



## ANNUAL REPORT 2006

### FREEDOM OF EXPRESSION AND INFORMATION IN THE REPUBLIC OF MOLDOVA

The current report is a brief description of several significant events, which took place in the Republic of Moldova in 2006. The Independent Journalism Center<sup>1</sup> finds these events as suggestive in assessing the quality of freedom of expression and information in the Republic of Moldova.

The report comprises the following sections:

**Legislative evolutions**

**Evolutions in the audio-visual sector**

**The situation of written press and investigation journalism**

**The press in the electoral campaign**

**Access to information**

**Outlook for the future**

**Conclusions**

#### *Legislative evolutions*

The year of 2006 has been marked by the Audio-visual Code adoption process. Both international organizations (experts from the Council of Europe, OSCE, Article 19) and local media NGOs from Moldova have undertaken unprecedented efforts aimed at adopting a good law. Despite these efforts, the governmental coalition has managed to adopt a law which promotes their own interests. The government has again succeeded in choosing a convenient Broadcasting Coordinating Council and also to maintain its control over Teleradio-Moldova Public Broadcasting Company. Also it suppressed two other audio-visual institutions with an independent editorial policy – Radio “Antena C” and “Euro TV Chisinau”. The Code was adopted on July 27, 2006, with a majority of 70 votes, and entered into force on August 18, 2006. Both the draft Code and the adopted act have been the subject of numerous criticisms from several media organizations and political parties. During March-August of 2006 numerous declarations have been launched on this topic. Also, the civil society has organized a series of debates and round tables in order to improve the draft law and convince the authors of the need to adopt the highest standards in the field.

Although less significant in impact, several changes have been made to Article 16 of the Civil Code in regards to liability for defamation. The Article lists a series of criteria that may help judges in deciding “reasonable” compensation for defamed persons. Still, the modifications did not include a ceiling for compensating moral damages which was the desire of many mass media entities.

In the summer of 2006, both the Parliament and the Government adopted decisions which provide for a 10-20% increase in the salaries of civil servants that have permanent access to state secrets. The decisions of the Government and Parliament have been adopted with retroactive effect, entering into force on December 1, 2005. Experts in the area of access to information have publicly stated their opinion that these decisions will stimulate secret-mania in the frames of state institutions: “Besides state secrets which need to be protected, information of public interest will be concealed”. On the other hand, the civil servants from the Information and Security Service have augmented the need for these

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<sup>1</sup> The synthesis is an IJC product (elaborated by Olivia Pîrțac). It reflects IJC opinions related to the invoked events.

increases by the execution of the provisions of Law on the State Secret from 1994, as well as several restrictions to various rights and liberties bared by the holders of state secrets.

The Government was quite successful in implementing the National Strategy for Edification of Informational Society “E-Moldova”. It adopted a series of normative acts and, on September 14, opened a Centre to certify civil servants' digital signatures, which represents an evolution of the “E-government” Project. On October 4, 2006, as part of the actions under the above mentioned strategy, it was decided to re-organize the State Company “Radio-Communications” into a joint stock entity. The authorities have motivated this decision by the fact that privatization will contribute to making the enterprise more attractive to potential investors. This would allow the entity to implement digital television and radio broadcasting technologies in the next seven years.

### **Evolutions in the audio-visual sector**

#### **Events prior to the adoption of the Audio-visual Code**

The situation in the area of audio-visual has been criticized almost continuously in recent times.

On January 13, 2006, about 20 representatives of the „Hyde-Park” Association protested against the activity of the Broadcasting Coordinating Council asking for the resignation of its members.

In March, radio „Vocea Basarabiei” broadcasted a call for financial support from its listeners, banking institutions, economic agents, and foundations from Moldova and other countries. The institution has blamed the lack of finances on hindrances imposed by some state structures to its activities. Thus, based on the statements of the above-mentioned radio company, the entity was not able to develop a national radio network. Over 70 of their requests of radio frequencies have been denied.

By the end of the mandate of the second Broadcasting Coordinating Council in April 2006, the latter opened a Center for monitoring radio and television posts broadcasting in Chisinau. This Center was created with the support of the Council of Europe and National Audio-visual Commission from Hungary. The Government of Moldova allocated 165 thousand MDL for the procurement of technical equipment. Previously, the Broadcasting Coordinating Council has invoked on multiple occasions its incapacity to fully undertake its functions due to lack of monitoring technologies.

