



# THE BLACK BOOK OF MOLDOVAN MASS-MEDIA







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The Institute for Development and Social Initiatives (IDIS) „Viitorul”

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This study is a product of the “The development and promotion of a modern media climate in the Republic of Moldova” project, implemented by The Institute for Development and Social Initiatives (IDIS) „Viitorul” and financed by the European Union



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Project financed by the European Union

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The black book of Moldavian mass-media / coord.: Ghenadie Mocanu. – Ch. : IDIS  
“Viitorul”, 2011 (Tipogr. “MS Logo” SRL). – 35 p.  
150 ex.  
ISBN 978-9975-4193-2-1.  
070(478)  
T 49



## FOREWORD

Freedom of expression is one of the postulates of a democratic state. We can say how democratic or not a state is and how free a society is depending on the degree of commitment to this principle by public institutions. This report is a product of “The development and promotion of a modern media climate in the Republic of Moldova” project, implemented with the assistance of the European Delegation to Moldova within the European Instrument for Democracy and Human Rights. The project was launched on March 19<sup>th</sup> 2010.

The purpose of this project is to promote and develop a modern and democratic media climate in the Republic of Moldova; the specific objectives are: to evaluate the freedom of speech and the freedom of the press in Moldova, to consolidate the dialogue between mass-media and public officials, to research and highlight legal obstacles in this field, to promote a public awareness campaign on the need to establish a modern and democratic media framework in the Republic of Moldova.

Besides promoting recommendations on improving legislation in regards to mass-media freedom of speech, this project also entails the creation of a Development Strategy for mass-media and reaching an agreement upon a roadmap to Europeanize this field. To prevent political interferences in the work of journalists, politicians will be encouraged to publicly sign an Agreement of Non-involvement in the Editorial Politics of Mass-Media Outlets.

The phases of the project were agreed upon through dialogue and cooperation between the Parliamentary Commission for Education, Culture, Research and Mass-media, the Audiovisual Coordinating Council and managers of mass-media institutions. Two large roundtables will be organized to debate proposals for improving mass-media legislation. Furthermore, four informal discussion clubs will be set-up. Another goal of the project implemented by IDIS “Viitorul”, is to conduct a campaign to promote freedom of speech. Solutions to various problems that media outlets face in Moldova will be presented through multiple posters, thematic calendars, as well as through articles in local mass-media outlets, insisting on legislation improvement.

# INTRODUCTION

The promotion of a modern media climate in the Republic of Moldova entails first of all compiling a list of negative examples and practices that mass-media outlets face in Moldova. This climate was significantly affected by the coming to power in 2001 of the Communist Party, which has affected the development of mass-media for almost a decade. Despite a relatively good legislation, the fourth branch of government had almost no effect on the other branches or on public institutions throughout this period, this being noted by both national and international jurists. The irresponsibility of political actors has had one of the most important effects on mass-media development in Moldova. Consequently, citizens were deprived of sufficient and high-quality information.

The Black Book of Moldovan mass-media has the purpose to identify and describe the following kinds of cases: limits on access to information and on freedom of speech, ensuring the protection and integrity of journalists, examples of editorial interferences and negative influencing of mass-media by public authorities and abuses which negatively impact the development of a modern media climate in Moldova.

Such a title for a report on mass-media can stir a lot of debates. However, it is important to mention that the scope of this report is to present a series of negative practices encountered in the process of journalistic work and in the delivery of information to the public. The report does not intend to pass judgment on the subject or scope of journalism articles in Moldova. This kind of report is essential considering the Moldovan political

context from 2001 to date – certain conclusions and recommendations need to be made that will contribute to the decrease in the number of such cases in the future.

The investigation timeframe of this report is from 2001 to 2010, from the coming to power of the Communist Party of the Republic of Moldova, which led to a deterioration in independent and high-quality mass-media activity. According to the “Press Freedom Around the World Report” published by Freedom House, throughout this period the Republic of Moldova did not have a free mass-media<sup>1</sup>. Other reports that analyze the state of mass-media on an international level came up with approximately the same conclusions, an example being the “Index of Press Freedom Around the World” published by „Reporters sans frontières” (RsF)<sup>2</sup>.

The sources for this investigation were: first of all, the Law on Mass-media (passed on 26.10.1994, enforced since 12.01.1995), the Audiovisual Code of the Republic of Moldova (N. 260-XVI passed on 27.07.2006), the Journalism Ethics Code of the Republic of Moldova (passed at the Extraordinary Congress of the UMJ. Chișinău, May 4<sup>th</sup> 1999), the Law on access to information (N.982-XIV passed on 11.05.2000), the Law on decision-making transparency (N. 239-XVI passed on 13.11.2008), the Law on freedom of speech (N. 64 passed on 23.04.2010), as well as other adopted laws that deal with mass-media development, like amendments to the Misdemeanors Code and the

1 [http://www.freedomhouse.org/inc/content/pubs/pfs/inc\\_country\\_detail.cfm?country=7878&year=2010&pf](http://www.freedomhouse.org/inc/content/pubs/pfs/inc_country_detail.cfm?country=7878&year=2010&pf)

2 [http://en.rsff.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsff.org/spip.php?page=classement&id_rubrique=1034)

Penal Code of the Republic of Moldova, etc.

Furthermore, the following documents were analyzed: the reports on the state of Mass-Media in the Republic of Moldova issued by the Center for Independent Journalism (CIJ)<sup>3</sup>, the monitoring reports of the Moldovan Association of Electronic Press (MAEP)<sup>4</sup>, the studies and reports of the Association of Independent Press (AIP)<sup>5</sup> and of the Institute for Development and Social Initiatives (IDIS) “Viitorul”<sup>6</sup>, etc.

Last but not least, cases that were well-documented in the national press, of violations of the journalist’s and the broader public’s right to information were also utilized. The monitoring was done chronologically. The three collaborators involved in the project were responsible for collecting, documenting and registering the various cases under the guidance of the report coordinator. The criteria for identifying cases/examples of violations were established by the project coordinator:

1. The presence of pressure and intimidation by public institutions, by Law Enforcing institutions or other kinds of pressures on the journalist or the mass-media outlet;
2. The occurrence of certain violations of the current legislation which restrict the freedom of information and the delivery of news by the journalist or the mass-media institution;
3. Various declarations and complaints by mass-media or by civil society on the persistence of certain abuses of mass-media institutions in Moldova;

3 [http://www.ijc.md/index.php?option=com\\_content&task=view&id=36&Itemid=64](http://www.ijc.md/index.php?option=com_content&task=view&id=36&Itemid=64)

4 <http://apel.md/news.php?l=ro&id=147&c=144>

5 <http://api.md/files/defaimarea.pdf>

6 <http://www.viitorul.org/lib.php?l=ro&id=356>; <http://www.viitorul.org/lib.php?l=ro&id=359>

4. Lawsuits brought against mass-media institutions in Moldova and the blaming of certain media outlets or vice-versa.

## ***The Local Media Landscape***

From a general perspective, in 2001, mass-media in the Republic of Moldova was in a perpetual state of subsistence, being obligated to beg for the goodwill and protection of the people in power. More interested in survival and in a better positioning on the media market of Moldova, ethics principles were applied selectively in the presentation and analysis of information. The political factor has been decisive in setting the course for mass-media from 2001 to date.

When the Communist Party came to power, it attempted through all available means to establish its control over the fourth branch of government, a temptation to which every governing party has given in to. However, in comparison with other time periods, the Moldovan mass-media took a significant step backwards during the Communist reign. Public audio-visual media outlets, as well as the state press (till 2005) had started intensely promoting the governance in a positive light, ignoring taxpayers’ preferences. Those who disagreed with this editorial politics were removed from the Teleradio Moldova company and remaining journalists were censored. Many of the Teleradio Moldova journalists who protested against the imposed censorship were fired, and even more were fired as a result of the 2004 reorganizations. The European Court of Human Rights (ECHR) had issued a statement that censorship was being imposed on public television. This violated article 10 of the Court which ensures the right to freedom of speech.

Being in power and using administrative levers,

the governing party had created a media holding. Furthermore, mass-media outlets that were not subdued were constantly intimidated and harassed by state institutions.

The Audiovisual Coordinating Council (ACC) was the mechanism through which the governance could give orders to, as well as punish “inconvenient” electronic press. Any mass-media outlet could lose its license at any moment for various stupid reasons, as happened with TVR. Despite there being an agreement between the ACC and the Romanian Television Society (RTS) for 2006 – 2011, as well as a valid license for this time period, on September 27<sup>th</sup> 2007, Moldovan authorities withdrew the emission license of the Romanian Public TV station – TVR1 – in favor of another company. After the passing of the Audiovisual Code, two municipal media outlets – Antena C and Euro TV – were privatized on very obscure terms.

Regarding written press, the Communist Party was subsidizing obedient press institutions through the mandatory subscription of public institutions, paid by the state budget, to the following newspapers: “Nistru”, “Moldova Suverană”, “Nezavisimaia Moldova”, “Trud”, “Vremea”, “Comunistul”. Even though they had been privatized in 2005, the Government continued to subsidize the former governmental newspapers. In December 2006, the Government allocated approximately 376 thousand lei (about 29 thousand USD) to the “Moldova Suverană” newspaper administration to pay for printing costs. This was labeled as a “unique financial assistance”. The Government also allocated 81.3 thousand lei (6.2 thousand USD) to the “Nezavisimaia Moldova” newspaper in order to cover its debts to the “Universul” publishing house.<sup>7</sup>

<sup>7</sup> The Government announced the liquidation of the “Nezavisimaia Moldova” and “Moldova Suverană” newspapers; the decrees to this effect were passed on June 1st 2005 and June 20th 2005 respectively.

The number of cases of physical abuse against journalists started to rise and Law enforcing institutions were not afraid to bully journalists, preventing them from taking pictures in public places or limiting the journalists’ access to certain public events. Consequently, the number of cases brought by Moldovan journalists to the ECHR had risen – the national courts did not do them justice.

Moldovan Civil Society, as well as international development partners, had protested against the lack of equity on the mass-media market (the promotion of a dual mass-media: one affiliated with the regime and the other unaffiliated; state publicity adds were only aired on affiliated media outlets; sudden state check-ups at unaffiliated mass-media institutions, etc). This issue was constantly mentioned in meetings with European Union institutions. The “guarantee of mass-media freedom and freedom of speech” was among the main objectives of the Moldova – EU Action Plan. On this issue, the Moldovan authorities simulated the implementation of the Plan in regards to freedom of speech, paying lip service to public audiovisual institutional reform and to privatization of mass-media outlets.

Registered cases of violations were described according to a Matrix (see Annex 1) and were categorized by four subjects:

1. Journalists assaulted in the process of informing/delivering information to the public
2. The limiting of journalists’ access to public information
3. Censorship
4. Cases brought against journalists or mass-media institutions



# SUBJECT CATEGORY, JOURNALISTS ASSAULTED IN THE PROCESS OF INFORMING/ DELIVERING INFORMATION TO THE PUBLIC

<b>Date</b>	05.08.2002
<b>Media Institution</b>	PA Flux
<b>Media type</b>	Press Agency
<b>Subject</b>	The bullying of a PA Flux journalist by a public official
<b>Case description</b>	The Minister of Education, Gheorghe Sima, had bullied a PA Flux journalist saying that the "Flux" newspaper is constantly vilifying him". Sima had brutally took the reporter's recorder and sent for the chief of Government security. At the Minister's request, the journalist showed his license and then asked for his recorder and cassette back. Sima refused, handing back the recorder without the tape or the license. The Editor-in-chief of the "Flux" Press Agency, Vitalie Călugăreanu, accompanied by a photojournalist, Laurențiu But, arrived at the scene. The "head of security" had bullied the photojournalist, preventing him from taking pictures, and threatened to smash his photo camera.
<b>Parties involved</b>	The Minister of Education, Gheorghe Sima; PA FLUX; Government Security; the Editor-in-chief of the "FLUX" Press Agency, Vitalie Călugăreanu; Laurențiu But, photojournalist.
<b>Current state</b>	Abandoned Case
<b>Jurist's comments</b>	The following articles were violated: articles 120, line 2 and 185, line 2 of the abolished Penal Code; article 12, section A. of the Law on investigative activities; article 3 of the abolished Code on penal procedure; and articles 1 and 20 of the Law on mass-media.

<b>Date</b>	13.05.2003
<b>Media Institution</b>	FLUX newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	A raid at FLUX
<b>Case description</b>	On May 13 <sup>th</sup> 2003 at about 4:30 PM, the FLUX newspaper was raided for several hours. Igor Burciu and Vitalie Călugăreanu were warned that in case they resisted, they would be forced to collaborate. Newspaper employees were not allowed to make phone calls to their lawyers or to announce other mass-media outlets about what was going on. The Deputy Chief of the Criminal Prosecution Department of the Municipal Prosecution, Andrei Pântea, stated that he has the authority to order law enforcing agencies to circle the building and, if need be, to arrest journalists that disobey. During the raid, copies of certain documents regarding the case of the ex-Honorable Consul of Lebanon, Hamoud Mahmoud, delivering arms to Islamic terrorist organizations, were retrieved from the electronic archive. Investigator Pântea had shown a special interest in determining the source of information, trying to figure out who signed under the pseudonym Ion Manole. Answering the call of the FLUX management, the Union of Moldovan Journalists had stood by the Flux journalists. International actors had also supported the journalists and advocated for an end to such cases: the World Romanian Council and civil society organizations in the US, Europe and Romania.
<b>Parties involved</b>	The Flux newspaper, Deputy Chief of the Criminal Prosecution Department of the Municipal Prosecution, Andrei Pântea.
<b>Current state</b>	Solved
<b>Jurist's comments</b>	Provisions of Article 149, line 2, of the Code on Criminal Procedure, in force at the time, were violated because the criminal investigator doesn't have the right to force the person being raided to cooperate. Furthermore, Article 18 of the Law on Mass-media states that regular newspapers and press agencies cannot disclose the source of information or the author's pseudonym, without his consent. This can only be done by a Judicial warrant.

