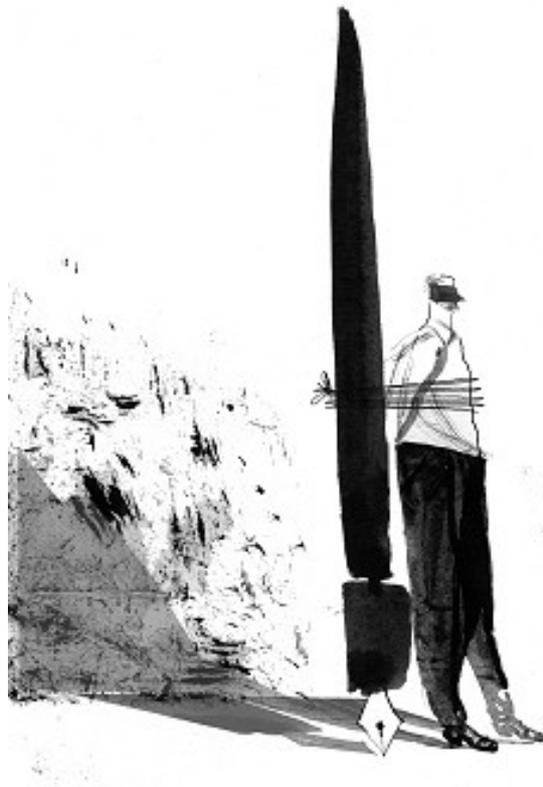




Centrul pentru Jurnalism Independent



Report on the Situation of the Press in Moldova in 2009



Graphic © Fred Sebastian

This report includes a short description of all the important events that characterized the situation of the press in Moldova in 2009. Also, the report includes one section dedicated to the situation of the press in the Transnistrian region.

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¹The report is available in Romanian, Russian and English. It was prepared by Doina Costin, Coordinator of the Department for Media Policy and Law of the Independent Journalism Center, with the financial support of *Civil Rights Defenders, Sweden*. The opinions expressed in this report are those of the Independent Journalism Center and do not necessarily represent those of the sponsors.

“The State, as the ultimate guarantor of pluralism, must ensure, through its law and practice, that the public has access through television and radio to impartial and accurate information and a range of opinion and comment, [...], but also that journalists [...] are not prevented from imparting this information and comment.”

(European Court of Human Rights Judgment in the Case of Manole and Others v. Moldova, 17 September 2009, § 107)

I. Developments and trends in the Moldovan press in 2009

Press freedom in Moldova according to international reports

According to the *Report on Press Freedom in the World* published by Freedom House in May 2009, the Republic of Moldova ranks 148th of the 195 countries surveyed and is considered to lack a free press. Among Central and Eastern European countries as well as ex-Soviet countries, Moldova ranks 19th out of 28 behind Georgia and Ukraine – countries where the press enjoys partial freedom. Among the Central and East European countries that do not have a free press, Moldova ranks first with the fewest negative points which means that although the press is not free, the situation in Moldova is much better compared with that in Armenia, Kirgizstan, Azerbaijan, Russia, Belarus, and other ex-Soviet countries. In the chapter “Situation of the Press” Moldova ranked six positions higher than Russia in the list of Central and East European countries and 26 positions better in the table on the situation of the press in the world. In contrast, Moldova ranks six positions behind Romania with its partially free press in the table of countries from Central and Eastern Europe and 56 positions behind in the table that includes all countries of the world.

Another report that reflects the situation of the press on an international scale is the *Press Freedom Index 2009* published by Reporters sans Frontières (RsF) in October 2009. This report classified Moldova as 114th out of 174 countries in the chapter on press freedom. As in the previously quoted report, Moldova beat out Russia where four journalists were killed in 2009, Belarus, Tajikistan, Kirgizstan and other ex-Soviet countries with regard to the situation of the press. RsF reporters established that despite the adoption of the new Broadcasting Code in 2006, heated discussions about the editorial policy of the public broadcaster Teleradio-Moldova had not ended. According to the report, during its newscasts in 2009, television station Moldova 1 continued to offer more airtime to the top three officials in the state compared with other politicians. Also, the reporters noted that political tensions following the parliamentary elections of 5 April also had an impact on the press which was treated as an enemy by law-enforcement agencies.

Both the Freedom House report and the report published by RsF attest to the decline of press freedom in Moldova in 2009. In the Freedom House report, in 2009 Moldova dropped four places from 2008 in the world press freedom rating while in the RsF report, Moldova dropped 16 positions in 2009 compared with 2008 and 17 places from 2007 to 2008 continuing its steady decline in recent years. We may therefore conclude that the deteriorating situation of the press is not mainly due to the post-electoral events of April 2009 when serious violations of journalists’ rights were committed but rather represents a trend in recent years toward a decline in democracy.

Political context

2009 can be characterized as a turning point in the political life of Moldova. In addition to a number of important political events, multiple social-economic transformations took place this year. The two parliamentary elections and four presidential elections aroused the interest and active involvement of citizens in political life engendering the feeling that the country's internal and external affairs concern them directly and seriously.

On 5 April 2009, the elections to the 17th legislature of the Moldovan Parliament took place. National observers estimated that those elections were the most controversial ones with regard to their organization and implementation.² The reports of national and international observers who analyzed the elections from the standpoint of European standards in democratic elections were also controversial. While Moldovan civil society established that the parliamentary elections of 5 April were not fair and were not entirely free taking into account that the Transnistrian electorate could not exercise its right to vote,³ international observers⁴ concluded that the elections took place in a pluralist environment, offering voters distinct political alternatives and meeting many of the commitments undertaken by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. Nevertheless, the baroness Emma Nicholson, Member of the European Parliament and observer accredited for the Moldovan elections, criticized the OSCE report on the holding of the elections stating that she and other observers had the impression that the system could be manipulated, but they could not prove it.⁵

In the election of 5 April, four parties won the minimum number of seats required for inclusion in Parliament: the Communist Party of Moldova (CPM) (49.48% of the vote, 60 seats), the Liberal Party (LP) (13.13%, 15 seats), the Liberal Democratic Party (LDP) (12.43%, 15 seats) and Our Moldova Alliance (OMA) (9.77%, 11 seats). The votes collected by the other 13 parties (15.19%) were distributed proportionally to those four. In all, 57.55% of the total number of individuals registered on the electoral lists participated.⁶

The results of 5 April were contested by opposition political parties and by society citing false electoral lists and massive vote fraud. From 6 to 10 April, protests took place that were dubbed the "twitter revolution" by the international press. Thousands of young people gathered in the Great National Assembly Square (GNAS) of Chişinău with lighted candles to lament the decline of democracy in Moldova, declaring 6 April as "a national day of mourning." The mobilization of youth started on the Internet in messages announcing peaceful protests on 6 April and on the online socializing sites used in Moldova—facebook.com and odnoklassniki.ru—as well as by email and cell phone text messages. The leaders of opposition political parties who contested the results joined the protesters. On 7 April, the protests of the young people continued peacefully, but they then degenerated into violence and the destruction of the Parliament and President's Office buildings when the protesters were confronted by law-enforcement authorities.

At night, these authorities dispersed the crowd gathered in the GNAS and arrested hundreds of participants. During the following days, the police made arrests, and the protesters were beaten, loaded into cars and taken to police stations in Chişinău and in the countryside. By 10 April, hundreds of people had been arrested and subjected to inhumane

² Report on monitoring parliamentary elections of 5 April 2009, www.ladom.org.md

³ Civic Coalition for Free and Fair Elections – Coalition 2009, <http://www.alegeliber.md/index.php/ro/declaratii-comunicate/64-alegeriincorecte>

⁴ International Mission for Observation of Elections (IMOE), Report on preliminary findings and conclusions, 6 April 2009

⁵ <http://news.bbc.co.uk/2/hi/europe/7989360.stm>

⁶ <http://www.e-democracy.md/elections/parliamentary/2009/results/>

treatment, "...that manifested itself in a very serious and severe way."⁷ Numerous grave violations of human rights and freedoms were alleged in Moldova in that period.