#### **Adoption of the Audio-visual Code**

At the end of March 2006, parallel to the publication of the draft Audio-visual Code on the Parliament web site, the attention of the civil society was completely centered on the development perspectives of the audio-visual sector. Although the Concept regarding the Cooperation between the Parliament and the Civil Society provides 15 days for inputs from the civil society, the adoption in first reading of the Code was scheduled for April 6, which is only one week after its publication on the web site. On April 4, eight media organizations published a memorandum stating their discontent with the mechanism and conditions under which the draft Audio-visual Code had been elaborated. The undersigned have mentioned that the civil society was not involved in the process of elaboration the draft Audio-visual Code. This process totally lacked transparency; the content of the draft posted on the Parliament web site on March 28 was a surprise for those eight organizations. In parallel, the undersigning organizations have mentioned the need to organize consultations, auditions, and debates on the provisions of the draft Audio-visual Code in context with other draft laws in the area of audio-visual, discussed by the Parliament.

Although media NGOs have asked for a postponement of the adoption of the Audio-visual Code, on April 6, it was adopted in the first reading as a basic draft. Two other alternative drafts have been adopted as well. The latter were developed at the initiative of the civil society and supported in the Parliament by the “Moldova Noastra” Alliance. On the other hand, the draft-law on local public audio-visual institutions has been rejected in the first reading. This draft was developed by representatives of civil society (APEL). In the next period, the civil society from Moldova, with the help of international organizations, has worked on enhancing the quality of the Audio-visual Code through multiple debate sessions. “Article 19, Global Campaign for Freedom of Expression” from London, OSCE, and Council of Europe, sent their detailed expertise on the draft. On July 27, the Audio-visual Code draft-law was adopted in the final reading. Formally, the draft-law had undergone multiple enhancements, but, these were unessential in essence. In October, the 9 members of the Broadcasting Coordinating Council were elected by the Parliament. Again, the selection process was severely criticized by the civil society, including the majority of political parties. By the time the members of the Monitoring Council of the public company “Teleradio Moldova” had been voted on, the public opinion was ready and resigned that this Council will include in majority “people from the government coalition” as opposed to notorious personalities which are real promoters of public interest.

Following the adoption of the Audio-visual Code, the most dramatic changes occurred at the public municipal radio and television broadcasters “Antena C” and “Euro TV Chisinau”. Based on an Broadcasting Coordinating Council recommendation, on November 30, 2006, the Chisinau Municipal Council decided to re-organize municipal radio broadcasters through alienation. On December 14, it decided to organize an investment contest for selling these radio broadcasters. On the same day, the directors of these companies are dismissed and other directors are named. On December 15, the management of “Antena C” is abusively replaced (by force) by representatives of local public authorities and enforcement agencies. On December 16, “Antena C” transmission is ceased. The reason invoked by State Enterprise “Radiocomunicatii” is technical issues. The employees have not been allowed to conduct an independent expertise. Following the “repairing”, the transmission has not been renewed due to “lack of contract with the State Enterprise Radiocomunicatii”. The transmission was re-established only 38 days after, following a warning from the Broadcasting Coordinating Council regarding the license withdrawal due to failing to conform to the Audio-visual Code. In the evening of December 16, the headquarters of “Antena C” was closed and all the journalists were evacuated invoking the possibility of the existence of a bomb in the building. Still, the personnel that came to check on the existence of the bomb did not have any special equipment, the fire department and ambulances were missing, and the inhabitants of the nearby houses were not evacuated. It was clear that this was a set up. Immediately after the replacement of the director, the employees of “Euro TV Chisinau” have signaled multiple censorship cases. In the beginning of 2007 the crises among public municipal radio-broadcasters has been aggravated. The companies were purchased by unknown persons using financial sources of dubious origin. Massive discharges started at “Antena C”. The Chisinau Municipal Council actions were accompanied by a series of legal infringements and 38 employees from both companies have sued municipal authorities. The latter also asked for a cancellation of the decisions from November 30 and December 14 and claimed moral damages. Moreover, the ex-directors of “Antena C” (Vasile State) and “Euro TV Chisinau” (Arcadie Gherasim) have sued Chisinau Municipal Council for illegal dismissal. Media organizations and political parties have repeatedly declared their condemnation of the destruction of municipal audio-visual posts. International organizations have reacted as well. The conclusions of a project for monitoring the implementation of the Audio-visual Code, coordinated by APEL (Case Study: “Antena C”, “Euro TV Chisinau”, made public on February 7, 2007), state: “The way in which the re-organization of municipal broadcasters “Antena C” and “Euro TV Chisinau” has been carried out has infringed on the rights of the public to information. Public interest has not been taken into consideration in the process of re-organization. The opinion of municipal communities has not been consulted. The rights of employees of the two companies have been ignored. The case of “Antena C” and “Euro TV Chisinau”, which is currently in the attention of national and international

public opinion, may not in any way serve the purpose of sector development, like it is declared in the Audio-visual Code (Art.1) and compromised the European perspective of the Republic of Moldova”.