<b>Date</b>	01.11.2003
<b>Media Institution</b>	Nicolae Roibu, journalist, "Timpul" newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Journalist assaulted near his house
<b>Case description</b>	On the eve of 01.11.2003, Nicolae Roibu, a journalist with the "Timpul" independent newspaper, was assaulted near his home by unknown assailants who took his recorder and a tape. The journalist suffered a grave concussion and was admitted to the Neurology and Neurosurgery Hospital. One possible reason for the attack was that he was a journalist for a Bucharest journal, which regularly writes about what's happening in Chişinău. The journalist believes that the assault and his job are connected, more specifically, that the assault was due to an interview he did with a businessman and lawyer – Nicolae Andronic – where they talk about the defiance of justice by the Moldovan President, Voronin. After publishing the article, the journalist started receiving threats over the phone.
<b>Parties involved</b>	"Timpul" journalist, Nicolae Roibu; Vladimir Voronin, President of the Republic of Moldova at the time, president of the Communist Party.
<b>Current state</b>	The police didn't want to investigate the case saying that the assault had nothing to do with Roibu's professional activity.
<b>Jurist's comments</b>	Provisions of Article 2, point (a), and Article 12, point (a) of the Law on investigative activities were violated, as was Article 57 of the Code on Criminal Procedure, 2 <sup>nd</sup> paragraph, line 1.  Also, according to ECHR legislation, because the state has the obligation to protect freedom of speech, this needs to also encompass the protection of journalists by instituting an effective investigation mechanism against various aggressions. (case of Özgür Gündem vs. Turkey, 16/03/2000)

<b>Date</b>	05.12.2003
<b>Media Institution</b>	Teleradio Moldova Company
<b>Media type</b>	TV
<b>Subject</b>	Journalists intimidated by law enforcing agencies for their public protest against censure at Teleradio Moldova
<b>Case description</b>	Around 8:30 PM, on the eve of December 5 <sup>th</sup> , Angela Aramă, Corina Fusu, Valentina Ursu and Dinu Rusnac, all journalists at the "Teleradio-Moldova" company, were visited by employees of the Ministry of Internal Affairs. They were asking for explanations and were insisting that the journalists sign several documents regarding cases brought against them due to their participation in the strike organized at the TV station by the Committee for the Defense of Independence and Constitution (CDIC). At about the same time, police arrived at the homes of Angela Sîrbu, Director of the Center for Independent Journalism, Vasile Năstase, editor-in-chief of the "Glasul Naţiunii" newspaper, and Mihai Ghimpu, president of the Reform Party, accusing them of speaking in front of the demonstrators, the same accusations brought against the journalists.
<b>Parties involved</b>	The Anti-Censure of Electronic Press Committee (ACEP); the successor to the Strike Committee of employees of the "Teleradio-Moldova" State Company; law enforcing agencies.
<b>Current state</b>	The journalists involved brought a case against the Republic of Moldova at the ECHR and won only in 2009 on the basis that the national authorities had violated their rights. Currently, these individuals work in other institutions.
<b>Jurist's comments</b>	Regarding TRM (Manole et al. Vs. Moldova case), the ECHR had concluded that Moldova violated Article 10 of the Convention, especially in regards to the lack of an appropriate legal framework. For example, in the case of Özgür Gündem Vs. Turkey, the ECHR concluded that besides having the responsibility to protect freedom of expression, the state is also obligated to respect it. Raids, certain fines, etc. are allowed in a democratic state only when these are provided for by the law and have a legitimate purpose. Having said this, the Court also verifies if the measures taken by the authorities are appropriate for the situation.

<b>Date</b>	23.06.2004
<b>Media Institution</b>	Alina Anghel, investigative journalist at the "Timpul" newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Journalist assaulted by unknown assailants after publishing an investigation on embezzlement of public funds
<b>Case description</b>	Alina Anghel, investigative journalist at the "Timpul" newspaper, was assaulted on 23.06.04 by two unknown men at the corner of her apartment building. The two assailants hit her multiple times on the head and on the body with a baseball bat. Alina was immediately admitted to a hospital with a concussion, head wounds and with a fracture of the left forearm. The journalist had said that the two assailants were between 16 and 18 years of age and believes that the police organized the attack, because she had previously received multiple threats of physical violence over the phone. These threats began after she published several investigative articles on how public funds were managed by the governance. In her article "Luxury in the country of poverty", Anghel discloses a transaction between the State Chancellery and the "Daac Hermes" company involving the purchase of luxury Skoda cars. Constantin Tănase, the director of the Timpul weekly, had said that "the assault on the journalist is directly linked to two related subjects which Alina Anghel was investigating: the first – the Minister of Internal Affairs, Gheorghe Papuc, had received a luxury car, "Jeep Nissan Terra", as a gift from the President of the "Daac-Hermes" company, Vasile Kirtoka"; and the second is the one mentioned above. Tănase had said that this assault was initiated and organized by "those who want to make sure that the revelations made by "Timpul" don't reach public awareness, especially considering that the assault happened on 23.06.04, the day before the Appeals Court was going to examine the "Daac Hermes" Vs. "Timpul" newspaper case – the date of the trial was set for 24.06.04. The police had opened a "robbery" criminal case, detaining a suspect soon after. "Timpul" wrote that the case was settled in court due to a lack of evidence against the detainee, even though he had a solid alibi. On the day of the attack, the suspect was in his native village and this was confirmed by multiple witness statements, annexed to the case. Furthermore, Alina Anghel did not recognize the suspect. At one of the trials, Ruslan Ivanov, one of the witnesses in the "A. Anghel Case" stated that the police had forced him to witness against the detainee. The youngster's confession had turned the prosecutor's accusations upside down, as well as all the "evidence" accumulated by the police regarding the alleged guilt of the detainee.
<b>Parties involved</b>	Alina Anghel, journalist; The Central Police Station.
<b>Current state</b>	The real assailants haven't been caught to this day.
<b>Jurist's comments</b>	According to ECHR legislation, because the state has the obligation to protect freedom of speech, this needs to also encompass the protection of journalists by instituting an effective investigation mechanism against various aggressions. (case of Özgür Gündem vs. Turkey, 16/03/2000)

<b>Date</b>	07.09.2006
<b>Media Institution</b>	„ProTV Chişinău” TV channel
<b>Media type</b>	TV
<b>Subject</b>	The arrest of the Sales Director of the TV channel by law enforcing agencies on suspicion of taking a bribe
<b>Case description</b>	<p>On September 7<sup>th</sup> 2006, based on a decision by the Rîşcani court, the Sales Director of Pro TV Chişinău, Ghenadie Braghiş, was arrested for 10 days for an alleged taking of a bribe. Throughout the 8<sup>th</sup> of September, Vladimir Roşca, the lawyer, had made 4 requests to see his client, but was rejected every time. For 3 days after his arrest for alleged bribe taking from a businessman, who notified the law enforcing agencies, Braghiş was detained in solitary confinement and was denied the right to defend himself. “PRO TV Chişinău” had claimed the arrest was a set-up organized by the Ministry of Internal Affairs (MIA) in response to the journalistic investigation into the authenticity of Minister Gheorghe Papuc's university diploma. The purpose of the arrest was to ruin the credibility of the independent TV channel. Several articles in the Moldovan press were saying that Gheorghe Papuc's university diploma could be false. Basing its request on the Law on access to information, “PRO TV Chişinău” had asked for a copy of the Minister's diploma but had never actually received it. On September 9<sup>th</sup>, a group of policemen had raided the „PRO TV Chişinău” headquarters. “PRO TV Chişinău” had made the public aware that because their security guard had asked the policemen to wait for the lawyer to attend the raid, he was taken to the Buiucani Police Station, being accused of insubordination. The policemen, who did have a warrant, raided the “PRO TV Chişinău” office for several hours. Ministry of the Interior employees had raided the home of Ghendie Braghiş on the same day. On September 11<sup>th</sup>, Ghenadie Braghiş was taken by a group of policemen to the Râşcani Court in Chişinău. “PRO TV” journalists were not allowed access into the court, even though this is a public institution where mass-media outlets have the right to be present. Sources from “PRO TV Chişinău” have communicated to the Media Monitor Agency that the police had restricted the access into the court of journalists, relatives and Ghenadie Braghiş's lawyers. Later on, the lawyers were allowed to enter. On Sunday, representatives of law enforcing agencies had said that they restricted the press' access to the court “for security reasons”. It important to mention that for the about two hours that the court was in session – the trial ending with the arrest of Ghenadie Braghiş for ten days - journalists, relatives and friends of the accused, who were at the doors, were filmed by unknown individuals. Braghiş's lawyer, Vladislav Roşca, had then declared that according to the ruling of the trial, “the reasons for the arrest of the accused had disappeared; that is to say, the suspect, being set free, will not commit any violations, will not evade law enforcing agencies, will not tamper with the evidence, nor will he put pressure on witnesses or the injured party”. According to Roşca, “law enforcing agencies have recognized that the arrest warrant was not totally legal and had decided to correct their mistake before the warrant was revoked following the appeal filed by Braghiş's defense”.</p>
<b>Parties involved</b>	The Director of Sales of the PRO TV Chişinău TV channel, Ghenadie Braghiş; The Râşcani Court; law enforcing agencies.
<b>Current state</b>	Braghiş was freed on September 12 <sup>th</sup> 2006 after an appeal was filed with the Prosecutor General (PG). The PG mentions in a statement that “considering that the grounds for the arrest of the person have been depleted, the Prosecutor General has initiated the procedure of revoking the preventative arrest, following that the suspect will then be trialed in freedom”.
<b>Jurist's comments</b>	<p>Article 17 of the CPPRM (ensuring the right to a defense), points 1, 2, 3 and 4 and Article 167 of the same Code were violated in this case.</p> <p>Throughout all penal procedures, all the parties involved (the suspect, the accused, the defendant, the victim, the civil party, the civil responsible party) have the right to be assisted by, or depending on the case, represented by a chosen defender or by a lawyer assigned by the state.</p> <p>The prosecution and the court are obligated to ensure all participants in the criminal process the full exercise of their rights, according to the current legislation.</p> <p>The prosecution and the court are obligated to ensure the suspect, the accused and the defendant the right to well-qualified judicial assistance from a chosen defender or from a lawyer assigned by the state, independent of these institutions.</p> <p>Throughout the hearing of the victim and of witnesses, the prosecution does not have the right to restrict the attendance of the defendant's lawyer.</p>

<b>Date</b>	15.01.2007
<b>Media Institution</b>	Diana Răilean, „Ziarul de Gardă” newspaper journalist
<b>Media type</b>	Regular newspaper
<b>Subject</b>	The illegal detainment of Diana Răilean, journalist, at the Appeals Court by Alexandr Covali’s (aka Șalun) bodyguard.
<b>Case description</b>	One of the bodyguards tried to grab the video camera from Diana Răilean’s hands, saying that he will “smash it to smithereens”. He blocked the journalist’s exit, saying that she is detained and had refused to discuss with the newspaper’s administration on the phone.
<b>Parties involved</b>	Member of the escort of Alexandr Covali; the journalist Diana Răilean.
<b>Current state</b>	The Case was abandoned.
<b>Jurist’s comments</b>	These actions of the bodyguard can be classified according to Article 164 of the abolished Administrative Code (AC) – light hooliganism, that is, damaging statements or declarations in public places, the rude bullying of citizens and other similar actions that disturb the public order and citizens’ calm

<b>Date</b>	27.03.2007
<b>Media Institution</b>	Pro TV Chișinău; DTV.
<b>Media type</b>	TV
<b>Subject</b>	The Pro TV Chișinău and the DTV teams were detained by police because they were trying to cover a public event.
<b>Case description</b>	The incident happened on the morning of March 27 <sup>th</sup> whilst the ProTV team was filming a street protest in Chișinău. The Pro TV journalist and cameraman were detained, alongside the demonstrators, and taken to the central police station. The reason given by Dumitru Rusu, the police commissar, was that the TV teams were detained by mistake with the crowd. However, the journalists’ detainment was done on purpose because Maia Andrușca, the journalist, had a PRO TV microphone and the operator had a camera on his shoulder. Furthermore, it was clear from the video that the PRO TV team was 50 meters away from the place where the demonstrators were forced into a police van. Also, none of the policemen had asked the journalists to show their licenses and neither have they presented their own credentials when they detained the team. Pro TV had then issued a statement saying that the incident can be qualified as an act of intimidation against the TV channel which was trying to do its job freely and properly. In the statement, the TV channel was asking for the Minister of Internal Affairs to officially apologize for the incident and for the officers who made this violation to be sanctioned.
<b>Parties involved</b>	The Chișinău Police; Tatiana Gavriluc and Maia Andrușca, journalists.
<b>Current state</b>	No statements were made to explain the police’s action and Dumitru Rusu, the commissar (Central Region) denied the demagnetization of the DTV video tape. The case was abandoned.
<b>Jurist’s comments</b>	The actions of the law enforcing agencies have violated Articles 1 and 20 of the Law on mass-media. The fact that the policemen didn’t present their credentials upon detaining the journalists and that the reason for detainment given by Dumitru Rusu was not valid indicates that Articles 247 and 248 of the abolished AC were also violated (administrative detention and the agencies who have the authority to detain (persons with official positions)). Furthermore, the constitutional right to freedom of movement was violated, a right ensured by Article 27 of the Moldovan Constitution.

