

SOROS FOUNDATION ROMANIA

MOLDOVA.
AT THE CROSSROADS

Authors: Ioana Avădani, Ștefan Câdea,
Marian Chiriac, Cristian Ghinea, Sergiu Panainte

Edited by Sergiu Panainte

OCTOBER 2009

Contents

Introduction	95
THE POLITICAL SYSTEM FROM THE REPUBLIC OF MOLDOVA AND ITS EVOLUTION (<i>Cristian Ghinea, Sergiu Panainte</i>)	97
From incoherent pluralism to unconsolidated authoritarianism	98
«The revolution in the head of Vladimir Voronin»	100
Miming the European Integration – Moldova and the EU before the elections from April 2009	101
The preparation of the elections from April 2009. External signals	104
The elections from April 2009. The political forces	105
The Party of Communists from the Republic of Moldova (PCRM)	108
The Liberal Democrat Party of the Republic of Moldova (LDPM)	109
The Liberal Party (LP)	110
Our Moldova Alliance (OMA)	111
The Democrat Party of Moldova (DPM)	112
The violence from April	113
The reaction of the EU, Moldova is back on the agenda	115
The political deadlock, the repetition of the elections. Explanation	117
The new electoral campaign. Other elections	118
The new political alliance – the perspectives	122
MOLDOVA'S RELATIONS WITH THE EUROPEAN UNION AND THE ROLE PLAYED BY ROMANIA (<i>Cristian Ghinea, Sergiu Panainte</i>)	125
The European integration perspectives	125
The role of Romania as a EU Member State	128
THE MASS-MEDIA ENVIRONMENT: STOP AND REWIND (<i>Ioana Avădani</i>)	131
Mass-media in Moldova: a lot of politics, little public interest	132
The state – player and referee	139
The international community – too little, too polite, too friendly	143
The Unimedia case: how the future could look like	145
REPUBLIC OF MOLDOVA – DEMOCRACY IS POSTPONED (<i>Marian Chiriac</i>)	147

Respecting the citizens' fundamental rights and freedoms	147
Context	148
The events from April 7th 2009 – violations of human rights	151
The limitation of the right to free and fair elections	156
Freedom of speech and of meeting – progress in legislation, discrimination in practice	159
Harassment of the human rights defenders	162
The flawed functioning of the legal system	163
THE BUSINESS ENVIRONMENT IN THE REPUBLIC OF MOLDOVA – PARTY OF COMMUNISTS LTD (<i>Ștefan Căndea</i>)	165
The system	166
Poverty and corruption	167
The Propaganda and the lack of transparency	169
The specialised press, a mirror of the business environment	170
Terror	171
The “Transnistrianisation” of the Republic of Moldova	172
The state apparatus	173
Forms of pressure	173
The state instruments in the hand of the presidential family	174
The corrupt judicial system	175
Detailed cases and models	177
The Soviet mentality of the system and of the businessmen	177
„Raiders” for the System	177
Model of profitable businesses	178
Carmez, a forced takeover	179
Cases submitted to the European Court of Human Rights	180
No reaction	181
The change	181

Introduction

A survey conducted in 2005 by the Romanian Institute for Public Policies showed that only 25% of Romanians believed that Romania should have close relationships with the Republic of Moldova¹. Moreover, one should add that 50% of the respondents believed that, by that time, the Romanian policy towards its Eastern neighbour had been inefficient and poorly inspired. The combination of lack of interest and scepticism at that time could probably be explained by the fact that the Romanian public was turning its attention “to the West” and was absorbed by the objective of joining the European Union on January 1, 2007. Furthermore, the perception of the Republic of Moldova was that of a state trapped “to the East”, struggling in deep political and social inertia outside any European dynamics and with no foreseeable way out.

During the last years, the European Union’s perspective has worried even more the supporters of Moldova’s EU aspirations. The 2007 Eurobarometer on the interest of the EU Member States in the neighbouring countries showed that only 20% of the Europeans expressed interest for EU’s neighbours, while the percentage of those aware of the fact that Moldova was a neighbour to the EU represented a mere 4%². Maybe even more disturbing was the stubbornness of European institutions to approach the Republic of Moldova from a geopolitical logic, which necessarily included the relationship with the separatist region of Transnistria, with Russia and Ukraine. In the context of an overly cautious and minimalist international approach to the internal situation of the country, democracy in the Republic of Moldova suffered a significant decline – fact mostly ignored or tolerated by the international community.

However, there has been a remarkable revival of the interest of the Romanian public in its Eastern neighbour, probably as a result of the intense media coverage of the unexpected developments following the April 2009 parliamentary elections in Moldova. In June 2009, 52% of the Romanians believed that Romania should support, by every means possible, the accession of the Republic of Moldova to the European Union. Another 47% agreed, to a large and very large extent, to granting Romanian citizenship to Moldovans who can prove their Romanian ethnic background³. It is most likely that the same pro-Moldovan enthusiasm is not going to be found among the wider European public, and certainly not in Brussels – particularly on the delicate matter of citizenship. Nevertheless, insofar as a degree of interest exists among European decision-makers for Moldova’s European aspirations, expectations are

¹ Voinescu Sever, Dobre Gabriela: “Percepția opiniei publice din România asupra politicii externe și a relațiilor internaționale” [“The Romanian Public’s Perception of Foreign Policy and International Relations”], Institutul de Politici Publice București [the Institute for Public Policy in Bucharest], October 2005, p. 47

² “The EU’s Relations with its Neighbours”, Special Eurobarometer, September 2007, p.4

³ The newsletter entitled “Studii Electorale Românești” [“Romanian Electoral Studies”] of the Soros Foundation Romania, no.1, July 2009, available at www.soros.ro

placed on nobody else but Romania. Romanian diplomacy has now to choose between radically re-thinking the “Moldovan file” and continuing the hyper-cautious policy towards its neighbour.

Anticipating the genuine involvement of the European and international community in the Republic of Moldova (with or without Romania’s contribution), this report is intended to contribute to a deeper understanding of the present state of affairs at the Eastern border of Romania and of the EU. The ejection of Vladimir Voronin and the Party of Communists from government is no more than a first step towards dismantling a pyramid of power that has profoundly corrupted the Moldovan society. The report highlights a number of structural, institutional and normative flaws and pitfalls that Moldova struggles with, as they could be observed by the time around the repeated elections held at the end of July 2009. The time chosen to carry out this diagnosis has proven to be optimal: many deviations from democratic standards in the functioning of the Moldovan state could be noticed even before the elections, but the tensions generated by the repeated polls of 2009 aggravated them and made them much more visible to those willing to observe and expose them.

The overlap between state and political party structures; the concentration of all the levers of power in the hands of the President and a small circle of intimates; the widespread corruption among the administrative apparatus and civil servants at every level; the limitations and infringements of basic rights and freedoms of citizens; the control of the public and private mass-media and the harassment of the few independent ones; the quasi-voiding of sense of the very act of justice by subordinating the judiciary to the political power; the subordination and seizure of the business environment – all these highlight the level of degradation of the rule of law and democracy in the Republic of Moldova.

At the time of drafting this report, the Republic of Moldova is facing a situation which is both difficult and critical for the long-term perspective. The change in the balance of top political power may be the starting point on the way to reinstating democracy and returning on a course from which Moldova was hijacked in the second half of the ‘90s. This report can serve as a benchmark for assessing the quality of the transformations that are to occur in the neighbouring country.

The team that prepared this report included: **Cristian Ghinea** (Director, the Romanian Centre for European Policies), **Ioana Avădani** (Executive Director, the Centre for Independent Journalism), **Marian Chiriac** (Executive Director, Balkan Investigative Reporting Network, Romania), **Ștefan Căndea** (Deputy Director, the Romanian Centre for Investigative Journalism) and **Sergiu Panainte** (Program Coordinator at the Soros Foundation Romania).

The report has been issued under the “Bridging Moldova Program” of the Soros Foundation Romania, a program aimed at strengthening the relationships between the Romanian and Moldovan civil societies, developing public awareness and influencing the policies that may contribute to the democratisation and anchoring of the Moldovan society well within the European space.

The political system from the Republic of Moldova and its evolution

Cristian Ghinea
Sergiu Panainte

Between 2001 and 2009 Moldova has passed from an incoherent democracy to the instauration of a yet unconsolidated authoritarianism a commonly seen situation in the former Soviet space. Its President, Vladimir Voronin has concentrated the major decisions in his hands and moved the politics’ centre of weight to the President, in spite of the fact that Moldova is, according to the Constitution, a parliamentary republic. The source of Voronin’s power is not his position of chief of state in itself, but the control he has on the Party of Communists from the Republic of Moldova which in its turn, controls the state. The wave of “coloured” revolutions from 2003 – 2004 caused an opportunistic movement by which Voronin tried to get closer to the EU, which many named “the revolution in Voronin’s head”.

But the Moldova – EU Action Plan, which meant democratisation and reforms, threatened the “power vertical”, the base of Voronin’s power and thus emerged the “counter-revolution from Voronin’s head”. The freedom of the press was limited; the intimidation of the opposition through the abusive use of the state became a usual activity. The “Europeanization” of Moldova remained at a superficial level and the authorities adopted a great many European-specific laws, which they never implemented.

The 2009 election year came during an irreconcilable political break-up between the Party of Communists from the Republic of Moldova and the opposition and the political violence moved on the streets in April 2009. The opposition managed to take initiative and repeat the elections in July, taking over the parliamentary majority, although not enough to elect a new President.

During all those events, the EU remained a major, although not a very coherent actor. The special EU representative at Chișinău became a controversial figure when he mistakenly betted on the communists to ensure stability in Chișinău. The EU remains by far the most important source of funds for Moldova and the new Moldova – EU agreement, which will be negotiated in autumn, will be the proper moment to revive the relations. The Eastern partnership is an opportunity for Moldova to strengthen its relation with the EU but there is also the danger to treat the six partner countries as a common destiny block which would be a disadvantage for Moldova.

From incoherent pluralism to unconsolidated authoritarianism

The political system of the Republic of Moldova is intensely personalised and a simple reading of the Constitution explains very little of its real functioning. According to the Constitution, Moldova is a parliamentary republic where the President is elected by the Parliament with a qualified majority (three fifths) and he generally has formal-symbolic duties but may dissolve the Parliament relatively easy; the republic also has a Parliament which passes the laws but whose President also holds the power to appoint people in key positions in the state. This complicated constitutional scheme with a predisposition towards deadlocks is a product of the recent history: in 2000, the Constitution was changed so that the President would no longer be chosen directly, but by the Parliament. However, his duties were not modified to resemble those of the classical parliamentary republic presidents. Besides the constitution, the political practice set after the declaration of independence of 1991 gave the Moldovan Presidents the right to decide who to appoint in sectors related to security, public order and external relations. The first two presidents of the country made use of this custom and so did Vladimir Voronin hence the practice in itself did not change after the amendment of the Constitution so that the chief of state should be elected by the Parliament.

Oddly enough, the President is in competition, at a formal level, with the head of the parliament who holds the constitutional right to appoint the general prosecutor of the Republic and the head of the National Audit Office (the appointment is made by the Parliament, at the proposal of the legislature's President). This explains the attraction held by the Parliament's presidency during the last political negotiations.

The comparative political theory states that presidential republics are most likely to swing towards authoritarianism and this conclusion is statistically influenced by the large number of such cases occurred in Latin America. Logically, the parliamentary republics where power is shared by several levels of peer decision should be one of the most capable to prevent the emergence of an authoritarian regime. The Republic of Moldova is the living example that this theory is not always valid. During the 90s, except for the Baltic states, the Republic of Moldova used to have the most dynamic and competitive democracy of the former Soviet space. Two of the directly elected Presidents lost the ballot for a new mandate, according to the democratic rules of the game – more than in any other former Soviet state¹. Historical coincidence made that with the election of the President by the Parliament, in 2001, Moldova gently swung from the area of fragile democracies to that of unconsolidated authoritarianism, a thing also confirmed by the degradation of the ratings given in the international

¹ Lucan A. Way , “Pluralism by default and the Sources of political Liberalization in Weak States”, Temple University

classifications on democratization². We call it a historical coincidence because it is not the change in the method of electing the head of state that caused the deterioration of democracy in Moldova, but the monopolization of the power by the Party of Communists from the Republic of Moldova (PCRM) in the same year. From that moment on, the constitutional name became of little relevance, because the PCRM leader, Vladimir Voronin, elected President by the Parliament in 2001, exercised the power thorough the so-called “vertical of power”, as the Sovietology studies called it – i.e. a method of political control on the administration and the state exercised in general by issuing decisions from the party's head cabinet. The real power of Vladimir Voronin during all these years significantly exceeded the limits of his constitutional mandate and the basis of such power was not the decorative position of President, but the control he exercised on the PCRM which, in its turn, controlled the state and its resources.

The PCRM domination started on February 25th 2001, when the party got 71 mandates of the 101 seats in Parliament, which offered them control over all the key positions in the state. This spectacular result achieved by a party which openly proclaimed its nostalgia for the Soviet Union has two major explanations :

- The first 10 years after the proclamation of independence brought a traumatising economic downfall for most of the population. The rated purchase power dropped by 80% compared to the last years of the USSR. Production dropped by 60% between 1991 and 1999³. Previously, Moldova had been completely integrated in the economic circuit of the Soviet space and the breaking of the political connections plus the Transnistrian conflict, which isolated the most industrialised part of the country, led to the fall of production and commerce. The fragile state, unreformed in the first 10 years emphasized the general feeling of instability and the crime rates were very high. Inflation and lack of money led to wages and pensions often being paid in kind, which led to traumas among the population which are still visible today (during the two electoral campaigns from 2006, PCRM marched on the idea that the return of the opposition to power might mean that wages would be paid “in jam”, again).