On 8 April, President Vladimir Voronin alleged that Romania was behind the violent protests in Chişinău. He declared the Romanian ambassador, Filip Teodorescu, *persona non grata* and ordered the reintroduction of visa requirements for Romanian citizens.⁸ The Ministry of Foreign Affairs of Romania categorically rejected the allegations of President Voronin that Romania was involved in the protests and regarded his statements as a provocation.⁹

On 20 May, elections for the office of President of Moldova took place in Parliament, but only 60 Members—all from CPM—participated. One more vote was necessary to elect the head of the state. The elections of 3 June had the same result—60 votes—so no president was elected. According to the Constitution, Parliament had to be dissolved and new parliamentary elections were scheduled for 29 July.

On 10 June, the ex-Speaker of Parliament, Marian Lupu, who was candidate number 2 on the CPM list during the parliamentary elections of 5 April, left the CPM and he and his team joined the Democratic Party of Moldova (DPM) where he was registered as the number 1 candidate on that party's list.

After the April protests, the electoral campaign for the July parliamentary elections was tougher than the previous one. All electoral candidates addressed the April protests in their speeches exploiting the polarization of society to minimize the chances of their opponents gaining seats in Parliament.

In all towns where CPM teams organized electoral meetings, they showed a film with the confrontational title "Attack on Moldova" in which each shot insinuated that the opposing political parties had organized the events of 7 April. In reply, the LDPM, OMA and LP showed videos about the events of 7 April that alleged they had been instigated by the CPM.¹⁰

On 29 July 2009, parliamentary elections took place again with the participation of 58.77% of the electorate. The seats won were distributed as follows: CPM 48, LDPM 18, LP 15, DPM 13 and OMA 7. On 8 August, LDPM, LP, DPM and OMA established a coalition they called "Alliance for European Integration" (AEI). The main offices of state were divided as follows: Mihai Ghimpu (LP) became Speaker of Parliament, Vlad Filat (LDPM) became Prime Minister, Serafim Urechean (OMA) became First Deputy Speaker of Parliament and Marian Lupu would be the main candidate for President of Moldova.

On 30 October 2009, Parliament adopted amendments to the Law on the Procedure for Electing the President of Moldova and stipulated (i) the possibility of holding elections with one candidate; (ii) special conditions that allowed postponing the session for electing the country's President and (iii) that the next dissolution of Parliament could take place only one year after the date of its latest dissolution among others.¹¹

⁷ Report following my visit to Moldova during 25-28 April 2009, Thomas Hammarberg, Commissar for Human Rights of the Council of Europe, Strasbourg, 17 July, 2009, CommDH(2009)27

⁸ <http://www.europalibera.org/content/article/1604979.html>

⁹ <http://www.mae.ro/index.php?unde=doc&id=38752&idlnk=2&cat=4>

¹⁰ Final Report on Observation of Anticipated Parliamentary Elections of 29 July 2009, Elections Observation Mission OSCE/BIDDO, <http://www.e-democracy.md/files/elections/parliamentary2009/final-report-osce-elections-july-2009-ro.pdf>

¹¹ <http://www.e-democracy.md/elections/presidential/20092/>

On 10 November and 7 December, respectively, presidential elections took place in Parliament in which only the 53 AEI members took part. The CPM faction boycotted the elections. The only candidate registered for president, Marian Lupu, collected all 53 AEI votes.

According to the Constitution, if a president is not elected even after repeated attempts, Parliament shall be dissolved and a date for new parliamentary elections shall be set, but according to the amendments made to the Law on the Procedure for Electing the President of Moldova, the next dissolution of Parliament can take place only one year after the date of the latest dissolution, that is, not earlier than 16 June 2010.

Mass media in the electoral campaigns

For the parliamentary elections of 5 April and 29 July, the Central Electoral Commission (CEC) approved the Regulations on the Coverage of the Electoral Campaign by the Mass Media of Moldova. At the same time, the broadcasters who decided to get involved in covering the electoral campaigns developed their internal regulations that were approved by the Broadcasting Coordinating Council (BCC).

The manner in which the media covered the electoral campaigns was monitored by the Independent Journalism Center (IJC), the Association of Independent Press (API), the Broadcasters Association (APEL), members of the “Civic Coalition for Free and Fair Elections – Coalition 2009,” by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) through its Election Observation Mission, by BCC and by Teleradio-Moldova which monitored its own programs. Also, a report on media coverage of the campaign for the 29 July election was published by the Broadcast Media Monitoring Mission funded by the Council of Europe.

All monitoring reports established that there was very high interest by the media in the two parliamentary elections, but they noted that that fact did not in all cases determine a correct, objective and fair coverage of electoral events. The programs produced by Teleradio-Moldova during the electoral campaigns were the subject of many detailed analyses by all national and international monitors. Its status as public broadcaster with a mandate to respond to the information needs of the public was a decisive factor in more rigorously monitoring the institution’s legal and ethical standards.

Most of the broadcasters with national or regional coverage announced their intentions to cover the electoral campaigns. The campaign for the elections on 5 April was covered by 31 TV stations and 25 radio stations while the campaign for the July 29 elections was covered by 29 TV stations and 28 radio stations.

Despite the heightened public interest in the two electoral campaigns, in the opinion of Moldovan civil society and some international monitoring institutions, the media did not succeed in adequately informing the public. In general, the lack of sufficient and accurate information about the electoral candidates was evident in the following: the electoral debates organized by some outlets did not allow their audiences to obtain sufficient information to analyze campaign platforms;¹² materials of an educational character were minimal both in the print¹³ and in the broadcast media;¹⁴ interviews, reports, files and graphics were rare or

¹² *Final Report on Monitoring the Presence of Political/Electoral Actors in TV programs during Campaign for Parliamentary Elections of 5 April 2009*, APEL, pag. 59, http://www.alegeliber.md/files/rapoarte/raport_apel_5final_rom.pdf

¹³ *General Report on Monitoring Media in the Campaign for Parliamentary Elections 2009*, IJC, API, pag. 6, http://www.alegeliber.md/files/rapoarte/raport_general_cij_api_rom.pdf

¹⁴ *Final Report on 6-29 July 2009, Broadcast Media Monitoring Mission*, project funded by Council of Europe, pag. 7

nonexistent in the programs of all broadcasters;¹⁵ a number of broadcasters were openly biased and offered propaganda instead of journalism;¹⁶ and the coverage of independent broadcasters was limited.¹⁷

All national and international monitors pointed out that Teleradio-Moldova through its unequal treatment of the electoral candidates failed to observe the standards of a public broadcaster. The national monitors (APEL, IJC) found that coverage by the public broadcaster was discriminatory with a tendency to manipulate public opinion in favor of CPM¹⁸ though the opinion of the OSCE/ODIHR Election Observation Mission and the Broadcast Media Monitoring Mission were less critical.

A controversial issue that was not solved in legislation is covering the activities of the incumbent President, Prime Minister and Speaker of Parliament during an election campaign. The lack of regulations that would make a clear distinction between events in which such individuals participate as state officials and those in which they are campaigning discriminated in favor of CPM on whose list those three officials appeared. This problem was pointed out by the Parliamentary Assembly of the Council of Europe in Resolution 1666 (2009) on the Functioning of Democratic Institutions in Moldova and by the OSCE/ODIHR Election Observation Mission that noted that the public broadcaster, "...made indistinct the difference between covering the constitutional work duties of high officials and their campaign activities."¹⁹

Another problem was related to the competency of CEC and BCC to review the complaints filed by electoral candidates against media outlets. Although the Broadcast Code assigns the BCC the obligation and responsibility to impose sanctions, the Regulations on the Coverage of the Electoral Campaign by the Media also empowered CEC with this right. The two institutions passed the responsibility for sanctioning broadcasters back and forth, but in the end, both of them failed to fully exercise their authority in this area.

The working conditions of the press during the two electoral campaigns cannot be overlooked. The access of the media to campaign events organized by the candidates was conditioned by the "color" of the editorial policies of newsrooms. During the campaigns, those journalists who did not speak highly of CPM encountered obstacles in reporting on the party's electoral and official meetings. The press signaled numerous cases of restricted access for politically unaffiliated journalists to CPM's campaign, of discriminatory treatment and of intimidation of journalists.