### **Public Company „Teleradio-Moldova”**

On February 13, 2006, IJC and Center for Sociological, Politological, and Psychological Analysis and Investigations CIVIS won the court case filed by the Public Company „Teleradio-Moldova”. The company sued IJC and CIVIS for including defamation information in its Mass Media Monitoring Report issued during the Chisinau mayoralty electoral campaign which criticized the way the Company reflected the electoral campaign. The court ruled against the request of „Teleradio-Moldova” Company assessing it as unfounded. Since no appeal has been filed, the court decision is final.

During the Press Freedom Days (May 3, 2006), 12 embassies and foreign institutions accredited in Chisinau have issued a common declaration expressing their concern regarding the situation of mass media in the Republic of Moldova. The undersigned emphasized their regrets that, despite repeated affirmations of Moldovan authorities regarding their commitment for the values which characterize a free, independent, and pluralist press, over the past year no significant progress has been noted in press reformation. In particular, the 12 embassies and foreign institutions accredited in Chisinau have expressed their concern regarding the lack of any progress in the transformation of the “Teleradio-Moldova” Company, the impediments to access to information, and the support of certain press representatives by the state.

In July 2006, several head of departments from “Teleradio-Moldova” Company resigned (General Producer Sergiu Batog, Chief of Economic-Financial Department Tudor Madan, Chief Accountant Maria Hincu, Sales Director Vasile Duca). It is suggested that the resignations are related to the Report of the Court of Accounts, which pointed out severe economic-financial violations in the company. The verification for 2004 and the first 9 months of 2005 show that as of October 1, 2005, “Teleradio-Moldova” Company registered debiting and crediting debts in the amount of over 1,3 million MDL. Half of this amount was related to the advertising services accrued during the period of electoral campaigns.

### **Pressures over “PRO TV Chisinau”**

The month of September was marked by pressures over the television network “PRO TV Chisinau”. On September 7, 2006, the Sales Director, Ghenadie Braghis, was detained under bribery accusations. Throughout the whole day of September 8, 2006, his lawyer, Vladimir Rosca, was not allowed to meet with him, although 4 requests had been filed for this purpose. “PRO TV Chisinau” declared that the actions of Ministry of Internal Affairs represented pressures over the company’s editorial policy: „In the frames of the campaign „Access to Information”, “PRO TV Chisinau” broadcasted news relating to the university diploma of the minister Gheorghe Papuc, the institution’s transportation vehicles, and abuses committed by the police. Sources from the Ministry say that this news bothered the minister. (The written press from the Republic of Moldova wrote stories suggesting that the university diploma of the minister Gheorghe Papuc is counterfeited. Based on the Law on Access to Information, “PRO TV Chisinau” has requested a copy of the university diploma of the minister, but could not obtain it.). According to the same source, this arrest is an attempt to compromise the credibility of “PRO TV Chisinau” both among its viewers and commercial partners.” On September 9, “PRO TV Chisinau” was searched by a group of policemen. “PRO TV Chisinau” declared that following the request of the company’s security officer to wait for the lawyer, so that the latter may assist at the search procedure, he was taken to the Police District Buiucani and charged with insubordination. Based on their warrant, the policemen searched the office of “PRO TV Chisinau” for several hours. The same day, employees of the Ministry of Internal Affairs have searched the house of Ghenadie Braghis. These events were followed

by „condemnation declarations” both from media organizations and several political parties. The undersigned requested the authorities to respect the legislation in force and stop harassing and intimidating “PRO TV Chisinau” television channel and its employees. Five days after the arrest, the Sales Director of “PRO TV Chisinau” was released on parole.

### **The situation of written press and investigation journalism**

#### **Pressures on journalists. Obstacles in the practicing the profession**

The accreditation procedure has frequently caused problems to the journalists. The accreditation of journalists is regulated by the Law on Press from 1994. Most of the provisions refer to the accreditation of foreign journalists in the Republic of Moldova (Art. 21, 22, 23, and 25). As to the Moldovan journalists, there is one single provision – Art. 21, paragraph (2): “Periodical publications and press agencies may accredit journalists accordingly with the local public authorities, as well as for artistic and sports events.” This ambiguous provision (“... accordingly...”) stood at the basis of internal regulations, which institutions use to create their own norms for accreditation of journalists. Some of these regulations are not even made public. Up to presently, the main form of abuse of journalists by public authorities is by not accrediting them.