<b>Date</b>	28.03.2007
<b>Media Institution</b>	„SP” newspaper, Bălți
<b>Media type</b>	Regular newspaper
<b>Subject</b>	The seizure by law enforcing agencies of an edition of the SP newspaper in Bălți
<b>Case description</b>	<p>On March 28<sup>th</sup> 2007, an edition of the regional Russian-language newspaper “SP” was detained by officers of the Economic Police of Bălți. Rodica Deleu, the Commercial Director of the newspaper, says that the incident was a well-planned action of the police because they were already waiting for several minutes for the newspaper car to arrive in Bălți from Edineț. Approximately at the same time, a group of policemen had arrived at the Edineț Publishing House, where this newspaper was being printed. As a result of the raid, the policemen found 2.3 thousand copies of two supplements which were going to be annexed to the Romanian-language edition of the “SP” newspaper on March 29<sup>th</sup>. The newspaper qualified the incident as “an intimidation of independent press before local elections”. Lately, the newspaper had published a series of articles criticizing several public officials, representatives of the governing party. The actions of the Economic Police of Bălți had caused the suspension of the printing of the Romanian-version of the “SP” newspaper during that week, causing damages to the readers and employees of “SP”. Various mass-media organizations, as well as the OSCE Mission in Moldova had shown concern regarding this incident, stating that “the seizure of an edition of a newspaper is one of the gravest violations of freedom of speech”, as reported by the Bălți Media Monitor Agency.</p> <p>The Association of Independent Press (AIP) and the Center for Independent Journalism (CIJ) qualify this incident as an abuse by law enforcing agencies and an obvious attempt to intimidate the independent press. These organizations have petitioned the Ministry of Interior to investigate the legality of the actions committed by the Economic Police in Bălți. They have also asked the parliamentary Commission for culture, science, education, youth, sports and mass-media and the parliamentary Commission for human rights to take note of the cases of restriction of freedom of the press and freedom of speech that happened on March 27<sup>th</sup> and 28<sup>th</sup> 2007.</p>
<b>Parties involved</b>	Bălți Economic Police; „SP” newspaper from Bălți.
<b>Current state</b>	<p>According to the Law on freedom of speech, adopted and enforced in 2010, “The seizure of an edition of a newspaper or the liquidation of a written press outlet can only happen by judicial ruling in case it is necessary in a democratic society for national security, territorial integrity or public safety or to prevent the disclosure of information that is considered a state secret”.</p> <p>The public authorities didn’t undertake any measures to investigate the case. The case was abandoned.</p>

<b>Date</b>	26.02.2008
<b>Media Institution</b>	„Vocea Basarabiei” Radio station
<b>Media type</b>	Radio
<b>Subject</b>	Random checks at the “Vocea Basarabiei” radio station
<b>Case description</b>	<p>The public authorities have undertaken multiple check-ups at the “Vocea Basarabiei” radio station. The radio station was claiming that the Prosecutor General (PG) had ordered law enforcing agencies to undertake “thematic check-ups” at the station. Three officers from the Center for Combating Economic Crimes and Corruption (CCECC) have carried out a 10-day financial audit of the radio station’s activity, based on an order from the Prosecutor General. The reason given was that multiple financial frauds were committed at “Vocea Basarabiei” and that it was necessary to verify the way that grants obtained from Romania were implemented. After the founders of the station had asked for a justification of the authorization, they were given the documentation for the order by the Chief of the Criminal Investigation Department in Exceptional Cases, from the Prosecutor General’s office (PG), Ion Buliga. The station managers found out that on December 25<sup>th</sup> 2007 a criminal case was opened against the radio station.</p> <p>From the decree, the “Vocea Basarabiei” radio employees had learned that the station was monitored from the 9<sup>th</sup> to the 18<sup>th</sup> of November 2007 and that prosecutors were saying that on the “Forum” radio show, “messages that can be interpreted as calling the public to overthrow or change through violence the constitutional order or to violate the territorial integrity of the Republic of Moldova” were broadcast.</p> <p>Later on, on March 19<sup>th</sup> 2008, at a press conference, the station managers had declared that no significant violations were found in the economic-financial activity of the “Vocea Basarabiei” radio station and that law enforcing agencies had not implemented any sanctions. The managers cannot think of any connections between the economic-financial audit and the case opened by the prosecution. According to the lawyer Constantin Tănase, for 3 months none of the managers, the presenters, nor radio listeners were suspected or charged with such a serious offense as wanting to overthrow the regime. Law enforcing agencies did not present any kind of recordings or other types of evidence to the management of the radio station.</p>
<b>Parties involved</b>	The Prosecutor General; law enforcing agencies; „Vocea Basarabiei” radio station
<b>Current state</b>	<p>According to ECHR legislation, which is directly applicable to national legislation, the considerable character of the raids, which could have been substituted with more respectful measures in regards to the plaintiff’s rights, can be considered disproportional to the legitimate purposes of the authorities. Thus, provisions in Article 10 of the ECHR (Ernst and other/ Belgium, 15/07/2003) had been violated.</p> <p>The case was filed.</p>

<b>Date</b>	14.04.2008
<b>Media Institution</b>	„Jurnal de Chişinău” newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	The bank account of the independent newspaper “Jurnal de Chişinău” was frozen
<b>Case description</b>	<p>The “Jurnal de Chişinău” newspaper received a notice from the Central Judicial Court – the publication was informed that the Court had decided to freeze its bank account in the amount of 300 thousand lei. The decision was taken on April 14<sup>th</sup>, while the newspaper had been informed about this only on April 22<sup>nd</sup>. The Court had decided to freeze the account following a petition submitted by a former prosecutor from Donduşeni. He claimed that he was slandered by the publication in two articles, published in 2003 and 2004.</p> <p>The Central Judicial Court had decided to implement measures in the judicial case which was brought by an ex-prosecutor from Donduşeni. He was claiming that Jurnal de Chişinău had slandered him in two articles – one published on May 9<sup>th</sup> 2003 entitled “The Donduşeni Prosecutor – accused of raping a 62 year-old woman” and another on August 24<sup>th</sup> 2004 entitled “A second Transnistria”. The former prosecutor was actually investigated as a suspect in the rape of a woman and Jurnal de Chişinău just reported the case. The former prosecutor had charged the newspaper with slander in 2008, while the articles were published almost 4 years ago. According to several declarations made by civil society organizations, Moldovan legislation does not have a time limit on actions dealing with protection of one’s honor and dignity and professional reputation. However, it’s a different situation regarding paying for moral damages. According to Article 1424 of the Civil Code of Moldova, the time limit on actions seeking moral damages is 3 years from the moment the victim found out about the slander.</p> <p>Thus, there are reasons to suspect that there were other motives than the ones stated, for the account freeze. Why was a freeze necessary, other than to intimidate and block the activity of Jurnal for a certain time period, if the moral damages would not be paid to the plaintiff.</p>
<b>Parties involved</b>	„Jurnal de Chişinău” newspaper; the Central Judicial Court .
<b>Current state</b>	The Chişinău Appeals Court (CAC) had decided to raise the freeze on the publication’s bank accounts. On May 7 <sup>th</sup> 2008, the bank accounts of “Jurnal de Chişinău” were unfrozen.
<b>Jurist’s comments</b>	The actions described above represent a clear intimidation of the newspaper – financially, it could not publish for the time period of the freeze.

<b>Date</b>	26.03.2009
<b>Media Institution</b>	„SP” newspaper, Bălţi
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Journalists threatened and bullied at an electoral meeting of the CPRM
<b>Case description</b>	<p>The editor of the weekly Bălţi publication “SP”, Slava Perunov, was assaulted at an electoral meeting with the President Vladimir Voronin in the local Palace of Culture. Despite the fact that he showed his license, he was denied access into the hall. When the editor insisted, one of the youngsters who was blocking the way hit him and closed the door in his face. According to legislation, the journalists’ access to electoral events is free. On Friday, the Communist majority faction had rejected Perunov’s request to include his statement regarding the incident on the agenda of the Bălţi Municipal Council. The Communists had declared that Perunov was “misinformed” and that “only Filat’s people hit journalists”. Perunov had also published an investigation in SP which looks at the CPRM’s involvement in the editorial politics of several private mass-media institutions in Bălţi.</p>
<b>Parties involved</b>	The journalist Slava Perunov; athletes from the Bălţi Pankration Club; Vladimir Voronin, the head of the Communist Party.
<b>Current state</b>	The CPRM and the Prosecutor General didn’t react to this case of aggression towards the press.
<b>Jurist’s comments</b>	Articles 1 (freedom of the press) and 20 (the rights and duties of the journalist) of the Law on mass-media had been violated, as was Article 164 of the abolished AC – light hooliganism.

<b>Date</b>	08.04.2009
<b>Media Institution</b>	“Ziarul de Gardă” newspaper; “Jurnal TV” TV channel.
<b>Media type</b>	Investigative newspaper; TV.
<b>Subject</b>	Journalists assaulted and intimidated by law enforcing agencies after the April 7 <sup>th</sup> 2009 protests.
<b>Case description</b>	<p>After the mass protests of April 7<sup>th</sup> 2009, journalists were denied any means of accessing public information. Many journalists were bullied and intimidated. On the 8<sup>th</sup> of April, four journalists from the Ziarul de Gardă were intimidated by representatives of law enforcing agencies. The four journalists (Alina Radu, Anastasia Nani, Tatiana Ețco și Nicolae Cuschevici), were assaulted by policemen behind the National Palace. They were threatened that their photo-cameras would be smashed. Their arms were twisted behind their backs and their cameras were damaged. The journalists went behind the National Palace to find out what was going on and to take pictures after they had noticed that a group of individuals dressed in black had hit and wrestled to the ground several youngsters. Although the journalists had shown their licenses, none of the assailants presented their credentials.</p> <p>On the same day, Oleg Brega, a journalist with the “Jurnal TV” channel, was beaten up by policemen behind the Government building. One of the assailants had “Shield” division equipment. The assailants had also taken two video cameras from Brega.</p> <p>The inappropriate behavior of law enforcing agencies towards not only journalists, but any citizen who was interested in what was happening then was never justified, nor explained.</p>
<b>Parties involved</b>	The Chișinău Police; Alina Radu, Anastasia Nani, Tatiana Ețco, Nicolae Cuschevici, Oleg Brega.
<b>Current state</b>	Many national and international civil society organizations have made declarations regarding these abuses.
<b>Jurist’s comments</b>	<p>The actions of the law enforcing agencies violated Article 328, 2<sup>nd</sup> paragraph, points a) and c) of the Criminal Code.</p> <p>Article 328. Excessive use of force or the exceeding of one’s authority.</p> <p>(1) A public official who does actions that obviously exceed the limits of the rights and duties prescribed to him by Law, if these cause considerable damage to the public interest or to the rights and interests of individuals protected by law, will be prosecuted (...)</p> <p>(2) These actions alongside:</p> <p>a) an act of violence;</p> <p>c) torture or other actions which debase the dignity of the victim (...).</p>

<b>Date</b>	07.04.2010
<b>Media Institution</b>	Freelance journalist
<b>Media type</b>	
<b>Subject</b>	Journalist arrested at Tiraspol for alleged espionage in favor of the Moldovan authorities against the unrecognized Transnistrian regime
<b>Case description</b>	<p>Ernest Vardanyan, a freelance journalist in Transnistria, was arrested by the Tiraspol authorities, being accused of “betrayal of the motherland”. The Transnistrian Secret Services had claimed that the journalist was spying for Chișinău. The journalist was arrested in front of his wife and children on the eve of April 7<sup>th</sup>. He is currently held under arrest by the separatist secret services and faces up to 20 years of imprisonment, according to local legislation. The arrest warrant was issued by court for a two month term. The Transnistrian secret services have raided the journalist’s home and, according to some sources, have sequestered Ernest Vardanyan’s computer. Ernest Vardanyan was working as an analyst for the Russian press agency „Novâi reghion” (NR2). He was known to collaborate with the “Puls” newspaper in Chișinău. He has also made moderate criticisms against the Tiraspol regime.</p> <p>On December 16<sup>th</sup> 2010, Ernest Vardanean was found guilty by a Transnistrian Court of high treason and sentenced to 15 years in jail for spying in favor of the Republic of Moldova.</p> <p>Multiple local and international Non-Governmental Organizations have protested against this abuse, asking for the liberation of the journalist.</p>
<b>Parties involved</b>	The journalist Ernest Vardanyan; The separatist Transnistrian authorities.
<b>Current state</b>	The Deputy Prime-Minister Victor Osipov, responsible for the reintegration of Moldova in the Filat Government, had shown concern regarding the journalist’s fate and had asked for him to be set free. Victor Osipov had mentioned that all the parties involved in settling the Transnistrian conflict are aware of the case of Ernest Vardanean and are making all possible efforts to free the journalist.
<b>Jurist’s comments</b>	A multitude of material, procedural, constitutional and other rights have been violated. However, because Moldova does not control this territory, the protection of these rights is not possible. Having said this, in the Ilașcu case for example, the ECHR had condemned Moldova for inaction. Just because Moldova doesn’t control that territory, it doesn’t mean it should abandon the case and not do anything about it.