On 20 February, the President's bodyguard forbade a team of Chişinău station TV 7 to film a meeting of doctors from nearly all national districts that was attended by the head of state. On 25 February, three police officers descended on Albasat TV and without a search warrant requested accounting documents, disassembled computers and later filed criminal charges against the station's administration. Oleg Brega, a camera operator at Jurnal TV, was assaulted on 10 March by security agents in the hall of the Chişinău Opera and Ballet Theater where a meeting of the workers of Moldova-Gaz was taking place (about 1,000 people) with the participation of Prime Minister Zinaida Greceanii. On 27 March, the editor of the Bălţi-based Russian language weekly *SP*, Slava Perunov, was assaulted at an electoral meeting held with the participation of the head of state in the presence of his security agents. On 9 July, the Prime Minister's bodyguards denied access to a team of journalists from Glodeni's

¹⁵ *Broadcast Media Monitoring Mission*, idem, pag. 19

¹⁶ APEL, idem, pag. 59; *Broadcast Media Monitoring Mission*, idem, pag. 7

¹⁷ *Broadcast Media Monitoring Mission*, idem, pag. 7

¹⁸ IJC, API, idem, pag. 5

¹⁹ OSCE/BIDDO *Election Observation Mission*, idem, pag. 16

TV-Prim to a meeting of district public officers that she attended. On 14 July, two journalists from the opposition newspaper *Moldavskie vedomosti* were forcibly removed by bodyguards and the local police from the Palace of Culture of Donușeni where an electoral meeting was taking place with the attendance of the Prime Minister. On 17 July, the personal guard of Prime Minister Greceanii denied the access of three journalists from Sângerei to a public meeting with the district's mayors and businessmen and women.²⁰

Only one case of aggression was committed by the opposite camp, and that was on 23 March during a protest organized in the center of the capital when an LDPM member assaulted a group of journalists from the multimedia agency Omega.

Mass media market

For the media, 2009 was a remarkable year of transformations. With the changes that took place in the political sphere, the media market entered a gradual process of democratization, media outlets engaged in sound competition and an environment favorable to the media prevailed. This new breath was due to the surprising, although natural, development of broadcasting and of the online media and to the image changes that took place in the print media to increase the interest of readers.

The most spectacular development in 2009 was registered by online media; this is definitely an expected result of its role in the April events and those that followed them. Reporting about the April events, the international press used the term “the twitter revolution,” and interest in online publications such as the news portal Unimedia, the website of the TV station ProTV Chișinău, the online version of the publication *Ziarul de Gardă* and the stations Vocea Basarabiei and Jurnal TV increased when they became the only timely sources of information for Moldovan citizens and of reference for the media and the European public. The increased interest of the public served as a catalyst for these periodicals and TV and radio stations to develop their online versions. As a result, a large number of Moldovan media outlets launched online operations that they administer in a professional manner and update regularly, offering complete and competitive material to the public.

At the beginning of 2009, a new project—*Știrea zilei* (News of the Day)—appeared in the Moldovan online media market. This project was followed by the electronic magazine *Limba română* (<http://www.limbaromana.md>) and by the Russian language Vesti.md launched by the same company that runs the news portal Unimedia. On 29 October, the first online radio station—Jurnal FM—was launched, a product of Jurnal Trust Media,²¹ and at the end of 2009, the website www.hotnews.md was launched.

After the formation of the new majority coalition in Parliament, favorable conditions for media businesses appeared in Moldova. The change in the political vector favored the competitive spirit. Two important projects were launched by Jurnal Trust Media and by the Romanian Group Realitatea Cașavencu. These two projects were a sensation for the media outlets in Moldova, engaging them in greater market competition and allowing journalists to take up more advantageous job offers.

Jurnal Trust Media offered five information products to the public: online television station Jurnal TV, online radio station Jurnal FM, periodic publications *Jurnal de Chișinău* with the online version www.ziar.jurnal.md, the tabloid *Apropo* with the online version www.apropomagazin.md launched in April 2009, and the economic publication *ECONomist*

²⁰ Source: Monitor Media Agency

²¹ Monitor Media Agency, 29 October 2009

(online www.eco.md) that merged at the end of 2009 with *Business Expert*. The same media trust administers the online news portals www.jurnal.md and www.gripa.jurnal.md. Jurnal Trust Media has planned to invest over 1 million euros²² and has announced the launching of the station Jurnal TV, for which it received a broadcasting license.

On 6 November 2009, BCC granted a broadcasting license to the station TV Publika, launched in Moldova by the Romanian trust Realitatea Cașavencu. According to the station's administration, TV Publika will be a pro-European channel, will produce programs in Romanian and Russian, and will air newscasts every hour.²³ According to the same source, the new TV station will have correspondent offices in Bălți, Cahul and Comrat, and one more is planned to open in Transnistria.

In December 2009, Realitatea Cașavencu took over the news portal Unimedia. Thus, the portal publika.md to be launched at the beginning of 2010 at the same time as Publika TV will be operated by the new company alongside the sites Unimedia, LadyClub, vesti.md, the online advertising direction AdCenter and future products to be launched both in Moldova and in Romania in partnership with F5 the new media division of Realitatea Cașavencu.²⁴

Other media events in 2009 were the launching by the Expert-Grup Center of the biannual economic magazine *MEGA* that will offer information and investigations about economic activity in Moldova, the appearance of the first magazine for blind people, *Felinarul*, using the Braille alphabet and the publication of the Russian language newspaper *Panorama*. Also, the bi-monthly publication *Europeanul* that focuses on European integration began publication in Chișinău in September. On the other hand, the newspaper *Flux* ceased publishing its weeklies *FLUX Economic*, *FLUX Studentul*, *FLUX Sănătate* and *FLUX Anchetă* in October 2009 due to financial problems.

For the first time in the past eight years, the radio station Vocea Basarabiei obtained new frequencies and extended its coverage to Rezina, Soroca, Vulcănești and Strășeni while the TV station ProTV Chișinău obtained *de jure* an extension of its broadcasting license after a long dispute with BCC and announced its intention to extend coverage to the Transnistrian region via one of the most important local cable networks.

In 2009, two important institutions for media support and professionalization were created: the Auditing Bureau of Circulation of Moldova (ABCM) and the Press Council of Moldova. The ABCM, established on 10 July 2009, is an organization created by the advertising industry of Moldova that has the status of a non-profit organization and that will transparently and fairly provide credible figures for media circulation in Moldova.²⁵ The Press Council of Moldova was founded at the end of 2009 as a media self-regulatory structure. Its main function is to consider complaints about editorial activities of Moldovan newspapers, magazines, news agencies and information portals. Also, the Press Council will make recommendations for strengthening professional standards in the media, will propose public policies for the media and will conduct campaigns for promoting responsible journalism.²⁶

²² "Jurnal de Chișinău," 6 October 2009

²³ Deca-press News Agency, 6 November 2009

²⁴ <http://www.unimedia.md/?mod=news&id=15073>

²⁵ Independent Journalism Center, http://www.ijc.md/index.php?option=com_content&task=view&id=447&Itemid=1

²⁶ http://consiliuldepresa.md/ro/stiri/detalii-stire/news/a-fost-fondat-consiliul-de-presa-din-republica-moldova-copy-1.html?tx_ttnews%5BbackPid%5D=7&cHash=633ac4f6df

II. Public broadcaster

Broadcasting Coordinating Council

The activities of the most important body in broadcasting regulation in the reference year can be divided into two stages: before the parliamentary elections of 29 July and after those parliamentary elections. If before 29 July the situation in broadcasting in the country had been marked by contradictions and tensions caused by unjustified restrictions, after the elections, BCC revised its own decisions, imposed its authority and acknowledged the criticism of and pressure exerted by the management of Teleradio-Moldova and the private broadcasters that according to the monitoring reports observe an editorial policy positive towards CPM.

In the first half of 2009, BCC behavior was both reserved and passive. Its regulatory function was restricted to adopting concepts for media coverage of parliamentary elections and to verifying the activities of broadcasters, setting out its observations in trivial monitoring reports. After verification, all the broadcasters monitored were sanctioned equally although the violations were of different magnitudes. On 23 July 2009, however, BCC decided to not sanction broadcasters who violated electoral legislation during the campaign and only issued a recommendation addressed to all broadcasters working in Moldova. Moreover, BCC did not react to the many media monitoring reports on the coverage of the campaign that were published by civil society nor to the notifications of Coalition-2009 about violations of the legislation by some broadcasters.

