



ANNUAL REPORT 2007

FREEDOM OF EXPRESSION AND INFORMATION IN THE REPUBLIC OF MOLDOVA

The current report is a brief description of several significant events that took place in the Republic of Moldova in 2007. The Independent Journalism Center (IJC) finds these events suggestive for assessing the quality of freedom of expression and information in the Republic of Moldova.

The report comprises the following sections:

1. Legislative Developments
2. Developments in the Audiovisual Sector
3. The Status of Print Press and Investigative Journalism
4. Press in the Electoral Campaign
5. Access to Information
6. Conclusions

1. Legislative Developments

During the past year, there were no significant developments in terms of legislation on the freedom of expression and access to information in Moldova. The efforts of civil society to make such legislation comply with European standards to create an independent press were undermined by the State's incapacity and lack of political will.

The Moldova-European Union Action Plan, a political document that set the program, strategic objectives and priorities of relations for 2005–2007, terminated at the end of February 2008. "Ensure observance of the freedom of media and expression" was one of the priority objectives in this action plan. The process of monitoring the implementation of this plan regarding freedom of media and expression revealed many flaws and problems.

The year 2007 was one of electoral events. General local elections were held countrywide from June 3 to 17. In the mass media, the electoral campaign started in May and was tumultuous compared with previous campaigns. The ruling party monopolized access to public audiovisual media and print press. On March 29, the Broadcast Coordinating Council (BCC) adopted a concept on the coverage of local

electoral campaigns by audiovisual institutions in accordance with Article 40 of the Audiovisual Code. On April 6, 2007, the Central Electoral Commission (CEC) and the BCC approved a regulation on the coverage of campaigns for the general local elections of June 3, 2007 based on this concept. Many provisions of this regulation are restrictive, particularly those regarding the expression of opinions by candidates, and they affected the quality of debates on public and private broadcasting channels by not stimulating an exchange of opinions and dialogues between candidates and by restraining the free expression of opinions by contestants.

On March 23, 2007, amendments were adopted to Article 82 of a parliamentary regulation by a decision of a majority of members of parliament (MPs). The amendments excluded mandatory live broadcasts of the parliamentary sessions.

With a view to ensuring the protection of peoples' rights and freedoms while processing of their personal data, including the protection of their rights to the inviolability of their private lives and to professional and family secrets, the Law on Personal Data Protection was adopted and entered into force on July 27, 2007. This law has complemented the list of legal acts imposing fundamental regulations on disseminating information.

The adoption of the Law on Counteracting Extremist Activity in February 2003 by a vote of the communist parliamentary majority has raised the concern of a number of media institutions and international organizations. The law contains warnings to mass media and delivers a signal that media is under special restrictions in terms of the information that can be published or broadcast. In August 2007, with a view to enforcing this law, the Government set up the Register of Materials of an Extremist Nature and their Regulation.

In November 2007, the Executive Body of the Republic of Moldova approved a legislative initiative that proposed that parliament exclude the phrase "denying and slandering the State and the people" from Article 32 of the Constitution. The Government stated that doing so would expand freedom of opinion and expression. Amending this article aims to bring the Constitution into compliance with the provisions of Article 10 of the European Convention on Human Rights and Fundamental Freedoms which provides for the right to information and to freedom of opinion and expression. This amendment of the Constitution is part of the National Human Rights Action Plan of the Republic of Moldova 2004–2008. The initiative is welcome, but the development of the draft law lacked transparency and did not involve media experts.

Several non-government media organizations have signed petitions protesting abuses and actions of law enforcement bodies against journalists that are unacceptable in a rule-of-law state and proposed the idea of adding an article to the Criminal Code that would provide for the punishment of individuals who deliberately hinder the activity of

mass media and intimidate citizens for expressing criticism. The organizations defend their request by the citing that, “intimidating actions against press and journalists recur periodically.”

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2. Developments in the Audiovisual Sector

The Broadcast Coordinating Council

In 2007, the difficult process of implementing the Audiovisual Code adopted in 2006 continued. The BCC, the autonomous public authority responsible for implementing the code with its new membership appointed by parliament in October, was concerned with settling internal crises and made controversial decisions that scandalized public opinion. The image of the institution was tarnished after the Center for Combating Economic Crimes and Corruption (CCCEC) accused several BCC members of extortion and bribery. Later they withdrew their accusations.

According to the report “Monitoring the Implementation of the Audiovisual Code” by the Association of Electronic Press of Moldova (APEL), BCC did not react promptly, adequately or consistently to infringements of the code that led to conflicts that became public in the cases of Antena C and Euro TV and that affected public interest in other cases. Furthermore, BCC approached the reorganization of other broadcasters established by local public authorities in a cursory and superficial way, thus shirking the responsibility incumbent on it in the code.

