



Press Freedom Report

Republic of Moldova 2013

Chisinau 2014



This report comprises a brief report of all significant events that marked mass-media field in 2013. Also, it includes a chapter dedication to the media situation in the Transnistrian region. The report is available in Romanian, Russian and English. The publication was developed by the Independent Journalism Centre, with financial support from Civil Rights Defenders, Sweden. The expressed opinions belong to IJC and do not engage the donors' responsibility.

Summary:

I. Developments and trends in the Moldovan press in 2013

- **Press freedom in Moldova according to international reports**
- **Political context**
- **Media market**

II. Public broadcasting sector

- **Broadcast Coordinating Council**
- **National Public Broadcaster Teleradio-Moldova**
- **Regional Public Broadcaster Teleradio-Găgăuzia**

III. Freedom of expression and defamation in 2013

- **Legislative developments**
- **Defamation cases against media**
- **Violations of journalists' rights**

IV. Press freedom in the Transnistrian region

V. Conclusions for 2013 and forecasts for 2014

I. Developments and trends in the Moldovan press in 2013

- **Press freedom in Moldova according to international reports**

According to recognized international media freedom rankings, the freedom of the press in the Republic of Moldova in 2013 maintained almost the same position as in previous years. The *Press Freedom Index* published by Reporters sans Frontières ranked the Republic of Moldova 56th among 180 countries, one position lower than in 2012 indicating a significant degree of pluralism and relatively little state censorship, but considerable social polarization is reflected in the media and in the climate for journalists who are often harassed by pressure groups. Given that the political orientation of individual media outlets usually coincides with that of their owners, it would seem that respect for the editorial independence of media employees is still limited.¹

According to the Freedom House report, the Republic of Moldova climbed three positions compared with 2012 ranking 112th among 197 countries.² Our country, with a total of 53 points, shared the same position as Bangladesh, Columbia, Kenya, Libya and Malawi and was the country with the best score for the situation of the press in the Commonwealth of Independent States (CIS).

This lack of significant progress is almost entirely explained by the status quo in domestic politics and in relevant legislation; however, there were more frequent verbal attacks on journalists by politicians due to the concentration of media ownership and the focus of the media on certain politicians who in their turn expressed their disagreement by trying to influence the media agenda.

- **Political context**

In 2013, the situation of the media in Moldova did not change radically compared with the previous year. Press freedom stagnated or in some respects declined. The reforms pledged by the Alliance for European Integration (AEI) in the summer of 2009—reconfigured as the Alliance for European Integration 2 (AEI-2) in 2011 and the Pro-European Coalition in 2013—failed to materialize. In concrete terms, this resulted in the failure to harmonize media legislation with European norms, in the failure to adopt a new Broadcasting Code although the Code of 2006 is increasingly inadequate and in stagnation in the reform of the public broadcaster Teleradio-Moldova (TRM).

Considered to be the turning point in the European orientation of the Republic of Moldova, 2013 marked two major events: the Pădurea Domnească (Royal Forest) case which caused turmoil in Moldovan society and prompted political changes and the Eastern Partnership Summit held in Vilnius where Moldova initialed the Association Agreement with the European Union (EU).

The year started with the unfolding of a scandal that had medium-term consequences. In a press conference, Sergiu Mocanu, the leader of the Antimafie (Antimafia) political movement, exposed the murder of a man on an illegal hunt that had taken place in the Pădurea Domnească with the participation of a number of members of the Liberal Party (LP) and the Democratic Party (DP), magistrates, local councilors and the General Prosecutor. Mr. Mocanu alleged that the murder had

¹ <http://rsf.org/index2014/en-eastern-europe.php>

² <http://www.freedomhouse.org/sites/default/files/FOTP%202013%20Booklet%20Final%20Complete%20-%20Web.pdf>

been committed by the General Prosecutor Valeriu Zubco.³ Shortly after that, the death of Sorin Paciu was confirmed and the suspicion of the authorities fell on Judge Gheorghe Crețu, deputy chair of the Chisinau Court of Appeals, who pled guilty and submitted his resignation on 10 January.⁴ A year later, the case is still pending before the Court of Appeals.

The Pădurea Domnească case stirred up dissent among the members of AEI-2 and raised mutual accusations of corruption that culminated with the declaration of Prime Minister Vladimir Filat that the agreement establishing AEI-2 was terminated.⁵ On 15 February, with the votes of both the Communist Party (CPRM) and the DP, the position of Prime Deputy Speaker of Parliament occupied by Vlad Plahotniuc (DP) was annulled, and he was dismissed.

On 5 March 2013, the government headed by Vladimir Filat was defeated with a motion of no confidence brought by CPRM. A total of 54 deputies (CPRM–34, DP–15, Socialist Party (PSRM)–3 and two unaffiliated MPs Mihai Godea and Sergiu Sîrbu) voted in favor of dismissing the government while 31 members of the Liberal Democratic Party (LDPM) and three unaffiliated MPs from a group led by Vadim Misin voted against. The LP faction (12 members) did not participate in the voting.

This political debacle continued with the nomination on 10 April by President Nicolae Timofti of Vladimir Filat as a candidate for the position of Prime Minister. The LP challenged the presidential decree in the Constitutional Court which on 22 April ruled it unconstitutional on the grounds that if the government is defeated with a motion of no confidence under a suspicion of corruption, the Prime Minister can no longer hold office.⁶ On 25 April, the Speaker of Parliament, Marian Lupu, was dismissed by 76 votes.⁷ On the same day, Iurile Leanca (LDPM) was appointed interim Prime Minister.

The political crises ended after almost four months with the establishment of the Pro-European Coalition in an agreement signed on 30 May 2013 by Vladimir Filat, the head of LDPM, Marian Lupu, the head of DP and Ion Hadârcă, the head of LP and leader of the Council of LP Reform (after the split in the LP). On the same day, DP member Igor Corman was appointed Speaker of Parliament of the Republic of Moldova⁸ and Parliament approved the newly formed government with 58 votes. The Leancă government includes eight LDPM ministers, six DP ministers and three ministers from among the LP reformers.⁹

The second major event that took place in 2013 was the initialing by the Republic of Moldova of the Association Agreement with the EU at the Eastern Partnership Summit held in Vilnius on 28–29 November.¹⁰ The agreement provides the concrete possibility to exploit the positive dynamic of relations between our country and the EU and focuses on EU support to implement basic reforms in

³ <http://jurnal.md/ro/news/mocanu-valeriu-zubco-a-ucis-un-om-iar-plahotniuc-i-filat-il-acopera-880835/>

⁴ <http://inprofunzime.md/stiri/politic/gheorghe-cretu-banuit-de-moartea-lui-sorin-paciu-judecatorul-a-1.html>

⁵ http://www.publika.md/pldm-iese-din-alianta-pentru-integrare-europeana--filat--vrem-un-nou-acord-aie_1257241.html

⁶ http://www.publika.md/curtea-constitutionala-a-decis-unanim--filat-nu-poate-fi-premier-desemnata_1363551.html

⁷ <http://www.mediafax.ro/externe/marian-lupu-a-fost-demis-din-functia-de-presedinte-al-parlamentului-moldovean-10799395>

⁸ <http://www.trm.md/ro/politic/acordul-de-constituire-a-coalitiei-pro-europeana-facut-public/>

⁹ <http://www.ziare.com/europa/moldova/r-moldova-are-un-nou-guvern-1238387>

¹⁰ <http://www.hotnews.ro/stiri-international-16095310-live-video-text-summitul-vilnius-ziua-republica-moldova-semneaza-acordul-asociere-uniunea-europeana-vedeta-geopolitica-ucraina-ramine-mai-departe-rusia-dar-inca-mai-negociaza-bruxelles.htm>

the economy, in governance, in cooperation and in the liberalization of Moldova's trade with the EU.

Regarding foreign affairs, in support of the European aspirations of Moldova, a number of European politicians visited among them Stefan Fule, the European Commissioner for Enlargement and European Neighborhood Policy; William Hague, the British Minister of External Affairs; Radoslaw Sikorski, the Minister of External Affairs of Poland; Carl Bildt, the Minister of External Affairs of Sweden; Catherine Ashton, senior European negotiator; Guenther Oettinger, the European Commissioner for Energy; Per Westerberg, Speaker of Parliament of Sweden and John Kerry, US Secretary of State.¹¹

Against this background, relations between the media and public authorities deteriorated given the number of journalists and media outlets verbally attacked by high ranking politicians.