After the election, when CPM went into opposition versus AEL, BCC vehemently criticized the TV station NIT, the information portal Omega, and the management of Teleradio-Moldova and of CPM. In August 2009, the management of Teleradio-Moldova refused to abide by the request of the Moldovan Parliament to broadcast parliamentary sessions live, qualifying the request as interference in its editorial policy. In September, BCC requested explanations from the Supervisory Board (SB) of Teleradio-Moldova for its refusal to comply with the parliamentary decision. The public broadcaster's management also qualified this request as intimidation. Tough statements followed after BCC reject the "task paper" of the public broadcaster. In one of its statements, the management of Teleradio-Moldova requested that the President of BCC, Gheorghe Gorincioi, be dismissed for having exceeded his office.

The BCC also decided to fine the private station NIT for its failure to observe fairness and pluralism of opinions in its newscasts. The information portal Omega that had broadcast its own program on the TV station REN TV for eight months criticized BCC after the program was suspended stating that, "The BCC chairperson, following the indications of the speaker of the Parliament, Mihai Ghimpu, took the liberty of ordering the holder of REN TV to exclude the information program TOP NEWS from its schedule of programs."²⁷

The conflict that arose in autumn 2008 between BCC and ProTV Chişinău about extending the latter's license ended in November 2009 after the Supreme Court of Justice ruled in favor of the station. While in litigation, ProTV Chişinău and other broadcasters whose licenses expired on the eve of the parliamentary elections continued to work based on two moratoria on license assignment established by BCC at the end of 2008 and in June 2009.

²⁷ <http://omg.md/Content.aspx?id=4812&lang=1>

In the context of the BCC's initial refusal to extend the broadcasting license obtained by ProTV Chişinău before the new Broadcast Code came into effect, the members of Parliament of the 12th legislature requested the Constitutional Court to check the constitutionality of Art. 26 para.(1) letter a) of the Regulations on the Procedure and Conditions of Issuance of Broadcasting Licenses and Relay Authorizations, approved by Parliamentary Decision No. 433-XVI of 28 December 2006. Due to the parity of votes in adopting a decision by the Constitutional Court in that case, the provision in the regulations is presumed constitutional, and consideration of the case was suspended.²⁸

Public Broadcaster Teleradio-Moldova

At the end of 2009, the public broadcaster underwent significant changes. During the electoral campaign and after the constitution of Parliament on 29 July 2009, the activities of this public service were under rigorous observation by national and international monitors.

The monitoring reports on the activities of the public broadcaster during the electoral campaign constantly alleged an editorial policy that favored CPM in relation to its electoral opponents.²⁹ The SB of Teleradio-Moldova empowered under the Broadcast Code to evaluate the company's performance and to take action when legal provisions are violated failed to exercise this authority in accordance with the law. In its report evaluating SB performance during the July campaign, APEL established that action by this supervisory body was sporadic, superficial and lacking in impact and that it neglected its role to represent the public interest and instead behaved as the public broadcaster's advocate.³⁰

The public broadcaster was criticized for its position in the campaigns, especially during the April protests. The Resolution 1666 (2009) on the Functioning of Democratic Institutions in Moldova adopted by the Parliamentary Assembly of the Council of Europe signaled that Teleradio-Moldova did not offer enough space to the opposition to convey its messages and electoral programs. In May 2009, the European Parliament condemned the public broadcaster for issuing propaganda messages and for blocking the opposition's access.³¹ Immediately after the April protests, the head of the delegation for European Parliament-Moldova relations criticized Teleradio-Moldova for its failure to cover the events of 6 April.

A report prepared by IJC on the coverage of the April events by the national broadcaster stated that the public TV station Moldova 1 did not serve the public interest and did not offer complex and unbiased information that would have helped the TV viewers form an opinion about what was happening in Chişinău and in other places in the country; by manipulating the images and text, it presented the events only from the perspective of the public authorities.³²

As to the behavior of the public broadcaster during the July campaign, Broadcasting Media Monitoring noted that Teleradio-Moldova did not offer equal treatment to all electoral candidates, repeatedly criticizing the opposition and eulogizing CPM.³³

²⁸ Decision No.4 of 06 Oct 2009 on Suspending the Constitutionality Control Case Art.26 para.(1) letter a) of the Regulations on the Procedure and Conditions of Issuance of Broadcast Licenses and Relay Authorizations, approved by Parliament Decision No.433-XVI of 28 December 2006 // Official Gazette 156/19, 16.10.2009

²⁹ See monitoring reports prepared by IJC and APEL during the two electoral campaigns of 2009.

³⁰ Observance of Broadcast Code by the Observers' Board of the Public Broadcaster Teleradio-Moldova during the campaign of 29 July 2009, Broadcasters Association, http://www.apel.md/public/upload/md_CO_IPNA_Studiu_030909.pdf

³¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0384&language=RO&ring=P6-RC-2009-0262>

³² http://alegeliber.md/files/rapoarte/raport_pe_cij_api_rom.pdf

³³ *Final Report on 6-29 July 2009, Broadcast Media Monitoring Mission*, project funded by the Council of Europe, pag. 20

After the July elections, the management of Teleradio-Moldova made a number of declarations accusing the Speaker of Parliament, AEI³⁴, the head of the parliamentary commission for mass media³⁵ and the president of BCC³⁶ of exerting pressure and interfering in the editorial policy of the public broadcaster. Those declarations were a reaction to the criticism and insistent statements of the respective officials about the urgent need for reform.

In October 2009, the Broadcast Code was amended on the initiative of AEI providing that BCC and SB members would be appointed by a parliamentary decision to be adopted by a simple majority and not a two-thirds vote. This amendment was justified by the critical situation in which SB had been for more than six months during which, as stated by its chair, Mariana Şlapac, meetings took place with just 5 out of 9 members³⁷, and later, after the appointment of Boris Focşa as Minister of Culture, with 4 members³⁸, thus lacking a quorum for adopting decisions.

On 23 December 2009, after BCC organized a public contest for selecting candidates and legal parliamentary commissions appointed those candidates, Parliament³⁹ approved six new members for the SB of Teleradio-Moldova. On 30 December, the first meeting of the new board took place during which a chairperson and secretary were elected. At the same meeting, the company's President, Valentin Todercan, was dismissed, "...for serious violation of his work duties and namely of Article 7 of the Broadcast Code".⁴⁰ TV 1 director Adela Răileanu⁴¹ and the Radio Moldova director Veaceslav Gheorghişenco⁴² were dismissed for the same reason. After dismissing the company's management, SB announced on 31 December a contest for filling the three positions.

Regional Public Broadcaster Teleradio-Găgăuzia

For the media in the Territorial Autonomous Unit Găgăuzia (TAUG), the year 2009 marked the beginning of a dialogue with local governments. This initiative was launched in May 2009 by the President of the People's Assembly (PA) of TAUG, Ana Harlamenco, who suggested signing a cooperation agreement between PA and the media. A draft agreement was sent out to editors of media outlets based in TAUG obliging PA to provide information about its activities to the press and support for journalists to attend training or professional internships abroad. Under the agreement, journalists are entitled to participate in all meetings, sessions, seminars, round tables, and any other events organized by PA.⁴³

Another project for the media was the establishment by PA of the awards "Best Journalist of the Year in Print Media," "Best Journalist of the Year in Broadcast Media" and the additional award "For a Special Contribution to Media Development."

On 4 December 2009, PA amended the provisions of the broadcasting law on the procedure for funding the regional public broadcaster. Thus, the broadcaster's financial plan

³⁴ Infotag News Agency, 16 September 2009

³⁵ 21 October 2009 // Monitor Media Agency

³⁶ http://trm.md/index.php?module=comunicate_int&proiect_id=20

³⁷ Igor Munteanu, the sixth member with a valid mandate, did not participate in the OB meetings in 2007 in protest against the editorial policy of Teleradio-Moldova.