# SUBJECT CATEGORY, THE LIMITING OF JOURNALISTS' ACCESS TO PUBLIC INFORMATION

<b>Date</b>	22.11.2001
<b>Media Institution</b>	"DECA press" news agency
<b>Media type</b>	News agency
<b>Subject</b>	A DECA press journalist wasn't allowed to interview the head of state
<b>Case description</b>	The DECA press journalist was forced by employees of the Security and Protection Service of the Presidency (S.P.S.P) to leave the premises of the Bălți Town Hall, where Vladimir Voronin was having a meeting with decision makers of the Bălți district and city in the afternoon. DECA-press points out that throughout the President's visit to Bălți on November 1 <sup>st</sup> , representatives of the local press were not allowed to interview Vladimir Voronin. Journalists were "used" as a kind of escort for the President Voronin while he was visiting two businesses in the city of Bălți. According to the news agency, this was the second time since he became president, that Vladimir Voronin visited the city Bălți and met with local public officials. The press was denied access in both cases.
<b>Parties involved</b>	Employees of the Security and Protection Service of the Presidency (S.P.S.P); DECA press news agency journalist; Vladimir Voronin, ex-president of the Republic of Moldova.
<b>Current state</b>	Journalists were not allowed to interview Vladimir Voronin and were forced to leave the premises. The case was abandoned.
<b>Jurist's comments</b>	Articles 1, 3, 20 of the Law on mass-media had been violated, as was Article 34 of the Moldovan Constitution – the right to information.

<b>Date</b>	24.01.2003
<b>Media Institution</b>	Representatives of several mass-media institutions
<b>Media type</b>	
<b>Subject</b>	Vladimir Voronin had restricted journalists' access to information.
<b>Case description</b>	On January 24 <sup>th</sup> 2003 Vladimir Voronin didn't allow multiple journalists to attend the presentation of the 2002 Activity Report by the Collegial Council of the Center for Combating Economic Crimes and Corruption. Representatives of only four mass-media institutions were allowed in, the majority of them being state-owned and one representing the local media. In the middle of the presentation of the main report, done by the CCECC director, Nicolae Roibu, President Voronin had interrupted Roibu's presentation when he noticed that several journalists were still present in the meeting room. The head of state decreed, in an authoritative tone, that all journalists should leave the room so that the meeting can continue without them. Voronin had said that the College had to examine some "business matters" and there was no need for the press to attend. From when his party came into power in 2001, the president of the country has treated the press as merely a decoration.
<b>Parties involved</b>	President of the Republic of Moldova, Vladimir Voronin; mass-media representatives.
<b>Current state</b>	The journalists were outraged about the President's attitude towards them, but didn't do anything about it. The case of abandoned.
<b>Jurist's comments</b>	Articles 1, 3, 20 of the Law on mass-media were violated, as was Article 34 of the Moldovan Constitution – the right to information.

<b>Date</b>	December 2003
<b>Media Institution</b>	"Moldavskie vedomosti" newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Refusing to accredit a journalist to the Presidency press service
<b>Case description</b>	In December 2003, the editor-in-chief of the "Moldavskie vedomosti" newspaper had petitioned the Presidency to be accredited to its press service for 2004. Also in 2003, Ciubașenco was asked to leave a press conference held by the President Vladimir Voronin, even though he had a valid accreditation for 2003. On February 19 <sup>th</sup> 2004, Dmitri Ciubașenco found out that he was excluded from the list of accredited journalists. The petition sent to the Presidency on February 26 <sup>th</sup> for this purpose had not been answered. Dmitri Ciubașenco believes that the true motive that he was denied accreditation to the Presidency was that this institution doesn't tolerate his newspaper. The Supreme Court of Justice (SCJ) had started examining the case in June 2004. On July 20 <sup>th</sup> the SCJ ruled in favor of the Presidency in the case brought against it by the "Moldavskie Vedomosti" newspaper, considering that its request was "groundless". The "Moldavskie Vedomosti" newspaper had filed an appeal with the Enlarged College of the SCJ – the publication was challenging the decision of the Court to reject the accreditation of the editor-in-chief of the newspaper, Dmitri Ciubașenco, to the Moldovan Presidency for 2004.
<b>Parties involved</b>	Moldavskie Vedomosti newspaper and the Enlarged College of the Supreme Court of Justice.
<b>Current state</b>	In December 2004, the Supreme Court of Justice (SCJ) had rejected the appeal of the "Moldavskie vedomosti" newspaper in the case regarding the refusal of the RM Presidency to accredit the editor-in-chief of this mass-media outlet, Dmitri Ciubașenco, to the press service of the Presidency for 2004. Other measures regarding this case were not taken.
<b>Jurist's comments</b>	Articles 1, 3, 20 of the Law on mass-media were violated, as was Article 34 of the Moldovan Constitution – the right to information.

<b>Date</b>	December 16 <sup>th</sup> 2005
<b>Media Institution</b>	Editor-in-chief of "Ziarul de Gardă" Aneta Grosu
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Journalist detained in a public institution
<b>Case description</b>	<p>On December 16<sup>th</sup> 2005, Aneta Grosu, the editor-in-chief of the independent investigative weekly "Ziarul de Gardă" was arrested in a public institution, the Chișinău Appeals Court, charged with taking pictures in the institution corridor. Aneta Grosu was at the Appeals Court to pick up a judicial ruling on a case related to mass-media, examined by the Court on October 26<sup>th</sup> 2005. She was summoned to the Court almost two months late. The case was brought against her at the request of the ex-minister of Education, Gheorghe Sima. While waiting for the decision, the journalist took a few pictures in the corridor of the Appeals Court. All of a sudden, two people that were discussing in the hall, one dressed in a judge's robe and the other in regular clothing, rushed to grab the journalist after noticing that she was taking their pictures. They insisted on taking her digital camera. Even though the journalist showed her license and asked them to show theirs, they continued abusing her. They called the security guards. The judge had then vanished, while the other person escorted her to the Security Service office accompanied by the guards. The "civilian" ordered the guards to call their superiors and a police crew to escort the journalist to the Botanica Police Station. The "civilian" continued to bully and threaten the journalist with physical violence in case she didn't give up her camera. Although she was insisting on being set free and arguing that this was an abuse because she was just doing her job, the "civilian" forced her to delete the pictures she had taken of him. Because the "civilian" continued to refuse to show his credentials, the journalist asked the guards to explain what was going on, why was she being detained, what were the charges against her and who was the person ordering them. The answer was: "He's the boss here and we execute his orders". Later on, the journalist found out from people who were able to identify the "civilian" that he was not an employee of the Appeals Court, but a lawyer and the husband of one of the judges of the Financial Appeals Court, Ion Moraru.</p> <p>The journalist Aneta Grosu was set free only after the intervention of her lawyer and of mass-media representatives. The release was ordered by the President of the Appeals Court, Anatol Doga, who was called up by other journalists. Aneta Grosu had requested the names of the people who detained and intimidated her, but Doga rejected her request. The "Ziarul de Gardă" team had shown concern in relation to this case of obvious repression of the professional freedoms of a journalist doing her duty in a public space and especially, in an institution of Law.</p>
<b>Parties involved</b>	The editor-in-chief of "Ziarul de Gardă" Aneta Grosu; The Chișinău Appeals Court; The State Security Service.
<b>Current state</b>	The case was closed with an investigative article of the newspaper on this stupid and yet worrying event.
<b>Jurist's comments</b>	This case is quite alarming because, besides the fact that a series of administrative, constitutional and other norms had been violated, these violations were done by people who are meant to protect the rule of law and citizens from potential violations of the law. Because of this, an investigation needs to be carried out by the Attorney General and also, by the Disciplinary Colleges of the RM Bar Association and of the Supreme Magistracy Council.

<b>Date</b>	16.02.2008
<b>Media Institution</b>	"Timpul de dimineață" newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	A "Timpul" journalist was bullied by a bodyguard of the Prime-Minister
<b>Case description</b>	The journalist Irina Codrean was bullied by a bodyguard of the Prime-Minister Vasile Tarlev at the Government garage, which was being inspected by the Prime-Minister. Even though the journalist had shown her credentials and claimed that the PM is a public person visiting a public institution, one of the PM's bodyguards forced the journalist out of the garage at the orders of the head of the Press Service, Carmena Lupei. Before the incident, the journalist had published an article on certain violations committed by this institution in the purchase of 17 "Skoda" cars. The person who bullied the journalist did not present his credentials nor did he introduce himself, even though Irina Codrean had asked him to do so.
<b>Parties involved</b>	Irina Codrean, journalist at the Timpul newspaper; a bodyguard of the Prime-Minister Vasile Tarlev.
<b>Current state</b>	Several NGOs have signed a protest letter in which they're calling the authorities to punish the guilty persons and to undertake measures to stop brutal communication with the press.
<b>Jurist's comments</b>	Articles 1, 3, 20 of the Law on mass-media were violated, as was Article 164 of the Administrative Code.

<b>Date</b>	27.11.2008
<b>Media Institution</b>	Pro TV Chișinău
<b>Media type</b>	TV
<b>Subject</b>	The President's bodyguards force cameramen to delete their recordings.
<b>Case description</b>	A PRO TV Chișinău cameraman was forced by President Vladimir Voronin's bodyguards to delete the recording of two security officers getting into a car. The incident happened after the president's visit to the Anti-corruption Center. The President's Press Service had declared, as quoted by "PRO TV Chișinău", that the officers didn't want to be filmed, but recognized that they had reacted inappropriately. There is no legal provision that allows bodyguards to delete cameramen's recordings. Representatives of the Presidency had recognized that such incidents had happened previously and that the President's bodyguards were instructed not to intervene if they were filmed. This was not the only incident when the President's bodyguards forced cameramen to delete their recordings without a legal explanation.
<b>Parties involved</b>	ProTV cameraman; President Vladimir Voronin's bodyguards.
<b>Current state</b>	The President's Press Service stated that the officers had reacted inappropriately. However, they were not sanctioned in any way. The case was closed.
<b>Jurist's comments</b>	Article 328 of the Criminal Code was violated – excessive use of force or exceeding one's authority.

<b>Date</b>	07.04.2009
<b>Media Institution</b>	Associated Press, EPA, France Press, Intact Images, NewsIn, Mediafax, Reuters; Evenimentul Zilei, Jurnalul National, Ziua newspapers and the Realitatea TV station.
<b>Media type</b>	
<b>Subject</b>	The limiting of foreign journalists' access to Moldova during the April 7 <sup>th</sup> protests
<b>Case description</b>	At least 18 Romanian journalists that were traveling from Romania to Chișinău were denied entry into Moldova and sent back at the Galați-Giurgiulești and Oancea-Cahul border points, according to the Romanian press monitoring agency ActiveWatch and to the Romanian Center for Investigative Journalism. The Moldovan border guards had claimed problems with the electronic registry and asked the journalists for multiple documents: written invitations, special medical insurance documents, press accreditations to the Ministry of Foreign Affairs and European Integration (MFA) in Chișinău. However, the only document that one needs to cross the border between Romania and Moldova is a valid passport. Later on, a visa regime with Romania was introduced and the Romanian Ambassador, Filip Teodorescu, was banished from Moldova.
<b>Parties involved</b>	Associated Press, EPA, France Press, Intact Images, NewsIn, Mediafax, Reuters; Evenimentul Zilei, Jurnalul National, Ziua newspapers and the Realitatea TV station.
<b>Current state</b>	The case was closed. Despite multiple protests from national and international Non-governmental organizations and from the European Union, the absurd visa regime was removed only with the coming to power of a new government.
<b>Jurist's comments</b>	Article 27 of the Moldovan Constitution was violated, as was Article 22 of the Law on mass-media.