In January 2006, the Popular Assembly of the autonomous Gagauz territorial unit refused the accreditation of the paper “Edinaya Gagauzia”, which is a publication edited by the social-political movement with the same name from UTA Gagauz Yeri. The refusal was motivated by the fact that the opposition publication distorts facts. The Chief Editor of the publication has affirmed that this is an invented reason, since the paper never had access to the meetings of the Popular Assembly. Although on February 20, the editorial house sued the Popular Assemble of Gagauz autonomy for its refusal of accreditation, it withdrew its petition from the Comrat Court of Appeal. “Sources from the editorial house “Edinaya Gagauzia” have anonymously declared that although it withdrew its petition, it was on the journalists’ side. The same sources have added that the editorial house was subjected to pressure, which made the journalists withdraw their petition to the court. No reference has been made, though, as to who pressured the journalists.” In June, “Edinaya Gagauzia” has called for public attention regarding the attempts of the local authorities to hinder its subscription campaign. According to the text of the appeal, the head of the UTA Gagauz Yeri, Gheorshi Tabunscik, has ordered postal offices from the Gagauz autonomy to refuse the subscription of the opposition publication “Edinaya Gagauzia” in order to close down the activity of the paper /based on Media Monitor Agency: 03.01.06, 08.02.06, 22.02.06, 21.03.06, 27.06.06/.

Since the date of its adoption (in February 2003), the Law on Counteracting Extremist Activity was intensively criticized by the civil society and regarded as an instrument dangerous to the democracy. Although so far no sanctions have been made based on this Law, it has been used several times as a scare tactic. At the beginning of 2006, the “Hyde Park” Association from Chisinau, an organization promoting freedom of expression and right to equidistant information, was accused by the Ministry of Justice of the Republic of Moldova of propagating extremism through information published in the “Curaj.net” bulletin. A letter from the minister of justice, Victoria Iftodi, directed to the “Hyde Park” Association indicated that issue nr.3 of the “Curaj.net” bulletin (from November 3, 2005) includes information that “propagates the inferiority of citizens based on nationality criterion. This represents a severe infringement of the provisions of Art.1 of the Law on Counteracting Extremist Activity. Within this letter, the Ministry of Justice warns the “Hyde Park” Association and requests the registration of the publication since “the association’s paper is issued for commercial purposes”. The President of “Hyde Park”, Oleg Brega, has declared that the warning represents a pressure on the association and that the accusations brought by the minister are unfounded. The Ministry of Justice did not indicate what specific texts in the bulletin instigated inter-ethnic hatred. “Hyde Park” Association has published a

declaration that mentions that the representatives of the Ministry of Justice, Information and Security Service, Prosecutors Officer, and Police have warned the members of the organization, both verbally and in writing, in regards to some publications included in the “Curaj” paper. According to the opinion of the organization, these are acts of intimidation and harassment /based on Media Monitor Agency, February 13, 2006, February 15, 2006/.

On March 17 a severe case of aggression towards a journalist took place in Chisinau. The sports reporter Ion Robu was beaten unconscious by two unidentified persons. The attackers did not take any of the reporter’s belongings, though he had both money and a cell phone on him. The reporter considers that this attack is directly related to his professional activity. He does not exclude the possibility of having been maltreated because of a scandal surrounding the Sports Press Association of Moldova. Also, the book “Athens Marathon”, edited after the Olympics Games in Greece, signaled some irregularities allowed by the National Olympic Committee of the Republic of Moldova. Media organizations have launched a declaration expressing their concern regarding this case noting that “the attempts to damage physical integrity represent the most severe way of undermining press freedom”.

The case of the sports reporter Ion Robu is the most severe of its kind registered in 2006 in Chisinau. Nevertheless, Moldovan journalists are confronting hostile attitudes and verbal aggressions quite often. On March 24, 2006, Anastasia Nani, reporter of the newspaper „Ziarul de Garda” was verbally aggressed by police officers and hence precluded from exercising her duty of a journalist. Anastasia Nani was trying to get information for an article about the church in Floresti where violent collisions had occurred as a result of a conflict between the religious believers of the Archdiocese of Basarabia and the representatives of the Archdiocese of Moldova. On October 26, 2006, Anastasia Nani was impeded from exercising her duty as well. On that day, she was forced by the governmental officials to destroy all pictures in her camera. It so happened that the journalist was exiting the Government building after she attended a meeting of the Collegium of the Ministry of Education and Youth. When leaving the building she saw a group of workers doing some land arrangement works next to the Cabinet building. The journalist, having her camera at hand, took a picture of the workers in the background of the Government building. A couple of persons approached her immediately and, having refused to introduce themselves, insisted on deleting all pictures from her camera although the journalist made shots of a solely public area and no “photo ban” notice was posted anywhere nearby.