Scandals within BCC significantly reduced the credibility of this institution and engendered the idea that BCC does not carry out its activities in the public interest but instead plays into the hands of people who want control over the audiovisual media. Moreover, the uncertain situation at the BCC raises concerns among broadcasters that doubt BCC’s impartiality in reviewing their requests for extending their broadcasting licenses. BCC’s biased decisions have been labeled by civil society and international institutions, with good reason, as attempts to limit the pluralism of opinions and the critical voices of Moldovan media. The implementation of the new Audiovisual Code has suffered because of the BCC’s controversial decisions; this is one of the one hundred most pressing issues in the Republic of Moldova in 2007 identified by the website IDIS Viitorul.

In January 2007, BCC adopted and publicized “Recommendations on the Implementation and Observance of the Audiovisual Code” for all license holders. The latter were given one month to bring their program listings into compliance with the provisions of the code in terms of the required number of original programs and local programs in Romanian; the mandatory dubbing and subtitling for artistic movies, documentaries and children’s movies and priority given to programs developed in the

state language. Following monitoring in 2007, BCC issued warnings and penalties for broadcasters for running hidden advertising, violating the code, failing to observe program listings and failing to meet the quotas for programs in Romanian and for original programs.

On May 10, 2007, BCC approved the “Strategy on Covering the Territory of the Republic of Moldova with Audiovisual Programs from 2007 to 2010” that according to experts creates favorable conditions for audiovisual reform; however, to achieve these objectives, constant efforts and consistency are needed both from BCC, civil society and the government. This strategy aims to support the democratic process in Moldova by assuring the universal right of every citizen to receive and disseminate information, including by means of audiovisual programs. Although 245 broadcasting licenses have been granted, Moldovan citizens still remain uninformed in principle as national and local political realities are not publicized enough and are not subjected to enough political debates.

At the end of 2007, self-regulation of the audiovisual media in Moldova made a step forward. On December 26, 2007, the Broadcaster’s Code of Conduct developed by APEL jointly with BCC was discussed with the broadcasters and was approved by BCC as a recommendation.

Public Company Teleradio-Moldova

The process of reforming the public company Teleradio-Moldova (TRM) to make it into a genuine national public audiovisual institution is ongoing. In the meantime, TRM has continued to show favoritism to the government and the ruling party.

On January 23, 2007, the TRM Board of Observers (BO) appointed its head and secretary. Nineteen candidates applied for three positions: head of the company, director of the radio station and director of the TV channel. Violations of the Audiovisual Code were noted in the process for selecting candidates as the regulations for filling vacant positions and the applicants’ resumes were not published. The head of TRM and the director of TV Moldova 1 were elected after the third attempt on April 10, 2007 (the director of Radio Moldova was elected on June 8) in a nontransparent way without allowing media access to the proceedings.

Throughout 2007, representatives of civil society who authored several monitoring reports ascertained that TRM did not implement the Audiovisual Code in a way that could earn it the title of public institution. TRM offered the public a preponderantly official view of events. A large number of news stories were based on press releases from the press offices of state institutions that usually presented only one point of view—the official one. Stories were broadcast without investigating the causes of the situation and without asking for the points of view of all the parties involved. On May

22, 2007, BCC warned Moldova 1 about the lack of pluralism and impartiality in its news programs. This was the second public warning for TRM from the BCC.

In August 2007, the authorities made contradictory statements regarding the results of monitoring TRM. President Vladimir Voronin accused TRM of being an institution closed to state leaders, and Prime Minister Vasile Tarlev appeared to be unsatisfied because TRM did not sufficiently cover the achievements of the government. Moldovan media institutions labeled the statements of the Prime Minister as an intrusion into TRM's publishing policy. An opposition MP said he was concerned about the risk of re-imposing censorship on the institution.

Analytical research by two BO members in late October—Igor Munteanu and Veaceslav Ionita—severely criticized the way in which the public television station was managed accusing the current administration of “intellectual slothfulness” and of “mimicking reform.” In response, Valentin Todercan, the head of TRM, sued the authors and IDIS Viitorul, the website on which the research was published, for 2.6 million lei for moral damages caused to him and to TRM. This can be viewed as intimidating members of the BO which is TRM's oversight body. In the election for the new head of the company, Igor Munteanu and Veaceslav Ionita voted against Valentin Todercan.

Antena C and Euro TV...

At the end of June 2006, the Constitutional Court, after notification from several opposition MPs, acknowledged the provisions of the Audiovisual Code according to which public authorities at any level may not establish private broadcasting companies. Thus, Antena C and Euro TV Chişinău, formerly audiovisual institutions of the Chişinău Municipal Council, were reorganized and privatized in accordance with the code. The dramatic and controversial reorganization ended in the first half of 2007. As a result, most of the journalists at Antena C and Euro TV were dismissed from the institutions where they had been working for eight years thus depriving the public of the rich quality of the information they provided. Following privatization, the number of programs on Antena C fell from 50 to 15.