- **Media market**

According to the Barometer of Public Opinion in Moldova¹² conducted by the Institute for Public Policy and made public on 22 November, the main source of public information continues to be television (87.3%), second in line is the Internet at 32.7% and radio is in the third position at 31.6%. Only 12% of respondents use the print press as their primary source of information, one position behind friends and neighbors.

Television is the source of information in which 61.8% of the population has the greatest trust followed by the Internet at 14.4%. Third in line is radio at 5.2% followed by print press in seventh place at 1.1%. The ranking of TV stations that the adult population watches according to the Barometer of Public Opinion is as follows: Prime TV (51%), Moldova 1 (43.9%), Pro TV (25.8%), Jurnal TV (18.9%), Publika TV (16.5%), TV7 (11%) and 2 Plus (5.4%). In terms of trust in the objectivity of TV stations, respondents mentioned the following stations: Prime TV (51.7%), Moldova 1 (47%), Pro TV (39.1%), Jurnal TV (36.2%), Publika TV (36.1%), TV7 (22.7%) and 2 Plus (16.1%).¹³

In 2013, the media market continued to grow adding new TV stations and periodical publications. According to the Broadcast Coordinating Council (BCC), by 1 January 2014 it had issued 238 broadcast licenses and retransmission authorizations of which 65 were assigned to TV stations, 56 to radio stations and 112 to cable operators.¹⁴ In 2013 the BCC issued 13 broadcast licenses and 9 retransmission authorizations for 7 existing and 2 newly established cable operators. At the owners' request, the BCC withdrew three broadcasting licenses and nine retransmission authorizations, and one broadcasting license was withdrawn for inactivity. Moreover, the BCC organized two contests for TV and radio frequencies attended by 13 applicants. As a result, Radio Noroc, Radio Plai, Jurnal FM, Publika FM and Publika TV were assigned new frequencies.

¹¹ http://www.publika.md/retrospectiva-2013-moldova-a-trait-un-moment-istoric-cu-amenintari-din-est-si-vizite-de-rang-inalt-din-vest-video_1762941.html

¹² http://www.ipp.md/public/files/Barometru/BOP_11.2013_prima_parte_finale.pdf

¹³ Idem

¹⁴ <http://cca.md/files/RAPORT%20CCA%202013.pdf>

The BCC issued a broadcast license to the Moldavian Business Channel, a business and finance oriented TV station that aimed to become an important source of information. The new TV station Moldova Sport was also established. It offers content specializing in sports and has already been included in cable packages. With a view to promoting the culture of ethnic Bulgarians in Moldova, the BCC supported the editorial project of STATIS TV Ltd. by issuing a broadcast license to Zona M TV station that specializes in Bulgarian music and entertainment. In addition, two new general TV stations—Stil TV and TV Rain—and A Film—an entertainment channel—were established in 2013.¹⁵

According to the report issued by the National Regulatory Agency for Electronic Communications and Information Technology, the total number of TV cable subscribers decreased in the first 9 months of 2013 by 1.8% (5,300) for a total of 279,500. The drop was due to TV cable subscribers switching to other systems for distributing television programs, in particular to broadband Internet.¹⁶ In the reporting period, the market for pay television programs included 102 operators.

Regarding the print press, the State Register of Non-Commercial Organizations¹⁷ of the Ministry of Justice listed 15 new periodicals in 2013:

1. *Meydan* on 07.02 in Comrat;
2. *Grădina Mea* on 23.04 in Chişinău;
3. *Chişinău Post* on 04.06 in Chişinău;
4. *Vocea Americii* on 29.08. in Chişinău;
5. *Timpul de Duminică* on 19.09 in Chişinău;
6. *Jurnal Independent* on 21.10 in Chişinău;
7. *Bucureşti Post* on 21.10 in Chişinău;
8. *Timpul de Bucureşti* on 21.10 in Chişinău;
9. *Timpul de Miercuri* on 03.12 in Chişinău;
10. *Timpul de Sâmbătă* on 03.12 in Chişinău;
11. *Timpul de Joi* on 03.12 in Chişinău;
12. *Timpul de Vineri* on 03.12 in Chişinău;
13. *Timpul de Marţi* on 03.12 in Chişinău;
14. *Timpul de Luni* on 03.12 in Chişinău;
15. *The [Informative Bulletin of LDPM STEJARUL](#)* on 16.12 in Chişinău.

It is worth mentioning that 12 of the above-listed publications have the same address—22 A. Puşkin Street, Chişinău—and the same editor-in-chief.

The pro-communist TV station NIT TV whose license had been withdrawn by the BCC in 2012 returned in 2013. On 2 May, the Supreme Court of Justice ruled in favor of the BCC and upheld the decision of the Chisinau Court of Appeals,¹⁸ but NIT lodged a complaint with the European Court of Human Rights (ECtHR).

¹⁵ Idem

¹⁶ <http://anrceti.md/news04122013>

¹⁷ <http://rson.justice.md/organizations?page=10&sort=desc&order=Tipul>

¹⁸ <http://unimedia.info/stiri/nit-a-pierdut-procesul-in-toate-instantele-r--moldova-60303.html>

In the interim, the NIT team migrated to Accent TV which was sold by its former owner Sergiu Pârgaru to the Russian company Volga-Export.¹⁹ News bulletins are currently broadcast in Romanian and Russian, and communist MP Constantin Starîș has resumed his talk show “The Third Microphone” previously broadcast on NIT.

As in previous years, in 2013 a number of journalists transferred from one media outlet to another. Anatol Golea, former director of TV7, returned to the press agency INFOTAG where he is both a shareholder and founder. One day after he left, Vitalie Călugăreanu, a journalist at the same TV station and host of the talk show “The Power of Logic” announced his decision to leave; he currently works for Radio Plai. Editors Nicolae Negru and Petru Bogatu moved from Jurnal Trust Media to *Ziarul National*. Rita Ursalovschi, news presenter at Jurnal TV, moved to Publika TV where she now hosts the talk show “Fabrika.” Elena Robu-Popa, former host of the talk show “Moldova Live” on public television shifted to Unimedia online portal where she hosts the talk show “Black&White” while “Moldova Live” is moderated by Liliana Barbăroșie who worked in the past for Radio Free Europe.

¹⁹ <http://www.kommersant.md/node/16705>

II. Public broadcasting sector

- **Broadcast Coordinating Council**

The BCC's composition did not change in 2013. It held 31 public meetings and adopted a total of 223 decisions.²⁰ By virtue of its authority, the BCC applied 146 sanctions of which 114 were public warnings and 31 were fines, and it withdrew an authorization for retransmission.

The beginning of the year was marked by attempts to find a solution to the conflict between Romanian public television station TVR and the BCC. In 2008, TVR lodged a complaint with the ECtHR against the BCC decision in 2007 to withdraw its broadcast license four years before its expiration. In January 2013, the parties reached a friendly settlement and notified the ECtHR registrar. The settlement was signed on 12 September 2013. In order to ensure the station's effective return to the media market and the restoration provided in the settlement, Moldovan authorities committed themselves to ensuring guaranties beyond those in domestic law including the following:

1. protection against withdrawal of the initial license during the first period of validity as well as against the suspension of or any change in the content of its programming;
2. protections against unilateral changes to the license;
3. exemption from taxes, commissions or any other charges for returning to the Moldovan media market.

On 15 October 2013, the ECtHR decided to strike application no. 36398/08 *Societatea Română de Televiziune* against the Republic of Moldova off its docket. On 15 November, the BCC decided to allow the retransmission in the Republic of Moldova of TVR programs and instructed cable operators to include its programs. In addition, the BCC assigned TVR a slot in the experimental multiplexer for digital terrestrial broadcasts located in Chişinău. TVR is entitled to a free national frequency until 17 June 2015, the deadline for the transition to digital broadcasting.²¹

In 2013 the BCC was taken to court in a number of cases, the most prominent of which originated with its decision of 28 December 2012 on the protection of linguistic and cultural heritage.²²

Under the decision, broadcasters must ensure domestic programming of not less than 30% before 1 April 2013. The decision also required the following.