<b>Date</b>	09.07.2009
<b>Media Institution</b>	TV-Prim
<b>Media type</b>	TV
<b>Subject</b>	Journalist from Glodeni was bullied by a bodyguard of the Prime-Minister.
<b>Case description</b>	<p>The Prime-Minister's bodyguards had restricted the access of a team of journalists from "TV-Prim" to a meeting of district officials with the participation of Zinaida Greceanii. Reacting to the journalists' insistence that they be allowed entry, one of the bodyguards had bullied a journalist, threatening that he will take out his weapon. The cameraman was taken to another floor by the bodyguards. The spokesperson of the Government, Vitalie Condratichi, had declared for Media Monitor that "the meeting in Glodeni was one with restricted access and that the journalists had to follow the bodyguards' instructions". On their part, the journalists claim that they were invited to the meeting with the Prime-Minister by the local public administration.</p> <p>The local journalists claim that this is not the first time when they're denied entry to meetings with public officials. The journalists Igor Melnic and Vladimir Thorik from "Moldavskie vedomosti" had the same experience as the Glodeni journalist.</p>
<b>Parties involved</b>	Bodyguards of the Prime-Minister Zinaida Greceanii; the journalist Rodica Nimerenco.
<b>Current state</b>	The case was abandoned
<b>Jurist's comments</b>	Article 313 of the Administrative Code (excessive use of power or exceeding one's authority) had been violated: carrying out actions that obviously exceed the limits of the rights and duties prescribed to the civil servant by Law and which cause considerable damage to public interests or to the rights and interests of individuals or of legal entities protected by the law, if the action is not a more severe violation (...). Furthermore, Articles 1, 3, 20 of the Law on mass-media were violated.

## SUBJECT CATEGORY. CENSORSHIP

<b>Date</b>	05.06.2001
<b>Media Institution</b>	The "Press Club" program on the TVM TV station
<b>Media type</b>	TV
<b>Subject</b>	Eliminating the "Press Club" program from the TVM station
<b>Case description</b>	The "Press Club" was eliminated from the program list of the National Television. The program which was going to be aired on the eve of May 31 <sup>st</sup> 2001 was withdrawn several hours before emission. The reason was that "it didn't correspond anymore to the standards of the 'Teleradio Moldova' State Company". According to a declaration of the program's producers, this edition of the "Press Club" was going to show several media events that happened in May: the mass-media festival "A free press – a free society"; the meeting of the Press Club with representatives of parties that didn't get into parliament; a conference on "Slander: problems and solutions"; the roundtable "The news about you and for you"; a discussion on the topic "Journalism and the average person". In the two years that the program aired regularly, the producers had respected all democratic principles of mass-media and had promoted the idea of freedom of speech. "The Center for Independent Journalism, the Committee for Freedom of the Press, the Moldovan Journalists Union, the Association of Electronic Press, the Association of Independent Press, the Center for the Promotion of Freedom of Expression and of Access to Information have protested against this administrative abuse by the "Teleradio-Moldova" State Company management. This mistreatment indicates one more time the tendency towards suppressing diversity of opinion in Teleradio programs. These organizations have asked the Parliament and the Government to ensure freedom of speech, access to information and a plurality of opinions in state mass-media".
<b>Parties involved</b>	"Teleradio-Moldova" state company, The Center for Independent Journalism, the Committee for Freedom of the Press, the Moldovan Journalists Union, the Association of Electronic Press, the Association of Independent Press, the Center for the Promotion of Freedom of Expression and of Access to Information.
<b>Current state</b>	The protest was ignored by the authorities.
<b>Jurist's comments</b>	At the ECHR in the case of Manole et al. Vs. Moldova, the Government didn't deny the existence of censorship. Furthermore, the 2002 ACC report states that the editorial politics of the TRM at the time prohibited the use of certain words and expressions.

<b>Date</b>	27.07.2001
<b>Media Institution</b>	„Moldpress" news agency.
<b>Media type</b>	News agency
<b>Subject</b>	Interference in the internal matters of the official news agency "Moldpress".
<b>Case description</b>	The Government of the Republic of Moldova had appointed a new head of the "Moldpress" news agency in a very strange way. Four journalists from the agency had quit as a sign of protest against the Government's decision to replace the general director of the agency, Dumitru Țîra, with the former editor-in-chief of the official government Russian-language newspaper "Nezavisimaia Moldova", Boris Marian. The protesting journalists had handed in their resignation letters as soon as the new director took office. The journalists had protested "against the way in which the Government had made the decision, without justifying it" and without consulting them. They believe that "this approach demonstrates a disregard for the press and risks to compromise freedom of speech".
<b>Parties involved</b>	Four journalists of the Moldpress official news agency; Boris Marian – the former editor-in-chief of "Nezavisimaia Moldova"; The Government of the Republic of Moldova.
<b>Current state</b>	The new director took office and the decision was reconfirmed in the Official Gazette.

<b>Date</b>	27.02.2002
<b>Media Institution</b>	TVM
<b>Media type</b>	TV
<b>Subject</b>	Internal censorship at Teleradio-Moldova
<b>Case description</b>	The news department director, Victor Tăbîrță, had excluded from the news bulletin four stories that were going to be aired: a story on the report project that was going to be discussed at the Council of Europe Parliament plenary (in Russian and Romanian), a story on a press conference held by the leader of the Social-Democrat Party, Oazu Nantoi (in Russian and Romanian), a story on a press conference of the Union of Combatants (in Russian and Romanian), a story on the opening ceremony of the National Memory Museum and a story from the headquarters of the Association of victims of communism and of Romanian Army war veteran (in Russian and Romanian). Victor Tăbîrță didn't allow a filming crew to attend the press conference of the National Association of Farmers. There is a strict government control over the state press, while the ruling regime and the "Teleradio-Moldova" Company leadership claim that there is no censorship. Many journalists have left for other mass-media institutions due to censorship.
<b>Parties involved</b>	"Teleradio-Moldova" Company Management; TVM journalists.
<b>Current state</b>	The majority of journalists that have left TVM are now working in other mass-media institutions or are involved in politics.
<b>Jurist's comments</b>	At the ECHR in the case of Manole et al. Vs. Moldova, the Government didn't deny the existence of censorship. Furthermore, the 2002 ACC report states that the editorial politics of the TRM at the time prohibited the use of certain words and expressions.

<b>Date</b>	10.10.2002
<b>Media Institution</b>	"Accente" weekly
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Law enforcing agencies had prohibited the issuing of an edition of the Chișinău weekly "Accente" and had sequestered all the equipment, archives and other newspaper documents.
<b>Case description</b>	Employees of the anticorruption department at the MIA had sequestered all material goods of the "Accente" newspaper – the reason was that they were looking for "certain documents that were related to articles published in previous newspaper issues". The allegation was that the director of the "Accente" newspaper, Sergiu Afanasiu, had taken a bribe from a businessman in order not to publish certain information. A criminal file was opened against Afanasiu. Journalists of the "Accente" weekly claim that "the set-up organized in order to catch Sergiu Afanasiu taking a bribe was conducted abusively by persons in the Moldovan leadership interested in closing down the newspaper". Afanasiu's lawyer, Roman Mihăieș, who is also President of the Association of Freelance Lawyers of the Republic of Moldova, mentioned that according to Afanasiu, he was "the victim of a plot organized against him". Afanasiu had accused the ISS director, Ion Ursu, the Minister of Internal Affairs, Gheorghe Papuc, the former Minister of Internal Affairs, Vladimir Țurcanu, the current ambassador of the Republic of Moldova to the Russian Federation. The "Accente" journalists had informed the authorities about this case, including the President of Moldova, Vladimir Voronin, demanding that Sergiu Afanasiu and Valeriu Manea be given bail and that the authorities don't abuse their power. If their demands were not met, they would stage a hunger strike. The Secretary General of the Council of Europe (CoE), Walter Schwimmer, was handed a memorandum on this case when he was on a business trip to Chișinău. He declared that the "arrest of a journalist is always a serious and grave matter" and that "the CoE would monitor the 'Accente' case".
<b>Parties involved</b>	"Accente" weekly newspaper; the director of the "Accente" newspaper, Sergiu Afanasiu; Roman Mihăieș, Afanasiu's lawyer and President of the Association of Freelance Lawyers of the Republic of Moldova; Anticorruption Department of the MIA.
<b>Current state</b>	The Chișinău Attorney General had returned the computers that belong to the "Accente" newspaper that were sequestered on October 9 <sup>th</sup> during the raid of the newspaper headquarters and after the arrest of the director. The "Accente" team accused the police of a set-up as response to a series of disclosures that were going to be published in the "Accente" weekly.
<b>Jurist's comments</b>	The Code on Criminal Procedure was violated – the taking of a bribe didn't have any connection to the confiscation of computers and other goods, archives and other documents; Article 10 of the European Bill of human rights was violated – the state has an obligation to protect human rights.

<b>Date</b>	28.11.2003
<b>Media Institution</b>	"Bună seara" talk-show
<b>Media type</b>	TV program
<b>Subject</b>	The "Bună seara" talk-show, moderated by Mircea Surdu, was suspended after 10 minutes of airtime.
<b>Case description</b>	On November 28 <sup>th</sup> 2003, the OSCE representative, the permanent representative of the Council of Europe (CoE), Vladimir Filipov, and the leaders of the three Parliamentary factions were invited to the "Bună seara" talk-show, moderated by Mircea Surdu, to discuss the Russian plan to solve the Transnistrian conflict. Mircea Surdu said that he was told by an intermediary about the decision of the Company Management to suspend the program. Because he didn't receive any confirmation from the President of the Teleradio-Moldova Company, Artur Efremov, the moderator went ahead with the program with Claus Neukirch, Iurie Roșca and Dumitru Braghiș in the studio. After about 10 minutes, Surdu was notified by the producers that the program was blocked from the central company control room.
<b>Parties involved</b>	The President of the Teleradio-Moldova Company, Artur Efremov; the OSCE spokesperson in the Republic of Moldova, Claus Neukirch; Moldovan top authorities.
<b>Current state</b>	This was another example of suppression of freedom of speech; the case was made public and the "Bună seara" talk-show continues to air to this day.
<b>Jurist's comments</b>	See the Manole et al. Vs. Moldova case mentioned above. The Court believes that because the journalists could not discuss certain politically sensitive or harmful subjects, their freedom of speech had been continuously violated.

<b>Date</b>	November 2003 - 17.09.09
<b>Media Institution</b>	Teleradio Moldova
<b>Media type</b>	TV
<b>Subject</b>	Teleradio Moldova Crisis
<b>Case description</b>	<p>The conflict between the administration and the employees of the state radio and TV station had started in 2003, after this institution was dissolved and a new "public service" was created. Many had shown concern regarding the firing of one third of the employees and regarding the lack of independence of the new institution from the dictatorial government. On 27.07.04, 70 employees had formed the "Committee for the protection of human and professional values" and started a general strike, demanding the firing of the directors. The police reacted savagely to the legally sanctioned demonstration, assaulting children and beating a woman to unconsciousness. The "Teleradio Moldova" company administration was informed about this on July 15<sup>th</sup> 2004. However, no steps had been made to initiate a dialog with the protesters until 29.07.04. Instead, many abuses were committed against the demonstrators which clearly violated the fundamental rights and freedoms of a human being. From 10 PM on July 27<sup>th</sup>, the access of 19 protesters to the premises of the State Company was illegally restricted, without any judicial justification. This abuse was followed by repressive police actions against the demonstrators. Although Chișinău City Hall had authorized a non-stop protest in front of the Radio House, allowing the building of tents, police and security officers didn't permit the holding of this peaceful demonstration; neither did they allow the putting up of tents in front of the Radio House. Each time the protesters attempted to put up a tent, the police didn't let this happen. However, the building of tents was necessary because the protests were being held non-stop and staying outside all throughout the night on the cold and humid ground was a real threat to the participants' health. After multiple letters of the protesters directed towards: the Administration of the "Teleradio Moldova" Company; the Council of Observers of the "Teleradio Moldova" company; the Parliamentary Commission for mass-media; the Prosecutor General of the Republic of Moldova; the Government of the Republic of Moldova; the Ministry of Internal Affairs; the President of the Republic of Moldova, to which they didn't receive any answers, on 15.09.04 the demonstrators had addressed a petition towards Vladimir Voronin, asking for this intervention in the resolution of the "Teleradio-Moldova" crisis. The protesters had asked President Voronin, "as commander-in-chief of the military forces, as guarantor of sovereignty and of the fundamental human rights and freedoms, to stop the actions of the law enforcing agencies – journalists were intimidated, followed, spied on, bullied and treated inhumanely and degradingly". Protesting journalists were asking the head of state "to immediately eliminate all obstructions, organized by the authorities and especially by the police, to the premises of the protest and to the peaceful demonstration of the journalists". The Presidency did not give any official answer to the petition addressed to the head of state by the protesting journalists. The journalists declared that they will take the case to the ECHR. On October 5<sup>th</sup> 2005, the ECHR had decreed that public hearings should be held on 13.12.05, on the case brought by Larisa Manole and other journalists from the Public Television Company (Moldova 1) against the Republic of Moldova. Several years after the group of journalists from the Public Television Teleradio Moldova brought this case to the ECHR, on 17.09.2009 the Court ruled in favor of the plaintiffs in the case of Larisa Manole et al. Vs. the Republic of Moldova. The ECHR had concluded that after 2001 expressions like the Romanian language, Basarabia and Romanian history were prohibited at the public TV station. The European Court of Human Rights had made public the ruling in the case of Larisa Manole et al. Vs. the Republic of Moldova, which asks for the recognition of the violation of freedom of speech on National Television through censorship. The European Court of Human Rights had unanimously ruled in favor of the 9 plaintiffs.</p>

<b>Parties involved</b>	The Teleradio Moldova Company on one side and a group of employees of the company on the other; the ruling regime at that time.
<b>Current state</b>	The case was solved.
<b>Jurist's comments</b>	According to the ECHR decision, the state, as the guarantor of pluralism, needs to guarantee in Law as well as in practice the public's access to information, through Television, Radio and the written press. Furthermore, the state needs to ensure that this information is objective and accurate; to ensure a plurality of opinions and comments, which reflect the diversity of opinions in the country. On the other hand, the state is required to ensure the protection of journalists and other mass-media professionals. In conclusion, the Court had declared that the state failed to perform its duty and that the legal framework was faulty.