On January 2, 2007, journalists from both companies sued the Chişinău Municipal Council and the former interim mayor Vasile Ursu because they had decided to spin off the two institutions via a contest and to dismiss their administrations. On March 12, 2007, Chişinău District Court refused to review the journalists' request and rejected it alleging that the accusations against the authorities were unfounded. On March 23, 2007, the director of Antena C, Vasile State, was reinstated in his position by a decision of the Chişinău Court of Appeals. The decision of the Chişinău Municipal Council that dismissed Vasile State was acknowledged as illegal. Nevertheless, he could not assume

his position as Atena C had been liquidated during the review of his case and the radio station had a new owner.

According to a case study conducted by APPEL based on BCC official data, when the Audiovisual Code entered into force there were six outlets that had been established by local public authorities. In August 2007 when the case study was conducted, the status of those six broadcasters was as follows.

- Unda Adevarului, a radio station founded by the Leova Raion Council, had withdrawn its broadcasting license at the request of its founder.
- Radio Bălți and Teleradio Bălți TV founded by the Bălți Mayor's Office had not been reorganized according to the provisions of the code.
- TVK-24 founded by the Mayor's Office of Copceac Village in Gagauzia had not been reorganized according to the provisions of the Code.
- Antena C and Euro TV founded by the Chișinău Municipal Council had been reorganized with violations of the provisions of the code.

Teleradio Gagauzia Company

In the second half of 2007, the reorganization of Teleradio Gagauzia (TRG) Comrat State Company into a regional public company started. Ten mass media and human rights associations asserted in a monitoring report on the application of the Audiovisual Code that liquidating TRG and establishing a regional public broadcaster was carried out in a non-transparent way, without the cooperation of civil society and with violations of the Audiovisual Code and local legislation. This state of events naturally raises doubts about the objectivity of the criteria for selecting candidates for the TRG Board of Observers. This lack of transparency has engendered a lack of clarity regarding the mechanisms for establishing the regional public broadcaster, including the terms for developing the public company's statute. According to this report, the BCC in its capacity as representative and guarantor of the public interest in audiovisual media did not act appropriately. It did not react to the violations of the code that took place during TRG's reorganization and did not enact measures to protect the public interest and the rights of specialists.

Abuse and Pressure

DTV

On March 27, 2007, two journalists from DTV television were apprehended by the police in the Centru District of Chișinău while they were reporting on the arrest of several leaders of a political party. The police seized their video tape and demagnetized it and questioned the journalists though no official record was made of this seizure and arrest.

PRO TV Chişinău

On March 27, 2007, a reporter and a camera operator from PRO TV Chişinău were apprehended by the police while they were making a report about a public action that took place in the capital. The journalists along with the protesters were arrested and taken to the police station in the Centru District. A journalist from DTV who had gone to the police station to gather documentary evidence and was shooting a video about the incident was assaulted by the police. In connection with these incidents, a number of media organizations issued protests.

On August 6, 2007, the administration of the Tracom tractor plant in Chişinău did not allow a team of journalists from PRO TV Chişinău to shoot in a room where the ceiling had caved in. The administration refused to comment on the incident.

On August 21, 2007, the PRO TV Chişinău team was prevented from making a report on an attempt on the life of police colonel Ghenadie Cosovan. Several policemen dressed in plain clothes prevented the camera operator from filming the colonel's villa where the attempt had been made. Although the journalists were in a public area at a distance of 200 meters from the villa, the policemen covered their camera lenses and asked the operators to stop shooting.

On October 19, two policemen armed with Kalasnikov rifles confronted PRO TV Chişinău reporter Angela Gonta and camera operator Vlad Culiomza as they were reporting on police and doctors evicting a mentally ill man from a house in Chişinău.

Another case of pressure on PRO TV Chişinău was the arrest on September 7, 2006 of Ghenadie Braghis, the station's sales manager, because of a complaint by the manager of a transport company that Braghis had allegedly requested one thousand dollars for providing advantageous advertising time. On November 7, 2007, prosecutors ascertained that Braghis had not committed that offence; this resulted in the cancellation of the criminal investigation. Both Moldovan and foreign media organizations stated that this case was an example of pressure on the publishing policy of a media institution.

Fm 103.5 in Bălţi

On February 13, BCC refused to extend the broadcasting license of radio station FM103.5 in Bălţi alleging that it, "had not observed the program listing." This fact was established after only 12 hours of monitoring. Their broadcasting license was then granted to another company which caused the cancellation of the FM 103.5 broadcast on February 16, 2007. The non-transparent way in which this decision was made by BCC was upsetting. A number of media organizations considered that BCC members had made a biased decision without taking public interest into account which indicates the distorted nature of the process of implementing the new audiovisual legislation. Like

Antena C and Euro TV Chişinău, Radio FM 103.5 would appear to be another victim of the ruling party's tendency to limit the pluralism of opinions and critical voices on the eve of an election.

