

Report on the freedom of media in the Republic of Moldova 3 May 2014 – 3 May 2015

During the reference period, the Moldovan media did not evolve; on the contrary – it devolved in certain respects. In the international ranks, our country appears as a country with a “partially free media”, just like during the last years. During such period, the local media was profoundly marked by two main events: the signing of the Republic of Moldova and the EU association agreement and the parliamentary elections, as well as the elections of the Gagauz autonomy bashkan. Several older problems emerged during the electoral year: the political partisanship of several influential media that advantaged or disadvantaged certain political competitors, thus ignoring both legal and deontological norms. The media is still extremely politicised. The new members of the Coordinating Council of the Audiovisual (CCA), of the Council of observers of the state-owned national radio-TV broadcaster “Teleradio Moldova” and of the state-owned national radio-TV broadcaster “Gagauziya Radio Televizionu” are still appointed based on political criteria. Moreover, the problem of Parliament accredited journalists having limited access is still unsolved.

The danger of concentrating the media in the hands of groups of politicians

In 2014, the civil society continued to advocate for the media properties to be made public, requiring the parliament to adopt the bill no. 240 on ensuring media properties transparency. Under constant pressure, the project was included in the parliament agenda and was voted in first reading on July 21, one year later. Although according to the normative acts MPs should have examined the bill in second reading within not more than 45 days from adoption in first reading, they did not pass the bill by the end of 2014 when their mandate expired. The new members of the Parliament adopted the law on March 5, 2015 but they avoided an important amendment forbidding the registration of companies in off-shore areas. Without this amendment, the media properties transparency will not be fully ensured.

The danger of media properties concentration may also continue in 2015, after the digital terrestrial television replaces the analogue terrestrial one. The Government voted the digital television transition program only on April 22, 2015, although Moldova engaged to undertake the transition process by June 17, 2015. Thus, some experts fear the risk that the new licenses will be obtained by the same politicians currently owning the most influential Medias. The situation might become worse if, because of lack of financial resources, many local/regional broadcasters closed. The danger broadcast market monopolization will be still imminent after the transition to the digital terrestrial television.

The media during the election campaign

During one electoral year, media politicisation exceeded all the limits. According to the motorizations carried out by the Civic Coalition for Free and Fair Elections, namely by three media organisations – IJC, API and APEL, as well as motorisations carried out by the CCA and the OSCE/ODIHR International Election Observation Mission, motorisations carried out by the CCA and the International mission by most of influential medias, including the local broadcasters Prime TV, Publika TV, Canal 2 and Canal 3 made political partisanship, replacing journalism with propaganda. The

CCA reaction to the inadequate behaviour of certain broadcasters during the electoral campaign did not have the desired effect also because of the imperfection of the national legal framework regulating broadcasting.

Constant pressure of the political powers

Just like during the communist government, during the reference period politicians showed clear attempts to subject the Moldovan media to political control. Both by intervening in the editorial policies of the media institutions they own, and by some decisions made in the Government or Parliament, politicians showed they are not willing to comply with the European media standards.

A relevant example is the parliamentary Commission for media postponing for more than one year the election of new members of the Council of Observers of the of the state-owned national radio-TV broadcaster “Teleradio Moldova”. During the entire 2014, the Council of Observers (CO) was not functional, having just 3 members instead of 9. In early March 2015, the Parliament finally assigned 4 members of the Council of Observers for the 6 vacancies, rejecting some media experts that do not have political coverage. The four places in the CO were shared politically by the PLDM and PDM – governing parties. The civil societies worried that the 2 other places in the CO for which a new contest was organized could be shared according to the same criterion.

Another relevant example of the current governors not understanding the essence of the European media standards is the recent legislative initiative of PLDM and PDM MPs on the amendment of the Broadcasting Code and of the Law on freedom of expression. Although the authors of the bill stated their purpose is to ensure a safe informational environment in the Republic of Moldova, they actually violated several norms related to freedom of the media and freedom of expression. The project raised a wave a negative feedback from the media and the society. The authors of the project were accused that, on the ground of fighting the Russian propaganda, they intend to limit freedom of expression. Media organisations disapproved secrecy and the lawmakers’ rush when they submitted the parliament the legislative initiative without prior consultations with the civil society and requested that the examination of the bill be postponed. “We are worried to acknowledge that the new legislative initiative contains stipulations which, if adopted, could endanger both the freedom of the media, and the freedom of expression”, reads a press statement of such organisations. Other provisions of the bill also received criticism – for example, the fact that the author of the information published in any media must be individualised and identifiable: shows making allegations against some individuals’ behaviour and illegal deeds need to submit proofs; broadcasting show moderators need to ensure the accused persons’ right of reply etc. Under the pressure of the public opinion, the bill was not subject to vote in its initial variant, and the politicians stated they would initiate public debates.