<b>Date</b>	September 15 <sup>th</sup> 2010
<b>Media Institution</b>	"Moldova1" and "Publika TV" TV stations
<b>Media type</b>	TV
<b>Subject</b>	The stations were sanctioned because they aired civic education adds on the day of the Constitutional Referendum.
<b>Case description</b>	<p>On September 15<sup>th</sup> 2010 the Audiovisual Coordinating Council (ACC) had issued a decision to sanction the two TV stations because they were airing civic education adds on the day of the Constitutional Referendum, September 5<sup>th</sup>. The ACC decided to publicly warn the "Moldova 1" and "Publika TV" stations following an appeal by the CPRM and by the SPD, which were claiming that the civic education adds aired on Referendum day were damaging to them and were to the detriment of their message to the voters – to boycott the Constitutional Referendum by not voting.</p> <p>Non-governmental media organizations have expressed their disagreement with this decision made by the ACC, qualifying it as an act of defiance of democracy and of democratic values – freedom of speech, freedom to inform, freedom to be informed, freedom to vote. The NGOs had mentioned that this decision sets a dangerous precedent for freedom of press and for its role in electoral campaigns. According to the appeal made by the two parties, which was later upheld by the ACC, the aired civic adds which encouraged voter participation and the exercise of the constitutional right of voting, represent "electoral publicity", which is prohibited on election day. However, according to the Electoral Code, "electoral publicity" is when one candidate is trying to get the voters to vote for his party, which was not the goal of the civic education adds aired on the two TV stations.</p> <p>Mass-media NGOs had noted that the decision made by the ACC contributed to people's confusion about the exercise of their electoral right and about the rights and obligations of political parties during electoral campaigns.</p>
<b>Parties involved</b>	"Moldova 1" and "Publika TV" TV stations; ACC; The Communist Party and the Social-Democrat Party.
<b>Current state</b>	The "Publika TV" station is in trial with the ACC. The trial is still in process.



# SUBJECT CATEGORY.

## CASES BROUGHT AGAINST JOURNALISTS OR MASS-MEDIA INSTITUTIONS

<b>Date</b>	October 17 <sup>th</sup> 2002
<b>Media Institution</b>	The company that was publishing the „Kommersant Moldovy” newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	The forceful closure of the newspaper
<b>Case description</b>	<p>In June-September 2001, Kommersant Moldovy published a series of articles where Moldovan authorities were criticized for their actions regarding the separatist territory in the Republic of Moldova and where harsh criticisms of the Moldovan Government from leaders of Transnistria and of the Russian Federation were published. In these articles, the newspaper wrote verbatim or summarized or commented on declarations of Moldovan, Russian and Transnistrian authorities on the negotiations process between the Republic of Moldova and Transnistria, as well as on other economic, (geo)political and social issues. Actions and declarations of the Moldovan leadership were harshly criticized in several of these articles.</p> <p>On November 5<sup>th</sup> 2001, the Prosecutor General of the Republic of Moldova brought a case against the newspaper to the Financial Court of the Republic of Moldova, accusing it of “endangering national security and territorial integrity, as well as the safety and public order in the Republic of Moldova through its publications”. The newspaper was charged “with offering open support to the unconstitutional regime of the self-proclaimed Transnistria, with promoting the separatist ideas voiced by its leaders and with falsely describing the essence of the legal actions of Moldovan authorities and of international organizations meant to solve the Transnistrian issue”.</p> <p>On November 30<sup>th</sup> 2001, the Financial Court of the Republic of Moldova ruled in favor of the Prosecutor General and decreed the closing of the newspaper. The newspaper filed an appeal, claiming that it was just informing the public about current events and about the attitude and actions of the Government towards Transnistria. The court had rejected the plaintiff’s appeal arguing that Financial Courts don’t have the jurisdiction to examine cases of violation of freedom of speech and that the plaintiff was registered as a public limited company. On May 29<sup>th</sup> 2002, the Supreme Court of Justice upheld the decisions of the two lower courts. On October 17<sup>th</sup> 2002, the company that was publishing the newspaper had filed an appeal with the European Court of Human Rights (ECHR), claiming that the Moldovan authorities had violated Article 10 of the Convention on Protection of Human Rights and Basic Freedoms (Convention).</p> <p>Finally, the European Court decided that Article 10 of the Convention had been indeed violated and that Moldova should pay 8000 Euros for material damages and 1500 Euros for costs and expenses incurred by the newspaper. The Court decision was made public on January 9<sup>th</sup> 2007.</p>
<b>Parties involved</b>	The company that was publishing the “Kommersant Moldovy” newspaper; the Prosecutor General of Moldova; ECHR
<b>Current state</b>	The case was solved.

<b>Date</b>	May 13 <sup>th</sup> 2003
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On March 30<sup>th</sup> 1999, Flux had published an article entitled “War on corruption: the General N.A. Vs. President Matei. Nicolae Alexei claims that Valeriu Matei is the political guardian of a mafia clan”. The article contained the verbatim transcription of a program aired on March 27<sup>th</sup> 1999 and the newspaper’s commentary.</p> <p>On April 30<sup>th</sup> 1999, Valeriu Matei had filed a civil lawsuit against Flux charging the newspaper with slander, saying that a great part of N.A’s declarations published by Flux didn’t correspond to reality and were defamatory. On February 20<sup>th</sup> 2003, through an irreversible ruling, the Appeals Court had decided that the declarations that Valeriu Matei was claiming to be libelous, were actually not because Flux had just transcribed word for word N.A’s statements. However, the Court decided that part of the title of the article was indeed defamatory: “N.A. affirms that Valeriu Matei is the guardian of a mafia clan”. The Court concluded that N.A. did not say anything like this on the program aired on March 27<sup>th</sup> 1999 and that the newspaper didn’t present evidence to prove that Valeriu Matei was indeed a member of a mafia clan.</p> <p>The plaintiff claimed that the title of the article for which the newspaper was sanctioned, was just a conclusion made by the author from N.A’s declarations and that it was a moral judgment based on a sufficient factual basis.</p> <p>The Article was written in the context of a debate on an especially important issue for the public, that is, the involvement of a high-level politician in illegal activities. Consequently, the margin of judgment that the Courts had in this case was rather limited.</p> <p>Both parties and the Court came to an agreement that the national courts’ decisions - that the plaintiff had to pay damages, were an “interference by public authorities” in the plaintiff’s freedom of speech, as protected by paragraph 1 of Article 10. Furthermore, no one claims that the interference was “sanctioned by Law” and had a legitimate purpose. The European Court of Human Rights had ruled that Article 10 of the Convention was violated and that Moldova had to pay Flux 260 Euros for material damages, 3000 Euros for moral damages and 1200 Euros for costs and expenses incurred. The Court decision was made public on June 12<sup>th</sup> 2007.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Valeriu Matei.
<b>Current state</b>	The case was solved.

<b>Date</b>	September 15 <sup>th</sup> 2003
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On June 19<sup>th</sup> 2002, Flux had published on its first page the title of an article accompanied by a summary, that was going to appear in another edition of the paper. The title of the summary was “The Red Millionaires” and it went with a big photograph of the leader of the Communist Party’s parliamentary faction, Victor Stepaniuc, wearing a hat.</p> <p>On the next day, June 20<sup>th</sup> 2002, Mr. Stepaniuc had filed a civil lawsuit against the newspaper and against the author charging them with slander.</p> <p>On June 21<sup>st</sup> 2002, Flux had published the entire article. The article was based on the description of facts made by the deputy director of the Anenii Noi Preserves Factory PLC. He narrated about alleged attempts by a Communist member of parliament to obtain a declaration of insolvency of the factory and sell it. He also said that the Parliament had used the Fiscal Inspectorate, as well as other state authorities, for this purpose, and that Stepaniuc’s actions were supported by the parliamentary faction of the Communist Party. On August 1<sup>st</sup> 2002, the first trial ended in favor of Stepaniuc, following which the newspaper filed an appeal. On February 6<sup>th</sup> 2003, the Chişinău Tribunal rejected the appeal claiming that it was groundless. It didn’t take into consideration the article published on June 21<sup>st</sup> 2002. The newspaper had filed another appeal, giving the same reasons as before and added that the contested article merely presented the opinion of the Anenii Noi Preserves Factory PLC management. On April 1<sup>st</sup> 2003, the Appeals Court had rejected the appeal. The newspaper filed with the ECHR.</p> <p>The European Court of Human Rights had ruled that Article 10 of the Convention was violated and that Moldova had to pay Flux 278 Euros for material damages, 3000 Euros for moral damages and 1800 Euros for costs and expenses incurred. The Court decision was made public on July 3<sup>rd</sup> 2007.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Victor Stepaniuc, the leader at the time of the CPRM faction in the Moldovan Parliament.
<b>Current state</b>	The case was solved.

<b>Date</b>	September 15 <sup>th</sup> 2003
<b>Media Institution</b>	"Țara" newspaper and Petru Poiată
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On October 31<sup>st</sup> 2002, the "Țara" newspaper published an article entitled "Defying legislation on commercial competition; the Stepaniuc clan grabs hold of foreign properties through blackmail". The newspaper narrated, partially citing and partially summarizing, a letter sent to the President of the Republic of Moldova by a transportation company, which held several bus routes that connected Chișinău to other cities. On November 21<sup>st</sup> 2002, "Țara" had published an article entitled "Bolshevik habits. The Stepaniuc clan extends its tentacles". On an unspecified date, Victor Stepaniuc had filed a case against the newspaper and the article's author charging them with slander. He claimed that the article published on October 31<sup>st</sup> 2002 had false declarations and was libelous. On January 24<sup>th</sup> 2003, the Buiucani Court had ruled in favor Victor Stepaniuc.</p> <p>The plaintiffs appealed this decision, claiming that the Court had totally ignored their arguments. The articles were talking about letters and declarations of third parties, while the final conclusions were moral judgments. The newspaper had proceeded conscientiously and had verified all the information in the declarations of the third parties. On April 3<sup>rd</sup> 2003, the Chișinău Tribunal rejected the appeal. The plaintiffs had filed another appeal and it was also rejected by the Appeals Court on June 11<sup>th</sup> 2003. On September 15<sup>th</sup> 2003, the newspaper had filed an appeal with the ECHR, claiming that the decisions of the national courts were an interference in freedom of speech, which could not be justified in a democratic society.</p> <p>The European Court of Human Rights had ruled that Article 10 of the Convention was violated and that Moldova had to pay "Țara" 270 Euros for material damages, 2500 Euros for moral damages and 1800 Euros for costs and expenses incurred. The Court decision was made public on October 16<sup>th</sup> 2007.</p>
<b>Parties involved</b>	Țara newspaper; National Courts; ECHR; Victor Stepaniuc, the leader at the time of the CPRM faction in the Moldovan Parliament.
<b>Current state</b>	The case was solved.

<b>Date</b>	May 13 <sup>th</sup> 2003
<b>Media Institution</b>	Flux newspaper and Aurelia Samson
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On December 13<sup>th</sup> 2001, the Flux newspaper published an article based on a statement by Z. Samson about her daughter. The article described the problems Aurica Samson was having with her neighbor, the ex-Minister of Constructions. This person had filed a lawsuit, claiming damages for slander. He didn't specify which parts of the article he considered defamatory. Before the court of first instance had issued a ruling, the plaintiff newspaper had published an apology to the neighbor, at the request of Z. Samson. On October 17<sup>th</sup> 2002, the Buiucani Court had partially recognized the neighbor's complaint and had decreed the newspaper to publish a disclaimer on the same page as the article and to pay damages and the state fee.</p> <p>In the appeal, the plaintiff newspaper had claimed that the declarations made were moral judgments, which couldn't be proved. Furthermore, the newspaper complained that the Court had a favorable attitude towards the neighbor, recognizing several expressions as being libelous, even if the neighbor hadn't identified them himself. On January 14<sup>th</sup> 2003, the Chișinău Tribunal had upheld the Court decision, rejecting the newspaper's arguments. On March 20<sup>th</sup> 2003, the Appeals Court had also upheld the decision. It claimed that the newspaper's appeal was groundless and late, without giving any details on this conclusion. The plaintiff newspaper claimed a violation of its rights, guaranteed by Article 10 of the European Convention on Human Rights, and filed a case with the ECHR on May 13<sup>th</sup> 2003. The Court reiterated that punishing a journalist for helping to disseminate declarations made by another person, would seriously affect the press' contribution to the discussion of public interest issues and should only be allowed if there are extremely well grounded reasons. In this case, considering the evenhanded tone of the article, the Court didn't see any well grounded reasons for the interference in the freedom of speech of the newspaper.</p> <p>The European Court of Human Rights had ruled that Article 10 of the Convention was violated and that Moldova had to pay Flux 112 Euros for material damages, 3000 Euros for moral damages and 1000 Euros for costs and expenses incurred. The Court decision was made public on October 23<sup>rd</sup> 2007.</p>
<b>Parties involved</b>	Flux newspaper; Aurelia Samson; National Courts; ECHR.
<b>Current state</b>	The case was solved.