TVR 1: Romanian Public Television

At the end of June 2007, the Ministry of Information Development (MID) in Chişinău requested that BCC announce bidding for the broadcasting frequencies of TVR 1. The letter received by BCC said that the money planned for financing broadcasts of TVR 1 programs in Moldova would be expended by June 17 and that to date, no new financing source had been identified. As stated in the letter, the economic interests of the state enterprise Radiocomunicatii and the public interest in preserving Moldova's information network led MID to request the announcement of a competition for the right to broadcast TVR 1 programs. In September 2007, however, the Government of Romania supplemented the Romanian Television Society's budget with over United States \$155,000 (360,000 Romanian lei) to finance the relaying of TVR 1 programs to Moldova. At the same time, TVR 1 requested BCC to exclude the frequencies on which it broadcasts in Moldova from the contest. Despite the existing agreement between BCC and the Romanian Television Society for 2006–2011 and the society's license which was valid for the same period of time, the Moldovan authorities withdrew the broadcasting license of TVR 1 in favor of another company on September 27, 2007.

On October 2, 2007, ten media and human rights organizations signed a joint appeal addressed to BCC requesting it to reinstate the Romanian Television Society under the legal framework of Moldova as the holder of the license for broadcasting programs of TVR 1. In their appeal to parliament and the government, the signatories also requested compliance with international agreements in accordance with the Constitution of the Republic of Moldova and the assurance of the autonomous and independent functioning of the public regulating authority of the audiovisual media. The ten organizations concluded that the distribution by BCC of the frequencies legally used by the Romanian Television Society to another economic entity represented the first truly serious violation since the legal regulatory framework of the national audiovisual media had been adopted.

Other Cases

On August 17, 2007, a team from the local television channel TV Prim Glodeni was reporting on a tense meeting of the Glodeni Town Council. After a heated dispute in which he tried to hit another member of the Town Council, MP Boris Stepa, the leader of the Glodeni Organisation of the Communist Party of Moldova, aggressively confronted Rodica Nimerenco who was filming this incident and tried to pull the tape out of her video camera. Due to the fact that two members of the council interceded, the MP did not manage to seize the tape from the operator.

There are growing numbers of cases of Moldovan police misusing their power in relation to journalists who are engaged in covering various public events. On September 11 opposite the headquarters of the Ministry of Foreign Affairs and European Integration during a protest of the European Action Movement that had been authorized by the municipality, police hindered journalists from a number of media institutions, particularly teams from several television channels, from making reports on the spot, though the latter were exercising their duties in a public area. The police asked camera operators to stop shooting and covered their camera lenses.

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3. The Status of Print Press and Investigative Journalism

At the beginning of 2007, the Governor (Bashcan) of the Administrative Territorial Unit Gagauz Yery, Mihail Formuzal, initiated media reform in the region including denationalizing the press that had been subsidized with public money. The governor stated that denationalization had actually begun and for the print press would be complete by mid-summer. The deputy chief editor of the newspaper *Vesti Gagauzii* (currently edited by the authorities), Aleksandr Volkov, said that the reorganization would cause a number of media institutions financed from public money to go bankrupt because there was no economic environment in the region that would encourage the development of the press as a business. The authorities asserted that during the transition stage to a mass media free from state control, the media would be supported by raising investments and grants (based on Media Monitoring Agency: 01.18.07).

In 2007, the national government continued to provide direct and indirect financial support to *Moldova Suverana* and *Nezavisimaya Moldova* that formerly had presented the government's position in their news articles. The papers continued to cover mostly the activities of the state's leading bodies in a way that was favorable to the government. This happened despite the fact that in May-June 2005 the government had given up its status of owner of *Moldova Suverana* and *Nezavisimaya Moldova* and according to Prime Minister Vasile Tarlev, the decision was "the result of a political consensus."

On June 13, 2007, the government of Chişinău decided to allot 84,000 lei for subscriptions to *Moldova Suverana* and *Nezavisimaya Moldova*. These funds were to be transferred to the Bureau for Interethnic Relations and were to be used for subscriptions for non-government associations of the Moldovan Diaspora. This was the second action of the government to provide financial support for the two former government newspapers. In December 2006, the government decided to allot 276,800 lei to *Moldova Suverana* and 81,300 lei to *Nezavisimaya Moldova* as "unique financial support." Allegedly these funds were used for paying off debts to the Universul Printing House (based on Media Monitoring Agency: 06.14.07).