- The Russophone minority (ethnic Russians, Ukrainians and Gagauz) felt alienated by the construction of the new Moldovan state identity and they became a target electorate for the PCRM. The break-up of the majority into promoters of Moldovenism as a separate identity from Romanian, on the one hand and promoters of Romanization, on the other hand, blocked the political debate in matters related to identity; PCRM benefited from this also, drawing votes both from the minorities and from the Molovenists.

² For instance the annual „Nations in transit” report, Freedom House

³ “MOLDOVA: HOOKED ON REMITTANCES” BUSSINES WEEK, APRIL, 2008.

Vladimir Voronin and his party had the historic fortune to take over power when the great economic reforms had already been started, the negative effects had been felt and a new economy had already been created. The economic growth installed at the dawn of new millennium in the entire communist space (both Romania and Russia, the most important commercial partners of Moldova resumed their growth in the same period) brought electoral benefits to the PCRM, who introduced itself as the party having taken the country out of its crisis and having established order. The strong hand policy of Voronin led to a fall in the crime rate, although his methods were more Soviet than democratic (Moldova is now losing cases at the ECHR because of the methods having been used back then).

The elections from 2005 kept the political dominance of the PCRM, although the party dropped down to 56 parliamentary mandates. It was insufficient for a second mandate of Vladimir Voronin as head of the state, but enough to reject any form of government without the PCRM. Moreover, the opposition's lack of unity made any option of political construction without Vladimir Voronin impossible.

«The revolution in the head of Vladimir Voronin»

The elections from 2005 came during an external climate which was unfavourable to the PCRM. In Ukraine, Serbia and Georgia there were spectacular overthrows of parties with authoritarian emphasis, the so-called “coloured revolutions”. At that moment it seemed that a new wave of democratization was emerging in the former Soviet space, where a new generation of politicians and activists was manifesting against the consolidation of the non-reforming regimes with authoritarian emphasis. The elections from 2005 created a political deadlock to which Vladimir Voronin responded through an amazing capacity of adaptation and dissimulation. The failure of the Kozac plan to solve the Transnistria conflict (plan supported by Russia and initially accepted by Voronin, later rejected) alienated Voronin from the administration of Vladimir Putin. Then occurred the movement so inspiringly called by someone “the revolution in Voronin’s head”. The President declared that he would direct Moldova towards the integration into the European Union. In Chişinău, one can still see the massive boards promoting the country’s European future. The newly elected President from Bucharest, Traian Băsescu, thought he saw an opportunity to warm up the relations between the two countries and a series of meetings with Voronin led to optimistic statements made by both parties. The “orange” leaders from Kiev and Tbilisi also went to visits to Chişinău. The new Moldova – EU Action Plan implied the EU had to give Moldova financial and technical assistance and in exchange the latter undertook to implement detailed reform, modernization and democratization actions. Some of the opposition leaders were convinced (some even at the personal request of the Romanian President Băsescu) to vote for the re-election of Vladimir Voronin. The remembrance of that period now, in the light of the events from

2009, only emphasizes the lack of trust in the political forces from Chişinău. As one interlocutor from Chişinău was saying during our research visit, “Voronin fooled everybody then: Băsescu, Saakashvili, the European Union”.

Gradually, a counterrevolution seems to have occurred in Vladimir Voronin’s mind. The measures plan agreed upon with the EU in February 2005 was only applied at a formal level, the political control on the press, the administration and the business environment grew worse. The relations with Russia improved in 2007. The decisive moment of this turn were the local elections from 2007 when the PCRM got 37% of the votes for mayors and 41% of the votes for the district councils, the weakest result in its history. The victory of a newcomer on the political stage, Dorin Chirtoacă, member of the Liberal Party, in front of the PCRM candidate for the position of mayor of Chişinău was a shock. Most commentators in Chişinău believe that it was then that the PCRM leader became aware that his openness to the West affects the very foundation of his power. The administrative reforms, the freedom of the press, the economic freedom are incompatible with the vertical of power and with the leadership style imposed by PCRM. In 2007 – 2008 they imposed new restrictions to the press and to the political parties and the political control over the business environment grew worse.

Miming the European Integration – Moldova and the EU before the elections from April 2009

If accession to NATO is a controversial issue in Chişinău, accession to the European Union is unanimously favoured, at least at a formal level. Polls show that a majority of 67% is in favour of this idea⁴. With the entire “counterrevolution from his head” from the recent years, Vladimir Voronin continues to declare that Moldova’s objective is to join the EU, even if he later ads that this should happen through a strategic relation with Russia⁵. The EU – Moldova Action Plan was a constant of the political game in Chişinău as during all these years the governments of Vladimir Voronin placed the actions agreed upon with the EU among the priorities of the governing programs. Thus, a process emerged which is paradoxical at a first glance although it is academically recognised within the studies of Europeanization, as miming the integration, characterised through an avalanche of legislative changes with a limited effect in practice.

While the Western donors spend impressive amounts to reform the Moldovan administration (for instance, a project financed by the World Bank, the Swedish and British governments which amounts to seven million euro aims at providing

⁴The Public Opinion Barometer – July 2009, made by the Public Policies Institute in Moldova.

<http://www.ipp.md/barometru1.php?l=ro&id=37>

⁵ Voronin vrea tratat cu România și integrare europeană în relație strategică cu Rusia”, România liberă, Wednesday, 15 July 2009

assistance for the reform of the central administration), the discretionary political control over the local administration got worse. The town halls led by representatives of the opposing parties accuse a bankruptcy policy led on behalf of the central government which makes discretionary use of a central law and discriminates them when allocating the public funds. This happened on a constant basis to the Chişinău town hall after Dorin Chirtoacă became mayor; in 2009, the budget of this town hall was 40 million Moldovan lei lower than in 2008⁶.

One of the EU requirements was to create a professional body of civil servants who should have stable positions, should be hired through competition and protected from political interferences. The law was adopted only in July 2008, its publication in the official journal was postponed and no serious effort of implementation was made⁷. Besides, any person reading the reports compiled by the European Commission⁸ on the enforcement of the Action Plan, the regular independent reports compiled by the ADEPT and Expert Group organisations (financed by the Soros Moldova Foundation) and the official reports compiled by the Moldovan authorities discovers the amazing quantity of voted laws and the disproportion between the number of laws voted and the few results obtained in practice; this is due to the postponement of their enforcement, to the legal “loop holes” which were intentionally introduced in the law or simply to bad enforcement. Here are just a couple of the approximately 200⁹ laws voted to enforce the EU – Moldova Action Plan: changing the law concerning the statements of fortune and income, changing the statute of the judges, developing an ethic code for the judges, the law on decisional transparency in the public sector, the law on the protection of witnesses, the ethic code of civil servants¹⁰. The Centre for the Fight against Economic Crimes and Corruption was created as an extraordinary corruption fighting body but in spite of some external assistance programs for the improvement of the administrative capacity, the Centre only deals with insignificant servants.

Moldova receives a weak category rating (weak – 68 points on a scale from 0 to 100) in the Global Integrity Index measurement for 2008¹¹. The GI measurement is more relevant than the classical reports on the perception of corruption as it does not measure a subjective reality – perception but it has a panel of experts analysing the barriers each country builds in the face of corruption (from laws and ethic codes to their enforcement). The total rating of Moldova is common for

⁶ Info-Prim Neo Agency, 10 September 2008

⁷ EUROMONITOR, no. 3 (12), 3rd edition, „Implementation of reforms initiated accordingly to the EU-Moldova Action Plan, Assessment of progress made in July-September 2008; ADEPT and EXPERT-GRUP

⁸ The last report treats the state of fact from 2008: “The Implementation of the European Neighbouring Policy in the year 2008 – Progress Report, Republic of Moldova”, The European Commission, 2009

⁹ Estimation made at the request of the authors of the report by independent experts from Chişinău

¹⁰ The last progress report of the European Commission mentions in most of the cases, as a standard formula, that real measures are needed to implement these legislative amendments.

¹¹ <http://report.globalintegrity.org/Moldova/2008>

the former Soviet space, but what is interesting to notice is that Moldova receives 88 points for the general criterion “legal framework” and only 48 points for the criterion “actual implementation”. Thus, the GI methodology also measures the distance between the legal reality and the actual situation. In the case of Moldova, the so-called implementation gap falls within the huge category. Presently, Moldova’s problem is not so much the legal framework as its implementation. This does not mean that all those laws do not cause certain effects; for instance, the law on access to information led to people winning a couple of cases in court in front of the institutions; however, the effects are limited and they are mostly achieved in spite of the authorities than with their active support. Sometimes, the distance between laws and practice reaches ridiculous levels. In February 2008 the Parliament adopted a new legislation on freedom to gather, through a consultation process with the civil society. Saluted by the European Commission and by other reports, the new legislation was ignored one year later during the events from April 2009 and it did not change a thing in the behaviour of the law enforcement agencies.

The strategy of the Chişinău government was to say things as the EU and do them as they please; Moldova is a classic case of formal or apparent Europeanization. This process occurs when the national authorities are very much into getting closer to the EU, but the political costs of implementing the reforms are very high for the government. The result is a tendency to minimize the reforms requested by the EU. Since there is an unbalanced access to information (the national authorities know more about the actual situation than the expert missions of the European Commission may find out), this strategy may function on the short term. However, it is certain now that the experts of the Commission acknowledged the distance between form and practice and the next agreement between the EU and Moldova which is to be negotiated in the autumn of 2009 will pay much more attention to implementation.

At a formal level, the Voronin regime has showed its intention to get closer to Europe during all this period. In May 2008 they adopted an Agenda on the priorities of the European integration and they also modified¹² the competence of the National Commission for European Integration. Vladimir Voronin wished to give a political signal by leading personally this Commission which should supervise the implementation of the European requests and the allocation of the resources. Through his personal involvement and the exclusion from the Commission of the Parliament speaker (Marian Lupu was already showing signs of rebellion within the PCR) and of the non-governmental organisations’ representatives, the general impression was that Vladimir Voronin is strengthening the functioning of the vertical of power in the field of European integration, as well.

¹² Decree on the constitution of the National Commission for European Integration, no. 1663-IV from 16.05.2008, The Official Journal no.91/345 from 23 June 2008

The preparation of the elections from April 2009. External signals

The deterioration of the political situation in Chişinău and the lack of real progress in the relation with Moldova made the European Union wait for the parliamentary elections in April as a moment of possible redefinition of the relation with Moldova. In October 2008, the GAERC Council of the EU (the reunion of the ministers of foreign affairs) adopted a set of conclusions on the Republic of Moldova. Being first a product of the efforts of the Bucharest diplomacy, these conclusions promise a more profound¹³ relation between the EU and Moldova, also stressing Moldova's need of reforms and of compliance with the democratic rules. The conclusions explicitly connect the progress made by Moldova with the strengthening of the relation while the development of the elections is seen as an essential condition: "The EU gives a special importance to the organisation of the parliamentary elections in the spring of 2009 in a democratic manner." The fears related to the organization of the elections were triggered by the legislative changes introduced by the PCRM-PCDP duo which modified the election rules to its advantage, just like the previous governs did.

The Election Code was adopted on November 21st 1997 and since then it suffered various amendments which were not always in accordance with the applicable international rules. The last amendments were made less than one year before the parliamentary elections from April 5th this year and they were based on political reasons rather than democratic and pluralist ones. The most important amendments made by the PCRM-PCDP coalition in April 2008 were the increase of the electoral threshold from 4 to 6% [(article 86, paragraph (2), point a)], the banning of electoral alliances [(article 41, paragraph (2), point b)] and the restriction imposed to people with dual citizenship to hold a position of deputy or any other public position [article 13, paragraph (2), point b1)]¹⁴. The increase of the electoral threshold was criticised by the Venice Commission of the Council of Europe who stated that this does not ensure the representation of all citizens in the Parliament, the Republic of Moldova being considered a single electoral constituency at a national level¹⁵.

The banning of electoral alliances seems to be a lesson learnt by PCRM after the experience of the "Democrat Moldova" block which reunited several opposition parties at the parliamentary elections from 2005, accumulating 28.53% of the votes. Due to the decreased popularity of the communists, the creation of a new electoral

¹³ The exact wording is: „The EU is prepared to develop a close relation with Moldova within the European Neighbouring Policy and to negotiate a new ambitious agreement with Moldova. This new agreement will go beyond the framework of the current Partnership and Cooperation Agreement.”

¹⁴ The Election Code of the Republic of Moldova become effective on 08.12.1997, <http://www.ccc.md/i-ComisiaCentrala/userimages/upload/codul.pdf>

¹⁵ Joint Opinion on the Election Code of Moldova as of 10 April 2008, [http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)022-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)022-e.asp)

block for the elections from 2009 would have seriously jeopardized their chances to get a detached victory. In this sense, the Venice Commission stated that the electoral blocks serve the parties with few chances to get into the Parliament who, by creating such a pre-election alliance could be represented in the legislature. Their banning accompanied by the raising of the threshold would have led to an increased number of "lost" ballots, i.e. votes for parties who do not pass the electoral threshold. The Venice Commission also recommended going back to the 4% threshold¹⁶.