- At least half of all domestic programs shall be broadcast in prime time in the official state language.
- Advertising, promotions and teleshopping shall not be considered domestic programs.
- Broadcasters with 24-hour programming shall provide 8 hours per day of domestic programming, of which 4 hours must be in the official state language. TV stations shall broadcast domestic programs between 06.00 and 09.00 and between 19.00 and 23.00, and radio stations shall broadcast domestic programs between 06.00 and 13.00 and 05.00 and 20.00.

²⁰ <http://cca.md/reports/7>

²¹ <http://www.radiochisinau.md/cca-a-votat-retransmiterea-tvr-ului-pe-teritoriul-republicii-moldova-10782>

²² <http://www.trm.md/ro/social/de-astazi-radiodifuzorii-sunt-obligati-sa-difuzeze-opt-ore-pe-zi-programe-autohtone/>

Violations of the decision are to be punished according to the Broadcasting Code with gradual sanctions: public warnings, minimum and maximum fines, prohibitions on broadcasting advertising, suspension of the license and finally, withdrawal of the license. A total of 13 broadcasters eventually appealed the BCC decision which was subsequently suspended by the Court of Appeals,²³ however, on 28 November, the Centru District Court ruled in favor of the BCC.²⁴

On 25 July, the Prosecutor's Anticorruption Office concluded its investigation against former BCC chair Gheorghe Gorincioi whose criminal case is now pending before the Centru District Court. Mr. Gorincioi was accused of soliciting a bribe of 110,000 lei from a purchasing agent allegedly for not verifying the goods and services provided according to a purchase contract with the BCC.²⁵

At the beginning of August, the BCC worked out a framework for fees for issuing broadcast licenses. At present broadcasters pay 2,500 lei irrespective of coverage; the BCC proposed that the amount of the fee correspond to the territory covered. The framework proposes increasing the fee to 5,000 lei for local broadcasters and to 200,000 lei for broadcasters with national coverage.

In 2013, the BCC sent letters of intent to broadcasting authorities in Canada, Cyprus, France, Germany, Greece, Israel, Italy, Portugal, the Russian Federation, Spain, Turkey, Ukraine, the United Kingdom and the United States as a large number of Moldovan citizens who crave greater access to Moldovan broadcasts reside in these countries. The BCC's intention was to launch negotiations with a view to ensuring the reception of Moldovan television services by the Moldovan diaspora.²⁶ On 5 November 2013, the BCC signed a memorandum of cooperation in broadcasting with the radio and television authority in Cyprus.

- **National public broadcaster Teleradio-Moldova**

A total of 55 years after the founding of TRM, 2013 featured a number of events that brought both positive changes and the certainty that the reforms launched in 2011 had stagnated. On 9 September, Viorica Meșină-Prodan, a member of the Supervisory Board (SB) of TRM, resigned stating that she had decided to focus on the film she planned to release in November.²⁷ On 19 September, Aurelia Peru-Bălan, chair of the SB informed the BCC that the terms of office of five SB members would expire on 23 December: Aurelia Peru-Bălan, Viorica Cucereanu, Raisa Lozinschi, Eugeniu Rîbca and Vitalie Țapeș. Therefore, with only three members in office, the SB would no longer be able to fulfill its duties according to Article 58 of the Broadcasting Code.

On 24 October the BCC invited applications (decision published in the *Official Bulletin* on 15.11.2013²⁸) for six positions on the SB; 24 candidates responded.²⁹ According to the Broadcasting Code, the BCC shall forward to Parliament two candidates per vacancy, so at a public meeting on 13 December, the BCC selected the following applicants: Ion Bunduchi, Vitalie Țapeș, Vasile Chirilescu, Tudor Osoianu, Nicolae Spătaru, Petru Macovei, Stela Nistor, Lilian Boboc, Alexandru

²³ <http://point.md/ro/noutati/obschestvo/consiliul-coordonator-al-audiovizualului-forat-sa-nu-aplice-legea>

²⁴ http://www.publika.md/cca-castiga-in-instanta-radiodifuzorii-vor-transmite-saptamanal-30-la-suta-de-produs-autohton-in-limba-romana_1703291.html

²⁵ <http://anticoruptie.md/stiri/fostul-presedinte-al-cca-gheorghe-gorincioi-va-fi-judecat-pentru-coruptie/>

²⁶ <http://www.moldova.org/moldovenii-din-diaspora-vor-mai-mult-acces-la-canalele-tv-autohtone-235517-rom/>

²⁷ <http://ziarulnational.md/consiliul-de-observatori-de-la-teleradio-moldova-a-ramas-fara-un-membru/>

²⁸ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=350311&lang=1>

²⁹ <http://trm.md/ro/social/24-de-persoane-candideaza-la-functia-de-membru-al-consiliului-de-observatori/>

Leanca, Ludmila Vasilache, Lilia Gurez and Andrei Luchianciuc. The final vote on the six new SB members will take place in Parliament.³⁰

The “conflict” that emerged in July 2012 between the employees and the administration of TRM regarding the salary system continued throughout 2013. The employees demanded that their labor rights be respected. They appealed to the National Confederacy of Syndicates in Moldova urging that the decree modifying the open-ended employment contract into a fix-term contract be repealed.³¹ The confederacy re-examined their contracts and in May 2013 requested the State Labor Inspectorate to inspect TRM. The request was, however, dismissed since the last inspection was carried out in November 2012 and the law provides for only one inspection per year.

The report published by the Association of Electronic Press on 16 October concluded that implementing the new payment system at TRM is difficult given errors by management as well as the resistance of the employees. The report noted that the framework for the payment system was satisfactory for ensuring the continuation of reforms.³² The authors of the report mentioned that the three basic documents reforming the payment system (Regulations on the Payment System, Regulations on the Bonus System and Regulations on Evaluating the Professional Performance of Employees) had been adopted. The report also noted that TRM had not complied with the initial terms for implementing the regulations. The report further emphasized that the regulations for implementing the new payment system contained vague, unclear, incoherent and incorrect terms and that any revision of the framework should improve the language therein in order to avoid misunderstandings or multiple interpretations of terms.³³

In 2013, the public broadcaster searched for a new director for the News and Discussions Department; the recruitment for this position was marked by ample debates and challenges. In February news presenter Vitalie Guțu was appointed by the Teleradio-Moldova Contest Commission. In addition to Mr. Guțu, six other candidates had applied: Ecaterina Stratan, Arcadie Gherasim, Cornelia Stefoglu, Sergiu Praporșic, Andrei Revenco and Vitalie Condrățchi.³⁴ After the result was announced, Cornelia Stefoglu, Ecaterina Stratan and Vitalie Condrățchi appealed the decision in court claiming the procedure was not fair. At the end of July the Centru District Court in Chișinău annulled the decision and the decree of the Chair of TRM appointing Vitalie Guțu director of the department. In October, the Court of Appeals upheld the judgment of the lower court and dismissed the appeal of TRM.³⁵ The Supreme Court of Justice is expected to deliver the final judgment in this case, but in the meantime Vitalie Guțu has acted as director of the department throughout the year.