The government also adopted a decision by which it continued to subsidize the private newspapers *Moldova Suverana* and *Nezavisimaya Moldova* indirectly thus discriminating against other private periodicals. This action was inconsistent with the commitments in the Moldova-EU Action Plan which stipulates, “Financial support by the state to media outlets should be provided on the basis of strict and objective criteria applied fairly to all media institutions.” This is another indication that the ruling party will not give up its propaganda tools so easily and will not find legal, allegedly European solutions for democratizing mass media (*One Hundred of the Most Pressing Issues in the Republic of Moldova in 2007*).

Abuse and Pressure

On January 15, 2007, the editorial office of the daily newspaper *Timpul de Dimineata* (Morning Time) was assaulted by a group of parishioners and priests of the Metropolitan Church of Moldova who behaved aggressively toward the journalists throwing eggs at them and verbally insulting them. The group was about to assault the journalists physically but the police intervened calmed them down. This confrontation lasted about an hour and a half. After the incident, the group picketed the editorial office of the newspaper for 40 minutes with placards reading “Tanase – Judah” and “Wasted Time.” According to representatives of the group, their actions were a response to an article published on January 12 that on Christmas day, celebrated according to the old calendar, Prime Minister Vasile Tarlev had turned the Cathedral Nativity of God in Chişinău into a political venue by giving a speech there to the believers who had gathered for mass (based on Media Monitoring Agency: 01.15.07).

Also on January 15, Diana Railean, a reporter for *Ziarul de Garda*, was accosted at the Chişinău Court of Appeals by the bodyguard of a man charged with trafficking in human beings. Ms Railean was in the court to report on the proceedings. She tried to take photos in the hallway of that public institution, but one of the defendant’s bodyguards tried to snatch her the camera from her hands at the request of the his lawyer. Misusing his power, the bodyguard blocked the exit and did not allow the reporter to leave the building stating that the journalist was under arrest. *Ziarul de Garda* explained that the Deputy President of the Court of Appeals, Ghenadie Nicolaev, intervened at the request of the editorial office and that the reporter was released only upon his request (based on Media Monitoring Agency: 01.15.07).

In October 2006, the journalists Tudor Iascenco, Victor Sofroni and Cornelia Cozonac were sued by the mayor of Rezina and several other civil servants for the investigative press report “Rezina-style Governance” which covered abuses committed by raion civil servants and the Rezina mayor during the process of privatizing some enterprises. The mayor claimed \$320 in moral prejudice, and two other civil servants whose actions were covered in the report claimed 5000 and 15,000 lei. The court of first instance ruled in favor of the journalists on February 8, 2007 but the Rezina authorities appealed the

judgment to the Court of Appeals. On May 3, 2007, the Chişinău Court of Appeals upheld the decision of the court of first instance (based on Media Monitoring Agency: 02.09.07, 05.03.07).

On March 12, Natalia Hadirca from *Timpul de Dimineata* was instructed by two armed officers to destroy photos taken in front of the Consulate of Romania in Chişinău. The journalist was making a report about Moldovans waiting there to get visas. The officers explained to her that taking photos near a consulate was forbidden and made reference to an obscure regulation. After a long discussion, she was able to leave with all the photos she had taken, though she risked being transported to the police station in a van (based on Media Monitoring Agency: 03.13.07).

On March 28, 2007, the print run of the regional Russian language newspaper *SP* was seized by the Bălţi economic police. The sales manager of the newspaper, Rodica Deleu, says the incident was a well-planned action because the police had waited for several hours for the arrival of the editorial office car at the entrance to Balati from Edinet. In about the same time interval, a police team came to the Edinet Printing House where the newspaper was printed, Deleu added. Following the seizure, the law enforcement officers impounded an additional 2300 copies of two supplements which on March 29 were to be attached to the Romanian language issue of the newspaper. The editorial office labeled the incident as “intimidation of the independent press on the eve of local elections.” Recently, the newspaper had published a series of articles criticizing local civil servants of the ruling party. The actions of the Bălţi economic police caused the cancellation of the Romanian language issue of *SP* that week which was bad for both the readers and the editorial staff. Media organizations and the OSCE Mission to Moldova expressed concern about this incident stating that, “The seizure of circulation is one of the most serious forms of obstructing freedom of expression” (based on Media Monitoring Agency: 03.28.07, 03.29.07).

On April 22, 2007, Vasile Movila who was distributing the newspaper *Democratia* in Chişinău for free was apprehended by law enforcement officers under the pretext that he was disturbing the public order. According to the newspaper, two policemen in Rascani District seized 67 copies of the paper and accused Movila of illegal activities. The paper’s editorial staff said that the actions of the police were a serious breach of human rights that were characteristic of a police state against its own citizens (based on Media Monitoring Agency: 04.13.07).