³⁸ Two other OB members' mandates expired in December 2009

³⁹ Parliamentary Decision No.119 of 23 Dec 2009 on Confirmation in Function of Certain Members of the Observers Board of the Public Broadcaster Teleradio-Moldova // Official Gazette 193-196/622, 29.12.2009

⁴⁰ Decision of the Observers Board of Teleradio-Moldova No.1/94 of 30 Dec 2009

⁴¹ Decision of the Observers Board of Teleradio-Moldova No.1/94 of 30 Dec 2009

⁴² Decision of the Observers Board of Teleradio-Moldova No.1/96 of 31 Dec 2009

⁴³ Ezhenedel'nyi biuletën' sobytii v stranah SNG vypusk № 20 (328), 12 - 18 May 2009, <http://cjes.ru/bulletins/?bid=3395&country=SNG&lang=rus>

will in the future be coordinated with the executive committee and approved by PA. The deputies' proposal that the members of the Supervisory Board of Teleradio-Găgăuzia be elected with a simple majority and not with two-thirds of the votes was not, however, accepted.

At the PA meeting of 22 December 2009 when the 2010 budget was discussed, the deputies criticized the draft resolution of the Executive Committee of Gagauzia on equal funding for official media and opted for the allocation of 2,150,000 lei to Teleradio-Găgăuzia and 350,000 lei to the regional newspaper *Vesti Gagauzii*. The draft resolution is to be voted on in the third reading.⁴⁴

As to the activities of Teleradio-Găgăuzia in the two electoral campaigns, APEL established in its reports that the TAUG regional public broadcaster did not allow the public to get enough information about the electoral process in general and about the political platforms of all electoral candidates in particular. As a result, some of the candidates ignored the broadcaster due to its reduced credibility. Teleradio-Găgăuzia organized debates but did not prove impartial in offering airtime to the participants and deviated from legal provisions and from professional standards by showing bias towards certain politicians, particularly in favor of those in the ruling party.⁴⁵

Teleradio Bălți

The Broadcasting Code in effect since August 2006 provides for the reorganization of broadcasting outlets whose founders were local governments with the latter to issue decisions on how to accomplish this within three months. The Bălți Municipal Council (BMC) approved a decision on the privatization of Teleradio Bălți on 5 March 2008—a significant delay; but, hitherto the shares in Teleradio Bălți S.A. are still held by the Bălți Mayor's Office.

On 27 October after numerous letters were sent to the Bălți Mayor's Office, all of which were ignored, BCC decided to suspend the broadcaster, a decision that became effective on 14 November. The station's journalists then petitioned BCC to be allowed to produce and broadcast newscasts.⁴⁶ At the BCC meeting on 30 November, the Bălți Mayor's Office undertook to divest itself of Teleradio Bălți S.A. by 1 February 2010,⁴⁷ stating at the same time that the BCC decision to suspend Teleradio Bălți would be contested in court.

BMC members accused the mayor's office of delaying the privatization of the broadcaster. Since the majority of BMC members belong to CPM, Bălți opposition parties had complained many times that the Council had obstructed their access to Teleradio Bălți, so they could not convey their messages to the public.⁴⁸

On 3 December, BMC decided to announce an initial public offering of shares in Teleradio Bălți. The councilors adopted a feasibility study for the privatization of the station establishing the initial price of 1.5 million lei for the broadcaster's majority block of shares. According to their decision, the city's mayor was required within five days to take measures to organize and hold the offering.⁴⁹

⁴⁴ Press Service of PA of TAUG, http://halktoplushu.com/index.php?option=com_content&view=article&id=48:-22-2009&catid=1:news

⁴⁵ http://apel.md/public/upload/md_Raport_FINAL_Monitor_2008_2009_rom.pdf

⁴⁶ <http://www.gazeta-sp.info/>

⁴⁷ 30 November 2009, Monitor Media Agency

⁴⁸ <http://www.gazeta-sp.info/>

⁴⁹ 3 Dec 2009, Monitor Media Agency

The activities of Teleradio Bălți were not tracked by either national or international monitors during the electoral campaigns. During the campaign in April, two complaints were filed with CEC, one by CPM and one by the People's Christian Democratic Party (PCDP).⁵⁰ As a result, CEC ordered the suspension of electoral debates on Teleradio Bălți. Due to its uncertain legal status, Teleradio Bălți decided to not organize electoral debates in the July campaign.⁵¹

⁵⁰ 13 March 2009, Monitor Media Agency

⁵¹ 15 July 2009, Monitor Media Agency

III. Freedom of expression and defamation in 2009

In May 2009, the new Code for Contraventions became effective. It upheld the administrative contraventions of “insults” and “calumny” but changed the punishments for them. For insults, administrative arrest was excluded and was replaced with unpaid community work of up to 60 hours, and for calumny administrative arrest was replaced with detention for up to 15 days.

In May 2009, Article 304 was dropped from the Moldovan Criminal Code. That article described the violation, “Defamation of the judge or of the body conducting criminal investigations or contributing to justice making.”

Defamation cases against the media

According to the data provided by Moldovan courts (district courts in Botanica, Buiucani, Centru in Chişinău, Anenii-Noi, Basarabeasca, Briceni, Donduşeni, Drochia, Făleşti, Floreşti, Ialoveni, Leova, Ocniţa, Rezina, Şăldăneşti, Taraclia and Vulcăneşti⁵²), ten cases were tried in 2009 involving the protection of honor, dignity and professional reputations in which media outlets were defendants. The highest number of such cases was considered in Buiucani District Court where six cases (three against the newspaper *Flux* and one each against the newspapers *Timpul de dimineată*, *Economiceskoe Obozrenie* and *Moldavskie Vedomosti*) were heard. Botanica District Court considered two cases that had been brought against the media.

A defamation lawsuit was instituted against the newspaper *Moldavskie vedomosti* in Donduşeni District Court, but the plaintiff later withdrew its complaint. A case on injuring dignity was filed with Călăraşi District Court against the newspaper *Călăraşii*. The district courts in Hânceşti and Nisporeni tried one defamation case each against media outlets.

Moldova Suverană was the defendant in at least seven cases of protecting honor, dignity and professional reputation that were tried in 2009 in the courts of Chişinău. The plaintiffs were Serafim Urechean, OMA leader, who asked for damages of over one million lei (the court reduced the amount to 20,000; Veaceslav Platon, MP on the OMA list, who claimed 300,000 lei as compensation for moral damages; businesspeople from Drochia who claimed damage in three cases (15 million lei, 3.4 million lei and 5 million euros); Moldpresa Company which claimed 100,000 lei and Eugen Sofroni, ex-chief judge of Bălţi Court of Appeal and ex-judge of the Constitutional Court, who claimed one million lei.⁵³

*Media in April 2009: Violations of journalists' rights*⁵⁴

As a whole, the Moldovan media can be characterized in this period from two angles: as victim and as instigator. The attitude taken by the country's media outlets during the April 2009 protests betrayed either a desire to cover the events from all aspects or an obvious sympathy for one of the parties in the conflict – the party in power or the opposition – or the intention to provoke hostility among the protestors (who had voted for the opposition parties) and those who did not protest. The Report on Monitoring Media Behavior During 6-

⁵² The other national courts, including the court of appeals, did not answer the requests for access to information even two weeks after the expiration of the legal timeframe of 15 days for replying.

⁵³ 11 December 2009, Monitor Media Agency

⁵⁴ Sources used for collecting this information: Monitor Media Agency, Active Watch Press Monitoring Agency, and the Romanian Center for Investigative Journalism, www.cotidianul.ro, www.adevarul.ro, www.jurnalul.ro, www.tvr.ro, www.gandul.info, www.hotnews.ro, www.mediafax.ro, www.zdg.md, www.jurnal.md, www.jurnaltv.md, www.curaj.net, www.antena3.ro, <http://natmorar.livejournal.com>

10 April⁵⁵ prepared by IJC shows that all three TV stations with national and quasi-national coverage (Moldova 1, Prime TV and NIT) and one with regional coverage (N4) treated the parties to the conflict unfairly promoting a positive image for the central public administration and CPM on the one hand and a negative image for the leaders of the three opposition parties – LP, LDPM and OMA – on the other.