The digitalization of the programming at TRM—part of the Strategy of Company Development 2010–2015—was a priority in 2013. In order to complete digitalization, TRM needs a loan in amount of 5 million euros. To that end, management received the approval of the SB and started negotiations with the European Bank for Reconstruction and Development (EBRD). The loan will be possible if the Moldovan government provides security to EBRD. On 2 October, Prime Minister Iurie Leancă, representatives of the European Broadcasting Union and the management of TRM

³⁰ <http://cca.md/news/bilan-ul-concursului-de-suplinire-func-iilor-de-membru-al-co-al-ipna-compania-teleradio-moldova>

³¹ <http://sindicat.md/angajatii-de-la-teleradio-moldova-isi-revendica-drepturile/>

³² http://apel.md/public/upload/md_Studiu_de_caz_nr.01_10.10.13.pdf

³³ http://apel.md/public/upload/md_APEL_comunicat_16oct2013.pdf

³⁴ http://media.hotnews.md/articles/view_hot?id=19184

³⁵ <http://ziarulnational.md/nici-curtea-de-apel-nu-recunoaste-alegerea-in-functie-a-actualului-sef-al-departamentului-stiri-de-la-moldova-1/>

discussed state support for digitalization. By July 2015 TRM will begin digital broadcasts. At present the digitalization is 40% complete at Moldova 1 and 60% complete at Radio Moldova.³⁶

Since April 2013, the web page of the public television station has been available in three languages—Romanian, English and Russian—thus ensuring greater access of foreign citizens to information about Moldova; in fact, www.trm.md has over 100,000 visitors per month of which 30% are from abroad.³⁷

- **Regional public broadcaster Teleradio-Găgăuzia**

On 21 January 2013, the Executive Committee of Gagauzia debated amendments to the Law on Television and Radio registered in the autumn of 2012 by the People’s Assembly of Gagauzia. The changes were mostly designed to assign control over the media in the region to the People’s Assembly and included the following amendments regarding the Supervisory Board of Teleradio-Gagauzia.

- Members of the board will be appointed and dismissed by a majority vote of the People’s Assembly. Its rules of organization and operation will be approved by the People’s Assembly.
- The board will dismiss the president of Teleradio-Gagauzia if the latter commits violations of the law that negatively affect the Gagauz budget.
- The People’s Assembly will approve the salaries of Teleradio-Gagauzia employees.
- The Teleradio-Gagauzia president will be elected for a term of four years and bear “personal responsibility” to the board.
- The Teleradio-Gagauzia president will be remunerated in the amount of 4,500 lei per month while radio and television directors will receive 4,000 lei each which will be the only form of remuneration for their duties.³⁸

In February 2013, the People’s Assembly passed the draft law. According to the legislation in force in the region, the Bashkan of Gagauzia shall promulgate the draft law adopted by the People’s Assembly, but he rejected it. The draft law with the Bashkan’s comments was later returned to the People’s Assembly for reconsideration, but the assembly never reviewed it.

On 8 July 2013, the People’s Assembly of Gagauzia annulled the employment contract of Ecaterina Jekova, chair of Teleradio-Gagauzia, whose term of office expired in October 2012 and appointed Ecaterina Terzi, member of the Supervisory Board as interim chair. The chair of the People’s Assembly Dmitri Constantinov noted that Ms Jekova’s term of office had ended and a new chair had to be appointed.³⁹ Civil society, the BCC and the Bashkan of Gagauzia vehemently criticized this decision for violating national and regional laws and the editorial and creative independence of the regional public broadcaster guaranteed by law arguing that the task of appointing and dismissing the Chair of Teleradio-Gagauzia was exclusively that of the Supervisory Board. Given the expiration of the chair’s term of office, the Supervisory Board of Teleradio-Gagauzia should have announced a public competition according to Article 37 of the Law on Television and Radio of Gagauzia, while

³⁶ <http://trm.md/ro/social/reformarea-trm-abordata-cu-premierul-iurie-leanca/>

³⁷ <http://host-static-212-0-211-102.moldtelecom.md/en/social/din-15-aprilie-pagina-web-a-companiei-publice-teleradio-moldova-poate-fi-accesata-si-in-versiunile-ingleza-si-rusa/>

³⁸ http://www.gagauzia.md/public/files/protokol_2013/pr_1_2013.pdf

³⁹ <http://trm.md/ro/regional/presedinta-companiei-teleradio-gagauzia-demisa-din-functie/>

the task of the People's Assembly of Gagauzia was to ensure the functioning of the Supervisory Board by electing its members. Moreover, the office of member of the Supervisory Board is incompatible with the office of chair of the company. In response to civil society's reaction and in order to abide by legal procedures, on 11 July the Supervisory Board of Teleradio-Gaguzia dismissed Ecaterina Jekova and appointed Maria Parfeonova interim chair of the company. Later, Maria Parfeonova submitted her letter of resignation to the Supervisory Board on the grounds of ill health, so on 25 July the board appointed Stepan Piron Interim Chair of Teleradio-Gaguzia by a majority vote. Mr. Piron held the office until 20 September when after a public competition, Ana Harlamenco, former Chair of the People's Assembly, was appointed to the position and Maria Parfeonova was appointed Director of Public Radio.⁴⁰

⁴⁰ <http://ziarulnational.md/fostul-spicher-de-la-comrat-are-o-noua-functie/>

III. Freedom of expression and defamation in 2013

- **Legislative developments**

In 2013, neither the Broadcasting Code, nor the Law on the Freedom of Expression nor the Law on Access to Information were amended.

In Decision No.12 of 04.06.2013⁴¹ on the constitutionality of legal provisions prohibiting communist symbols and the promotion of totalitarian ideology, the Constitutional Court of Moldova declared Paragraph 4¹ of Article 3 of the Law on the Freedom of Expression unconstitutional. It states: “Under the provisions of paragraph (3), the promotion and/or use for political purposes of symbols of the totalitarian communist regime (hammer and sickle and any props bearing these symbols), as well as promotion of totalitarian ideologies (actions punishable under the laws in force), shall be prohibited.” This paragraph had been introduced by Law No. 192 of 12.07.2012 to supplement legislative acts and entered into force on 1 October 2012.

On 5 July 2013, the Protection of Children against the Negative Impact of Information—Law No.30— passed by Parliament on 7 March 2013 entered into force. The law aims to set out criteria for establishing the negative impacts on children of public information; for the dissemination of such information; for the rights and liabilities of people who prepare and circulate such information and for the rights and liabilities participants, journalists and authorities who supervise the activities of these persons.⁴²

The Law on the Freedom of Expression prohibits censorship in public mass media, and the intentional, illegal preclusion of mass media activities entails criminal liability. Although the draft law on the freedom of expression was accompanied by a draft supplement to the Criminal Code, the latter was submitted in a separate legislative initiative that led to delayed approval by Parliament.

On 29 November 2012, Parliament adopted modifications to the Criminal Code of Moldova under which precluding mass media activities and censorship of public media qualify as criminal offenses. According to Article 180,¹ the intentional, illegal preclusion of mass media activities or the intimidation of a person for criticism shall be punishable with a fine of 150 to 500 conventional units with (or without) deprivation of the right to hold certain positions or to practice certain activities for a term of up to two years. The same actions committed when occupying an official position shall be punishable with a fine of 300 to 500 conventional units and the deprivation of the right to hold certain positions or to practice certain activities for a term of one year to four years. The draft law also provides penalties for those who use violence against journalists or who confiscate or damage a journalist’s materials or equipment. These actions shall be punishable with a fine of up to 1,000 conventional units with (or without) deprivation of the right to hold certain positions or to practice certain activities for a term of two to five years.

Article 180² stipulates penalties for censorship of journalistic products. Thus, the managers of public media outlets who require unjustified alterations to reports or articles or who unjustifiably prohibit disseminating certain information shall be punished with a fine of 300 to 500 conventional units and

⁴¹ <http://lex.justice.md/md/349032/>

⁴² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=347276>

deprivation of the right to hold certain positions or to practice certain activities for a term of two to five years. Indications of restrictions on the editorial activities of media outlets or their staff or any form of precluding the duplication or dissemination of information from a civil servant or a person holding an important public office shall be punishable with fine up to 1,000 conventional units and deprivation of the right to hold certain positions or to practice certain activities for a term of two to four years.

On 12 June, a group of MPs from the liberal-democrat faction registered a draft law amending and supplementing the Broadcasting Code⁴³ in Parliament which provides an efficient mechanism for the implementation of legal provisions concerning the transparency of mass media ownership and assurance of public access to information regarding the owners of media outlets. The legislative initiative proposes a new term—“beneficial owner”—defined as “the natural person who, by virtue of law and/or contract, is in one of the following situations:

- receives or may receive any type of revenue from the activity of a broadcaster or service distributor and has no obligation to remit the revenue to a third party;
- holds, directly or indirectly, through affiliated persons mentioned in Article 6 of the Law on Capital Markets the control over the broadcaster or service distributor;
- is a member of the managerial body of a noncommercial legal person or of a legal person in which no natural person holds a share equal or higher than the substantial share and who holds the authority to dismiss, alone or together with other members, the majority of members of the council, the executive body or the majority of its members and/or the censor or the majority of members of the censorship committee of the broadcaster or service distributor.”