<b>Date</b>	July 10 <sup>th</sup> 2003
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On July 24<sup>th</sup> 2001, the Flux newspaper published an article entitled "The Communists Mişin and Stepaniuc had a great party at Jolly Alon on Lukoil's money". The article was referring to a law passed by the Communist majority on July 19<sup>th</sup> 2001 which allowed the Customs Department to extend the due date for the payment of VAT and of excise taxes on the import of gasoline and diesel by 90 days. Until this modification, the taxes had to be paid on the date of import. The article described this law and mentioned that on the eve of July 19<sup>th</sup> 2001, "the Communists Vadim Mişin și Victor Stepaniuc, setting aside their proletarian humility, had a great party at Jolly Alon (former Seabeco) paid for by the 'Lukoil' sharks". The article included photographs of the two politicians. On July 8<sup>th</sup> 2002, Victor Stepaniuc had filed a case against the newspaper and the author of the article, claiming that the above-mentioned excerpt didn't reflect the truth and thus, was libelous, requesting a disclaimer and payment for moral damages. On August 1<sup>st</sup> 2002, the President of the Buiucani Court had ruled in favor of Stepaniuc. The Court mandated that the newspaper pay MDL 3,690 (278 Euros on that date), which corresponded to the moral damages inflicted on Mr. Stepaniuc and included the state fee. The Court also ruled that the newspaper should publish within 15 days a disclaimer of the article's title and of the above-mentioned excerpt. In its appeal of the August 1<sup>st</sup> 2002 court decision, the Flux newspaper claimed that the published declarations were moral judgments based on facts. On January 30<sup>th</sup> 2003, the Chişinău Tribunal had dismissed the plaintiff's appeal as groundless and late. On April 1<sup>st</sup> 2003, the Appeals Court of the Republic of Moldova had also rejected the appeal. Flux filed the case with the European Court of Human Rights, claiming that Article 10 (freedom of speech) was violated by obligating the newspaper to pay damages and to publish disclaimers in the case brought by Mr. Stepaniuc. The Court ruled unanimously that Article 10 was indeed violated. The Court noted that an interference in the freedom of speech of the plaintiff newspaper had occurred – the interference was "prescribed by Law" and "had the legitimate purpose" of protecting the reputation of Mr. Stepaniuc, but was "not necessary in a democratic society". The European Court of Human Rights had ruled that Article 10 of the Convention was violated and that Moldova had to pay Flux 278 Euros for material damages, 3000 Euros for moral damages and 1000 Euros for costs and expenses incurred. The Court decision was made public on November 20<sup>th</sup> 2007.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Victor Stepaniuc, the leader at the time of the CPRM faction in the Moldovan Parliament, Vadim Mişin.
<b>Current state</b>	The case was solved.

<b>Date</b>	5 aprilie 2004
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On December 6<sup>th</sup> 2002, Flux published an article entitled "The Sabbath of the Nouveau Riche". In the article, the newspaper was talking about how the Parliament speaker, the leader of the Communist faction and the Moldovan President's son had allegedly become rich overnight. The main idea of the article was that before becoming public figures, they were simple citizens, without considerable wealth; their affluence had significantly increased after the Communist Party won the elections and they became public officials. On December 12<sup>th</sup> 2006, Mr. Stepaniuc, the leader of the Communist faction in the Parliament, brought a case against the newspaper and the author of the article. He didn't pay the state fee when filing the case; he didn't come to any of the trials and neither did he delegate anyone to represent him. In its defense, the newspaper had submitted to the Court copies of several open letters by a transport company addressed to the President of the Republic of Moldova, where Mr. Stepaniuc was accused of acquiring several bus routes which belonged to that company. On June 26<sup>th</sup> 2003, the Chişinău Appeals Court rejected the newspaper's appeal and upheld the lower court's decision, reiterating that the plaintiff newspaper didn't present any evidence in support of their declarations about Mr. Stepaniuc. The Court didn't take into consideration any of the newspaper's arguments, which had afterwards appealed the decision. On November 5<sup>th</sup> 2003, the Supreme Court of Justice had reduced the amount of damages to be paid to Mr. Stepaniuc by the newspaper and by the author of the article to MDL 1,350, and MDL 180 respectively. The Court ruled that Mr. Stepaniuc is a public figure and, thus, should be more tolerant towards the press; moreover, he didn't show up to any of the trials. However, the Supreme Court didn't distance itself from the conclusions of the two lower courts regarding the actual case and neither did it examine any of the newspaper's arguments. The newspaper had filed with the ECHR claiming that Article 10 of the European Convention on Human Rights had been violated. The Court had ruled that because the contested declarations were made by a journalist while debating a public interest issue and because the plaintiff in this case was a high-ranking politician, the state interference was not in response to a major social necessity and thus, was not necessary in a democratic society. Consequently, Article 10 of the Convention had been indeed violated and the state had to pay Flux 100 Euros for material damages, 3000 Euros for moral damages and 1800 Euros for costs and expenses incurred. The Court decision was made public on February 12<sup>th</sup> 2008.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Victor Stepaniuc, the leader at the time of the CPRM faction in the Moldovan Parliament.
<b>Current state</b>	The Case was solved.

<b>Date</b>	April 5 <sup>th</sup> 2004
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On November 15<sup>th</sup> 2002, Flux published an article entitled “The Criminal File of Eugenia Duca, five kilograms of waste paper”. The article described the progression of a well-known criminal case initiated against a businesswoman, who was sentenced at that time, but later acquitted and paid damages for illegal persecution and detention. The newspaper published in italics excerpts from an open letter by the daughter of the businesswoman addressed to the President of the Country, the Parliament Speaker, the Prime-Minister, the Council of Europe, the OSCE Mission in Moldova, as well as to other organizations. In the letter, the daughter complains about alleged abuses committed by the Prosecutor’s office and by the courts against her mother. On an unspecified date, the deputy Prosecutor General, Vasile Solomon, who in the meantime had been demoted from Prosecutor, had filed a civil lawsuit charging the newspaper with slander, claiming that the declaration that his resignation was due to shady affairs didn’t reflect the truth and was defamatory. On February 12<sup>th</sup> 2003, the Râșcani Court had ruled in favor of Mr. Solomon, concluding that the statement regarding his resignation wasn’t truthful and was libelous. The Court had also mentioned that, on the day the article was published, Mr. Solomon was employed by the Prosecutor’s Office to assist in the work of the Appeals Court. The Court ruled that the newspaper should pay MDL 2,700 (178 Euros on that date) to Mr. Solomon, as well as publish a disclaimer within 15 days.</p> <p>In its appeal of the February 12<sup>th</sup> 2003 court decision, the Flux newspaper claimed, amongst other things, that the article was actually a dissemination of the declarations of Mrs. Duca’s daughter that she had made in her open letter, and that the newspaper could not be held responsible for publicizing the declarations of a third party. On April 29<sup>th</sup> 2003, the Chișinău Appeals Court dismissed the plaintiff’s appeal as groundless and didn’t even examine the newspaper’s argument regarding the circulation of declarations made by other persons.</p> <p>In its appeal, the newspaper argued that the term “shady affairs” was a moral judgment. On November 19<sup>th</sup> 2003, the Supreme Court of Justice had rejected the plaintiff’s appeal, concluding that Mr. Solomon was discharged by Parliamentary decree without any justification, and then continued his activity in the Prosecutor’s office in another position. The Court didn’t say anything about the newspaper’s argument regarding the dissemination of declarations made by third parties.</p> <p>The Flux newspaper claimed that Article 6 ECHR (the right to a fair trial) had been violated because the courts didn’t give a comprehensive justification for their decision. Furthermore, Flux claimed that Article 10 ECHR (freedom of speech) had also been violated by obligating the newspaper to pay damages and publish a disclaimer in the case of slander brought by Vasile Solomon.</p> <p>The Court had unanimously ruled that Article 10 ECHR had been violated. It mentioned that in this case, there was an interference in the freedom of speech of the plaintiff newspaper which was “prescribed by Law” and “had a legitimate purpose”, but was “not necessary in a democratic society”.</p> <p>The Court ruled that the newspaper be paid 185 Euros (the Euro equivalent on the day of the national court’s decision, of damages meant to be paid to Mr. Solomon, including the state fee) for material damages, 3,000 Euros for moral damages and 1,800 Euros for costs and expenses incurred.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Vasile Solomon.
<b>Current state</b>	The case was solved.

<b>Date</b>	16.01.2004
<b>Media Institution</b>	Timpul newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	The Skoda affair and the investigation done by the "Timpul" newspaper
<b>Case description</b>	<p>On 16.01.04, the "Timpul" newspaper published the investigative article "Luxury in the country of poverty", written by A. Anghel. The article made a few revelations regarding the purchase of a group of luxury Skoda cars by the State Chancellery from the "Daac Hermes" company. As the newspaper had mentioned, the objective of the investigation was to inform the public about the lack of transparency in and the shady way that public funds are spent. Oddly, the "Daac Hermes" company reacted to this article, not the State Chancellery as one might expect. On 23.01.04, this company sues the Timpul newspaper, asking for the far-fetched amount of 20 million Lei and 500 thousand USD in "moral damages". The Buiucani Court acts promptly and sequesters newspaper assets in the amount of the damages claimed. The sequester meant the blocking of the financial activity of the newspaper and was qualified by the Timpul team as a political order, an act of intimidation against the independent press and a violation of the presumption of innocence principle. On 18.02.04, the two parties met at the first trial. Timpul's representative, first of all, had asked for the unfreezing of the newspaper's bank account, without which the newspaper's further activity was impossible. The "Daac Hermes" company representative agreed to this request, but insisted that the requisition be removed "only partially". Consequently, the Court decided to remove the requisition for the amount of 20 million Lei, but not for 500,000 USD. At the same time, the Timpul representative had asked for the postponement of the trial by one month because the volume of documents that were going to be examined in this case was rather large. The Court agreed to this proposal and postponed the trial until 18.03.04. On 28.04.04, the Buiucani Court had partially accepted the "Daac Hermes" company's case against the "Timpul" newspaper, following the article "Luxury in the country of poverty", published on January 16th of the same year. The Judge Silvia Gârbu decided that the publishing of this article had caused moral damages of 1 million 350 thousand Lei (about 112 thousand USD) to the "Daac Hermes" company, as opposed to the almost 2 million USD that the company was asking for. According to "Timpul" newspaper's director, C. Tănase, "Daac Hermes" wasn't able to refute anything written in the "Luxury in the country of poverty" article during the trials. "Thus, it follows that all the information presented in our article reflects the truth. More specifically, that a group of Skoda Octavia cars were purchased by the State Chancellery, signed for by Pantelei Taltu, without organizing a public tender; that the money for the transaction was not provided for in the State Budget for 2003; that the decision to purchase the cars was not published, as it should have been, in the "Official Gazette"; that the deal was totally obscure and was backed by Vladimir Voronin, Vasile Tarlev and P.Taltu, the persons mentioned in the article. The Buiucani Court, however, considered these arguments unconvincing. On the contrary, because we wrote that 42 cars were purchased, instead of 40 claimed by "Daac Hermes" – other than that, we were absolutely right - the Court ruled that "Timpul" should pay one million three hundred and fifty Lei", mentioned Tănase in Timpul, N. 129, published on May 28<sup>th</sup> 2004. On May 12<sup>th</sup>, Timpul filed with the Appeals Court, challenging the ruling of April 28<sup>th</sup> by the Buiucani Court in the case of Timpul Vs. "Daac Hermes". The Chişinău Appeals Court upheld the decision of the Buiucani Court, which mandated that the "Timpul" newspaper pay moral damages of 1 million 350 thousand Lei (about 112 thousand USD) to "Daac Hermes". The "Timpul" newspaper announced its decision to challenge the ruling of the Appeals Court at a superior instance, claiming that the ruling was "contradictory and biased, as was the entire judicial process". "We were convinced that we would lose at the Appeals Court as well. Even though we have the right to challenge the ruling with the Supreme Court of Justice, we're certain that we'll lose there as well, because the "Daac Hermes" Vs. "Timpul" case is prearranged by the current governance against the press. After that, we'll file with the European Court of Human Rights. There's no way we will lose there", the newspaper declared. On 28.11.04, the "Timpul info-magazin" publication and the journalist Alina Anghel had filed a complaint with the ECHR.</p> <p>In November 2007, the European Court of Human Rights (ECHR) had made public its ruling in the case of the "Timpul info-magazin" publication and the journalist Alina Anghel, mandating the Government of the Republic of Moldova to pay 13.8 thousand Euros in moral and material damages and judicial expenses. The ECHR had concluded that the Chişinău Government had violated Article 10 of the European Convention on Human Rights ("freedom of speech") and that the Moldovan courts had inaccurately interpreted the published article. The original ruling in favor of Daac Hermes was an interference in the freedom of speech of the plaintiffs and was not necessary in a democratic society.</p>
<b>Parties involved</b>	Timpul newspaper; "Daac Hermes" company and the Buiucani Court
<b>Current state</b>	The case was solved.