These TV stations used a number of disinformation methods: presenting the news selectively; misinforming the public about the reasons for and the unfolding of events; quoting one source and ignoring alternative sources and manipulating text and images. The language used by the broadcasters was not calculated to urge tolerance and calm, and the qualifiers used by communist officials in their official declarations that were flagrantly quoted, i.e., “putsch,” “anti-constitutional overthrow,” “coup d’état,” “devastating actions of the opposition,” “thieves and putschists,” only increased anxiety and tension in society.

Most stations broadcast the speech made by Vladimir Voronin that contained serious allegations: “The leaders of the opposition chose the route of serious crimes,” “[they] directed the coup d’état,” “[their purpose is to] destroy stability in Moldova.” Some stations provocatively repeated those allegations even after the end of the violent protests.⁵⁶

It is certain that from 6 to 10 April 2009 the authorities were interested in impeding honest journalists from broadcasting “different” information, i.e. different from the information the authorities were promulgating. Most violations of journalists’ rights took place precisely during that period. Through brutal and disproportionate actions, journalists were impeded from doing their jobs. Both local and foreign journalists suffered. In this period, the central authorities and law-enforcement agencies made maximum efforts to misinform the public in Moldova and abroad. There were confirmed incidents of assault, abusive detention and kidnapping of journalists; illegal searches of homes; abusive expulsions from and denial of entry into the country and many other incidents reported by national and international monitors.

Expulsions and summons to leave country

7 April: At least 19 Romanian journalists, employees of Associated Press, European Press Association, France Press, Intact Images, NewsIn, Mediafax, Reuters and of the publications *Evenimentul Zilei*, *Jurnalul Național*, *Ziua*, and of the station Realitatea TV who were traveling to Chișinău were denied entry at the customs points Galați-Giurgiulești and Oancea-Cahul.

8 April: Two journalists from the Romanian TV station Antena 3, Iosif Buble and Robert Dicu, were detained one night at Chișinău Airport under police supervision and were forced to return to Romania. The photo reporter Horia Călăceanu from the Romanian publication *Adevărul* who arrived at Chișinău Airport via a flight from Budapest had to return to his country. Special reporter Cătălin Gombos and sound technician Laurențiu Stângaciu from the public station TVR were forced to return to Romania. Newspaperman Dragoș Boța from the daily *Gândul* was detained one night at Chișinău Airport after which he was expelled from the country.

11 April: TVR correspondent Doru Dendiu was invited to the Ministry of Foreign Affairs where his accreditation was withdrawn after which he was obliged to leave the country.

⁵⁵ http://www.ijc.md/Publicatii/monitorizare/monitorizare_raport_postelectoral.pdf

⁵⁶ http://www.ijc.md/Publicatii/monitorizare/monitorizare_raport_postelectoral.pdf

Incidents of intimidation and aggression

7 April: In Bălți, one police officer in civilian clothing brutally enjoined a journalist from DECA-press new agency (Eugen Urușciuc) not to film the arrest of some young people who were protesting in the center of the city. Another police officer in uniform tried to stop the operator of the station PRO TV Chișinău (Iurie Bold) from taking pictures while a few young people who were protesting in Independence Square were arrested.

8 April: Four reporters from *Ziarul de Gardă* were intimidated by law-enforcement authorities. Oleg Brega, a reporter for Jurnal TV, was beaten behind the government building by policemen, one of whom was wearing the equipment of the "SWAT" Squad, and two video cameras were taken away from him. Natalia Morari, correspondent of the Moscow publication *The New Times* was accused of organizing the violent protests of 7 April in Chișinău. ProTV cameraman Constantin Rogodanțev was assaulted during the morning by police officers wearing hoods.

9 April: The team from the Romanian station Realitatea TV consisting of journalist Evghenia Kironaki, cameraman Mihai Valentin Buzduga and driver Gabriel Colac was detained for four hours by law-enforcement authorities and ordered to leave the country. Policemen broke into the house of cameraman Oleg Brega from the online station Jurnal TV and searched all the rooms, seizing a number of objects. The police officers did not identify themselves and did not show a search warrant.

10 April: Rodica Mahu, editor-in-chief of the publication *Jurnal de Chișinău*, was arrested on the street by four police officers in civilian clothes, pushed into a car and taken to an unknown address. Petru Terguță, an employee of TV 7 and a correspondent for the Romanian TV station Antena 3, cameraman Dan Nițescu and image assistant Victor Alexandru were harassed and threatened by security personnel. In the end they decided to leave the country. Doru Dendiu, correspondent for the Romanian public station TVR, and Ion Terguța (brother of Petru Terguța) remained in Chișinău to report for Antena 3 and were detained for six hours at the Operative Services Department of the Ministry of the Interior (MI).

16 April: Slava Perunov, editor of the Russian language newspaper *SP* in Bălți, was threatened with death in a reply to an article he published in the newspaper's online version.

24 April: Three independent newspapers *Timpul de dimineață*, *Jurnal de Chișinău* and *Ziarul de Gardă* were summoned by MI to disclose the names of the confidential sources they had quoted in their articles and were directed not to publish evidence about torture and ill-treatment by the police of those arrested during and after the 7 April events.

Obstructed access to information

8 April: Two service providers (SUN TV and ARAX TV) suspended relays of Romanian TV stations.

8 April: The administrators of the information portal unimedia.md found that their server had been attacked several times.

9 April: The well-known portal Facebook.com and the social network Odnoklassniki.ru became inaccessible to Moldovan users.

10 April: The websites of Unimedia, *Jurnal de Chișinău*, Jurnal TV, and PRO TV could not be accessed.

14 April: The Ministry of Foreign Affairs did not allow reporters from PRO TV Chișinău to verify the condition of the hospitalized police officers who were allegedly wounded as a result of the violence on 7 April.

Other incidents of press freedom violations

On 31 January, the server of the news portal Unimedia (www.unimedia.md) was attacked by unknown individuals outside of Moldova.

On 3 February, one of the soldiers guarding the MI building damaged the camera of a cameraman from Jurnal TV telling him not to film, "...because that was not permitted."

On 26 May, a team of journalists from Jurnal TV was not allowed access to a press conference that took place on the MI premises.

On 24 June, President Vladimir Voronin, the CPM leader, accused the daily *Timpul de dimineață* of having rallied people to bloodshed after the parliamentary elections of 5 April, and Grigore Petrenco, CPM member, accused the radio station Vocea Basarabiei and the publications *Timpul de dimineață* and *Ziarul de Gardă* of promoting extremist and xenophobic ideas.

On 29 June, the Chișinău Prosecutor's Office notified the state company MoldData that some visitors to the Unimedia site had posted on 6 April 2009 comments that, "...defamed Moldova and called for violence and mass disorder," which represented, "...public calls to overthrow and change through violence the constitutional order in Moldova."

On 10 August, MI officials restricted the access of a team from Jurnal TV to the round table "Police cooperation with civil society in view of maintaining public order" that was held on the Ministry's premises.

On 18 August, a team of journalists from Jurnal TV was forbidden to participate in a press conference held at MI.

On 2 October in the town of Ceadâr Lunga, a microbus rented by the newspaper *Ceas pik* (*Rush Hour*) was set on fire.

On 14 October, the program "European Guide" on Radio Moldova was suspended as it was produced by the journalist Eduard Maceac whose accreditation was withdrawn for his failure to inform his bosses that the protagonist of the program of 12 October would be Speaker Mihai Ghimpu.

On 20 October, the radio station Antena C was the target of a bomb threat that turned out to be false.

On 23 November, a hacker placed on the site of *Ziarul de Gardă* (www.zdg.md) an unauthorized image accompanied by an aggressive message. Both the archive and other pages could not be accessed for one day.

On 4 December, a Chișinău court obliged the newspaper *Flux* to pay damages amounting to 100,000 lei to OMA Parliament member Ion Pleșca.

On 14 December, the reporters from *Ziarul de Gardă* who had produced an investigation about corruption at railway stations in Moldova as well as their informants were intimidated and threatened by unknown individuals.

Media at the European Court of Human Rights

In 2009, the European Court of Human Rights (ECHR) found Moldova guilty of having violated Art. 10 of the Convention on Human Rights in two cases involving the media: “Manole and Others v. Moldova” and “Flux (No.7) v. Moldova.” Two more cases at ECHR in which the plaintiffs were journalists that were communicated to the Moldova Government in 2009 were “Avram and Others v. Moldova” and “Fusu v. Moldova.”