On July 13, seven mass media organizations expressed their concern in connection with some attacks against freedom of the press. They, in particular, referred to the attempts of the representatives of the ruling party to impose its ideological dominance using the force of the administrative power, which threatened to apply sanctions against any publications and broadcasters daring to express other viewpoints about some events. At the end of July, representatives of the Chisinau Municipality Council dominated by the Communist Party of Moldova (CPRM) made aggressive statements against the municipality channels “Antena C” and “Euro TV”, and the newspaper “Timpul de dimineata” (“Morning Time”), having stated that the latter interpreted some events that happened about 65 years ago other than it would be correct from the communists’ point of view. Signatories of the statement made by the media organizations also alerted the public opinion of the attempts to economically undermine the newspapers “Moldavskie Vedomosti” and “Jurnal de Chisinau”. Thus, the newspaper “Moldavskie Vedomosti” is likely to loose its premises that were privatized about six years ago as a result of the recent request of the Court of Appeal to cancel privatization of that place. “Jurnal de Chisinau” was accused of failure to pay VAT totaling over half a million MDL, which, if covered, would bankrupt the newspaper. In their statement, mass media organizations asked that the authorities of the Republic of Moldova bring clear evidence proving due enforcement and safeguard of the inalienable rights and freedoms of the press to inform, and those of the citizens – to be informed and express freely their opinions through press outlets.

On August 1, 2006, the police from Bălți obstructed the activity of photo-reporters and TV-operators around the monument to „Ștefan cel Mare și Sfânt” (Stefan the Great and Saint) from the center of the locality. A day prior to that, some unknown persons profaned the monument. They defiled the base of the monument with paint and wrote in Russian „I am against Vorona”. The police did not allow local photojournalists and TV operators to take pictures of the desecrated monument. The representatives of the law enforcement bodies behaved aggressively with an operator from TVB (TV Balti) who tried to shoot despite the police restraint. Police officers did not allow another two photojournalists to take pictures either (from DECA-press Agency and newspaper “SP”).

On October 26, the weekly investigation newspaper “Ziarul de Garda” that is published in Chisinau released a press statement by which it warned the public opinion about the pressure exerted on some journalists. Pursuant to “Ziarul de Garda” press statement, with publication of some disclosures of corruption cases in the legal system of the Republic of Moldova pressure over journalists had increased. Persons holding important state positions offered money to the journalists in exchange for some immoral compromise to be accepted by the latter. One might believe that in such a way they tried to collect jeopardizing evidence against some journalists and bully them in the future, i.e. a trick also used lately against other media organizations with the purpose of “documenting” some files, as reported by the cited statement.

Over the same period of time (from the 10<sup>th</sup> to the 11<sup>th</sup> of October), a dozen of things were found stolen from the editorial office of the newspaper “Jurnal de Chisinau”, among which the computer of the journalist Raisa Lozinschi, author of several articles with political connotations. In the light of those events, the Association of Independent Press (API) and Independent Journalism Center (CIJ) made a statement requesting that the Parliamentary Committee for National Security, Defense and Public Order and the Parliamentary Committee for Human Rights get self-informed about the cases revealed in the appeal of the “Ziarul de Garda” and examine them carefully. API and CIJ urged attention to a strange “coincidence” suggesting that the time of pressure over the employees of “Ziarul de Garda” matched the time of a theft that occurred in the offices of the newspaper “Jurnal de Chisinau”, which the editorial staff treated as an attempt to intimidate the journalists. These two media organizations requested immediate and efficient actions be taken with a view to put an end to the attacks from some criminal outlaws and venal officials against the independent press.

The publication “Observatorul de Nord. Editie de Floresti” (Northern Observer. Floresti edition) became part of an examination for its legality, which was initiated by the local Prosecutor’s Office upon the request of the Chairperson of the Rayon. The results of the check showed that the activity of the publication in the rayon was totally legal. The manager of Floresti edition of the newspaper “Observatorul de Nord” stated that the request of the Chairperson of Floresti rayon could be explained by his fear to loose control over one newspaper that he could not subdue as he would like to see it happen /see Monitor Media Agency, April 13, 2006/.

The newspaper “Jurnal de Chisinau” showed severe problems when an inspection of the tax authorities revealed that the newspaper failed to pay VAT amounting to 360765 MDL for 2004 and 2005 years, and then issued a decision by which the newspaper had to pay the given amount plus penalties, charges for delays and fines, i.e. totaling 630156 MDL (about 37000 Euro). The newspaper contested that decision and the legal dispute is still going on. “Jurnal de Chisinau” believes that the sanction of the tax authorities is an attempt of the ruling power to destroy the newspaper.