The bans set for people with dual citizenship are caused by the worsening of the bilateral relations between the Republic of Moldova and Romania; the numerous accusations made by Vladimir Voronin against their western neighbour are well known. The new interdiction had a well established target since some of the opposition parties' leaders already have Romanian citizenship. In relation to this, the Venice Commission noted that citizens' rights cannot be limited due to their multiple citizenships. Moreover, this restriction may constitute a violation of article 6 of the First Protocol of the Human Rights and Fundamental Freedoms and of article 14 of the same Convention¹⁷. The politicians Dorin Chirtoacă (The Liberal Party) and Alexandru Tănase (LDPM) attacked this decision at the European Court of Human Rights. The court examined the case as a matter of urgency, given the close date of the elections. The court's decision was in favour of Alexandru Tănase who was directly targeted by this new provision of the Electoral Code and if he were elected deputy he would have had to give up his Romanian citizenship or his deputy mandate. The court did not pronounce a judgment in favour of Dorin Chirtoacă, as well as he had expressed publicly his intention not to take the mandate of deputy as he was already mayor of Chişinău¹⁸. Besides these amendments there were others, as well related to the inmates' right to vote, the casting of lots to establish the place in the ballot, to the suspension of activity of the civil servants who take part in the electoral campaign¹⁹.

Legal investigations were started against the leaders of the opposition, some for cases who were ten years old (the case against the Liberal Democrat Party, Vlad Filat) or for political decisions (the cases against Serafim Urechean, the leader of the Our Moldova Alliance and against Dorin Chirtoacă, the mayor of Chişinău). The central government got involved in organising the electoral lists previously managed by the town halls, but the process resulted in a number of electors with 400.000 higher than during the 2007 elections raising suspicions and fuelling accusations of election fraud. All these measures contributed to the inflammation of the political atmosphere and to the radicalization of the speeches on both sides.

In November 2008 the head of the Delegation of the European Commission in Chişinău, the special EU Representative and a few ambassadors of the important

¹⁶ Joint Opinion on the Election Code of Moldova as of 10 April 2008, [http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)022-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)022-e.asp)

¹⁷ Ibidem

¹⁸ <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=MOLDOVA%20|%20Chirtoaca&sessionId=28160567&skin=hudoc-en>

¹⁹ <http://www.e-democracy.md/e-journal/20080415/>

EU states made public a common statement expressing their concerns on the organisation of the next elections, criticising the legislative changes related to the political parties and the criminal investigation cases against the leaders of the opposition. In December 2008, the European commissioner for external relations Benita Ferrero-Waldner made a statement expressing her concern in relation to the refusal of the Broadcasting Coordinating Council (the Moldovan equivalent of the National Broadcasting Council) to extend the licence for the Pro-TV Chişinău station, the only TV station which was critical towards the PCRM regime; the statement underlined that freedom of speech is a fundamental principle, especially so close to the elections. All these signals were ignored by the Moldovan government.

The elections from April 2009. The political forces

The year 2009 promised to be very important for the Republic of Moldova from the perspective of the parliamentary elections. Unlike other electoral years, this ballot became even more important because of the global economic crisis and its repercussions on the Moldovan economy.

Moreover, on a political level these elections were catalogued by the specialised European institutions, mainly the European Union (EU), the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE) as the test proving the Republic of Moldova's commitment to the democratic rules and values, decisive for the future of the relations with these institutions.

Internally, most of the population showed discontent with the country's economic condition (57%), with the government's activity in the most important domains (over 70%) and with the lack of trust in the close future²⁰. However, the important persons who enjoyed the highest confidence among the population remained the PCRM leaders: Vladimir Voronin (48%), Zinaida Greceanii (43%) and Marian Lupu (36%)²¹.

In the electoral race for the elections from April 5th entered 15 political parties and 6 independent candidates²². Later, several electoral opponents withdrew from the race to the benefit of other candidates with higher chances to enter the Parliament. The campaign developed with many breaches of the legislation, among which: the use of the administrative resources by the governing party, unequal access of the electoral opponents to the public media means, limitation of the right to gather for the development of the parties' campaign actions and destruction of the electoral posters etc.

²⁰ The Data of the Public Opinion Barometer – March 2009 made by the Public Policies Institute from Moldova, <http://ipp.md/barometru1.php?l=ro&cid=35>

²¹ Ibidem

²² OSCE 2009 parliamentary elections in the Republic of Moldova: interim report 2, http://www.osce.org/documents/html/pdf/html/37033_ro.pdf.html

As a consequence, PCRM was the party credited with the highest chances to get a good score during the elections but also the most contested electoral opponent due to the abusive use of the administrative resources, to its being favoured by the public TV and radio stations and also to the intimidation measures taken against the other electoral opponents.

The results of the elections showed a clear detached victory for the PCRM who got most of the Parliament mandates. The 6% electoral threshold was passed by other 3 political parties – The Liberal Party, the Liberal Democrat Party of Moldova (LDPM) and the Our Moldova Alliance (OMA)²³:

Electoral opponents	Votes	Percentages	Mandates
The Social Democrat Party	56,866	3.7	0
The Liberal Party	201,879	13.13	15
The “Our Moldova” Alliance	150,155	9.77	11
The People's Christian Democrat Party	46,654	3.04	0
The Party of Communists from the Republic of Moldova	760,551	49.48	60
The Liberal Democrat Party of Moldova	191,113	12.43	15
The Democrat Party of Moldova	45,698	2.97	0
The Centrist Union of Moldova	42,211	2.75	0
The “European Action” Social-political Movement	15,481	1.01	0
The “United Moldova” Spiritual Development Party	3,357	0.22	0
The Conservative Party	4,399	0.29	0
Sergiu Banari	8,759	0.57	0
Ştefan Urîtu	2,803	0.18	0
Victor Răilean	667	0.04	0
The Republican Party of Moldova	1,436	0.09	0
Tatiana Țîmbalist	2,467	0.16	0
Alexandr Lomakin	2,591	0.17	0

Officially, there are 28 parties registered in the Republic of Moldova²⁴. However, most of them are simple minor election vehicles for leaders with small ambitions. The Party of Communists from the Republic of Moldova dominates the political stage and the tough anti-PCRM opposition is made up of the three big parties who managed to exceed the electoral threshold in April 2009.

²³ <http://www.e-democracy.md/elections/parliamentary/2009/results/>

²⁴ <http://www.justice.gov.md/index.php?cid=167>

The Party of Communists from the Republic of Moldova (PCRM)

The Party of Communists from the Republic of Moldova was set up in its current form in 1993 by former members of the Communist Party of Moldova, banned by law in 1991²⁵. Taking into account the short time passed from the disintegration of the Soviet Union, the party still has many sympathisers especially among the elderly population who is nostalgic for the Soviet past. Led by their leader Vladimir Voronin, the revived PCRM mounted rapidly in the electoral preferences of the population. The PCRM's greatest year was 2001 when after the early parliamentary elections from February 25th the party won a detached victory and got 71 mandates in the Parliament.

In essence, PCRM²⁶ is a very little transparent party dominated by Vladimir Voronin and its close circle which emanates a "besieged fortress" mentality. The press bodies controlled by PCRM (most of the public and private TV stations) constantly accuse the opposition of treason against the state interests. The party is seen as a disciplined group and its "communist" title reflects the need to attract the vote of the former USSR nostalgics (approximately 20% of the population) rather than the real party program. In spite of its name, the PCRM was opened to the controlled privatisation of economy, distributing the economic control mostly inside the Voronin clan (according to the statements of the Moldovan press, the President's son, Oleg Voronin, is by far the richest citizen of the Republic). There are two active groups at the top of the PCRM – the old guard of those nostalgic for the times before the independence, mostly made up of dignitaries and former communists and the "young wolves" who are rather interested in sharing the benefits of power. This second group seems to be represented by Mark Tcaciuk, seen as the party's brain and election strategist.

The 2009 parliamentary electoral campaign was approached by the PCRM from the perspective of the same European rhetoric: "European Moldova – We Build it Together!"²⁷ This program brought in front the "achievements" of the communist government from the last eight years both in the social and in the economic sectors and the efforts made to consolidate the state.

Although many social segments no longer believed in this rhetoric, the PCRM could continue to bet on the elderly, the business environment close to the power, the civil servants, the employees of the law enforcement agencies and so on. Besides, the ambiguity caused in the foreign policy, i.e. the European integration and the

²⁵ <http://www.pcrmd.md/md/about.php>

²⁶ When there are no other sources indicated as such, the data concerning the Moldova parties are taken from the website www.e-democracy.md (the official data and the election performances), from press materials and from data collected by the authors of the report during their research visit to Chişinău in August 2009.

²⁷ The Program of the Party of Communists from the Republic of Moldova „European Moldova – We Build it Together!” http://www.pcrmd.md/main/index_md.php?action=program

“promotion of the integrationist potential of the Community of Independent States”²⁸ did not provide a real support neither from the EU nor from Russia. Moreover, the conditioning of the foreign and domestic policy by the resolution of the Transnistrian conflict turned the communist government and Voronin in hostages of Russia's politics and interests in the region. Despite all these programmatic shortcomings, PCRM had the most important assets: the control over the state's administrative resources, the domination of the media and the control over the law enforcement agencies as an instrument to intimidate any electoral opponent.

Paradoxically, the political radicalization and the striking root of the pro/anti PCRM divide led to the consolidation of the opposition parties. Traditionally divided and marked by personal conflicts, the opposition consolidated around three major parties: The Liberal Democrat Party, the Liberal Party and the Our Moldova Alliance. The People's Christian Democrat Party who had been the main anti-communist group lost the electoral support following its collaboration with the PCRM after 2005 and it became politically irrelevant. Analyst Nicu Popescu notes that the opposition from Moldova is more institutionally consolidated better prepared and more popular compared to other countries from the post-Soviet space dominated by state-parties like the PCRM²⁹ and that at the same time it made important steps in changing the leaders on top during compared to the '90s.

The Liberal Democrat Party of the Republic of Moldova (LDPM)

The Liberal Democrat Party of the Republic of Moldova (LDPM) was created at the end of 2007 and registered officially in January 2008. The party was set up by Vlad Filat who left the Democrat Party of Moldova for which he had stood as candidate at the local elections from 2007. LDPM is a centre-right group with a modern European popular doctrine³⁰. Benefiting from the funds put at their disposal by their leader (Filat is also a businessman with investments in real estate and trading both in Moldova and in Romania; he was accused that he had used his position as head of the privatisations department to put the basis for his soon-to-be fortune), with a dynamic team and a tough anti-communist message³¹, LDPM soon exceeded the older parties on the political stage. Their campaign for the elections in April was considered the most professional one. Although Filat is not a charismatic leader, ever since the creation of the party he highlighted the institutional construction in the territory; in many rural areas and small towns his party is the only real opponent

²⁸ The Program of the Party of Communists from the Republic of Moldova „European Moldova – We Build it Together!” http://www.pcrmd.md/main/index_md.php?action=program

²⁹ Nicu Popescu; „Elections in Moldova. Again”, European Council on Foreign Relations, 27 July 2009.

³⁰ http://pldm.md/index.php?option=com_content&view=article&id=157&Itemid=49

³¹ LDPM was the initiator of the campaign „Moldova without Voronin – Moldova without communists”, „Direct vote for the election of the president”, „Freedom of circulation at the EU frontier”.

of the PCRM. It was still the LDPM who initiated the institutionalised cooperation with the other major opposition parties through a Council for Dialogue and Cooperation.

Vlad Filat is criminally charged in two separate cases, one related to the assumed smuggling of cigarettes and another one concerning the privatisation of the Rezina cement factory; the assumed offences occurred in 1998 when he took the position of head of the Privatisations Department in the alliance government led then by prime-minister Ioan Sturza. At the same time, the government dispossessed a company controlled by Filat of possession over the IPTEH real estate complex from the centre of Chişinău. All previous attempts to cancel the privatisation ended with failures in the courts of law and the reopening of the case before the elections was interpreted as a measure of political intimidation and as a negative signal on the stability of the country's business environment³². An action against the government was brought to the European Court of Human Rights related to this matter.

The Liberal Party (LP)

The Liberal Party is a successor of a group created in 1993, The Reform Party. Its name was changed in 2005 when they adopted the current formula. The Party was a minor player throughout the '90s, during the parliamentary elections from 1998 and 2001 when it collected less than 1% of the votes. The Liberal Party is a right wing political group who declares that the only way to surpass the social political crisis and to get Moldova closer to the integration into the European Union and NATO is to promote the liberal values³³.

Its first major success was registered in 2007 when Dorin Chirtoacă won the chair of mayor of Chişinău. This victory was won in front of a PCRM candidate, party who has always lost the elections for the country's capital. Chirtoacă is a young leader with a modern appearance, educated in Romania, charismatic and with a significant electoral appeal among the young generation and the pro-Romanian oriented population. Dorin Chirtoacă is the nephew of the president of the Liberal Party, Mihai Ghimpu. Although Ghimpu runs the party with a very strong hand, Chirtoacă is actually the electoral engine. The Liberal Party is in a rather opposite situation to that of the LDPM. If LDPM has no charismatic leader but does have a solid organisational structure, the Liberal Party counts on the image of Chirtoacă (actor in the party's election clips), but it does not have a solid structure in the territory, being supported mostly by the enthusiasm of its young electors who are generally located in Chişinău.

³² EUROMONITOR, nr. 3 (12), 3rd edition, „Implementation of reforms initiated accordingly to the EU-Moldova Action Plan, Assessment of progress made in July-September 2008; ADEPT and EXPERT-GRUP

³³ Ibidem

Just like the other leaders of the opposition, Chirtoacă also has a criminal case initiated on his name; the case deals with accusations of having exceeded his job duties. After having been elected mayor, he accused numerous financial pressures and attempts made by the central government to put financial constraints on the municipality. The heat distribution company, controlled by the government, changed the method of calculating the rates and increased the prices in the city; this was seen as a measure of punishment of the Chişinău voters for their choice in the elections.