In its judgment in the case “Manole and Others v. Moldova,” ECHR found censorship at the public broadcaster Teleradio-Moldova after CPM came to power in 2001. The Court concluded that from 2001 to 2006, there was a significant trend to cover the activities of the President and government in newscasts and other programs on station TV 1 without giving access to opposition party representatives to express their opinions. Moreover, the Court noted there was evidence of censorship in discussions or mention of certain subjects for the reason that they were considered sensitive from a political point of view or created a bad image for the Government. Thus, the Court held that the plaintiffs as journalists, editors and producers at TV 1 had to be affected as a result of such policies. It held that there was continuous interference in the plaintiffs’ rights to freedom of expression throughout the relevant period. In conclusion, taking into account especially the virtual monopoly of TV 1 in Moldova, the Court held that the state authorities had not executed their of ensuring, through law and practice, that the public has access through television and radio to impartial and accurate information and a range of opinion and comment. During the relevant period of time, the legislative framework was ineffective because it did not provide sufficient protection from control of TV 1 management, and by extension the station’s editorial policy, by the political party in power. The plaintiffs in this case were the Teleradio-Moldova journalists Larisa Manole, Corina Fusu, Mircea Surdu, Dinu Rusnac, Viorica Cucereanu-Bogatu, Angela Aramă-Leahu, Ludmila Vasilache, Leonid Melnic, and Diana Donică.

In the case “Flux (No.7),” Moldova was found guilty of violating Art. 10 for sanctioning the newspaper for defamation at the national level. In 2004, the plaintiff, the newspaper *Flux*, published an article entitled “Four more communists have enriched themselves with houses from our money.” Buiucani District Court admitted in full the complaint filed by Victor Stepaniuc (CPM member) finding that the relevant passage did not correspond to reality and was defamatory. The court obliged the newspaper to publish a retraction and to pay 30,000 lei in moral damages. ECHR stated that as part of its role as “watchdog,” the right of the media to report “fairytale” or “rumors” derived from persons other than the plaintiff must be protected if they do not completely lack grounds. Taking into account the good faith of the newspaper in reporting on matters of public interest and the lack of details about the manner in which the public funds were spent by the Government, ECHR held that interfering in the exercise of the plaintiff newspaper’s right to freedom of expression was not “necessary in a democratic society.”

V. Press Freedom in Transnistria

The year 2009 in Transnistria⁵⁷ distinguished itself through sound public events that compelled the response of media outlets, leading to the publication of many interesting articles. The legal standards set out by the Constitution and other legislative acts that guarantee access to information, freedom of expression and observance of citizens' rights to obtain truthful information did not, however, function.

In January, the inhabitants of the Transnistrian region unexpectedly became victims of the "gas war" between Russia and Ukraine. The authorities of the self-proclaimed republic had not publicized truthful data about the gas reserves of Transnistria. Having trust in the information disseminated by the local media, the population that had benefited in the past 10 years from heating based on natural gas was sure that Transnistria had sufficient gas reserves. Due to the misinformation spread by the local authorities and media, the people who could have bought fuel (wood and coal) a few days before the suspension of gas delivery did not do so and had to endure the cold. When the gas crisis worsened, truthful information became more accessible; however, in fear of intimidation and persecution, many media outlets did not have the courage to make public the violations committed in the free delivery of wood to pensioners and to the rural population.

The global economic crisis and suspension of gas delivery significantly affected enterprises in the Transnistrian region. Most of them ceased working, and their employees had to take unpaid vacations. It was impossible to get information from primary sources about the number of people fired, about salaries that were unpaid and about following labor laws. The bodies empowered to exercise control in this area invoked various excuses and refused to provide any information. The lack of cooperation with the media by public institutions in the region did not seem to be an exception as journalists stated that this had practically become a norm.

In February, law-enforcement authorities descended on the regional representative office of the Russian information agency Regnum. The conflict started when a regional bank ignored an official request filed by one of the agency's correspondents asking for information about the consequences of the global financial crisis on the trend in and amount of bank transfers in the Transnistrian region. After the legal timeframe for providing information—10 days—had expired, the journalist was notified that he would receive an answer to his request in January 2009 which was then postponed to February. On 12 February, the bank's deputy president informed the journalist that the answer was ready but that "bank President O. Ionova forbade its communication." The agency published the answer of the bank's deputy president. The Transnistrian authorities qualified that journalist's act as defiance.

On 2 February, the Ministry of Foreign Affairs of the self-proclaimed Transnistrian republic blamed Regnum for, "...destabilizing the political situation in the region." The reaction of Serghei Kolerov, editor-in-chief of the Western Representative Office of Regnum, to that material was the following: "The Stockholm syndrome: regional consequences of the 'gas war' between Russia and Ukraine," published on 30 January (<http://www.regnum.ru/news/1118061.html>).

On 7 February, the ministry of state security of the self-proclaimed republic started a criminal case under Part 2 Art. 276 of the Criminal Code of Transnistria: "Public calls by

⁵⁷ Prepared by Elena Kalinichenko, journalists from Transnistrian region, based on the information from open sources and discussions with the journalists

using media outlets to overthrow the state power and change through violence the constitutional order in the region.”

On 10 February, security agents searched the former office of Regnum in Tiraspol and seized assets that belonged to the newsroom and to the employees of *Partner*, the magazine of the trade and industry chamber of the Transnistrian region, not knowing that Regnum had changed its office. The agents stated that they had, “...conducted investigations as part of the criminal case instituted against Regnum” and had shown their “search warrant.” As a result, they seized two word processors, agendas and documents that belonged to the newsroom of *Partner*. The arguments of the newsroom team that the assets seized were the property of the trade and industry chamber were ignored.

Due to this persecution, the regional journalist of Regnum had to leave Transnistria. His relatives refuse to say where he had gone as they were afraid of the Transnistrian authorities.

Not only public institutions but also non-government organizations routinely refused to provide information to the public. For instance, a correspondent from the newspaper *Profoiuznîe Vesti* tried to find out how married Russian citizens who lived in Transnistria could receive child support allowances offered by Russia. The head of the Russian community Dobrînea in Tighina refused to provide this information and advised the reader to contact the community directly. In order to obtain this information he had to pay a significant sum.

In March, negotiations between Chişinău and Tiraspol were resumed. On 18 March, a three-party meeting of the presidents of Russia, Moldova and the self-proclaimed republic took place in Moscow. The meeting planned to take place in Tiraspol between Vladimir Voronin and Igor Smirnov did not take place; its postponement was broadly covered by the regional media. This time, the official representatives of Transnistria offered numerous interviews and commentaries.

This month, authorities came back to the problem of the state-owned station Radio Pridnestrovia that had been left without an office. In 2008, the founders of Radio Pridnestrovia refused to sign an act transferring responsibility for the station to the minister of information and telecommunication of Tiraspol thus making it a departmental mouthpiece. This radio station was founded by the supreme soviet and the leader of Transnistria with the mission to inform the population about the activities of the regional public administrative authorities. The administration in the person of the minister of information and telecommunication tried unilaterally and by exerting pressure on the staff to collect signatures in favor of changing the form of ownership. The journalists disagreed and defended their right to promote a balanced editorial policy thus placating the administration that did not want to lose such an important source of information on the eve of an election year. The conflict was settled to some extent but was not definitely solved.

Until April, the meetings of Dubăsari Town Council had been broadcast live. Without taking into account the radio audience’s opinion, the town council adopted a unilateral decision to offer only recordings of the meetings. The population was thus deprived of the right to free access to full information about the activities and reports of the local government.

In May, the minister of information and telecommunications of the self-proclaimed Transnistrian republic decided in coordination with the minister of foreign affairs to refuse accreditation for 2009 to Lev Leonov, the correspondent of the Russian newspaper *Pravda*. The special declaration of the authorities said that for many years, Leonov had tried to

present the Transnistrian authorities in his publications as an “immoral regime,” calling the leaders of this region “a gathering of scoundrels” and a “junta,” and that his articles were published in *Pravda* regardless of whether he was accredited or not. In his reply to this decision that was published in the Transnistrian press, Leonov called the ministry of foreign affairs “a ministry of censorship” accusing its employees of “prior control of the publication’s orientation and journalists’ creations.”