The draft legal provisions aim to set concrete procedures for the participation of broadcasters in the competition for broadcast licenses. Information regarding the participants in the competition shall be published on the BCC webpage no later than three days after applying. BCC members may request additional information regarding the owner and the legal relationships he/she has with affiliated persons. In the case of a refusal to provide the information and documents requested, the BCC shall dismiss the application. Moreover, by 1 May each year, private broadcasters shall submit their activity reports.

It is to be noted that these amendments were produced by the Independent Journalism Center (IJC) as part of the project “Improving the Transparency of Media Ownership in the Republic of Moldova” funded by National Endowment for Democracy with the aim to ensure pluralism and to avoid media concentration in the hands of various interest groups. The draft law has been reviewed by the special parliamentary committee and is expected to be discussed and approved by Parliament.

On 18 June, a group of MPs registered a draft law on the amendment of Article 25 of the Law on Government according to which the live transmission of government meetings shall cease.⁴⁴ According to the authors, the existing legislation provides that government meetings are public, but it does not stipulate the procedures for ensuring public access. Thus, the draft law clarifies the means for accomplishing their publication and the access of certain categories of persons. Civil society does not, however, share the same view and finds that ceasing live transmissions of

⁴³ <http://www.parlament.md/ProcesulLegislativ/Proiectedeacteleghislativ/tabid/61/LegislativId/1794/language/ro-RO/Default.aspx>

⁴⁴ <http://parlament.md/ProcesulLegislativ/Proiectedeacteleghislativ/tabid/61/LegislativId/1827/language/ro-RO/Default.aspx>

government meetings will affect the transparency of decision making. In a common declaration, nongovernment media organizations argued that live transmissions of meetings of government and Parliament had become a common practice for transparency in decision making and that media outlets and society as a whole deemed it an efficient instrument for communicating with citizens. The signatories therefore called on the Government of the Republic of Moldova to abide by its obligation to ensure genuine transparency in decision making through various means and to guarantee direct and efficient communication between mass media and members of the Cabinet of Ministers.⁴⁵ The draft law was approved on its first reading on 18 October.

On 15 November, the liberal-democratic faction registered a draft law amending articles 21 and 38 of the Broadcasting Code to regulate the method for informing viewers about the duration of the advertising on TV supplementing Article 21 of the Broadcasting Code as follows: “All interruptions of programming for advertising or teleshopping purposes shall be timed in descending order at the bottom-right part of the screen. The dimensions of the timer shall be no less than 7% of the screen. The color of the timer shall be nontransparent white.”⁴⁶

On 27 October, unaffiliated deputies headed by Vadim Mișin registered a draft law to amend article 2 of the Law on the Freedom of Expression. The authors intend to prohibit the public propagation and/or use of fascist, racist or xenophobic symbols, the promotion of totalitarian fascist, racist, or xenophobic ideologies and/or a denial of the Holocaust. Violations of this provision shall be punished according to the legislation in force.⁴⁷ In this respect, the authors of the draft law proposed supplementing the Criminal Code with penalties for the actions listed above.

- **Lawsuits against the media**

For some media outlets 2013 was another rather troublesome year as both individuals and legal entities pressed charges against them. The courts have a large number of cases against the media under examination; however, information on trials involving journalists or media outlets is not readily accessible given that the courts do not have a common database. Instead, every court has its own database, and searching for cases is difficult. The most important lawsuits against media outlets include the cases in which the IJC provides free representation in court. In 2013 the IJC provided assistance in two defamation cases involving *Ziarul de Garda (ZDG)* newspaper against which several lawsuits have been filed in recent years.

Moldova-Gaz v. ZDG: In June 2013 the state company Moldova-Gaz sued *ZDG* for publishing an article about the attempted murder (by bombing) of Nicolae Railean, the Deputy Director of the Energy Regulatory Agency. The article alleged links between the attempt and an energy company connected to the chair of Moldova-Gaz and included Mr. Raileanu’s statements concerning the involvement of Moldova-Gaz in the explosion.

Străisteanu, Gheorghe v. ZDG: In June 2013, the case of former deputy Gheorghe Străisteanu was reviewed by the court. Mr. Străisteanu sued *ZDG* in 2011 claiming 210,000 lei compensation for moral damage and the removal from the newspaper’s webpage of an article published in 2005. The

⁴⁵ <http://parlament.md/ProcesulLegislativ/Proiectedeactelelegislative/tabid/61/LegislativId/1827/language/ro-RO/Default.aspx>

⁴⁶ <http://parlament.md/ProcesulLegislativ/Proiectedeactelelegislative/tabid/61/LegislativId/2021/language/ro-RO/Default.aspx>

⁴⁷ <http://parlament.md/ProcesulLegislativ/Proiectedeactelelegislative/tabid/61/LegislativId/2043/language/ro-RO/Default.aspx>

article was about his detention for an alleged robbery and other illegal acts. The Supreme Court of Justice sent the case back for re-examination by the court of first instance. The case is pending before the Strășeni District Court.

The lawsuits brought against media outlets include the case of the Investigative Journalism Center that was challenged in court by Tamara Plămădeală, the former Ombudsman for Children Rights, whose term of office expired in October 2013. She claimed 500,000 lei in compensation for an article published in the newspaper *Adevărul* concerning an adoption case. The case is on the docket of the Râșcani District Court in Chișinău. The hearing on the case has been postponed three times at Ms. Plămădeală's request.⁴⁸

Another lawsuit against a mass media outlet is that of Parmato Grup Ltd. v. *ZDG*. In 2012, *ZGD* published a press release issued by the Ministry of Internal Affairs concerning an investigation into a swindle allegedly committed by Parmato Grup Ltd.⁴⁹ The Chișinău Prosecutor's Office eventually quashed the investigation and the Ministry of Internal Affairs removed the press release from its webpage (www.mai.gov.md) without offering any explanation. In the summer of 2013, Parmato Grup sued *ZDG* demanding the removal of all information regarding the company and of the visitors' comments from the newspaper's webpage. The case is pending before the Centru District Court.

- **Violations of journalists' rights**

In 2013 there were more cases of violations of journalists' rights than in previous years. Most involved threatening journalists and restricting their access to events of public interest.

On 28 February, a reporter and a camera operator from PRO TV were verbally and physically assaulted while shooting a reportage about the house owned by a magistrate from the Chișinău Court of Appeals. While trying to interview the owners of the house, the journalist was shoved and intimidated by the magistrate's husband, a lawyer by profession, who urged her to stop filming and hit the camera.⁵⁰ Media nongovernment organizations (NGOs) reacted to this case by issuing a declaration.⁵¹ They emphasized that the role of a lawyer is to promote and protect the rights, freedoms and legitimate interests of natural and legal persons. The signatories urged the Moldovan Bar Association to act on its own volition in this case and to sanction the inappropriate behavior of the lawyer.