On June 2, between 30 and 40 journalists from Moldova and from abroad were prevented from reporting on the release of Andrei Ivantoc at the Tighina border crossing after 15 years of imprisonment in Transnistrean jails. The guards who were at the crossing did not allow journalists from Moldova to cross the barrier to take photos. At the same time, several teams of Transnistrean and Russian television journalists were provided unlimited and unhindered access to the area where the release of the former detainee was taking place. Several Romanian journalists present at the Tighina border

crossing barrier appeared indignant that Moldovan authorities had not offered any information or commentary to the press about the release of Mr. Ivantoc, a Romanian citizen (based on Media Monitoring Agency: 06.02.07).

On November 16, 2007, the distribution of the Friday issue of *Jurnal de Chişinău* was disrupted because of some interviews published in that issue; in fact, the newspaper did not get to the news stands that day. The director of the newspaper, Val Butnaru, said that the editorial staff was inclined to think the printing of the newspaper had been delayed by the Prag-3 Printing House which was under the control of the leader of the Christian Democratic People's Party (PPCD), Iurie Rosca. The delay made it impossible to distribute that issue of the newspaper through established distribution networks. *Jurnal* staff assumed that the printing delay was due to interviews with former PPCD members Ion Neagu and Sergiu Burca that contained extremely provocative and inconvenient revelations about the "kidnapping" of the Christian-democrat MP Vlad Cubreacov in 2002 (based on Media Monitoring Agency: 11.16.07).

Several international media organizations expressed concern about and protested against the expulsion from the Russian Federation in 2007 of Natalia Morari, a citizen of Moldova and a correspondent of *The New Times*. Natalia Morari is known for her investigative reports about the Kremlin. On December 10, she published an article that described the way the Kremlin controlled the money flows of the parties contesting the elections for the Duma (the legislative body) that were held on December 2. On December 16, Ms Morari was not allowed to enter Russia at Domodedovo Airport. The journalist and her colleagues were returning from a working trip to Israel. The Russian guards told the journalist that the ban had been imposed by the Russian intelligence services. Aidan White, general secretary of the International Federation of Journalists (IFJ) submitted a protest note with regard to this incident stating that the Moscow authorities had showed an intolerant attitude toward independent journalism, they had restricted press freedom and they had sent an obvious signal to others not to reveal closed aspects of contemporary Russian politics. Ms Morari wrote to the Russian authorities asking why she was denied entry; their answer came in an official letter through the Embassy of the Russian Federation in the Republic of Moldova. In their letter, the Russian authorities reserved the right not to comment on the expulsion referring to Point 1, Article 27 of Federal Law No.114-Φ3 of 08.15.96 "On Entering into and Leaving the Russian Federation" which states, "(...) This measure was needed with a view to protecting the capacity of state defense, its security and social order or protecting the health of the population."

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4. Press in the Electoral Campaign

The local elections of 2002 demonstrated that certain media outlets in Moldova were inclined to cover public events from a single perspective. That electoral campaign was characterized by the fact that the ruling party monopolized access to public audiovisual media and to the print press and that coverage by former government and public

audiovisual institutions showed direct or indirect favoritism toward the current government. On the other hand, there were some private outlets that presented some of the opposition candidates in a positive perspective.

The pre-election environment in Moldova in 2007 was marked by a series of negative events. The possibilities for the press to cover and comment on the elections freely became increasingly restricted. The reorganization of Antena C and Euro TV, the loss of station 103.5 FM in Bălți, the arrest of the film crew of PRO-TV Chișinău, the seizure and demagnetization of a cassette of the film crew of DTV television and the seizure of the print run of *SP* in Bălți all restricted the free flow of information.

In March 2007, the members of the Association of Independent Press (API) announced in a joint declaration that they would take an appropriate, balanced and professional approach in covering local election campaigns. API members (17 local and national newspapers and magazines in Romanian and Russian on both sides of the Nistru River, two news agencies, one media organization and two freelance journalists) announced that their coverage would be objective and not political and would offer candidates equal time and space. They also subscribed to the Free and Fair Elections Charter developed by Coalition 2007 and appealed to all journalists in Moldova to refrain from any form of partisanship by observing the code of conduct set out therein.

On May 8, 2007, the television channel Pervi Kanal v Moldove and radio stations Maestro FM, Univers FM, Radio Sanatatea and Micul Samaritean announced that they would not cover the campaigns for the local elections of June 3. On the other hand, 63 audiovisual license holders announced that they would cover the campaigns, and 29 of those broadcasters organized public debates.