Our Moldova Alliance (OMA)

The Our Moldova Alliance Party had a long path of set-up, fusions and restructuring. In its current form, the party was set up in 2005 when Serafim Urechean, the former mayor of Chişinău became its leader³⁴. OMA adopted the social-liberal doctrine, placing itself towards centre-right on the electoral axis.

In the parliamentary elections from 2005, OMA was at the basis of the electoral block “Democrat Moldova Block” which came second after the PCRM. However, after elections some components of the block left the group and voted for the candidacy of Vladimir Voronin in the position of President. Following this episode, OMA led by Serafim Urechean declared that they will not “commit treason” and they will continue to fight against PCRM. Thus, OMA clearly placed itself in the anti-communist camp.

Serafim Urechean had two mandates of mayor of Chişinău. Prior to this year's elections he was accused of having falsified official documents while acting as mayor – part of the series of criminal trials brought against the opposition leaders. OMA enjoys a well developed territorial structure but its complicated history led to successive accumulations of executives and activists, some with divergent interests and personal conflicts and this seems to have marked its efficiency. It is obvious that although initially OMA wished to be a great alliance bringing together all the anti-communist forces, it lost initiative to the benefit of the younger and more dynamic parties – LP and especially LDPM. Although it behaved as a loyal partner of the two parties during the crisis from 2009, the slow decline of OMA seems to signify more likely the slow decline of the Moldovenist current which founded the state, a platform which is centrist and conservative in its essence. The 2009 political radicalization, the clear pro-western preferences of the younger parties and the vehement anti-PCRM orientation of the young urban electorate seem to have been unfavourable to the OMA.

³⁴ <http://www.amn.md/pagini-0-2-0.html>

The Democrat Party of Moldova (DPM)

DPM originates in the movement “For a Democratic and Thriving Moldova”, which appeared in 1997 to provide political support to President Petru Lucinschi elected in 1996 as head of state. The group participated in the coalition government from 1997 – 1999 and in 2000 it took its current name; its leader has been Dumitru Diacov, ever since its creation. At the 2005 elections it participated on a common list together with other anti-communist groups (among which the OMA) and sent eight members of parliament of their own to the legislature. The party is a member in the Socialist International with the right to cast a consultative vote; externally, it is seen as the acceptable left-wing alternative to the PCRM. Vlad Filat, vice-president of the DPM withdraws in 2007 to set the basis of the LDPM, followed by a series of activists and local councillors. At the elections from April 2009 DPM did not pass the electoral threshold as it only received 2.9% of the votes. In consequence, the party was a minor player in the political crisis which followed after the elections. However, the fact of bringing Marian Lupu, former PCRM president of the Parliament to their party triggered a spectacular comeback.

Marian Lupu was noticed by PCRM while he was in the position of Head of section in the Ministry of Economy and Reforms. In this capacity, he led the accession negotiations of the Republic of Moldova to the World Trade Organisation in 2001. As recognition of his merits, he was promoted vice-minister of the Economy and later Minister of Economy in 2003³⁵. Marian Lupu’s political career gained even larger horizons when PCRM proposed him as candidate for the position of speaker of Parliament. Thus, PCRM was the party who constantly fuelled Marian Lupu’s political ambitions; in his turn, the latter followed the party’s and Vladimir Voronin’s policy with loyalty at first. However, there were a couple of occasions when Lupu allowed himself to disagree with Vladimir Voronin, showing different visions from those of the PCRM’s old guard. Being a technocrat and in no way a convinced communist, Lupu was part of the PCRM’s reformist wing who was militating for the internal rearrangement of the party on the basis of new principles in order to improve its image and credibility in the relation with the western partners.

Lupu followed Voronin even during the events from April 7th – 8th when he was among the first to declare that there was an attempted coup d’état³⁶. Aware of the fact that he must be into Voronin’s good graces to be nominated as President of the state, Lupu continued to play the former’s game. But the party’s decision to nominate Zinaida Greceanîi to the supreme position into the state proved that Lupu did not have the total confidence of the party’s leaders. According to some, Marian Lupu was not obedient enough; he was smart, he had gone to university in Russia

³⁵ <http://www.amn.md/pagini-0-2-0.html>

³⁶ Mark Tkaciuc is Vladimir Voronin’s councillor for issues of internal politics and the head of PCRM’s election staff. He is also considered the party’s “brain”.

and in the west, he was rather ambitious and difficult to control by the Voronin-Tkaciuc duo³⁷.

Finally, Lupu left the PCRM after a press conference in which he explained why he was leaving the party³⁸. His real role still remains uncertain, as Voronin avoided any tough critics against him after he left and the opposition treated his gesture with reserve. After many speculations, only one week after leaving PCRM, Marian Lupu became the new leader of the Democrat Party of Moldova (DPM)³⁹. Lupu came with an entire team and he imposed his own agenda within the party. In consequence, the helm of the DPM was firmly taken over by Lupu and the group acronym was added the words “M.LUPU”. It was obvious that in order to reach to Parliament, Marian Lupu’s image and degree of confidence among the population will be their main “weapons” during the elections.

The violence from April

The elections from April 5th produced mixed results. LDPM, LP and OMA consolidated their parliamentary presence while PCRM got almost half of the votes; however, this was insufficient to elect the President of the republic. The announcing of the results caused frustration among the electorate of the opposing parties, as the pre-election polls had given communists scores varying from 35 to 40%. The difference up to the official score announced was claimed to be a consequence of the election frauds. The political frustration moved into the streets. Even from the evening of April 6th a couple of thousands of demonstrators, most of them very young, gathered in the two squares from the centre of Chişinău – The Great National Assembly square in front of the government building and the square between the Presidency and the Parliament buildings, a couple hundreds meters away. The authorities were caught completely off guard and subsequent investigations showed that the events were not organised but they had started from a spontaneous flash mob at the statue of Stephen the Great (located between the two squares). On the night of April 6th the Parliament building was defended only by a few policemen in street uniforms and the mob could have easily entered the premises. One of the authors of this chapter of the report assisted that evening at the successful attempt of Vlad Filat to calm the masses who were about to assault the Parliament. The opposition leaders did not organise the demonstrations but they were not able to control them, either. The second day, on April 7th, the demonstrators whose number had increased significantly divided themselves into two separate groups. In the Great

³⁷ Mark Tkaciuc is Vladimir Voronin’s councillor for issues of internal politics and the head of PCRM’s election staff. He is also considered the party’s “brain”.

³⁸ <http://www.dw-world.de/dw/article/0,4316512,00.html>

³⁹ <http://www.unimedia.md/?mod=news&id=11459>

National Assembly Square they organised a peaceful demonstration with political requirements (to repeat the elections, to investigate the assumed frauds). In parallel, a couple of hundred meters away, the atmosphere degenerated. In the morning, the demonstrators devastated the first floors of the Presidency building then during the day they assaulted the Parliament building. The general impression of those present was that there were organised groups who devastated the buildings under the eyes of several thousands passive watchers. The police forces brought to the place of the incidents were generally passive and under permanent retreat from the violent demonstrators. The peaceful gathering from the Great National Assembly Square, more numerous and politically organised by the opposition was completely ignored in the accounts of the events which focussed on the more spectacular actions from the other square. The impression of those who were not there was only one violent demonstration and this is far from true. The events which took place in Chişinău on April 7th are a case study on how small violent groups may hijack a legitimate political demonstration.

Throughout the day, the leaders of the opposition called for calmness and asked people to join the peaceful demonstration in the Great National Assembly Square. The Voronin regime immediately took advantage of the riots and declared that the opposition is trying to cause a coup d'état organised from Romania. The Romanian ambassador was expelled, the few Romanian journalists present were sent over the border, the government announced that they would introduce the visa obligation for the Romanian citizens who wish to travel to Moldova (the measure is still effective on the date when this report is being compiled). The accusations against Romania were never demonstrated; the only indication offered by the Moldovan government was the Romanian flags carried by some demonstrators. The argument is bizarre as many other demonstrators were carrying the flags of the European Union and based on the same logic, the EU should also be accomplice to the attempted coup d'état. Further more, the red-yellow-blue tricolour is the common flag of the two countries and it is rather a sign of the Romanian nationality than an official sign of the Romanian state (the Romanian flag has no coat of arms and the Moldovan flag has exactly the same colours with the coat of arms in the middle – a great number of the participants having this kind of flags). Besides, the Romanian tricolour flag may easily be bought from any stationery shop in Chişinău just like the EU and Russian flags. In July 2009 the General Prosecutor of the Republic of Moldova declared that “Romania as a state was not involved in the protests from April 7th⁴⁰”. This is the only official denial at a non-political level of the serious accusations brought against Romania at that moment. On the night between the April 7th and 8th the police forces started the repressive measures; without any clear objective, they randomly arrested hundreds of people who were still on the streets. Two people died while

⁴⁰ “ROMÂNIA NU A FOST IMPLICATĂ ÎN PROTESTELE DIN 7 APRILIE, CA STAT - PROCURORUL GENERAL AL REPUBLICII MOLDOVA”, HOTNEWS, 22 JULY 2009.

in custody with traces of violence of their bodies. On the April 8th the authorities were in firm control of the situation and a large number of police officers wearing civilian clothes surrounded the buildings attacked the day before.

The reaction of the EU, Moldova is back on the agenda

The representatives of the European Union in Chişinău were also surprised by the events and their reaction was late. The special representative of the EU for Moldova, Kalman Miszei, focused his activity on solving the conflict with Transnistria and tended to ignore Moldova's internal issues, thus rousing the revolt of the opposition parties. Immediately after the violence stopped, the authorities organised a tour of the destroyed buildings for the diplomats of the Western states; the results were contrary to the ones expected. The European Parliament elections monitoring mission led by the Estonian member of the European Parliament Marianne Mikko met both parties immediately after the riots but she also caused indignation among the opposition through her critical attitude towards them. Desperate for understanding, the leaders of the opposition put her in front of a done deal by organising without any prior notice, in the building of the Chişinău town-hall, a meeting between the head of the delegation and a couple of dozens of injured people and relatives of the ones arrested by the police. Although she accused the leaders of the opposition of having organised a political show, Mikko seemed to change her attitude after this meeting; the final report of the European Parliament condemned the disproportionate reaction of the police forces. The way in which Mikko placed herself in relation to the elections and the following events raised critics from her MEP colleagues – both Romanian members of the EP and others interested in Moldova, like for instance Emma Nicholson, the British member of the European Parliament who was also a member of the delegation. Confronted with the wave of arrests, Brussels' attitude towards the Moldovan government gradually grew tougher. The EP resumed critics towards the OSCE whose mission to monitor the elections noticed, as usual, that the ballot was generally correct but faced organisational problems. This increased the dissatisfaction of some European members of parliament on the collaboration with the OSCE in several countries such as Armenia, Georgia, Azerbaijan where the European Parliament considered that the OSCE standards were too permissive⁴¹. On May 8th, the EP adopted a resolution concerning the situation in Moldova which:

1. “Firmly condemns the harassment campaign, serious violations of the human rights and other illegal actions committed by the Moldovan government after the parliamentary elections”.

2. Demands the investigation of the deaths occurred during the events

⁴¹ Blog of analyst Nicu Popescu, 17 July 2009, „Moldova versus The European Parliament”.

and of the cases of ill treatment and rapes committed against those held by the police.

3. Finds that the accusations that an EU Member State⁴² was involved in the events seem groundless and were not discussed nor resumed during the meetings of the EP delegation with the Chişinău officials.

4. It is believed that it is unacceptable that all acts of protest be classified as offences and part of an anti-constitutional plot, although the acts of vandalism must be condemned.

5. It is considered that in order to preserve its credibility in front of the Moldovan citizens, the EU should get more pro-actively and more profoundly involved in the management of the situation and therefore asks the EU Council to consider sending a special mission to Moldova; the mission would deal with the observance of the law and assist with the reform of the law-enforcement authorities, especially the police and the public office⁴³.

For anyone used to the diplomatic language of the EP resolutions, this document is a serious condemnation of the authorities for their reaction. As an answer to the requests made by the European Parliament and to the reports of its own delegation in Chişinău, the European Commission immediately suggested a package of emergency measures amounting to 4 million euro. The so-called “Democracy support package” contains a series of actions aimed at supporting the reform of the police forces, the freedom of speech, the political reconciliation and the restoration of the rule of law. This package is yet to be implemented by the Commission’s Delegation in Moldova. In June, the EU ministers of external affairs reunited in the GAERC Council released a series of conclusions concerning Moldova, which show: “The Council expresses its serious concerns for the violation of the human rights occurred after the April 5th following the parliamentary elections from the Republic of Moldova. We call for a transparent, impartial and efficient investigation of the violation of the human rights and of the events from the April 7th through a trial which should include the opposition and international experts. The Council underlines that the use of violence for political purposes is not acceptable. The Council is also concerned with the deterioration of the freedom of speech and of the media and advises the Republic of Moldova to ensure the equal access of all political parties to the public information means, to ensure a transparent distribution of the media licences and to refrain itself from making use of the administrative pressure against the independent mass-media, the civil society organisations and the political parties.” At the same time, the Council empowered the Commission to start the negotiation of a new agreement with Moldova “as soon as the circumstances

⁴² Obvious reference to Romania

⁴³ Indirectly, the EP recognises the failure of the former EU missions in this matter.

will allow it”. The next paragraph indirectly refers to the relation between Moldova and Romania: “In this context and for the purpose of starting the negotiations, the Council appeals to the Republic of Moldova to show an equal attitude towards all EU citizens in its visa policy and also underlines the importance of the principle of good neighbourliness relations.” The European officials interviewed for this report expressed their unanimous opinion that on a practical level the beginning of the negotiations for a new agreement is conditioned by the cancellation of the visas for the Romanian citizens, this being the current interpretation given by the Commission to its abovementioned conclusions.