On 11 April, *ZDG* published the article "The prosecutor requested a journalist to disclose his sources" about the fact that after publishing an investigation about the illegal sale of military equipment from the national army depot, reporter Iurie Sănduță, was asked by the representatives of the Chișinău Prosecutor's Office to disclose his sources.⁵² Media NGOs forwarded an appeal to the interim General Prosecutor, Andrei Pântea, calling on him to undertake all necessary actions in order to preclude any illegal pressure on the media.⁵³

⁴⁸ http://adevarul.ro/moldova/actualitate/avocatacopilului-tamara-plamadeala-razboi-presa-1_52554234c7b855ff56197361/index.html

⁴⁹ <http://www.zdg.md/stiri/turism-cu-escrocherie-la-chisinau>

⁵⁰ <http://protv.md/stiri/social/are-o-casa-de-milioane-insa-in-acte-locuinta-valoreaza-10-mii.html>

⁵¹ <http://www.media-azi.md/ro/noutate/ongurile-de-media-isi-exprima-ingrijorarea-legatura-cu-agresarea-echipei-pro-tv>

⁵² <http://www.zdg.md/editoriale/procurorul-cere-reporterului-sa-si-divulge-sursele>

⁵³ <http://www.media-azi.md/ro/organiza%C8%9Biile-de-media-solicit%C4%83-pg-s%C4%83-se-ab%C8%9Bin%C4%83-de-la-presiuni-%C3%AEnce-prive%C8%99te-divulgarea-surselor>

On 15 July, editor Vasile Năstase issued a public appeal informing state authorities and international institutions that he had received death threats in SMS messages. Subsequently, editor Constantin Cheianu stated in a press conference that he had received a similar SMS message. In both cases the journalists stated that there were connections between the threats and their professional activities. Media NGOs issued a statement urging the Ministry of Internal Affairs and the General Prosecutor's Office to thoroughly investigate the two cases and if necessary to undertake all necessary measures to protect the lives and persons of the editors.⁵⁴ The General Prosecutor's Office, the General Police Inspectorate and the Information and Security Service announced that two criminal cases had been initiated and that the text messages had been sent from the same mobile telephone; however, it was impossible to complete the investigation given that the perpetrator was not found.⁵⁵

On 25 July during the public meeting of the Supervisory Board of Teleradio-Gagauzia, the members of the board asked journalists from the web portal Gagauzinfo.MD to leave the room for the reason that "the press was disturbing the meeting," but the same request was not addressed to journalists from Teleradio-Gagauzia. The journalists from Gagauzinfo.MD insisted that the same rule be applied to all media representatives and as a result, both teams of journalists left the meeting room, but a few minutes later they were asked to return and the meeting continued as usual.⁵⁶

On 26 August, Jurnal TV revealed that the mayor of Cimișeni, Ghenadie Rabei, and his supporters had assaulted a team from Jurnal TV and prevented them from filming a meeting in the House of Culture. Two days later they allegedly chased the journalists down the streets of Chișinău and tried to block their vehicle thus risking an accident.

On 29 September, Vadim Ungureanu, a reporter from the portal Deschide.md, was attacked at the intersection of 31 August 1989 and Sfatul Țării streets in Chișinău by the owner of a car engaged in illegal parking while he was photographing him. According to the journalist and to the pictures he took, a crew from the General Police Inspectorate was present at the scene but did not interfere.

On 20 September, reporter Galina Butenco from the local newspaper *Glia Drochiană* stated that she had been asked insistently to leave the room where Speaker Igor Corman was meeting with local representatives of public authorities, business owners and leaders of local public decentralized services among others. The request came from an unidentified person who suggested that he was the spokesperson of the speaker.⁵⁷

On 17 October, a team from *ZDG* issued a statement informing the public that a person who identified himself as Renato Usatîi had called the newspaper to curse and threaten its journalists as he was dissatisfied with an article published a few hours earlier on the paper's webpage as well as with the editorial policy of the newspaper *Timpul*. That person also argued that he was bothered by the fact that the newspaper did not publish his own statements regarding some Moldovan politicians.

⁵⁴ <http://media-azi.md/ro/ong-urile-de-media-solicit%C4%83-elucidarea-cazurilor-de-amenin%C8%9Bare-cu-moartea-jurnali%C8%99tilor>

⁵⁵ <http://www.jurnal.md/ro/news/dosare-penale-in-cazul-amenin-arilor-1154177/>

⁵⁶ <http://gagauzinfo.md/index.php?newsid=8734>

⁵⁷ http://gliadrochiana.info/index.php?option=com_content&view=article&id=648:2013-09-26-07-53-32&catid=31:noutati&Itemid=46

On 24 November, the sons of the priest from Bulboaca attacked the Pro TV team who had appeared at the scene upon the villagers' request. They said that the priest cursed in front of the altar and hit a woman.⁵⁸

Moldovan officials, particularly Mihai Ghimpu and Vladimir Voronin, also repeatedly verbally assaulted mass media representatives thus undermining their role in a democratic society, . On 28 January 2013, Mihai Ghimpu, leader of the LP, stated during the talk show "În PROfunzime" that he was "sick of this bought and overbought press." Then he blamed Jurnal TV for all his political failures, noting that "the Moldovans are poor because of the press." On 28 April, in his blog he criticized the news portal Unimedia accusing it of distorting one of his statements. On the following day Mr. Ghimpu threatened the manager of Unimedia over the phone and requested aggressively that the news item be removed.⁵⁹ He went even further and stated in a press conference that "criminal liability must be imposed on the press."

In his turn, Vladimir Voronin, the leader of the CPRM, reviled journalists in particular and the press in general. On 10 July he verbally assaulted journalists who were interviewing him with the following statement: "When are you going to live up to the profession you practice? Or you don't care? You will have to go to the farm and milk the cows or scour bathrooms with your microphones. Or you will go to Italy to work as housekeeper."⁶⁰ On 22 October, Mr. Voronin refused to respond to the questions of journalists concerning the future actions of his political party saying, "I do not respect the media outlets you represent. They have sold out. (...) Don't let your mouths hang open until I finish a sentence. You look like woodpeckers."⁶¹ On 25 November he openly threatened Publika TV during a press conference stating, "We will block you from every side. You will have problems."

On 21 November during a Parliamentary session, communist deputy Iurie Muntean reviled and threatened Dumitrița Ciuvaga, a journalist with Publika TV, in public stating that she would no longer work as journalist due to her reporting on his actions and behavior during the meeting.⁶² Media NGOs condemned his behavior and urged him to apologize to the journalist.⁶³

Mihai Poalelungi, the Chair of the Supreme Court of Justice, stated on 10 September in an interview for the web portal Moldova Curată that he would do his best, "to promote the idea of criminalizing libel again." The magistrate expressed his dissatisfaction with the fact that in the past year the press had published some information about him that he deemed defamatory.⁶⁴ In a joint statement media NGOs condemned and criticized his intentions. They qualified his statements as an attempt to put pressure on journalists that could lead to violations of the freedom of expression. Civil society representatives emphasized that international standards have converged toward decriminalizing libel.⁶⁵

⁵⁸ <http://protv.md/stiri/social/a-tinut-slujba-beat-preotul-din-bulboaca-a-facut-o-din-nou-cum---220271.html>

⁵⁹ <http://media-azi.md/ro/inamicul-al-presei/mihai-ghimpu-0>

⁶⁰ http://www.publika.md/video-voronin-ataca-jurnalistii--o-sa-te-duce-la-ferma-sa-mulgi-vaca--ori-in-italia-sa-lucrezi-deridicatoire_1486961.html

⁶¹ <http://unimedia.info/stiri/video-niste-ciocanitori--voronin-apostrofeaza-din-nou-jurnalistele-67257.html>

⁶² http://www.publika.md/foto-video-reporter-publika-tv--amenintat-de-comunistul-iurie-muntean--voi-avea-grija-sa-nu-mai-lucrezi-in-presalocala_1691871.html

⁶³ <http://media-azi.md/ro/stiri/ong-urile-de-media-condamn%C4%83-comportamentul-huliganic-al-deputatului-iurie-muntean>

⁶⁴ <http://www.moldovacurata.md/interview/interviu-csj-poalelungi>

⁶⁵ <http://media-azi.md/ro/ong-urile-de-media-condamn%C4%83-inten%C8%9Bia-pre%C8%99edintelui-csj-privind-reincriminarea-calomniei-0>

A week later, Justice Poalelungi clarified that he did not mean to take action in that direction stating, “I will take no action. That was my opinion. It was an opinion based on European practice.”

IV. Freedom of the press in the Transnistrian region

- **Mass media in the Transnistrian region in 2013**

Assessing the situation of the media in the Transnistrian region, we note that the pressure the de facto leader of the region and the so-called executive branch put on media outlets and online communication networks they did not already control intensified in 2013. This resulted in a decline in the freedom of expression in the region, a reduction in the number of independent media outlets, a lack of equal access to information and to more difficult conditions for journalists, in particular for foreign journalists.

- **Violations of journalists' rights**

Several websites inconvenient for Transnistrian leaders were blocked starting in January 2013. On 7 January, the information web portal of Andrei Safonov, the Chair of the Independent Association of Political Scientists in the Transnistrian region, became inaccessible to inhabitants of the region. The author and owner of the web portal, who continually criticized the actions of the leadership of the region, believes that this happened upon the orders of the authorities. He called on the authorities to unblock the website and to start a dialogue with “dissidents.” Later on, the web portal resumed operations.