Radio and TV

Mass media behavior during the campaigns for local elections in 2007 that were conducted in two ballots was monitored by API and IJC as part of the Civic Coalition for Free and Fair Elections—Coalition 2007. Six television channels (Moldova 1, PRO TV Chișinău, NIT, Euro TV Chișinău, TV 7 and N 4) and four radio stations (Radio Moldova, Antena C, Vocea Basarabiei and Russkoie Radio) were monitored. The final report on the monitoring states that during the first ballot, public channels Moldova 1 and Radio Moldova covered largely the declarations of the President, the Prime Minister and the President of Parliament showing favoritism towards the ruling party and ignoring the opposition parties. It was only by the end of the electoral campaign before June 3 and during the second ballot after they had been warned by the BCC about their lack of pluralism and a balanced approach that Moldova 1 and Radio Moldova started to broadcast information disseminated by the opposition parties. However, shortly after BCC's intervention, four of its members were charged with alleged bribery by CCCEC which had a negative effect on its activities.

Some of the private channels monitored (NIT, Antena C and to a smaller extent N 4) had an approach similar to that of the public channels, so opposition parties did not have access to these channels. Russkoie Radio covered mostly electoral information disseminated by the CEC during both the first and the second ballots. The private channels PRO TV Chişinău, TV7, Vocea Basarabiei and, during the second ballot, Euro TV Chişinău covered the electoral campaign without discrimination broadcasting news that was critical as well as favorable to the government both during the first and the second ballots though the amount of favorable news was less than that of unfavorable news and anticommunist attitudes prevailed in the opinion programs of Vocea Basarabiei. The Communist Party of the Republic of Moldova declined offers of broadcasts from these audiovisual outlets.

Print Press

The following print press outlets were monitored: *Moldova Suverana*, *Nezavisimaya Moldova*, *Saptamina*, *Flux*, *Moldavskie Vedomosti*, *Jurnal de Chişinău*, *Timpul de Dimineata*, *Komsomolskaia Pravda*, *Unghiul*, *Causenii*, *SP (Bălţi)*, *Golos Bshti*, *Vesti Gagauzii*, *Realitatea* (Soroca), *Observatorul de Nord* (Soroca) and *Farul Nistrean* (Rezina). According to the API and IJC reports, from April to June 2007 *Moldova Suverana*, *Nezavisimaya Moldova* and *Golos Bălţi* showed the most direct or indirect favoritism toward the Communist Party publicizing mainly the actions of the central and local public administrations. Moreover, those newspapers attacked with or without reasons political and public personalities who were critical of the ruling party, particularly the leaders of opposition parties. In May and June 2007, for instance, *Moldova Suverana* published a number of offensive and derogatory articles about Dorin Chirtoaca who was then Mayor of Chişinău. On the other hand, the majority of private newspapers criticized the current government showing at the same time direct or indirect favoritism toward opposition parties.

The 2007 local elections were another test for fairness, balance and impartiality in the mass media. No outlet was a model of balanced coverage due to pressure and abuses during the pre-electoral campaigns and excessive and prohibitive regulations. Nevertheless, at the conference “Press in the 2007 Local Elections: Lessons Learnt, Lessons to Learn” organized by API, the newspapers *Timpul de Dimineata*, *Cuvintul* (Rezina) and *Ziarul de Garda* received awards and the newspapers *Unghiul* (Ungheni) and *SP (Bălţi)* got honorable mention for covering the local election in a balanced way.

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5. Access to Information

The latest report from civil society is that Moldovan civil servants are basically legally illiterate and that the public is apathetic, both of which are reminiscent of soviet times. Access to information of public interest in Moldova is therefore still troublesome. Seven years after the adoption of the Law on the Access to Information, there is still no means of enforcing this legal act. As a rule, information providers do not take the requests for

access to information from ordinary citizens and journalists seriously. There is a tendency to use the Law on State Secrets or the Law on Commercial Secrets as arguments for refusing access to public information. The sometimes exaggerated mania for secrecy of some state institutions is inconsistent with the declarations of the President, the Prime Minister and the President of Parliament regarding the transparency of state agencies.

Live broadcasts of parliament's plenary sessions by Teleradio-Moldova were cancelled after March 23, 2007. At the same time, the proposal to include certain draft laws on the agenda that would allow private radio and television stations to broadcast the sessions live was rejected by the communist majority. The proposal of a private media institution to broadcast sessions live was also obstructed by the majority. Currently, government draft decisions are not available online and are not published so they can be debated. This situation reveals a problem in terms of transparency of governance and does not contribute to facilitating access to information.

Due to the commitments in the Moldova-EU Action Plan, the Supreme Court of Justice adopted the decision "On Enforcement of the Law on Access to Information by the Courts." This document contains explanations concerning fair enforcement of the Law on Access to Information. According to the Supreme Court, the total number of cases under examination at Moldovan courts related to access to information is about 90. Lately the number of such cases has increased rapidly; in most of them mayors have been sued.