It is not very clear what the purpose of the Chişinău government was by imposing visas for the Romanians, but it is obvious that it had contrary effects at European level. At least in this matter, Romania was supported by the rest of the EU countries and the fact that the beginning of the negotiations for a new agreement is conditioned by the solving of a bilateral disagreement between Bucharest and Chişinău is an unprecedented proof in this direction. “We will cancel the visas for the Romanians when Europe gives us free access” said⁴⁴ Voronin, statement which raised condescending smiles in Brussels. The in-field effects of the new policy were seen immediately as the number of persons and vehicles having crossed the common border were, after the imposition of the visas, half of that from the same period of the last year⁴⁵. Since 2008, Romania exceeded Russia as the most important commercial partner of Moldova and Moldova is in a state of severe recession (The IMF forecasted an economic downfall of 9% for 2009). Thus, the visa policy seems to be suicidal, going against the commercial flows. However, this is not the only bizarre measure of the Chişinău regime within the new economic context. The same Vladimir Voronin made some somehow obscene statements concerning the IMF⁴⁶, an institution which Moldova will need if it wants to be able to cover this autumn’s social payments.

The political deadlock, the repetition of the elections. Explanations

The events which followed after the elections from the April 5th radicalised even further the political forces. PCRM needed one vote in Parliament to elect the President, which became known as the “golden vote”. The PCRM candidate for the position of head of state became the Prime Minister Zinaida Greceanii;

⁴⁴ „Presa rusă: Declarațiile lui Voronin pun la îndoială nu numai nivelul lui de cultură, dar și starea lui psihică”, HotNews.ro, 24 June 2009

⁴⁵ The exact figures are shown in the article „Regimul vizelor a înjumătățit tranzitul prin vămile de la Prut”, Romania liberă, 27 July 2009

⁴⁶ “Voronin enunță obscenități despre opoziție și FMI”, Jurnal de Chişinău, 24 June 2009

Vladimir Voronin would have become President of the Parliament, case in which the real power centre would have migrated towards this function, given the control Voronin exercises over the party. The three opposition parties which entered the Parliament boycotted the two ballots and the PCRM failed in the election of a new President. This was a period of intense speculations and tensions in Chişinău and very many observers waited for PCRM to find the “golden vote” by bribing or blackmailing deputies from the opposition. This did not happen and the most common explanations in Chişinău are the following:

- The harassment launched by the PCRM against the politicians from the oppositions before the elections including through a series of criminal cases established a logic of besieged fortress and personalised attack among the opposition. Thus, the politicians from the opposition perceived an extension of the PCRM regime as a danger to their personal safety;
- the series of accusations following the April 7th (treason, conspiracy against the rule of law against the opposition versus the orchestration of the riots and repression against the PCRM) rendered any political dialogue between the two camps impossible and the politicians from both camps became the hostages of their own harsh rhetoric;
- Previously PCDP functioned as a factor inhibiting any attempt of collaboration. PCDP led by Iurie Roşca has been for many years one of the flagship parties of the right wing forces in Chişinău, but their co-optation to governing after 2005 led to the loss of people’s support and to their not being elected in the new Parliament.

To prevent any individual desertion of the members of Parliament during the secret vote, the leaders of the three parties agreed that their deputies should not participate at the voting meetings at all; thus, any possible “traitor” going to the Parliament was easily identifiable. As it was impossible to declare a new President, the early elections procedure was launched, according to the Constitution. This procedure in itself was a success for the opposition, as the main request of the peaceful demonstrators from the April 6th and 7th was to “repeat the elections”.

The new electoral campaign. Other elections

On June 15th, Vladimir Voronin signed the decree dissolving the Parliament and setting the early elections for July 29th; this raised a lot of controversy. One of the reasons was choosing a Wednesday for the elections, while all the other ballots held in the Republic of Moldova took place on Sundays. Secondly, PCRM hurried to set the elections in summer, when most of the active population, i.e. the non-communist

electorate, is on holiday. Thirdly, students – most of whom are studying in Chişinău and who were on holiday on July 29th were forbidden to vote at the address of their permanent residence. The Central Electoral Commission motivated this decision by saying that students have temporary residence visas in the places where they study and it is there that they should exercise their right to vote. In their turn, Moldovans who were abroad could not vote on a working day as most of them could not travel to embassies or consulates. The requests of the opposition to organise the election in autumn were ignored as PCRM was aware that the non-communist electorate would be much more numerous in September.

At the reunion of the Parliament from June 15th, the Electoral Code was modified again and the electoral threshold lowered from 6 to 5% while the compulsory attendance for the validation of the ballot was lowered from 50%+1 vote to one third of the electors. Understanding that the high electoral threshold had the reverse effect of excluding any small party with which they could ally, PCRM hoped that more parties would enter the Parliament and the chances to create alliances would increase.

As a consequence, a proper reply to the initiatives of the communists imposed the existence of a form of coalition of the other important political actors. The unification of the liberal oriented parties was attempted before the elections from April 5th but without great success as each party came with its own vision. The minimalist scenario circulated by most was for at least LP, LDPM and OMA to enter the elections on a common list; this would have increased the chances for a good score. But the three parties chose to candidate on separate lists to be able to nominate three members in the electoral commissions so as to discourage any attempted fraud.

The electoral campaign went on with the same violations signalled during the ballot from April – use of the administrative resources by the PCRM, intimidation of the electoral opponents by the police forces, infiltration of agitators at the meetings between the opposition and their electors, devastation of the electoral boards, favouring the PCRM leaders in the news bulletins of the local radio and TV stations etc. The essence of the campaign was not given by the competition between the parties’ programs but the guilt for the events from April 7th and 8th.

PCRM was the one who inflamed the spirits and gave the tone with the documentary “Attack on Moldova” made by a TV station affiliated to the power; in this documentary, the leaders of the opposition are shown as the main responsible for the protests and the devastation of the Parliament and of the Presidency building. Soon came the replies to this through the consecutive releases of the documentaries “In Moldova’s defence” made by OMA, “The Truth about the 7th of April”, made

by LP and “Moldova’s Black Box” made by LDPM. During the debates broadcasted by the public TV station Moldova 1, the opposition leaders were trying to prove the involvement of the police forces who were acting at the orders of the PCRM in those events. Lost in the rhetoric of the April 7th, the parties forgot to offer the solutions awaited by the citizens from the next government.

In this fight between the power and the opposition, DPM and Marian Lupu took a balanced position and accused both parties of having provoked the political crisis, inventing the slogan “The political war must be stopped”. DPM focused its campaign on criticizing the way in which the country had been governed during the last eight years, on the need to de-monopolize power and to rebuild the balance between the state powers.

In this campaign, as well, PCRM bet on the external support, especially from Moscow. Vladimir Voronin made a visit in Russia and announced that he contracted a 500 million USD loan to face the economic crisis. However, few people in Chişinău were impressed, especially since the interest and the terms of the loan were not clear and Voronin let people understand that the money from Moscow would depend on PCRM’s victory.

All in all, the campaign for the early elections from July 29th was the toughest, dirtiest campaign in the history of Moldova. It often lacked a civilised discourse, while the incriminatory discourse was abundant, many times without any concrete evidence or arguments; dirty electoral techniques were used and the competent authorities punished the opposition more than the PCRM.

There were also problems with the accreditation of international observers, like the ENEMO organisation, whose observers were arrested and then sent home⁴⁷. Nevertheless, the national observers and the International Elections Observation Mission (IEOM) could monitor the electoral process.

The last two weeks of the campaign proved to be decisive so that the exit poll made after the end of the elections provided figures which were very close to the official ones⁴⁸. However, the communists seemed confident; according to the statement of the PCRM leaders, they had known the results of the exit poll one day before and the poll is usually 5-7% wrong compared to the score registered by the PCRM after the official counting⁴⁹.

The official results brought small variations from those of the exit polls, but not significant enough to generate speculations about a new electoral fraud⁵⁰.

⁴⁷ <http://www.unimedia.md/?mod=news&id=12257>

⁴⁸ Exit Poll July 2009, made by the Public Policies Institute from Moldova http://ipp.md/files/Barometru/Exit_Poll_29.07_ora_21_final.pdf

⁴⁹ <http://stireazilei.md/2009-7-29-1071>

⁵⁰ <http://www.alegeri.md/>

⁵¹ Red figures show the reduction of the number of voters compared to the April elections; the green figures show an increase of the number of voters and respectively percents and mandates.

Electoral opponents	Votes ⁵¹	Perctenes	Mandates
The Party of Communists from the Republic of Moldova	706,732 -53,819 (7,08%)	44.69 -4,79	48 -12
People’s Christian Democrat Party	30,236 -16,418 (35,19%)	1,91 -1,13	0 0
The “Our Moldova” Alliance	116,194 -33.961 (22,62%)	7,35 -2,42%	7 -4
The Liberal Party	232,108 +30,299 (14,97%)	14.68 +1,55%	15 0
The Liberal Democrat Party of Moldova	262,028 +70,915 (37,11%)	16.57 +4,14	18 +3
The Democrat Party of Moldova	198,268 +152,570 (333,87%)	12,54 +9,57	13 +13
The Social Democrat Party	29,434 -27,432 (48,24%)	1,86 -1,84	0 0
The “Green Alliance” Ecologist Party of Moldova	6,517	0,41	0

In its report from July 30th, IEOM stated: “The early parliamentary elections from July 29th 2009 from Moldova were generally correctly administered, allowing for the competition of the political parties who represent a multitude of opinions. Many engagements of the OSCE and of the Council of Europe were fulfilled; nevertheless, the campaign environment was negatively affected by subtle intimidations and preferential treatment in the reflection in the mass media. The electoral process underlined the need to continue the democratic reforms needed to re-establish the public confidence”⁵². Like always, IEOM avoided a clear cut diagnostic, maintaining the same detached diplomatic discourse which entails no commitment. The multiple questions concerning the correctness of the elections addressed to the IEOM representatives during the press conference remained unanswered. As the journalists insisted to find out whether the elections were free and fair, the conference moderator simply ended the press conference⁵³.

On the contrary, the Civic Coalition for Free and Fair Elections “The 2009 Coalition” made up of seven Moldovan NGOs declared that the elections were incorrect and only partially free. The reasons invoked were: the intimidation of the electoral opponent, multiple cases of discriminatory treatment, the use of the administrative resources, the offering of electoral presents, the massive manipulation of the public opinion, the incorrect compilation of the electoral lists, cases of fraudulent voting etc.⁵⁴

⁵² Statement of preliminary findings and conclusions for the 29 July 2009 early parliamentary elections in Moldova http://www.osce.org/documents/html/pdf/html/39083_ro.pdf.html

⁵³ The IEOM press conference organised on 30 July, 2.00 p.m. in the LeoGrand Hotel from Chişinău.

⁵⁴ <http://alegeleri.md/index.php/ro/declaratii-comunicate/110-alegeriincorecte>

The problem of the electoral lists also occurred on July 29th as most of the voting sections used the same lists as on April 5th. A study carried out by the Human Rights Institute in Moldova recommended the strengthening of the electoral legislative framework, the need to train the local public authorities in relation to the compilation of the electoral lists and the coordination of this process by CEC, the setting up of a mechanism through which the population and the political parties should be able to check the lists and the completion of the electronic electors' register⁵⁵.

The new political alliance – the perspectives

The results of the July ballot led to a political deadlock completely different from the one caused after the elections in April. Then, the PCRM had a simple parliamentary majority which would have allowed them to govern, but they could not elect the President of the country. After July, the opposition together with the DPM are in exactly the same situation: they have a simple majority – 53 mandates – but they cannot elect a President without 8 votes from the PCRM. But the initiative was not on the opposition's side and now they are looking for “traitors” among the communists. Of the four parties, so far only LDPM and DPM are amiably disputing their supremacy, each with its own arguments: LDPM because they got the largest number of votes, DPM because it is in a better position to attract votes from the PCRM.

The scenarios circulated by Chişinău are numerous, ranging from changing the Constitution to choose the head of state directly (although it takes an even larger parliamentary majority to change the Constitution and the approval of the Constitutional Court, dominated by the people appointed by Voronin) to offering concrete advantages in positions and economic advantages to the young, pragmatic wing of PCRM. In its turn, the PCRM experiences two currents of opinion: one wishing to remain in power at any cost and another one betting on the fact that a coalition without the PCRM would be divided and destroyed on an electoral level by the economic crisis and PCRM will have a triumphal return after the early elections (repeating the scenario from 2001, when they won a massive victory because of the self-inflicted failure of the right wing coalition). For now, the LDPM, DPM, LP and OMA leaders announced the creation of a political coalition called at the proposal of the LP leader Mihai Ghimpu, The Alliance for European Integration (AEI). Through its constitutive program, the alliance wishes to re-establish the rule

⁵⁵ The report of the Human Rights Institute of Moldova „Raport privind monitorizarea întocmirii și verificării listelor electorale în 33 localități din Republica Moldova” http://idom.md/files/admin/Raport_final_%20Liste_Electorale.pdf

of law and the reform of the state, to surpass the economic crisis, to achieve local autonomy, to resume negotiations for solving the Transnistrian conflict, to achieve the European integration (by signing a new agreement with the EU, re-establishing amicable relations with Romania, eliminating the visas for the Romanians, signing the agreement on the small border traffic with Romania).

The leaders of the four parties were rather reserved in their statements and little information was made public on the negotiation of the functions. It seems that the most wanted position is that of President of Parliament, which ensures a good public visibility and stability (the President may be removed from office with only three fifths of the deputies' votes). Paradoxically, the position of head of government is less wanted maybe also because the expectations related to the economic crisis are pessimistic. Besides, the negotiations among the four parties were stimulated by a meeting held with the representatives of the World Bank and with the special EU representative to Chişinău where they were shown the economic situation of the country.