Limitation of access to information

The reference period was marked by limitation of Parliament accredited journalists’ access to information. During the year, the media representative were prohibited access to MPs plenary sittings. Journalists were provided a small room

with 2 monitors, and the information appearing on monitors is selected and filtered by Parliament appointed specialists. The requirements of the civil society to ensure Parliament accredited journalists better work conditions were ignored by the MPs.

Mention should be made that there was a previous bill that passed only the first reading, according to which the sittings of the Government will no longer be broadcast live online. Then the civil society accused the Government of trying to reduce decisional transparency. At the initiative of the Independent Journalism Centre, PLR MPs registered in the Parliament a bill on the amendment and completion of the Law on access to information (Articles 15, 16) and of the Contravention Code (Article 71) on June 27. The bill provided for the reduction to 10 days of the term to submit the information and adopting harsher penalties for individuals violating the legislation on the access to information. But the bill was not examined by the XIXth legislature and was excluded from the legislative procedure.

In February 2015, the permanent Bureau of the Parliament approved a new regulation regarding journalists' accreditation, which contained restrictive provisions likely to limit the access of certain media institutions to the information in the Parliament. Article 5, for instance, provides for that only the institutions that have an independent and equidistant editorial policy that guarantees pluralism of opinions" may obtain the accreditation – which is actually open for interpretation.

The security of the information space

During the reference period, a lot has been said about the necessity to ensure the security of the information space, but no specific decisions were adopted in this respect. In July, CCA sanctioned Prime TV, TV7, RTR Moldova, and Ren TV Moldova that retransmit TV channels from the Russian federation and decided to suspend the broadcasting of the channel Rossia 24 on the territory of the Republic of Moldova for 6 months. The CCA set forth the argument that Russian channels use instruments of aggressive propaganda, promotes and intensifies unconfirmed rumours, manipulated through text and video materials, misinforms and manipulates the public opinion regarding the events in the Ukraine. Unfortunately, the steps CCA took did not have the intended effect, because Rossia 24 continued to be broadcast in the Gagauz autonomous unit and in other regions of the country. The relevant civil society pleads for the adoption of a law on the security of the national information space.

In September 2014, the Parliamentary commission for mass media passed a bill submitted by the PLR MPs providing for the prohibition broadcasters promoting separatism and violent messages on the territory of the Republic of Moldova. The document was not examine within the plenary sitting of the Parliament and was excluded from the legislative procedure of the new Parliament.

In absence of an adequate legislation, the information war intensified. It is only after the government acknowledged the impact of the Russian propaganda on the results of the Gagauz autonomy elections, which could also repeat within the general local elections of June, that the problem of the information space security became topical again. There are several relevant bills in this respect, which are, though, not examined at the moment.

The media from the Gagauz autonomy and the Transnistrian region

The administrative crisis at the public regional company “Gagauziya Radio Televizionu” which resulted in several trials, the political control over the Council of Observers blocked the activity of the public broadcaster in the region. The situation was also influenced by the elections of the bashkan in the autonomy in March 2015.

On November 4, 2014, the People’s Assembly of Gagauzia passed the bill on the amendment and completion of the Gagauz ATU Law no.66 on television and radio, comprising several provisions that go against the Constitution of the Republic of Moldova, the Broadcasting Code, the Law on the special legal status of Gagauz, the Law on the freedom of expression etc. The bill provides that the Executive committee of Gagauz shall be assigned the competence to issue broadcasting licenses, use and retransmission license, and will replace the legal competences of the Coordinating Council of the Audiovisual to supervise the compliance with the broadcasting legislation provisions by the broadcasting license owners and retransmission permit holders, and shall apply sanctions to the latter in the event of violation of legal provisions. The People’s Assembly proposed to amend the legal procedure of electing and removing the members of the Council of Observers of the public regional broadcaster, i.e. with the vote of the majority of elected MPs. Media NGOs required the People’s Assembly to reject such bill. Nevertheless, the bill was passed and the ex bashkan, Mihail Formuzal promulgated the law the same day. The Coordinating Council of the Audiovisual stated such action was illegal and referred the matter to the Presidency, the Parliament, the Government, the General Prosecutor’s Office, the Constitutional Court and the Intelligence and Security Service of Moldova. Currently, this law is challenged by the State Chancellery.

The freedom of expression and human rights compliance in Transnistria are constantly worse. In August 2014, the Transnistrian leader Evgheni Sevciuk signed a decree obliging public authorities, organisations and simple citizens to inform the security committee of the separatist region about all the cases in the information systems, including on the Internet, which could be classified as extremist actions or information. In March 2015, the journalist and activist Serghei Ilcenco who was accused to have posted on social networks anonymous messages urging people to topple the Tiraspol regime. Sources close to Ilcenco denied the accusations and do not exclude the possibility of a well-staged scenario against the activist that has lately adopted a critical and harsh position against the leader of the region, Evgeni Sevciuk.