On 8 May, access to the following ten websites that include social networks was blocked: Rodina (www.rodinapmr.ru); information agency Lenta PMR (www.tiras.ru); information agency Dnestr (www.dniester.ru); the Transnistrian Social Forum (www.forum.pridnestrovie.com); the Social-Political Forum (www.forum.dnestra.com); the Open Forum (www.openpmr.info); the forum Transnistria and Russia (www.pmr-rf.ru); the Free Forum (www.forum-pridnestrovie.ru) and forums www.nistru.net and www.forum-pmr.net. Then information agency RPinform (www.rpinform.com) also became inaccessible to inhabitants of the region, but it rapidly changed its name to TransDnestrInform (www.tdinform.com) and resumed operations.

The region's authorities officially denied interfering with or blocking these Internet resources, and the owners of the blocked websites admitted in private discussions with media experts that occasionally they resort to blocking their websites themselves at the request of the special services in the region.

Grigori Volovoi, Chair of the Center for the Protection of Human Rights in Transnistria, member of the civil room of the self-proclaimed nistrean republic and owner of the television and radio company Novaia Volna, urged the authorities to restore access to the social networks. “These resources have often criticized the actions of the current executive branch in Transnistria,” he stated. “We must admit that this criticism has not been always justified and constructive, but that does not serve as a reason for blocking the access to those websites. We are particularly concerned about the closing down of the Transnistrian Social Forum. As a journalist and human rights activist, I believe that such actions are detrimental to the image of Transnistria and cannot be considered as normal in a democratic society and in line with the rule of law. The victor in a dispute is the one who proves the truth by word and deed, not by force,” he added.

Evgheni Şevciuk, leader of the region on the left bank of Nistru River, did not issue any official statements regarding this issue but posted the following comments on Facebook: “There has been no criminal liability for libel since last autumn. In this case, what is the use of anonymous garbage? Register your media outlets and go ahead!” He noted that on forums, “a lot is done at somebody’s behest, though they offer something useful.” His comment suggested that all online resources, including foreign ones, had to officially register as media outlets, even though the media legislation in the Transnistrian region does not require them to do so.

Following the blocking of the websites, on 7 July a demonstration on the protection of human rights took place in Pobeda central park in Tiraspol. About 100 demonstrators gathered. The speakers emphasized that violations of the freedom of expression were direct violations of Article 27 of the so-called transnistrian constitution and of Article 19 of the Universal Declaration of Human Rights. The demonstrators protested the blocking of websites and opted to modify the legislation in force by making the blocking of online resources subject to judicial decisions.

On 20 August, the forum Disput (www.disput-pmr.ru) registered as a media outlet. It is the only one of this kind. Administrator Oleg Basov asserted that he represented a private project that had nothing to do with politics or the opposition.

On 26 December during a press conference, Evgheni Şevciuk said he wished “to have tea time” and “to chat” privately with the Russian information agency Novii Reghion that had been operating on the left bank of Nistru River for eight years. “Well, if I do not go there, the appropriate authorities will,” he stated. We note that the information agency started operations in Tiraspol in 2006 with the support of Mr. Şevciuk, then speaker of the Transnistrian parliament.

On 27 December prosecutors appeared on the premises of Novii Reghion. On 31 January the journalists learned that their accreditation had not been renewed. The media outlet posted a statement on its website confirming that the agency was closing due to a lack of accreditation. Judging by the comments of the visitors, Novii Reghion was among the few media outlets that offered impartial and objective information in a professional manner.

- **Violations of legislation**

During 2013, control over media institutions founded equally by both branches of government—the legislative (the supreme soviet) and the executive (the transnistrian leader)—was transferred as planned outside legislation to the leader’s new team. The supreme council of the region took note of this during the first meeting of the spring session and decided to forward a request to Mr. Şevciuk regarding the access of deputies to state media outlets.

Citing various reasons, representatives of state media outlets had impeded the access of deputies to television and to the state newspaper *Pridnestrovie* although by law members of parliament and officials elected by the people have a preferential right to address citizens via mass media, namely the right to 300 lines in print and 10 minutes a month on television. MP Anatoli Dirun stated that the state newspaper had refused to publish four articles he wrote and the state television had refused to let him broadcast citing technical reasons. He assumed that the state media was afraid to deliver opinions that differed from those of the executive.

A similar situation occurred outside the capital. Contrary to law, the editor-in-chief of the newspaper *Zaria Pridnestrovia* in Dubăsari which was founded by the local council, the state administration and a workers group, was dismissed by Mr. Şevciuk without a decision by the local council. Council secretary Ruslan Ceban explained that this had to do with the seizure of media outlets. “The new master immediately removed from the masthead its first founder—the council of deputies. The editorial staff of the newspaper that had existed since 1990 was dissolved,” he added. Deputy Ghenadi Kozlov said that his attempts to publish articles about his work had been unsuccessful. “The reasoning is absurd,” he said. “Basically, we cannot communicate with our electorate and raise actual debates. Not even during the old status quo in Dubăsari did the first secretaries of the *rayon* committee of the Communist Party of RSSM try to take over the reins of the newspaper.”

- **Legislative developments**

The state service for communication, information and mass media, the leadership of which changed in 2013, advocated modifying the legislation on mass media and produced a draft law a year ago. After examining it, Veaceslav Tobuh, chair of the committee for NGOs, sports, information politics and youth of the supreme soviet, stated that the authors, namely the state service, had not included the modifications agreed earlier by both deputies and experts from the state service. For that reason the committee rejected the draft. “As for creative possibilities and editorial independence, God forbid that you ever work under such a law as the one examined by the Supreme Council,” Mr. Tobuh noted.

Natalia Vorobieva, the leader of the Transnistrian Union of Journalists, which is affiliated with the executive branch, and who also collaborates with the so-called ministry of defense, pleaded in favor of adopting the draft law which provided harsher conditions for printing houses, but the situation evolved in the opposite direction.

At the beginning of 2014, the state service for communication, information and mass media hastily issued a document concerning the modification of rules for the accreditation of foreign journalists in the Transnistrian region. Under the new rules, foreign media outlets that intend to work permanently in the region must open a local agency with a legal identity which implies additional costs. The following documents were added to the required list: a certificate concerning the composition of the staff of the foreign agency, the original certificate of state registration of the legal entity and certificates proving the ownership of the building. In addition, the outlet must submit a notarized lease agreement for the premises and a certificate of fiscal residence. As a result of these new requirements, the work of the foreign press in the region became difficult.

- **Lawsuits against media**

In September, Mihail Bergman, a former military commander in Tiraspol, major general in the Russian Army Reserve and official in the executive branch, sued Andrei Safonov, political scientist and ex-member of the executive of the nistrean republic in Tiraspol District Court for publishing the article “Why do the authorities of the nistrean republic not fire Bergman” (“Почему власти ПИМР не увольняют Бергмана?”). Bergman argued that the criticism of him published by Safonov was “information that did not correspond to reality” and that harmed his honor, dignity and his reputation as a “businessman.”

The plaintiff claimed that had suffered “moral damage” that had “affected his health.” He claimed compensation of 50,000 transnistrian rubles (approximately \$4,500,000) and the closing of the website www.safonovpmr.com. Mr. Safonov argued that all the impugned statements had actually been made by General Bergman and explained that in the Transnistrian region “almost all opposition websites had been blocked” and that this was an attempt to close down his website as well. On 19 November, the judge ruled in absentia in favor of the plaintiff. Mr. Safonov appealed the judgment and in the meantime wrote several letters to Vladimir Putin and to Deputy Prime Minister Dmitri Rogozin of the Russian Federation. The Transnistrian authorities meanwhile dismissed General Bergman from his office and qualified the lawsuit as political in nature.

- **Mass media trends in the Transnistrian region**

In conclusion, the pressure of the authorities on the media institutions they do not control will intensify. Mr. Şevciuk’s team has quietly launched a parliamentary electoral campaign that implies different mechanisms for influencing administrative resources at all levels, including the press. The small number of independent media outlets and their dependence on their owners’ funding and other investments and on state regulating mechanisms does not favor a significant extension of their areas of operations or the consolidation of their capabilities.