In 2007, the access of journalists to information of public interest decreased. According to the study *One Hundred of the Most Pressing Issues in the Republic of Moldova in 2007* by IDIS Viitorul, access to certain institutions is limited particularly for journalists. State institutions cooperate only with a small group of journalists from certain media outlets that are usually loyal to the ruling party. According to journalists, state institutions are much more "closed" to the media than private ones are, and they restrict access to information in various ways. They provide needed information only if journalists insist. The heads of the state institutions have not realized yet what the role of the media in society is; instead, they see journalists as enemies who always cause trouble. Most often journalists find the President's Office, Parliament, the Ministry of Foreign Affairs and European Integration, the Ministry of Education and Youth, embassies and international bodies accredited in the republic and the largest commercial companies are uncooperative when it comes to disseminating information.

Cases of limiting access to information and discrimination against journalists by judges, law enforcement agencies, the presidential guard service and public servants have also been registered.

On February 9, 2007, Judge Ion Prisacari of the Bălți court asked Ana Butnariuc, a reporter of DECA Press Agency to leave the hall where a public court hearing that

concerned a former communist MP was being held. Ms Butnariuc had introduced herself at the beginning of the hearing, but in the middle of it the magistrate asked her to leave. She was expelled from the courtroom after several medical certificates of the former MP and a petition of hers to the General Prosecutor's Office had been read. It should be mentioned that neither the prosecutor nor the defense attorney requested the admission of the media representative in the courtroom. The case of the former MP, who was suspected of abuse of power and protection of a person who was under investigation for murder, had been monitored by the DECA Press Agency. Prior to this, the Agency had published a news article about the course of the legal proceedings that had been republished by a number of media outlets in Chişinău (based on Media Monitoring Agency: 02.09.07).

On May 15, a magistrate from the Ialoveni District Court restricted the access of the chief editor of the local newspaper *Ora Locala* to the hearing where an electoral candidate reported on falsifications committed by the Ialoveni Electoral Board. Before the beginning of the hearing, Judge Constantin Cretu asked the journalist Lilia Hincu to introduce herself. After he found out that Hincu was a representative of the press, the judge asked her to leave the courtroom. Asked about the legal basis for expelling a journalist from a public hearing, the magistrate stated that it was just his wish. Though the journalist insisted for ten minutes that she had a right to attend the proceedings mentioning their public nature, the judge opened the courtroom doors and asked the journalist in a loud voice to leave the room, threatening that he would not begin the proceedings until she was gone. (based on Media Monitoring Agency: 05.31.07).

On July 19, 2007, the press service of the Moldovan President's Office restricted the access of journalists to a meeting of President Vladimir Voronin with the employees of the Bălţi mayor's office. In addition, the press service did not allow journalists to make recordings while President Voronin was having a discussion with a group of retired people in a city district because, "the official part was over." Similar incidents were also registered during visits of the President to the "northern capital." As a rule, every time Bălţi is visited by high Moldovan officials, both the press services of the state agencies and the officials' bodyguards restrict the activities of correspondents, television operators and photographers (based on Media Monitoring Agency: 07.19.07).

On September 19, 2007, three journalists from independent media outlets in Bălţi were expelled from the Cathedral of the Emperors Saint Constantin and Elena and from the courtyard of the cathedral by President Voronin's bodyguards while the president had a meeting with 30 clergymen. In addition, a bodyguard asked Ruslan Mihalevschi, deputy chief editor of *SP* to delete a photo taken at the cathedral. He explained his request by the fact that, "the President's bodyguards shouldn't be in photos." It should be mentioned that the President's visit to Bălţi had not been announced to the press (based on Media Monitoring Agency: 09.19.07).

In mid-October 2007, the President of Cimislia Raion, Andrei Vacarciuc, did not allow the journalist Ion Ciumeica, chief editor of *Business Info*, a weekly newspaper, to attend the final stage of a public meeting in which the candidacies of two new heads of raion divisions were examined and appointed (based on Media Monitoring Agency: 10.22.07).

On November 30, 2007, a “conference behind closed doors” was held in Bălți. Media representatives were not allowed to attend the meeting of the Communist Party in which the head of the state, Vladimir Voronin, took part. The people who organized the event refused to give explanations.

On December 19, 2007, a number of journalists from Romania were denied access to an annual press conference of President Voronin. They were the Prima TV team and the correspondents from Radio Romania and the Rompres Agency. These kinds of incidents are not a novelty; they have happened in previous years as well including to journalists from Moldova who represented publications that were critical of the government.

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6. Conclusions

In 2007, pressures on journalists increased. Adequate and full enforcement of provisions in legislation at the national level and of international standards in freedom of expression and access to information leave a lot to be desired. In this sense, there is a lack of experience and education among representatives of all levels of state, judicial and law enforcement authorities. When the Moldova-EU Action Plan expired, the deficiencies related to “press freedom” were obvious; however, they are not publicly recognized by the leading authorities of the Republic.

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