decisions based on this law”. Also, the signatory organisations pleaded for the following economic measures, that would forge equal conditions for the press: - removal of the state control over the national state and local press; exempt the private press from the VAT; encourage local and international investments for the mass-media; offer advantageous credits to the private press. The set up of a syndicate, that would represent the journalists’ professional interests and protect their social and economic rights, is of the outmost necessity and importance».

We do hope that these desires will constitute a part of the achievements that would be reached during the year 2006.

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