The illegal blocking of online resources does not create a welcoming environment for the emergence of new media outlets. Local media experts do not rule out the possibility that independent mass media will migrate to electronic social networks thus undergoing a significant transformation.

While in many democratic countries mass media is denationalized and decentralized, in the Transnistrian region the opposite is true. State mass media outlets are being consolidating, and holdings supporting the government are being established. One media outlet of this kind is the website Lenta PMR (www.lentapmr.ru) established in 2013 which does not appear on the webpage of the competent agency (communication service).

In such circumstances, which depend mostly on the unpredictable orders of the authorities, it is difficult to make a positive prognosis. What is certain is that in 2013 the situation of the freedom of expression in the Transnistrian region declined significantly. We can estimate that the same trend will continue in 2014.

V. Conclusions for 2013 and forecasts for 2014

Ion Bunduchi, Executive Director, Electronic Press Association: “In 2013 in general, the national mass media enjoyed freedom that is neither insignificant nor sufficient. As per the legislation, the authorities did not pass laws and amendments to improve existing deficiencies, in particular those concerning the monopolization of mass media and of the advertising market, the transition to terrestrial digital broadcasting or the coverage of election campaigns. The year was marked by challenges that would be dangerous for the development of the mass media and for the freedom of expression among them the criminalization of libel, the nontransparent regulation of the Internet and more cases of intimidation of journalists.

In 2014 it is improbable that the government will live up to its commitments concerning mass media. We mean a general concept regarding the development of mass media and adopting new legislation in the broadcasting and advertising sectors. Undoubtedly there will be cases of pressure on mass media outlets, in particular on broadcasting and online media as happens in every election year. Thus, there will be a certain number of ideological poles of influence (commensurate with the number of powerful/wealthy political parties), given that for the time being mass media is not able to resist political pressure.

Since there were no precedents for fair and legal appointments to the BCC and SB, we have no hopes that in 2014 the general state of affairs in this domain will change. It is probable that the transition to terrestrial digital television will be adopted, but there are no guarantees that the transition itself will be beneficial for citizens.”

Vitalie Dogaru, journalist: “In 2013 some dangerous trends for the mass media appeared. First of all, the political engagement of more and more media outlets led to a narrowing of pluralism and to a more restricted selection of news. During the political crises, we observed in the previous year a more careful filtering of media appearances while the so-called armistice between the governing powers prevented the media from covering subjects of public interest so as not to affect their images. For the time being we cannot suspect censorship in Moldovan mass media, but if politicians continue to interfere with the editorial policy of media outlets, next year’s report will be more pessimistic than those of past years. My fears are fed by the fact that we have entered an election year and by the deterioration in editorial independence and the employment market for journalists.”

Tatiana Puiu, lawyer: “The year 2013 was not marked by fundamental developments concerning the implementation of the Law on the Freedom of Expression by the judiciary and individuals. The democratic principle of pluralism of opinion was prioritized, in particular in broadcast media. The amendments concerning the transparency of media ownership represented progress for the Republic of Moldova in the context of Recommendation 1506 (2001) that reads as follows:

It is thus essential ...to ensure that the media are not used to gain political power, especially in countries where a mixed public-private system would enable political movements, supported by the private sector, to control all information after elections, especially through radio and television.

Given the parliamentary election, we will experience the active involvement of the media in election year 2014; media staff will cover mostly the political preferences of their owners thus violating the freedom of expression. We have experienced delays in improving legislation regarding the media coverage of elections; political will is needed for such an initiative .”

Cornel Ciurea, expert at the Viitorul Institute for the Development of Social Initiatives:

“Media developments in 2013 included the consolidation of private television stations Publika TV, Jurnal TV, TV 7 and Accent TV allegedly owned by Moldovan “oligarchs,” the dwindling relevance of the print press and the increase in active bloggers who became very involved in public debates. It must be noted that politicians prefer to promote their images or to target their political adversaries via bloggers (for example, the publication of compromising articles about V. Streleț and Iu. Ciocan and the public appearance of Renato Usatîi). The fight between Jurnal TV and Vlad Plahotniuc, one of the DP leaders, was a top media confrontation that led to the deterioration of professional standards to the aggressive and tendentious British journalism style that was also adopted by Accent TV that continuously criticized the government in favor of the CPRM. Since the above-mentioned media outlets represent the position of the opposition that faces serious, almost impermissible constraints on the political scene, we can qualify this degradation as inherent risks of politics monopolizing all mass media. Hence, mass media becomes the indispensable loudspeaker for politics, while politics cannot dispose of media. Public television is undergoing a confusing reform which implies, on the one hand, the attempt to cover a larger spectrum of opinions and on the other hand, the attempt to serve as a tribune for the government, especially during news programs. For this reason, the dichotomy between news programs and talk shows, where the news inclines to favor certain parties and the talk shows are supposed to raise ratings, continues to grow.

Given the electoral context, all the above-mentioned trends will consolidate in 2014. The Moldovan media will keep its pluralist nature in the form of a polycentric system of information distribution, whereas each media outlet will become more and more dependent on the ideological orientation of its owners engaged in political fights with their adversaries. However, the growing interest of the owners-politicians will influence an acceptable level of wages in this sector.”

Vasile Spinei, Executive Director, Access Info Center: “Supposedly, we should be able to cite a number of examples that suggest the maturation of the domestic media market or examples of experienced professionals from the younger generation who try to speak bluntly and to put their fingers in the wound, but I don’t believe it’s the case here since the failures outnumber the successes of journalists. However enthusiastic we may be about recent polls and national and international rankings concerning independence and the freedom of expression in the Republic of Moldova, the Moldovan press is far from democratic standards. Thousands of examples may be found here, familiar to both journalists and to the informed public.

It is almost two decades since our journalistic guild fragmented and was divided by scores of objective and subjective, real and invented criteria and that in most important and less important moments leads itself by the principle “the neighbor’s goat, too, must die.” Therefore, instead of showing solidarity against the perfidious attempts of politicians to manipulate the media and the people via the media, media outlets compromise each other and often play into their owner’s hands to the detriment of the public at large.

How will the media change in the future? We will infer the answer to this question from its behavior during the election campaign. However, elections are expected to be very profitable so temptation may prevail over some important moral norms...”

Veaceslav Perunov, Editor-in-Chief of the newspaper *SP*, Bălți: “The year 2014 is both a pre-election and an election year given the parliamentary elections this year and the local elections next year, and it is unlikely that the Moldovan press will not be affected by this. Undoubtedly, the elections will help some newspapers, websites and radio and TV stations to improve their immediate material situations, but in general they may cause their development to stagnate. A relatively comfortable living in this period will help media managers to relax; they will stop developing their advertising departments and new outlets and will stop improving the quality of their products. In this period a multitude of new media outlets will emerge. Although they will pretend to be independent, they will actually represent the interests of a political party. The greatest number of these outlets will close down after the elections.

Under the Law on the Denationalization of Periodical Publications, media outlets funded by local authorities should have been privatized by February 2013, but they still circulate in some *rayons* and cities and will continue to exist and to be used by the local authorities in election battles irrespective of their political nature. Both before and during election campaigning, the relevant authorities will have no time to organize the implementation of this law. Although they pretend to be independent, many of the privatized newspapers have by now become “pocket institutions” of certain parties, and their situations will not change until after the elections.

This period will be characterized by numerous violations of the code of ethics and of the election code as well as by the injection of paid partisan articles in the mass media and the publication of defamatory material. Unfortunately, during this period no legislation to facilitate the role of mass media will be adopted, not even the draft law on the transparency of media ownership. The representatives of the legislative branch will have no time and no interest in accomplishing this task since transparent media cannot be used for political purposes. It is very likely that the license of the communist TV station Accent TV will be withdrawn or suspended. In general, this period will affect the level of trust in the media, and it is very possible that Moldova will drop several positions in the index produced by Reporters sans Frontiers.

Nonetheless, I hope that the managers of media outlets who care about the future will invest the funds accumulated during this period into the development of their media products, the implementation of new technologies, the development of new media and the consolidation of their financial independence.”