According to optimistic assessments, there are enough funds to pay the pensions, the social benefits and the state employees only until September – October and Moldova desperately needs an emergency external loan. The IMF, together with the World Bank and the European Commission has prepared an emergency package ranging around the amount of 1 billion euro. According to the statements of a European official interviewed for this report “we are prepared to help them and an intervention will be necessary regardless of who makes up the government, anybody will need this help, but we would rather like it to be the opposition.” In Chişinău, few people apart from Voronin's fanatic supporters in the press believe that the promise of a 500 million USD Russian loan circulated by Voronin in the electoral campaign is realistic. Besides, from the little concrete information that has come out, the discussion was about 150 million USD in money while the rest consisted in material aid and energetic resources, of little use in the context of the budget crisis.

The scenarios are not too optimistic either even if AEI could gather the votes needed to elect a President and set up the government. The analysts discussing the subject oscillate between pessimism with catastrophic emphases⁵⁶ and pessimism with some hope attached to it⁵⁷. Moldova does not have a positive tradition of coalition governments. 10 years ago, The Alliance for Democracy and Reform brought together different forces who wished to sop the PCRM. ADR registered some successes in reforming the economy but it was sabotaged by the disagreements among the partners. Anyway, the priority of any non-PCRM government should

⁵⁶ Florin Niță, „Alegeri în Republica Moldova: Patru scenarii pesimiste și cum pot fi ele evitate”, The Romanian Centre for European Policies, August 2009”

⁵⁷ Nicu Popescu, “Demonopolizarea puterii în Moldova”, Times, 10 August 2009

be to destroy the PCRM monopole of power⁵⁸ by reforming the administration and the state's force structures, liberalising the press, diversifying the media holders and reforming the justice. In the moderate pessimistic version, an AEI government should make irreversible progresses in these sectors before loosing power.

⁵⁸ In the already quoted article, Nicu Popescu proposes a few welcomed priorities.

Moldova's Relations with the European Union and the Role Played by Romania

Cristian Ghinea
Sergiu Panainte

The European integration perspectives

The riots from April and the general political crisis of this year brought Moldova's problems back on the European Union's agenda. Brussels was taken by surprise by the events from April in a country considered lost somewhere between superficial Europeanization and post-Soviet authoritarianism. Although in Chişinău the European integration is a topic for debate and a reason of hope, Brussels tends to see Moldova only as a piece in a big game of chess which is the EU – Russia relation. As a European official interviewed for this report was saying, “we want Moldova to get closer to the EU, but without upsetting Russia's suspicions”. On the mental map of the people from Brussels, Moldova is in Moscow's area of interest. This must not lead to a resignation with geostrategic significance based on the principle “we are too little and trapped in the big players' game”. In fact, it is up to Moldova to follow its European destiny; sustained internal reforms and the political will may change the perception of the Europeans as it happened with the Baltic States and other areas from the former communist Europe in the past.

The EU is not a coherent actor in Chişinău, yet. In Moldova there is both a Delegation of the European Commission and a special EU representative, subordinated to the High Representative for External Affairs (Javier Solana) and to the EU Council secretariat. The Commission Delegation is the one who manages the EU programs and funds in Moldova and the good side of the Commission's bureaucracy is that it tends to work with the already established projects no matter the geostrategic fluctuations. The Italian Cesare de Montis was head of the delegation in the last years and he preferred a less active public role. In exchange, the “face” of the EU in Chişinău was the special representative Kalman Miszei. Although he has no control over the European programs there but rather a symbolic position of representation, the special representative became, in the public symbolism, the Union's spokesman in Chişinău. However, this duality and the mistakes made by Miszei started showing negative results. For Solana and therefore for Miszei, the Transnistrian conflict has been the priority during all these years. It seems that they

considered this conflict to be the easiest to be solved of all conflicts marking the relation with Russia and they wanted to turn Transnistria into an example. For this, they needed a stable government in Chişinău. Putting Transnistria and Chişinău stability before anything else, Miszei made the mistake of alienating the opposition. He is accused of having constantly ignored the negative signals of Voronin's authoritarianism and having behaved as if he were convinced that one cannot govern without the PCRM. During our research visit in Chişinău we were amazed by the lack of trust and by the frustration manifested by the opposition and by the anti-Voronin journalists and activists against Kalman Miszei. "He was the loyal man of the PCRM", "We see him as a character defending Russia's interest here" – just a couple of the characterisations related to him expressed during the interviews from Chişinău. Another accusation is that after the political deadlock from April he tried to convince the opposition parties to give the PCRM "the golden vote" which would have led to the election of a new President from among the communists, therefore ensuring stability. Although this is officially denied, it is obvious that the EU representative got too involved in a moment when the PCRM had the political initiative and that he said different things to different interlocutors. Besides, this is also the impression of the Commission staff (with which his office has a relation of amicable competition and a difficult communication) both from Chişinău and from Brussels.

Other analysis also criticised his reaction after the riots from April⁵⁹ when he is said to have tried to temper the critics of the EU countries' ambassadors against the regime. The EU Representation in Chişinău is showing a deficit in very sensitive moments. The new head of the Commission Delegation will take office only in November. Kalman Miszei is a rather controversial figure and this when the political crisis is not over and the economic shock is yet to come.

The current priority is the negotiation of an agreement between the EU and Moldova. As already shown, the cancellation of the visas imposed to Romanians is now a prerequisite for starting the negotiations so any government formed will have to take this step. At this point the new agreement is expected to:

1. Increase the financial assistance of the EU for Moldova,
2. Contain a series of concrete conditions related to implementation,
3. Offer Moldova a European integration perspective in the logic of the newly launched Eastern Partnership by undertaking the necessary reforms. We shall analyse in detail each of the three points.

As far as financial assistance is concerned, the EU is by far Moldova's most important external donor. The annual amounts given by the EU exceed 50 million euro in different bilateral and regional programs. Besides this, Moldova is a receiver

⁵⁹ Balazs Jarabik, „Moldova between Elections: Europe or Isolation?”, FRIDE Policy Brief No. 16, July 2009

of development assistance from the Member States, the most active being Sweden, the United Kingdom, Denmark (for now, Romania is a minor donor of development funds to Moldova, with amounts of 800.000 euros per year). In total, we estimate that the European money going to Moldova (EU + Member States) reach the figure of about 90 million annually. And this amount will grow significantly in the future. The estimations made by the European officials show that the direct funds allocated by the Union will increase substantially, getting close to 72 – 75 million Euros annually from 2009 (this does not include the money allocated by the Member States, which are very likely to increase following this year's problems). From 2008, the EU started to make direct budgetary allocations which differentiate it from the other international donors. It is not a little thing to receive money from abroad directly into your budget not as a loan, but as a donation, especially for a poor state like Moldova. For now, the EU's budget payments were destined to social aids and investments for the installation of running water in villages. From 2009, a macro-stabilisation financial aid will be added and the European Commission will be an active player in any emergency financial package of the IMF and of the World Bank. Even though it does not have a solid political profile and it always seems to be the weaker partner in the geostrategic game with Russia, the EU remains an essential donor for Moldova. Comparing the money that the EU is already paying Moldova for concrete projects and under clear terms with the illusory Russian loan promised to Vladimir Voronin in the electoral campaign, without clear amounts and terms, one can see the difference in size between a functional system like the EU and a system based on strategic bets. In the long run, the European Union will win Moldova over.

The EU should learn from the enforcement of the former Action Plan with Moldova and move on to conditions related to the implementation of the agreed-upon reforms. The overactive imagination of making legislative changes will not replace the European integration anymore. The new conditions must be accompanied by clear benefits for Moldova⁶⁰. Unfortunately, Moldova does not have a clear integration perspective; therefore the EU attraction in Moldova cannot be compared to the situation Romania found itself in before 2007. However, the EU will have to leave this possibility open and undertake clear commitments for this stage: assistance funds, extension of the commercial facilities enjoyed by Moldova through the old agreement for the economic integration into the EU – Moldova in a Deep and Comprehensive Free Trade Area, a clear perspective of cancelling the visas for the Moldovan citizens entering the EU.

The Eastern Partnership (EaP) has both advantages and disadvantages for Moldova. EaP is a collaboration platform between the EU and the former USSR

⁶⁰ Victor Chirilă, "R. Moldova riscă să devină o 'misiune imposibilă' pentru Uniunea Europeană", Unimedia, 5 August 2009

states with European values: Ukraine, Armenia, Azerbaijan, Georgia, Belarus and Moldova. The relations between the EU and these states would be stated through association agreements. However, unlike the association agreements set with the Western Balkan countries (Serbia, Albania), the EaP agreements do not make any explicit reference to the perspective of joining the EU; nevertheless, they do recognise these countries' European aspirations. In a generous interpretation, this should be corroborated with the EU Treaties which recognise the right of each European country which meets certain terms to join the Union; hence EaP is an implicit promise for the future. The big danger for Moldova is that EaP could create a new block of countries which could join the EU (or not) as a group of states. This possibility is denied by the common declaration signed by the EU and the partner countries at the Eastern Partnership Summit from Prague – May 7th which says that “The partnership shall be governed by the principles of differentiation and conditionality.” Therefore, at this point the principle according to which each state shall get closer to the EU depending on its own merits, regardless of the performances of others is preferable. Besides, the Moldovan diplomacy insisted on this principle when asked its opinion on the EaP, before being launched⁶¹. Important EU states such as Germany and the Netherlands reject any “group-based” approach in EU’s external relations, considering that the “group accessions” from 2004 and 2007 had the perverse effect of hiding the lack of preparation of some candidate states behind other countries’ merits. Moldova and also Romania, as an EU Member State interested in Moldova’s accession will have to insist that the differentiation principle has priority within the EaP; otherwise it will risk remaining dependent of the evolution of countries which are disadvantaged by the internal politics (Belarus) or by geography (Armenia). In conclusion, EaP represents for Moldova the chance to climb a higher step in the relations with the EU but they must avoid the danger of long-term association with the EaP countries as a common destiny group.

The role of Romania as a EU Member State

Romania was put in a difficult posture after the events from April. Traditionally, the Romanian diplomacy led a policy which supported Moldova’s integration into the EU in spite of the fact that the official relations between the two states had grown cold. Besides, Romania is the only EU Member State with a clear interest in Moldova and the occurrence of references to Moldova in the conclusions of different European Council reunions was due exclusively to the Romanian diplomacy. However, this traditional policy became difficult to apply and non-credible when Chişinău expelled the Romanian ambassador and accused Bucharest of having orchestrated a coup

⁶¹ Victor Chirilă, “Parteneriatul Estic – o posibilă etapă de tranziție/pregătire spre aderarea la UE”, 11 December 2008, The External Affairs Association

d’État. This was followed by a period of confusion for the Romanian diplomacy but in the mean time the Presidency and the Minister of External Affairs took a political decision to give Moldova conditioned support. Besides, the good result obtained by the opposition on July 29th offers a chance to warm up the bilateral relations. The European Union showed solidarity with Romania in front of the exaggerations of the Chişinău government; both the European Parliament and the Member States firmly rejected the accusations brought against Romania and the introduction of visas for the Romanian citizens. Less appreciated was the announcement made by President Băsescu about granting Romanian citizenship to the descendants of those who had such citizenship before the invasion of Bessarabia by the USSR. It was not the granting of the citizenship in itself that caused problems (Poland had done it for the former Pole citizens from Ukraine and Belarus); what intrigued the Europeans was:

- The lack of consultations before making this announcement (since Romanian citizenship also means European citizenship they would have liked to be consulted);
- The lack of technical details (Romania did not announce exactly how many people will receive citizenship would be granted, in what time period etc.). The irony is that the granting of such citizenship was blocked by the incapacity of the Romanian bureaucracy to take the applications submitted since before April.

Moreover, the moment of this announcement was considered inappropriate, since Russia had just granted mass citizenship for people from Abkhazia and Ossetia a couple of months before. Although the two situations are incompatible, the idea to grant citizenship on historical grounds was not quite popular in Europe at that moment. A delicate issue found on the common agenda is the signing of the treaties between the two countries (the basic treaty and the treaty related to small border traffic). Vladimir Voronin conditioned the signing of the treaty related to traffic to the signing of the first treaty, although the liberalization of the border trade would have brought more advantages to Moldova than to Romania. In his turn, President Băsescu declared that Romania recognises de jure and de facto the border with the former USSR and a new treaty is unnecessary. A change in the power from Chişinău might break the negotiations deadlock and the government in Bucharest could show more flexibility towards the issue of the common treaty which would bring no practical change, but would calm the fears of the non-communist parties from Chişinău which always have to defend themselves against the accusations that they would wish an union with Romania.

At European level, Romania is consolidating its statute of an EU Member State interested in Moldova and with an expertise in the area. As an independent expert from Brussels has stated, in an interview for this report “if Romania does not put

Moldova on the EU agenda, no one else has any interest or the expertise to do it.” Spain is filtering the EU relation with Latin America, France is doing the same thing with Northern Africa and Poland is trying this in its relation with Belarus and Ukraine; most likely that Romania will take a similar position in the EU – Moldova relationship. However, to have credibility within the EU on this matter, Romania should look for a partnership with other Member States who have interest in the matter. During his visit to Chişinău before the elections, the Pole Minister of External Affairs declared that his country would be “Moldova’s representative in the EU forums” if elections went well. This may be the beginning of a Romanian-Polish partnership for Moldova.