In October 2006, the Center for Journalistic Investigations (CIN) notified that the web site of the Center [www.investigatii.md](http://www.investigatii.md) was attacked and thereof became malfunctional. The site included over 100 journalistic investigations in both Romanian and English languages that had been carried out during the last three years, as well as documents and photos obtained by the journalists during their investigations. The attack completely destroyed CIN web database, including the archive with investigations, comments

and other materials. CIN declared that it did not exclude the fact that the web page could have been damaged deliberately with the intention to destroy the database of the Center.

The campaign for election of the Head of Gagauzia TAU was accompanied by many violations of the right to freedom of expression. By the end of November, the police arrested about five thousand copies of the newspaper „Gagauz Halkâ”, whereas Serghei Dimoglo, ex-deputy-chairman of the People’s Assembly (legislative body of Gagauzia TAU) was apprehended and kept in custody for 7 days, being accused for resistance to police during the on-spot examination of the newspaper. The newspaper contained several articles criticizing the current governance of the autonomous territorial unit, and of the Republic of Moldova as well. In light of the incidence with the newspaper „Gagauz Halkâ” which has been published in Gagauzia TAU since 1999 with temporary intervals, the political movement „Edinaya Gagauzia” made a statement declaring the arrests of Dimoglo and of the newspaper print run as unlawful. The given political movement considered that such actions intimidated certain candidates employed in the election race /reported by Monitor Media Agency, 1 December 2006/.

Inspections of the economic police at the premises of the Balti newspaper “SP” were also considered as intimidation. Having noticed that an employee of the newspaper “SP” did not put on the books the amount of 54 MDL (about 3 Euro), i.e. did not issue cash receipt for placement of three advertisements from some individuals, three employees of the economic police started checking all documents on the commercial activity of the newspaper. The police officers checked all ads-related contracts for 2005-2006 signed by the newspaper with legal persons and made copies of the sales register for the same period. Slava Perunov, Chief Editor of the newspaper “SP” considered it an attempt to pressure the newspaper, but did not issue any statement about the negative consequences of that inspection.

### **Support of the publications favorable to the power**

Unfortunately, the state is still backing the newspapers pursuing a policy favorable to the power. In February, „Jurnal de Chisinau” published some information about a document of the Ministry of Culture and Tourism signed by the Deputy Minister Tatiana Lopicus, which recommended all heads of institutions in its subordination to subscribe to the newspaper „Moldova Suverana”, „Nezavisimaya Moldova”, magazine „Moldova” and „Monitorul Oficial al Republicii Moldova” (Official Gazette of Moldova). According to the document signed on January 31 this year, heads of institutions and organizations subordinated to the Ministry of Culture and Tourism were asked „to personally contribute to an efficient organization of subscription for national periodicals for 2006 and first of all to such central publications as „Moldova Suverană”, „Nezavisimaya Moldova”, magazine „Moldova” and „Monitorul Oficial al Republicii Moldova” [...] The ministry shall be informed about the subscription results by the end of each quarter”. Also, the same Ministry issued a similar document at the end of the previous year, a fact reported by „Ziarul de Gardă” on November 16, 2006. Raisa Caraman, Head of Training Means and Education Acts Unit of the Ministry gave the following explanation: „Free publications handle publicity on their own, whereas „Moldova Suverana” and „Nezavisimaya Moldova” are recommended by us, since they facilitate better knowledge by the subscribers of the Government activity”.

Though transferred from state to private holding, the former governmental newspapers continue being supported by the Government. In December 2005, the Government allotted over 376 thousand MDL (cc 29 thousand USD) to the editorial office of the newspaper „Moldova Suverana” for payment of printing expenses, which was called „single financial aid”, while the newspaper „Nezavisimaya Moldova” received a financial aid of 81.3 thousand MDL (6.2 thousand USD) with a view to repay the outstanding debt to „Universul” Printing House.

### *The press in the electoral campaign*

Association of Independent Press and Independent Journalist Center were assigned to monitor the coverage of Găgăuzia election campaign in mass media. The results of the monitoring of the first round of elections showed that the majority of media outlets from Gagauzia autonomy supported the policy of the then acting governor of the region (Bashcan), Gheorghe Tabunșic. Favoritism towards Tabunșic was shown in various newsreels about the progress achieved by the Gagauzia administration, avoiding any critique about its leadership. The newspaper „Nastoiășcee Znamea” (Ceadâr-Lunga), which supported the independent candidate Mihail Formuzal, mayor of Ceadâr-Lunga was the only exception during that time as it had been providing some negative feedback about the governor. Besides, the audiovisual broadcasters covered in the given monitoring other than „Radio Moldova” adopted the tactics of ignoring the competitors in election race with the exception of Gheorghe Tabunșic. On the other side, the newspaper with national coverage „Nezavisimaya Moldova” did not write a word about local elections in Gagauzia autonomy. Out of all audiovisual outlets, only „Radio Gagauzia” included election education programs in their broadcasts, whereas all radio and TV outlets covered in the monitoring did not have any programs with election debates.