“Refusing to accredit certain journalists or expelling them constitutes a normal practice in any country that wishes to protect itself against actions that damage its interests and threaten the country’s security,” the ministry’s representative said adding that if the activities of the correspondent of *Pravda* who “regularly criticizes the republic’s leadership” and “doubts the legitimacy of the existence of the Transnistrian republic itself” had been subject to censorship by the Transnistrian authorities, “It is unlikely that such free expression of the journalist’s opinion would have been possible.”

In June, there was another escalation of the conflict between the executive and the legislature. This time, the subjects broadly debated were the space and airtime offered by the media to the two powers. The legislature contended that the articles of the press service of the supreme soviet of the self-proclaimed republic were shortened and subject to censorship which led to losing their true meaning. In reply, the executive insisted that the newspapers and radio and TV stations edited themselves and decided on the space and scheduling of programs, giving priority to those in favor of the President. The replies and mutual accusations were made via official declarations and pronouncements which diminished public trust in the state media.

In July, for the first time during the 19 years of existence of the Transnistrian republic, E. Şevciuk (speaker of the supreme soviet) resigned. In his speech, he soundly criticized the leader of the Transnistrian region and his entourage. The event astounded the public because nobody had dared prior to that to criticize the power so drastically for fear of persecution. It is symptomatic that the state-owned media did not mention the content of Şevciuk’s speech but only his resignation.

In August, the municipal court of Tiraspol reached a decision about the complaint by Anatoli Kaminski, the deputy president of the supreme soviet, and his wife of injury of honor and dignity filed the previous June. In the plaintiffs’ opinion, on 16 June untruthful statements were disseminated during the informative program “Deni” (“Day”) broadcast by station Pervii respublikanskii telekanal that harmed their honor and dignity. In August, the municipal court of Tiraspol partially admitted the complaint and issued a decision to oblige the defendants to broadcast a retraction of the information disseminated during the program of 16 June and ordered of the station to pay 10,000 roubles for moral damage. The defendants disagreed with the decision and appealed it to the higher court; however the latter upheld the decision issued by the court of first instance.

In September, Aleksandr Radcenko, co-founder of the newspaper *Celovek i ego prava*. (*People and their Rights*) received an answer to the open letter he had sent to the leader of the self-proclaimed republic on behalf of the Social-Democratic Party of Transnistria on 15 July 2009. According to the Law on Citizens’ Petitions, the answer was due within one month. The letter Mr. Radcenko received did not contain answers to the questions he had asked. It was simply a form letter. Radcenko then filed a complaint with the municipal court of Tiraspol about the illegal actions of the officials. The court held that issuing an answer in writing, even though it did not refer to the substance of the request, met the legal requirements. The plaintiff contested the decision of the municipal court of Tiraspol with the

supreme court of Transnistria. The civil Panel of the supreme court examined the complaint and decided to uphold the judgment of the court of first instance.

The confrontations between the leader of the self-proclaimed republic and its supreme soviet turned into a real informational war. The ex-speaker of the supreme soviet who resigned, Evgheni Șevciuk, still had the status of deputy of the supreme soviet and continued to lead the majority parliamentary force: the party Obnovlenie. However, TV station Pervii respublikanskii telekanal refused to broadcast articles about the party's activities as part of inter-parliamentary relations. Videos of the press service of the supreme soviet about actions involving the leadership of Obnovlenie were frequently omitted by the state-owned TV station.

Also in September, the first death caused by swine flu (H1N1) was registered in the region. Workers at the hospital did not report the second death on purpose, the victim being a twenty-year-old woman. Only when the information reached the press did the authorities set up a special commission to investigate that case. The commission did not deny that when the patient turned to the medical facility for the first time, she was refused urgent medical assistance.

In October, Aleksandr Kretinin, a journalist for the municipal newspaper of Tighina, sued Leonid Tkaciuk, the leader of the supreme soviet, one of the cofounders of the publication, for harming his honor and dignity as the latter blamed the journalist for writing an "article upon order." The article reported on a case considered by the court on the legality of repeatedly collecting sales tax. The court has not adopted a final judgment in this case; however, the media experts from the region take into account the subordination *de facto* of courts to the authorities and think that it is not likely that an impartial judgment will be issued.

In November, the journalists and the public became convinced once again that the words and the actions of the authorities did not coincide. The Minister of Economy who had declared prior to that that the tariffs on public utilities would not be increased in 2009 again misinformed the public. Starting in November, tariffs increased on average by 7.5%. Journalists could not receive an answer to the question: "Why has the law that provides for a tariff increase only once a year been violated?" since the invitation and admission of media outlets to the press conference held by the Ministry of Economy was selective. State-owned media had access to the ministry of economy whereas it was not available to private and foreign outlets.

December did not bring surprising changes. It was rather a month of summing up the annual results. Active journalists urged their colleagues to unite their forces and revitalize the Union of Journalists of Transnistria which had been passive and absolutely inert for several years. The first meeting is planned for January 2010.

Transnistrian media in relation to the elections to the Moldovan Parliament and the protests of April 2009

Conclusions of the above-said indicate that the electoral events in Moldova did not represent important subjects for the regional media. The state-owned media published information *post factum* to convince the local public that any political power in Moldova was "aggressive" to the Transnistrian regime. The newspaper *Pridnestrovie*, using propaganda methods, counseled local analysts (about whose professional activity little is known) that Moldova would be subjugated by Romania, and that when that transpired, the inhabitants of

Transnistria risked losing their identities or even worse, turning into a labor force deprived of any rights.

Regional representative offices of foreign information agencies covered the April events that took place in Chişinău in a sufficiently objective and balanced manner. In particular, the information agency Novii reghion published a number of reports and photographs from the places the events occurred. The information agency Regnum offered a high number of publications of an informative and analytical character. The Transnistrian information agency Lenta reprinted information on this topic from the websites of Moldovan, Russian and Ukrainian agencies.

What are the impediments faced by Transnistrian journalists in exercising their professional duties?

1. The refusal of authorities to provide information. Although obliged by law to provide information requested, the authorities avoid doing so invoking various excuses or they delay providing it on purpose until it has lost its current interest.

2. The refusal of public officials to speak with the press if they have not received a clear order to do so from their bosses.

3. Form-letter answers are often given to written requests for information. Thus, the law is observed but the information is sequestered.

4. Using the excuse of keeping trade secrets, public administrative bodies suppress documents about their activities and use of budgetary funds – a practice forbidden by law.

5. It is extremely difficult if not practically impossible to publish journalistic investigations. Taking into account the dependence of courts on state authorities, publications risk being suspended or going bankrupt.

6. Self-censorship is a normal thing for journalists. Writing material that does not comply with the editorial policy of the publication may lead to a journalist's dismissal. Taking into account the reduced number of mass media outlets and the limited market for jobs, an "undesirable" journalist risks being unable to get a job.

We have been informed by the chancery of the delegate for human rights and the prosecutor's office of Transnistria that last year no journalists filed any complaints or petitions about violations of their professional rights, their access to information, illegal actions by a publication's management or pressure exerted by the authorities.

VI. Conclusions and prognosis for 2010

The general conclusion of this report is that the situation of the press in Moldova significantly deteriorated in the first half of 2009. In this period, multiple, serious violations of journalists' rights took place. More than 60 local and foreign journalists became victims of abuse by the public authorities. Eight media outlets were constantly subjected to intimidation, threats and discriminatory treatment and 33 foreign journalists were arrested, interrogated, expelled or denied access to Moldova.

In the reference year, journalists carried out their activities under difficult and degrading conditions and under life-threatening, dangerous conditions as the target of many attacks. The split between the media outlets that were on the barricades and those used as "missiles" became sharper.

At the same time, in the last months of 2009 the Moldovan media market entered a gradual process of democratization, important reforms took place, and sound competition among the media started, the media businesses was encouraged.

Also in 2009, the reform of the public broadcaster started. At the end of the year, significant changes took place at Teleradio-Moldova that will continue in 2010. It can be stated that the national public broadcaster opened a new chapter of transforming into a genuine public, fair and credible service.

The year 2010 will be a trial year for the print media as well as for the other media outlets, due to these new conditions and to the requirements imposed by competition.