The Mass-Media Environment: Stop and Rewind

Ioana Avădani

The Moldovan media environment is crossed by two very strong and visible separation lines: a linguistic one (Romanian speaking population / Russian speaking population) and a political one (the pro-communist line / the anti-communist line). Often, these two lines are overlapped and in the perception of an observer outside Moldova, this overlapping is done automatically, erroneously and without any nuances. The political tension of the country is strongly reflected in the agenda of the media, putting the issues related to professionalism in the second plan. The state is an important actor in the Moldovan mass-media and the politicians (regardless of the political arena they come from) do not hesitate to use administrative mechanisms to intervene in the media sector – both in the editorial and in the economic sections. The economic levers are often used to influence the editorial contents, which raises big question marks related to the real freedom of the Moldovan press (beyond the legal framework regulating it). Once again, these practices move the intervention priorities towards the press freedom issue, leaving the matter of the journalists’ professionalism in the second plan. Following these influences, the mass-media is somehow disconnected from its public, being used as an instrument of political influence rather than as a means of correct, honest, comprehensive information of the public. The international community stopped its assistance efforts at the surface elements and traditional forms. Often, for the sake of preserving functional relations with the authorities, the international community has made the “pragmatic” choice to ignore the issues signalled by the activists related to the freedom of the press, thus establishing double appreciation standards. No doubt, the press from the Republic of Moldova has the energetic resources and the experience needed to evolve towards normalisation and later on towards performance. The new technologies and the development of alternative forms of press based on these, open a promising perspective to reconnect with the public and to regain its trust. In the context of a change of the political paradigm and provided the informal practices change, the Moldovan press finds itself facing a new beginning which could allow its development based on the fundamental criteria of any healthy media industry: respect of the public interest and economic profitability.

Mass-media in Moldova: a lot of politics, little public interest

It is said that the press cannot be better than the society it operates in and which it reflects. This is perfectly true for the media environment from the Republic of Moldova which reflects in almost grotesque details, through exacerbation, the tendencies, the troubles and the dysfunctions of the Moldovan society. Just like the Moldovan society itself, the media from the Republic of Moldova is crossed by two major rifts: the **linguistic** one and the **political** one. These demarcation lines are so deep and they trigger such specific behaviours that they profoundly polarise the society and therefore the mass-media from the Republic of Moldova.

Along the linguistic rift we find the “Romanian-speaking” group and the “Russian-speaking” group. There is “Romanian-language” press (or Moldovan language press, according to the official name of the language which is also a matter with political determination) and “Russian language” press. The Russian-speaking population is usually erroneously assimilated with the “Russians”. In reality, the Russian-speaking population is much more diverse and more nuanced in its constitution. According to the official data⁶², Moldovans represent 75.8% of the total population. Next come the Ukrainians (8.4%), the Russians (5.9%), the Gagauz (4.4%), the Romanians (2.2%), the Bulgarians (1.9%) and other nationalities (representing about 1% of the total number of the country’s population). 0.4% of the inhabitants did not have their nationality registered. The same source reveals that out of the total number of inhabitants, “58.8% usually speak Moldovan, 16.4% speak Romanian, 16.0% Russian, 3.8% Ukrainian, 3.1% Gagauzian and 1.1% Bulgarian.” A percentage of 0.8% of the population either speaks another language or did not indicate the language they usually speak in. Moreover, “each second Ukrainian, each third Bulgarian and each fourth Gagauz usually speak Russian. The Moldovans who **usually** speak Russian make up 5% of the total” shows the quoted document.

The data of this census highlight the current communication customs which led to the conclusion that the state language is dominant. However, for any visitor of the Republic of Moldova it rapidly becomes obvious that Russian is frequently used for interpersonal communications and current social interactions.

Another aspect which the census data cannot reveal is related to the accessibility of the Latin script among the population. The questions of the census referred to the “spoken language”, forgetting about the issues raised by the passing to the Latin script. In the Soviet period, the “Moldovan language” designated a product of ideological origins which combined the Romanian language transposed into Cyrillic

⁶² The results of the population census from 2004, The National Statistics Bureau, available at <http://www.statistica.md/newsview.php?l=ro&idc=168&id=2358>

characters. “The Moldovan language” was studied in school as a secondary language, the official language of communication in the republic being Russian. This is why a part of the population from the Republic of Moldova passed to the Latin script “on the go” – this is the young, active and mostly urban population. For the rest, the Latin script is virtually inaccessible. According to the data of the National Statistics Bureau, the Republic of Moldova has a predominantly rural population (58.6% of the population lives in the rural environment). The extrapolation of the data concerning the population’s age structure reveals that the population under 35 (those who were educated to use the Latin script as the official script during the school years) amounts to 53.5%. Without claiming to be rigorous, these data still suggest the dimension of the demographic group who is “illiterate in the Latin script”.

In essence, the language matter should first of all be a matter of accessibility to information. A pragmatic approach of the circulation of the information would suggest the maximization of the audience by providing the same contents in both languages. However, the linguistic matter is so intensely politicised that the pragmatic approach is rejected with emotional arguments. When suggested to insert a Russian leaflet in his Romanian language newspaper, the manager of a publication which is renowned for its pro-Romanian approach replied that this would be seen by his public as an “act of treason”. Placing itself firmly on the linguistic barricades, the overwhelming majority of the Romanian language press deliberately limits its penetration of the public, refrains itself from accessing categories of public which were not approached yet and therefore limits its perspectives of economic development. With a more pragmatic approach, the Russian language press does not impose such restrictions on it and does deliver some contents into Romanian, as well.

Just as important and inflexible is the political division line. The political pluralism and the diversity of opinions are the premises of a solid democracy and the confrontation of ideas – a valuable element for solving the society’s problems. Nevertheless, the extreme polarization registered on the Moldovan political scene paradoxically leads to the very disappearance of the dialogue and of the necessary confrontation of ideas. This time, the political division does not follow the great ideological families and the doctrine differences but it is brutally and radically reduced to the positioning in relation to the communists. The long period of communist political dominance during the eight years of successive governments has radicalised the political thinking, the mass-media and the society reducing the options to pro-communist or anti-communist positions. Not even the distinction between “pro-governmental” versus “anti-governmental” is functional anymore, because of the penetration of all governmental structures with elements which are close to the Party of Communists from the Republic of Moldova (PCRM). The mass-media fully reflects this polarisation as the editorial contents is as radicalised as the political

discourse. This aspect was also emphasized by the dramatic electoral context of the year 2009 with the two parliamentary elections and the riots which followed the elections from April 5th.

The two rifts – the linguistic and the political one – overlapped almost automatically within the context of the year 2009, giving birth to an unbalanced political and media offer to the detriment of fair information of the Moldovan public. Of the parties which were active in the electoral confrontations from April and July 2009, only PCRM had a political offer addressed both to the Romanian-speaking voters and to Russian-speaking voters. The rest of the parties remained in the “Romanian-speaking” space, almost automatically attributing to the Russian-speaking population pro-Moscow and communist sympathies and therefore anti-Moldovan feelings. The phenomenon was also underlined by the Moldovan analysts. Thus, Arcadie Barbăroșie, the executive manager of the Public Policies Institute, quoted by Moldova.org⁶³ shows that in the two electoral campaigns the communists fought “for each vote” targeting each possible segment of the electorate, including the national minorities. “They send messages to the ethnic minorities, trying to convince this segment of the electorate to support them in the elections. But there is another aspect of the problem which I don’t find normal – the fact that the opposition parties do not target this segment” concluded Barbăroșie. Only a couple of weeks before the elections from July 29th 2009 did the Liberal Democrat Party of Moldova (LDPM) add Dumitru Ciubașenko to their list, the chief editor of the Russian language publication *Moldavskie Vedomosti*, an anti-communist newspaper, in a last minute gesture aimed at winning over the Russian-speaking anti-communist electorate.

“It is wrong to think that all the Russian-speaking People are crypto-communists. The Russian intellectuality is not part of the system”, declared Petru Macovei, manager of the Independent Press Association (IPA) interviewed for this report⁶⁴. He reminded us of other Russian speaking environments, such as the local newspaper *Spros i Predlojenie* from the Bălți district, the TV 7 TV station, which re-broadcasts the programs of the NTV Russian TV station with local insertions mainly in Romanian or the online publication *ava.md* which had balanced positions in the campaigns.

Nevertheless, Vasile Botnaru, the manager of the Free Europe office in Chișinău sees the situation less black-and-white. „Perception creates reality, to a certain extent”, he declared in an interview for this report⁶⁵. Left without alternative information, the Russian-speaking public receives information only from a certain area of the

⁶³ Moldova.org is a portal administered by The Moldova Foundation from the United States together with IDIS Viitorul from the Republic of Moldova. Article available at <http://politicom.moldova.org/news/comunitii-singurii-avocai-ai-minoritile-etnice-202510-rom.html>

⁶⁴ Interview with Petru Macovei, Chișinău, August 2009

⁶⁵ Vasile Botnaru, Chișinău, August 2009.

political spectrum and therefore they will form their electoral opinions according to the latter’s message. Thus, a hesitating Russian-speaking voter is more likely to vote with the communists than with the opposition parties whose political offer is not familiar to him. “The model is that of Saint-Exupéry’s snake which takes the shame of the object it swallows” adds Igor Munteanu, the executive manager of the Institute for Democracy and Social Initiatives IDIS Viitorul.

Regardless of the language, the electoral campaigns of 2009 attracted attention through a few defining features: strong editorial unbalance, marked political bias, emphasized violence of the political discourse, an active involvement of the state in the contents and the economy of the mass information means.

The main source of information of the public from the Republic of Moldova is the television. Therefore, the politicians directed their attention towards this environment which suffered the most significant influences. The Centre for Independent Journalism from Chișinău monitored the campaign for the elections from June led by the main national and quasi-national television stations within a project of the Coalition for Free and Fair Elections – Coalition 2009. Week after week, the monitoring reports revealed that most of the monitored stations – Moldova 1 and Radio Moldova, Prime TV, NIT, EU TV “continued to accept serious deviations from the ethic and deontological principles, sometimes breaching the Broadcasting Code and the Regulation on the reflection of the electoral campaign, approved by the Central Electoral Commission”⁶⁶. The breaches notified by the CIJ concern the presentation of mainly positive news about the governing party and the members of the government while the news about the opposition candidates and parties either presented negative aspects or were completely absent. The TV stations used “techniques which allowed them to overexpose one party, while keeping the appearance of pluralism (they took an information from a press conference of the opposition and the attacked party was invited to express its points of view in a time frame which exceeded the assumed accusation and through the voices of several persons). Accounts from the press conferences of the opposition talked less about the topics covered and focused more on ridiculing the ideas presented, the individuals present or the current circumstances. Usually, the opposition parties did not benefit from the right of reply when the PCRM launched accusations against them. Moreover, accounts from the events organised by the power were better placed in the economy of the news programs than those of the opposition. The electoral campaign ended with a two minutes appeal of President Voronin who put a negative label on his opponents and called the Moldovans to vote for the communists.

A distinctive element of the electoral campaign from July (compared to the one for the elections from April) was the deterioration of the quality of the public discourse, an increase of aggressiveness and of violence of language which started

⁶⁶ The monitoring of the Centre for Independent Journalism, available at http://www.ijc.md/index.php?option=com_content&task=view&id=463&Itemid=1

reaching emphasis of *hate speech*⁶⁷. According to Petru Macovei, this escalation has its roots in the virulent campaign of all parties, be it governing or opposition party, before the elections from April and which went a step further in the July campaign. The exchange of political ideas, the critics against the act of governing and the alternative solutions were replaced with personal attacks, propaganda, serious accusations formulated in a rhetoric which is specific to the “political battle” of the cold war (espionage, high treason, “the yellow hydra” – reference to the Liberal Party, “criminal”, “anti-state element” etc.). The violent language also targeted anti-Semitic elements (Romanians were likened to “Jews”) and homophobic (the politicians were accused of having behaved “like in an Armenian bath”)

One of the main lines of attack of the communists, reflected as such by the press supporting them was the anti-Romanian position and the identification of Romania as a root of all evils and main beneficiary of any victory of the anti-communist opposition from Chişinău. An eloquent example is the movie *“Attack on Moldova”*⁶⁸, produced and broadcasted (in Russian) by several televisions; there, the opposition (particularly Dorin Chirtoacă, the liberal mayor of Chişinău) is accused of “planning the post-elections riots, of attempting to erase the border over the Prut and to unite with Romania”⁶⁹. The accusations are brought on the basis of the apparently legal interception of a telephone conversation by the Intelligence and Security Service (ISS) during a criminal prosecution procedure against Chirtoacă. The movie shows President Vladimir Voronin, the general prosecutor of Moldova and the ISS chief, Artur Reşetnicov.

Similarly, *Moldova Suverana*, a newspaper which in spite of its denationalization in 2004 remained a speaking trumpet of the government, wrote in its edition from July 22nd 2009, commenting on the visit to Bucharest of a delegation of the Moldovan civil society: **“The meeting of the Moldovans with the Romanian officials took place before the distribution of the Romanian state budget; this leads us to believe that they did not come back to Moldova with empty pockets.** Of course the main purpose of the visit is related to Bănescu’s personal battle to bring to the Moldovan government a political group obedient to him”⁷⁰. There was no discussion about the state budget at that time in Romania.

In its turn, the pro-opposition press retorted to very low criticism. Thus, *Jurnalul de Chişinău*, a newspaper with a rather balanced attitude, wrote on July 20th: **“Vladimir Voronin is certain that Marian Lupu will not become president. “Marian Lupu will not become president! Many want, but not all can! Women know better, don’t they?” said Voronin at a meeting with the voters from the village**

⁶⁷ According to the monitoring reports of the Centre for Independent Journalism, Chişinău.