The OSCE mission also stated a substantial favoritism during the election campaign toward Gheorghe Tabunșic, Bashcan of Gagauzia TAU shown by state regional mass media, representatives of local and central authorities, as well as the ruling party. In the first press statement released immediately after the first ballot, the OSCE mission mentioned that all candidates had had access to mass media and could participate in TV debates organized by „Teleradio Gagauzia”, but the value of those debates was significantly reduced since Tabunșic, the then acting Bashcan of Gagauzia refused to participate in TV debates. The law enforcement bodies impeded organization of election activities by opposition candidates which fact was stated by the OSCE mission as well. It said, as an example, that on November 28 five thousand copies of a newspaper that supported an opposition candidate were confiscated. Despite that on December 3 when the first ballot was held in Gaguzia, Mihail Formuzal, mayor of Ceadâr Lunga, accumulated most of the votes, being followed by Nicolae Dudoglo, mayor of Comrat. Thus, Tabunșic dropped out of the election race after the first ballot, whereas Mihail Formuzal, who became Bashcan of Găgăuzia came as winner of the second ballot held on December 17.

### *Access to information*

#### **Accessibility of information**

In 2006, the legislation of the Republic of Moldova became accessible via Internet. The Ministry of Justice has launched the web page [www.justice.md](http://www.justice.md), which practically contains the entire legislation of the Republic of Moldova. This page is administered by the Center for Legal Information and is endowed with a navigation device for legal acts search function.

Publication of the Parliament sessions shorthand records on Internet continued in 2006 (the first shorthand records were placed in summer of 2005).

The Standing Bureau of the Parliament approved a new regulation for accreditation of the journalists allowed to attend the works of the legislative body. According to the new regulation, accreditation permits will be issued for the entire mandate of the Parliament and not for just one year as it used to be before. Besides, the plenary sessions of the Parliament continued being broadcasted live on the public radio and TV stations of the Teleradio Moldova Broadcasting Company, but the communist fraction of the legislative body several times throughout the given year insisted on suspending the live radio and TV broadcasts of the Parliament sessions. The communists consider them inefficient and call for creation of some synthesis programs for radio and TV, which would provide summary information about the

activity of the Parliament. Although these live broadcasts still continue, in the opinion of the public this accomplishment is rather fragile.

At the same time, this year the television channel TV7 has started transmitting its own programs (for instance, news program „Segodnea v Moldove” („In Moldova Today”) and „Cotidian” („Daily News”), as well as some entertainment programs). Besides, BBC extended its local broadcasting and also inaugurated a modern office in Moldova. However, „Flux” Press Agency albeit its over 11-year operation in Moldova had to close down for economic reasons.

On the other side, several times journalists complained of limited access and discriminatory treatment depending on how suitable their stories were for the ruling power. Thus, only some of the journalists accredited with the press service of the Presidential Office of Moldova (namely official and pro-presidential press agencies) were invited to the briefing organized by President Vladimir Voronin after his official meeting with President Putin on August 8, 2006. The same thing could also be tracked after Voronin’s participation in the Summit of the Heads of CIS countries held in Minsk and his meeting with Vladimir Putin there (November 2006). When writing about those briefings, both independent press agencies and reporters from foreign press agencies accredited in the Republic of Moldova had just to rely on the information broadcasted by official mass media from Moldova.

The phenomenon when press representatives are selectively invited to attend certain official meetings or events has also been mentioned in relation to other dignitaries as well. Thus, at a meeting held in the Parliament building in June where Marian Lupu, Speaker of the Parliament invited the civil society and mass media representatives to discuss the possibility of amending article 16 of the Civil Code, Dmitri Ciubaşenko, Director of the newspaper „Moldavskie Vedomosti” was refused access into the Parliament edifice. The security service of the Parliament did not allow Mr. Cibaşenko to get into the building because his name was not on the list of invitees, likewise Constantion Tănase from the newspaper „Timpul de dimineaţă” (Morning Time). The names of those two journalists were removed from the list at the indication of Maria Postoico, Deputy Speaker of the Parliament /as reported by Monitor Media Agency, June 8, 2006/.

### **Legal proceedings and limitation of access to information**

Throughout the given year, several lawsuits related to access to information have been ruled in favor of the journalists. One of the most remarkable victories was the fact that the Supreme Court of Justice recognized secrecy of the Court of Accounts decisions about the controls held in the Staff (so called Apparatus) of the Parliament and the Staff of the President of RM as illegal (Decision of the Court of Accounts on the findings of the financial revision of the Parliament Staff for 2002 No. 55-s of July 10, 2003 and Decision of the Court of Accounts on the findings of the financial revision of the Presidential Staff for 2002 No. 56-s of July 11, 2003). That action was initiated at the request of Ştefan Secăreanu against the Court of Accounts and the Interdepartmental Committee for Protection of State Secrets, by which he requested that secrecy of the respective decisions of the Court of Account be recognized as illegal, because information contained in them could not imperil security of the Republic of Moldova.