Journalists subject to verbal and physical abuse

Intimidations against media representatives did not cease during this period either.

On **June 3**, the journalists of the news portal were thrown out of the People’s Assembly of Gagauzia sitting room and were prohibited to record a scandal that arose between the MPs during the debates. “They kicked us out. We came there with the camera, knocked at the door, opened it and tried to get in. A councilor came and pushed us out of the way blocking our access and even swore us” the director of the portal said.

On June 20, the intern reporter Vadim Ungureanu was apprehended for 72 hours and the headquarters of the news portal was sought. The editorial management classified the incident as a “vengeance” of the Ministry of Interior because the portal published several investigations regarding this minister.

On June 21, the civic activist and human rights advocate Oleg Brega was physically abused. That evening, a group of masked individuals allegedly sprayed him in the eyes and kicked him with their feet, after which the journalist needed medical care. According to the video posted on the portal Curaj.md, the next morning, on June 22, Oleg Brega was insulted and physically abused by a man driving the car registered under RM P 007. The man did not want the activist to record the car, so he hit the camera and Brega accordingly. The video shows that after a short while, the PCRM MP Maria Postoico got in the very car.

On August 25, the RISE Moldova journalist Iurie Sanduta was menaced by Ruslan Siloci, whose company was mentioned in an investigation about a cross border money laundry scheme of extremely large amount, published on the site of [Rise.md](#). Iurie Sanduta stated he was called from a telephone number belonging to Ruslan Siloci and was menaced angrily: “If you don’t delete that picture of mine and the text, you’re in trouble.” The investigation revealed the largest money laundry operation in Eastern Europe, in which were involved a cousin of Vladimir Putin, FSB officers, Russian companies, off-shore companies, Russian, Latvian and Moldovan banks, Moldovan judges, proxy agents and infamous criminals.

Another case in which journalists were **intimidated** took place in Corjova, where Publicka TV ENG crew coming from the ceremony of the beginning of school year in the village was verbally abused by the local militia. About 20 militiamen were became angry when being recorded and wanted to confiscate the camera and the video tape.

In September, Ziarul de Garda was hacked. The hosting company had to suspend the site until the situation is under control. Previously, the website underwent another external cyber-attack in the same month, after posting the article „Casa de lux și femeia din spatele ÎPS Vladimir” (“His Eminence Vladimir’s house worth millions and the woman behind Him”). Then [Zdg.md](#) had to be blocked.

On 4 March 2015, the Jurnal TV reporter Catalina Rosca was physically abused at the Orhei Law Court, where a criminal case was to be examined, with the participation of the PDM MP Constantin Tutu as a witness. After the court’s sitting, the reporter stated a bodyguard of MP Constantin Tutu allegedly hit her in the stomach with his fist after she asked the MP a question. The statement was confirmed by the attorney Roman Zadoinov who witnessed the incident, but Constantin Tutu denied the accusations. The case is investigated by the Orhei Police Inspectorate.

Recommendations

The rulers of the Republic of Moldova should be fully aware of the important role that the media plays in the construction of a democratic state and treat the press in accordance with the relevant European standards.

In this regard, we recommend to the authorities to:

- achieve, with no delays, the media-related provisions included in the 2015-2018 Government Activity Program;
- undertake concrete and effective measures that would guarantee that the transition to digital terrestrial television would be made for the benefit of the citizens and not for the ones who are seeking to monopolize the audiovisual sector;
- adopt a new Audiovisual Code, which would express a modern, European vision;
- ensure real independence of the Coordinating Council of Audiovisual and of the Supervisory Boards of the public broadcasters, including with some criteria for appointing members based on their professionalism, and not on their political representativeness;
- abandon the practices applied so far meant to influence the editorial policies or to enslave the media institutions, and the politicians - media patrons, stop treating the media institutions as some party branches;
- create decent working conditions for the accredited journalists within the Parliament and provide the media representatives with access to the plenary sittings of the Parliament;
- adjust the law regarding the access to information to the digital era requirements and to the electronic governance practices;
- ensure Moldova's information space security through legal mechanisms that would not affect the freedom of speech and other free press values;
- communicate effectively with the journalists and the media institutions, react, in a timely manner, to the citizens' needs and requirements expressed via the media and to take action every time public interest issues are raised by the press.

The Independent Journalism Center
Association of Independent Press
Association of Electronic Press
Press Freedom Committee
Union of Journalists of Moldova
“Acces-info” Center
Association of Independent TV Journalists

**Center for Investigative Journalism
Young Journalist Center from Moldova**