<b>Date</b>	March 19 <sup>th</sup> 2002
<b>Media Institution</b>	Nine ex-employees of the Teleradio-Moldova (TRM) Company
<b>Media type</b>	TV
<b>Subject</b>	Censorship at a public mass-media outlet
<b>Case description</b>	<p>The European Court of Human Rights concluded that the Teleradio Moldova journalists' freedom of speech was violated by the management of Teleradio Moldova. The ECHR had ruled in favor of the journalists Larisa Manole, Corina Fusu, Mircea Surdu, Dinu Rusnac, Viorica Cucereanu-Bogatu, Angela Arama-Leahu, Ludmila Vasilache, Leonid Melnic and Diana Donica, who filed a case with the ECHR in 2002 charging the Teleradio-Moldova Public Company of censorship.</p> <p>The "Teleradio Moldova" (TVM) State Company was created in 1994 replacing the old state Radio and Television company in the Republic of Moldova. It was the only company which had coverage in all of Moldova. In 2002, the State Company was transformed into a public company. According to the plaintiffs, there had been censorship at TVM throughout all its existence. However, after February 2001, when the Communist Party won parliamentary elections by a large majority, the censorship became intolerable. Censorship was usually exercised verbally through directives coming from, in hierarchical order, the president of the Editors Company. In particular, the plaintiffs claimed that starting with February 2001, none of the opposition parties were given any airtime; any article that had a different point of view from the Communist Party was prohibited; words and expressions such as "Romanian", "the Romanian language", "Basarabia", "History of the Romanian", "totalitarian regime", etc. were prohibited; any references to certain historical periods were forbidden, periods such as the interwar period, the famine organized in the USSR, the Stalinist regime, deportations to the GULAG and the period of national rebirth after 1989. The events that were going to be shown in news bulletins were carefully selected and only a limited number of journalists had the right to do stories on the public authorities. One could only reference the state news agency "Moldpres", while the opposition was slandered. If there was a story including representatives of the opposition, their interviews were truncated and all their speeches were substituted by statements from journalists or by texts pre-written by the "Moldpres" news agency.</p> <p>On February 25<sup>th</sup> 2002, 331 employees of TVM had signed a declaration of protest against censorship. On February 27<sup>th</sup> 2002, the TVM employees decided to stage a passive strike and elected a Strike Committee for this purpose. The Strike Committee handed a list of demands regarding abolishing censorship on National Television and Radio to the TVM management and to the Government. Meanwhile, the editors and news anchors had started presenting "uncensored" news, despite pressure from the Company administration. On March 7<sup>th</sup> 2002 the Parliament created a special parliamentary commission, which was supposed to develop a "strategy to improve the TVM's operations".</p> <p>One by one, leaders of the strike movement were sanctioned and fired through different methods. Various disciplinary sanctions were applied to the plaintiffs Larisa MANOLE and Dinu RUSNAC. In March and April 2002, leaders of the Strike Committee were interrogated by criminal investigators regarding the protests they've organized in front of the Company building.</p> <p>On June 7<sup>th</sup> 2002, the President of the Republic of Moldova, Mr. Voronin, had made a press declaration regarding the Company. He voiced his doubts about Resolution N. 1280 (2002) of the Parliamentary Assembly of the Council of Europe, which mandated the authorities of the Republic of Moldova to transform "Teleradio-Moldova" from a State Company into a public company. However, he said that as President, he will have to agree to this change. Finally, he concluded that the anti-communist protests carried out between January and April were organized by "uneducated and savage people, pithecanthropus".</p> <p>On July 26<sup>th</sup> 2002, Parliament passed Bill N. 1320-XV on the national public mass-media institution, the "Teleradio-Moldova" company, through which the State Company "Teleradio-Moldova" became a public company. According to the new law, employees of the old State Company had to undergo a selection process in order to be hired at the Public Company. None of the plaintiffs who had worked in the old News Department were hired and neither were the majority of the people who partook in the 2002 strike.</p> <p>On September 16<sup>th</sup> 2009, the European Court of Human Rights had unanimously ruled that Article 10 of the European Convention on Human Rights had been violated and that there was censorship at the public mass-media outlet. On July 13<sup>th</sup> 2010, the Court mandated Moldova to pay 2000 Euros to each plaintiff for moral damages and 8940 Euros to all plaintiffs for costs and expenses incurred.</p>
<b>Parties involved</b>	Larisa Manole, Corina Fusu, Mircea Surdu, Dinu Rusnac, Viorica Cucereanu-Bogatu, Angela Arama-Leahu, Ludmila Vasilache, Leonid Melnic and Diana Donica; Teleradio-Moldova; The Communist Party; ECHR.
<b>Current state</b>	The case was solved.

<b>Date</b>	June 28 <sup>th</sup> 2005
<b>Media Institution</b>	Flux newspaper
<b>Media type</b>	Regular newspaper
<b>Subject</b>	Sanctions for slander
<b>Case description</b>	<p>On November 24<sup>th</sup> 2009, the European Court of Human Rights had announced its ruling in the case of Flux Vs. Moldova (N. 7) (file N. 25367/05).</p> <p>On April 9<sup>th</sup> 2004, the "Flux" newspaper published an article entitled "Four more communists get their hands on houses on our money". On May 5<sup>th</sup> 2004, Victor Stepaniuc had filed a civil lawsuit against the newspaper, charging it with slander.</p> <p>On June 7<sup>th</sup> 2004, the Buiucani Court of Chişinău had ruled in favor of Victor Stepaniuc and mandated the newspaper to pay 30000 Lei in moral damages and to publish a disclaimer. After a series of civil procedures, finally, the Supreme Court of Justice had decreased the amount to be paid in moral damages to 5000 Lei. Nevertheless, the Supreme Court agreed with the lower courts that the published article didn't reflect the truth and thus, was libelous to Victor Stepaniuc.</p> <p>The newspaper had filed the case with the ECHR, claiming that the national courts didn't give a comprehensive justification for their decision. Furthermore, the plaintiff had challenged the objectivity of a judge who participated in the examination of the case. Finally, the plaintiff newspaper had complained based on Article 10 of the Convention that its freedom of speech had been unjustifiably violated. The Court had only accepted the complaint made based on Article 10 of the Convention.</p> <p>The European Court had ruled that the right to freedom of speech guaranteed by Article 10 of the Convention had been violated. The Court mentioned that the interference in the freedom of speech "was not necessary in a democratic society", considering the good intentions of the newspaper to inform the public about real problems. In formulating its conclusions, the Court considered the obvious lack of detailed information on the spending of public funds by the Parliament.</p> <p>Finally, the Court mandated that the Government pay the plaintiff newspaper 12.25 Euros for material damages, 3000 Euros for moral damages and 1800 Euros for costs and expenses incurred.</p>
<b>Parties involved</b>	Flux newspaper; National Courts; ECHR; Victor Stepaniuc.
<b>Current state</b>	The case was solved.



## CONCLUSIONS AND RECOMMENDATIONS

The number of violations of journalists' right to inform themselves in the Republic of Moldova is much greater than this report can fit. If all these cases were to reach the ECHR, Moldova would go broke. One thing we can say for sure is that after 2001, with the coming to power of the Communist Party, the situation regarding freedom of mass-media and the freedom of speech had gotten worse. We can feel the effects of this kind of media environment to this day, when rude approaches of certain public officials to working with mass-media still persist (admitting journalists to public events based on preferential discriminatory lists, virulent media discourse, etc.). The cases described in this report are just a fraction of all registered violations, while the inclusion of all committed violations would conceal the true purpose of the report – that is, to showcase cases and situations that should not be tolerated for the future neither by journalists, nor by decision makers.

Legislative amendments in regards to mass-media in Moldova that happened in this period were dictated by European structures. However, these legislative modifications were moving with the speed of a snail, the governing authorities being engaged in a permanent dialogue with the Council of Europe to improve them. On the other hand, civil society organizations were only partially or not at all consulted regarding these legislative amendments. More accurately, the government pretended to consult these organizations in order to put check marks on

the agenda of working with European partners.

Violations of legislation in regards to local mass-media is a rather frequent phenomenon, these infringements being committed by both individuals and state authorities. Neither could the state ensure an adequate level of protection for persons who work in mass-media, nor did it want to – journalists have been intimidated, robbed, beaten up, searched and illegally detained, etc. by various individuals. Furthermore, state authorities have themselves violated legal norms - the most concerning aspect being that the main purpose of some of these authorities is to protect the law. Neither does the justice system ensure an appropriate level of protection, Moldova being multiple times convicted by the ECHR for violating Article 10 (freedom of speech), overturning rulings made by national courts.

For the most part, the physical abuses were tolerated by public officials and even encouraged sometimes (see examples in the Limiting of journalists' access to public information section of this report). As a result, it was becoming more and more difficult to produce investigative or opinion articles. The purge at the public television company was initiated in 2002 by the communists and the viewer, whose taxes paid for the public television, was deprived of truthful and interesting information. The existence of censorship at Moldova 1 was recognized by the ECHR only in 2009 through the ruling in the case of Manole et. al Vs. Moldova. In the

case of private TV stations, the “stick” that the governance used to silence them was the Audiovisual Coordinating Council which could at any moment withdraw any station’s license without any grounds for it – for example, TVR in 2007, or the unwillingness to extend Pro TV Chișinău’s license in 2008. These kinds of cases could only happen because of the two-sided interpretation by ACC members of the Audiovisual Code. Even the jurisdiction of this public autonomous entity raises certain questions regarding the political involvement of its members, who are appointed from “civic associations, foundations, unions, consumer associations, religious faiths”.

The privatization of public mass-media outlets was never fully accomplished and neither was it fair towards the journalists who were working at these institutions. The Antena C and Euro TV journalist protests of 2007 were a continuation of the Teleradio Moldova protests of 2004. Unfortunately though, the protesters didn’t achieve any results.

In the case of the printed press, law enforcing agencies, the police, the CCECC, the prosecutor’s office, the courts, etc. had intimidated and pressured these institutions. People had become accustomed to the intimidation of journalists and there was a sense that reprisals against journalists would go unpunished. This perception had the effect of lowering the prestige of the journalistic profession to a minimal level, journalists being called “the rabid dogs of society” by the judge Ion Muruianu, President of the Supreme Court of Justice, who later got into a conflict with the press. It was normal for the governing party (communists) to kick this rabid dog so that it would calm down.

Non-governmental organizations had become an informal lawyer of mass-media institutions insubordinate to the government, which reacted quickly to any abuse of the press and launched protests. On the other side of the barricade, the mass-media institutions affiliated with the governance were promoting a polished image of the governing party. We just have to wait and see if with the coming to power of the Alliance for European Integration NGOs will continue to protest vigorously in cases of abuse against journalists, regardless of which media institution they work for.

Only the disappearance of cleavages based on political criteria within the press and the upholding of professionalism and ethics can lead to a truly modern mass-media climate in Moldova. When there won’t be mass-media institutions divided by political affiliation, we will be able to conclude that we have high-quality journalism and a modern and democratic mass-media climate.

The recommendations based on this report don’t require a great effort from public authorities; they just require coherence and determination:

1. The knowledge and respect for Moldovan legislation that deals with ensuring the right to information and mass-media freedom, by employees of public institutions and law enforcing agencies.

In the majority of the cases described above, the abuses committed by law enforcing agencies were due to the legislative illiteracy of the authorities, which base their actions on “what the boss says”, as opposed to what the Law provides for.

2. Initiating a serious discussion forum with the participation of public authorities and mass-media institutions on the economic profitability of mas-media and putting an end to dependence on political sponsors.

The mass-media institutions' economically vulnerable situation in Moldova makes them susceptible to political sponsors who impose their own editorial politics. Even though this discussion was happening before the publishing of this report, it was rather incongruent, reminding one of the fable with the crawfish, swan and the pike. The participation of all stakeholders, especially of public authorities, in a constructive format would contribute to the improvement of the Moldovan mass-media climate.

3. The non-involvement of politicians in Moldovan mass-media.

The political factor is present in the media

landscape through the approval of the members of the Audiovisual Coordinating Council by Parliament. However, in a democratic state, mass-media needs to be autonomous. The excessive involvement of politicians in this field speaks to how democratic or not a state is. Almost all the cases presented above were caused by, directly or indirectly, the presence of the political factor and its pressures. The involvement of politicians in mass-media leads to the degeneration of the media climate in any country.

4. Improvement of the quality of journalism education.

The cases mentioned above also attest to the weak journalism education in Moldova. A young journalist needs to learn about codes of conduct, honor, dignity and professionalism in the first years of University. What is being taught there should then guide the journalist's daily work.

## ***Annex 1.***

<b>Date</b>	
<b>Media Institution</b>	
<b>Media type</b>	
<b>Subject</b>	
<b>Case description</b>	
<b>Parties involved</b>	
<b>Current state</b>	
<b>Jurist's comments</b>	



# NOTE