However, the newspaper „Timpul de dimineaţă” alerted the public opinion that for making public the findings of those financial revisions, the Court of Accounts (initiator of these controls) requested examination of the newspaper „Timpul de dimineaţă” by the Chisinau Prosecutor’s Office. On February 8, i.e. after the decision on secrecy-lifting was adopted in the first instance court, „Timpul de dimineaţă” published an article about the control in the Parliament Apparatus (entitled „Court of Accounts proved that „the parliament steals public money”), while on February 9 it published an article about the revision held in the Presidential Office („Employees of the Presidential Office play „Souvenior” scheme”), both being signed by the journalist Ina Prisăcăru. These two articles showed that both the Parliament and the Presidential Office have been fraudulently spending public money as proved

by revision findings. A week after these articles appeared in the newspaper, the journalist Ina Prisăcaru was called to the Prosecutor's Office and asked to give written explanation of the rationale for writing such articles. The journalist declared that in such a case the Court of Account used the Prosecutor's Office to intimidate the publication. However, those intimidations could not be continued because the appellate court also ruled against secrecy of such documents, considering it groundless.

On October 31, 2006, DECA-press News Agency from Bălți made a statement that one reporter was now allowed to attend public hearings in the lawsuit examined by Drochia District Court. The judge did not allow the reporter to participate in several hearings of the lawsuit, explaining her refusal by the fact that media representatives were entitled to be present only at the first hearing of a trial and when passing the sentence (which is an erroneous interpretation of the legislation in force). To justify her decision, the judge stated that journalists did not have any right to take pictures, make audio or video recordings during public hearings, which the journalist did not even intend to do.

Vasile Roadedal from Calarasi rayon managed to win a lawsuit against the Parliament of Moldova at the Supreme Court of Justice for its failure to enforce the Law on access to information. Vasile Roadedal requested information from the Parliament on how some MPs were sanctioned for having benefited from some budget money without making proper social payments. The Court bound the Moldovan Parliament to provide the requested information to the gentleman from Calarasi and compensate an amount of 214 MDL representing court fee, but it failed to rule payment of moral damages to him.

During the last three years, the Center for Journalistic Investigations (CIN) managed to win several important lawsuits related to breach of access to information rules. In 2006 the Center for Journalistic Investigations has won two important lawsuits against the General Prosecutor's Office of Moldova: in March 2006, the Supreme Court of Justice ruled in favor of the CIN in a lawsuit against the General Prosecutor's Office for its refusal to accredit one reporter, while in October 2006 after a law trial that lasted for more than two years, the Supreme Court of Justice obliged the General Prosecutor's Office to disclose the names of the prosecutors who received some allowances unlawfully provided to them.

### **Outlook for the future**

On September 4, 2006, the Independent Journalism Center (CIJ) launched the School of Advanced Studies in Journalism. It represents a post-graduate study organized with the support of local and international experts. Twenty students are admitted every year. The School focuses on hand-on experience and includes one six-week internship at one media institution. By setting up the School, CIJ seeks to modernize journalist education in Moldova and train high-profile journalists.

The Independent Journalist Center developed a draft Law on Freedom of Expression, which was publicly debated at one round table that took place on December 11, 2006. The draft law seeks to legally secure the right to freedom of expression and information, as well as protection of other personal/non-patrimonial rights of an individual (right for personal dignity and honor, right for privacy, etc.). The need for such a law is explained by the fact that the European standards regarding freedom of expression in cases of defamation and privacy fail to be properly enforced in the Republic of Moldova. Besides, there are a number of concerns that could be resolved should there be a better regulation in the area. Passage of such a law would ensure protection provisions necessary for the journalism of the Republic of Moldova. The draft law could be read in Romanian and English on the following web page: [www.ijc.md](http://www.ijc.md).

At the same time, „Acces-info” Center and other NGOs developed a draft Law on transparency in decision-making, which was supported by the Government and submitted as legal initiative to the

Parliament. Should the Law be adopted, it will contribute to a more active participation of the public in decisions of community interest.

### **Conclusions**

***Numerous pressures over the journalists could be noticed throughout the year. Nevertheless, the situation with freedom of expression has significantly downgraded in the second half of the year after the beginning of the new Audio-visual Code implementation in Moldova. It appears evident that this document is namely used for suppression of critical voices expressed by local broadcasters.***

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