⁶⁸ Available at <http://www.youtube.com/watch?v=ngCLiWjW2b4>

⁶⁹ According to Cotidianul, Bucharest, 9 June 2009, available at http://www.cotidianul.ro/voronin_superstar_in_atac_asupra_moldovei-87566.html

⁷⁰ http://www.moldova-suverana.md/arh.php?subaction=showfull&cid=1248278408&archive=1248364571&start_from=&ucat=7&

of Pleseni, in the district of Cantemir, writes Unimedia. However, we take the liberty not to agree with the president in office. He must have been sunstroke to say such a thing. For how could the women in Pleseni know what Marian Lupu can and cannot do? Besides, spoken at first person, Voronin’s idea “many want, but not all can” sounds different: “I often want, but not always can”, which is a totally different thing. The secrets of the (mother) tongue, as Monica Lewinski would say...”

If one made a rapid scan of the written press of the Republic of Moldova during the electoral campaign one could easily notice the stylistic difference between the news – which are often insipid and the materials of opinion which are virulent, “colourful” and thus more attractive to the loyal readers of the publications in question. This difference of “editorial tension” led to a second level of electoral manipulation as the public was mostly exposed to strong, negative and deeply immoral messages.

These features were characteristic both for the central and for the local press. Thus, according to IPA, the local press, especially the one supported by the authorities, tended to take the political colour of the group which dominated that district. The same method was used by some independent publications which openly declared their political sympathies. In a press dominated by pro-communist influences, the pro-opposition voices had the role of balancing the information. Nevertheless, taken individually, the local publications in question did not fulfil their impartiality obligations. The IPA manager, Petru Macovei, declared that the organisation will debate the cases of some local independent newspapers which during the electoral campaign violated the principles of equidistance and editorial balance.

But maybe the most dramatic is the case of the public media, the TV station Moldova 1 and Radio Moldova. According to the CIJ monitoring reports, the two public TV stations who are obliged to provide correct information and to promote the political pluralism complied with the principles of equitable, balanced and impartial reflection of the parliamentary elections “on a selective basis”. The Moldovan public media are criticized for their obvious obedience towards the structures of power and for breaching the deontological principles of equidistance, balance and objectivism. Thus, PCRM benefited from quantitative overexposure and intense positive image. For instance, only in the last week of the electoral campaign, the Mesager program, the main news program of the station broadcasted 27 materials favouring PCRM and the central public authorities and 4 having a neutral character. During the same reference period, “other parties had a more modest presence in the news bulletins from Moldova 1 and the reporters showed more impartiality and critical spirit when they spoke about their activities” states the report. In the reference period, the opposition parties (LP, LDPM, OMA, DPM, SDP and the “Green Alliance” Ecologist Party) were the protagonists of 21 materials with a neutral content and 10 with a negative character⁷¹.

⁷¹ The monitoring of the mass-media during the electoral campaign for the early parliamentary elections from 29 July 2009, Report no. 5. 20 – 28 July 2009, available at http://www.ijc.md/Publicatii/monitorizare/monitorizare_raport_anticipate_5.pdf

In an attempt to save the appearances of a fair electoral campaign, President Vladimir Voronin, who is also the leader of the PCRM, asked the public TV stations not to give accounts of his activity and of the activity of the high government officials who were running for the elections (after the example of the former Russian President Vladimir Putin). Apparently, the Moldova 1 TV station took into account the President's request. Nevertheless, the news abounded in stories from special events which were clearly favouring the government and the governing party. The quoted report mentions that: "In that period (July 20th – 28th), Moldova 1 broadcasted 25 materials with indirect electoral character. The subject of these materials were the activities of the Government (the payment of social benefits, discussions about the Russian and Chinese loan, compensations for the victims of political repressions, inauguration of the cereal terminal from Giurgiulesti etc.) but also actions such as asphaltting portions of road, commissioning of an aqueduct and repairing a community arts centre. It is worth mentioning the series of materials about the opening – after renovation – of some family doctors centres from different towns about which Moldova 1 made five different stories. In all materials it was mentioned several times that the money was allocated by the government and only in one material it is said that "the government distributed medical instruments that had been purchased with the help of the European Union"⁷².

According to Corina Cepoi, headmaster of the School of Advanced Journalism Studies coordinated by the CIJ, on several occasions during the electoral campaigns the Moldova 1 TV station showed proof of its professional capacity, by making balanced and equidistant news. Such a situation reveals the fact that it is not the professional capacity the major deficiency of the public TV station, but the political control which prevents the journalists from practising their profession honestly, according to their own professional standards.

The failure of the public TV station to give a fair and impartial account of electoral campaigns comes at the end of many years of support given by the international community, assistance programs and trustworthy investments in the capacity of the "state" TV station to reform itself into a public TV station. This failure was explicitly recognised after the elections from April 5th also by Marianne Mikko, former co-President of the EU – Republic of Moldova Cooperation Committee. Marianne Mikko declared in a press conference: "The fight for the freedom of speech at the Moldova 1 public TV station is, in my opinion, a lost battle. Therefore I believe that the necessary reform should start as soon as possible because during the five years in which I have been monitoring the evolutions from the Republic of Moldova I have not noticed any progress in this direction"⁷³.

⁷² Ibid.

⁷³ According to http://www.actualpress.md/index.php?option=com_content&view=article&id=351:marianne-mikko-moldova-1-a-pierdut-lupta-pentru-libertatea-de-exprimare&catid=45:politic&Itemid=70

The state – player and referee

If we analyse the legislation of the Republic of Moldova it is hard to understand how this abuses and editorial unbalances occurred. The Republic of Moldova not only has a modern legislation, close to the democratic standards, but it also has presumably autonomous institutions called to ensure both compliance with the law and sanctioning of any possible irregularities.

One of these institutions whose purpose is to safeguard the public interest as "referee" of the electoral "match" is the Broadcasting Coordinating Council (BCC)⁷⁴. The abuses notified by the press monitoring organizations, the human rights organizations or by those who had an interest in the correct development of the election process (and of the campaign) were not few in number and it was expected they would put some pressure on the BCC, determining it to take firm reactions. Nevertheless, during the entire electoral campaign BCC issued only two press releases. On July 13th, BCC issues a press release through which it "recommends the broadcasters to ensure impartiality and balance and to favour the free forming of opinions by presenting the main points of view of the opponents; also, in the case of subjects discussing conflict situations, they should comply with the multiple sources information principles, according to the provisions of article 7 of the Broadcasting Code"⁷⁵. The press release underlines that "it is extremely important for the broadcasting institutions not to allow interferences from the public authorities, the electoral opponents or any other individuals from outside the broadcasting institution into their contents and into the form of the programs"⁷⁶ and asks them to give equal antenna times to all electoral candidates, as per the legal requirements. Three days later, on July 16th, as an answer to "signals from several consumers according to whom, the programs of certain local broadcasters falling under the jurisdiction of the Republic of Moldova broadcast electoral shows which are not in accordance with their broadcasting schedules and approved Internal Regulations"⁷⁷, BCC makes another press release, through which "it reiterates the need for the broadcasters falling under the jurisdiction of the Republic of Moldova to comply with the provisions of the Broadcasting Code, the terms of the broadcasting licences and the rebroadcasting licences, the broadcasting schedules and the channel lists approved by the BCC"⁷⁸. These press releases occur – as sole and weak reactions – after the letter addressed by the Coalition for Free and Fair Elections – "Coalition 2009" who was asking the BCC to show the monitoring results, the conclusions and any measures taken by the BCC in relation to the broadcasting of the documentary

⁷⁴ <http://www.cca.md>

⁷⁵ BCC press release from 13 July 2009, http://www.cca.md/sites/default/files/com_presa_13_07_2009.pdf

⁷⁶ Ibid.

⁷⁷ BCC press release from 16 July 2009, available at http://www.cca.md/sites/default/files/com_presa_16_07_2009.pdf

⁷⁸ Ibid.

“Attack on Moldova” by several TV stations (NIT, N4, Prime, EuTV, Moldova 1) in the period June 5th – 15th 2009⁷⁹.

If BCC attracted attention through the “gentleness of the admonitions” and its sheer passivity, other state institutions did so through their opaqueness and lack of appetite in the implementation of the law concerning access to information. The Independent Press Association asked the Moldovan Post Office for its annual balance sheet, to check the statements of its manager, according to whom the Post Office “had done acts of charity” amounting to one million lei. The Moldovan Post refused to provide this information, declaring that they do not have a “commercial” character. Its refusal determined the IPA to attack the institution in court and the Supreme Court of Justice passed a judgment to its favour. A similar process is currently pending between the IPA and the Moldovan Railways concerning the amounts marked into the budget as “investments in railway stations”. Another example of lack of transparency is given by the Taxes Inspectorate who refused to put at the disposal of IPA information concerning the candidates with debts to the state. The Taxes Inspectorate refused to provide such information motivating that “arrears to the payment of the taxes are not crimes”. The Court of Appeal which examined the case passed a judgment to the favour of IPA. “We won the trial, but we still didn’t receive the information” declared Petru Macovei, manager of IPA, in an interview for this report.

Similarly, the Chamber of Records withdrew the right granted to journalists to access information concerning various companies without paying the necessary fee after only two weeks. The privilege was kept for IPA only until June 2009 when the newspapers from the association published an investigation showing the conflict of interests in which the minister of constructions, Vladimir Baldovici, found himself after the construction company where he held the majority shares package won the public tender for the reconstruction of the Parliament of the Republic of Moldova. The investigation was based on information got from the data provided by the Chamber of Records. Free access to these data was later resumed, following negotiations between the Chamber and IPA.

There were, however, more aggressive forms of using the state administrative levers to intimidate the opponents. Thus, a number of journalists renowned for their critical tone against the authorities among which Vasile Botnaru, manager of Free Europe Chişinău, Rodica Mahu, chief editor of *Jurnal de Chişinău*, Oleg Brega, reporter at Jurnal TV and Alexandru Vakulovski, chief editor of the magazine *Stare de Urgenţă* were invited at the beginning of August at the military prosecutor’s office of the municipality of Chişinău for “discussions” about the violent events from April 7th. In the opinion of Vasile Botnaru, these invitations have the purpose of “intimidation” and there are numerous precedents when hearings which started with

⁷⁹ The text of the letter may be found at http://www.alegeliber.md/files/declaratii/Adresare_catre_CCA.pdf

listening to individuals as “witness” ended by turning them into “accused”. “I have experience, I have a strong organisation supporting me, I have lawyers, I am not scared, and they may call me as often as they wish. But for younger journalists, for those who are dependant upon the state’s goodwill such an interrogatory may be very traumatising” declared Vasile Botnaru, interviewed for this report.

A similar tactic was also applied in the so-called “File of the forum users”. At the end of May 2008, the prosecutor’s office from Chişinău asked several providers of online services – among which the *Unimedia* portal – for lists of the IPs from where “anti-state” messages were posted on various forums. The *Unimedia* administrators refused to disclose such data, motivating that they are not obliged to keep them for longer than 24 hours. Later on, the prosecutor’s office opened a criminal file against 12 young people who had expressed their opposition to the close relation with Russia and their preference for a union with Romania. The young people had been identified on the basis of the information provided by an internet provider. The prosecutor’s office had heard the 12 youngsters, searched their homes and ceased their computers. The files remained “pending” without any concrete solution and without being closed. They were reactivated and the investigation resumed in June 2009. As they continued to refuse any cooperation and disclosure of the forum users’ identity, Unimedia was threatened by MoldData – the company managing the Moldovan domains – that they would “revoke their domain”. Investigations are still ongoing and the young people in question may face imprisonment from three to seven years. “Now they are out of danger. But there was a draft law which would have regulated the preservation of the traffic data, according to the European Directive. If this was in force, we could not motivate that we do not have the data” declared Tudor Darie, one of the four owners of the Unimedia.md portal.

There were also attacks against journalists; the “troublesome” reporters were kicked out of the rooms where representatives of the government were holding press conferences. Thus, on July 9th 2009, the prime-minister’s bodyguard forbade a team of journalists from the TV-Prim TV station from the town of Glodeni to take part in a meeting of the civil servants from the district with Zinaida Greceanii. Journalist Rodica Nimerenco was pushed by the bodyguards who threatened to “use the gun” and the cameraman was prevented to film the prime-minister’s entry into the meetings room. On July 12th, at Donduseni, journalists Igor Melnic and Vladimir Thorik from the newspaper *Moldavskie vedomosti* were thrown out from the Palace of Culture by the bodyguard officers of prime-minister Greceanii and by the local police during an electoral reunion of the PCRM⁸⁰.

Around the elections from July, the Moldovan authorities resumed the anti-democratic practices of preventing certain journalists to enter the territory of the Republic of Moldova for reasons which were not mentioned in any legal or

⁸⁰ According to the Declaration of the mass-media organisations in relation to the worsening of the press climate in which the press operates, quoting information from Monitor Media, available at http://www.ijc.md/index.php?option=com_content&task=view&id=460&Itemid=1

administrative procedures. Thus, the special envoy of the Agerpress Agency from Romania, Gabriel Apetri, who was supposed to give accounts of the electoral campaign and the early parliamentary elections from July 29th was forbidden to enter the Republic of Moldova; the pretext invoked was that he did not have a medical certification to state that he is not infected with HIV/AIDS even though, according to the law, no such document is necessary for entrance into the Republic of Moldova⁸¹.

Other types of interventions of the state administration are more “discreet” and more difficult to prove. Such interventions concern conditioning the state publicity on the positive presentation of the government actions or threatening not to renew the broadcasting licence of the stations re-broadcasting Radio Free Europe.

Moreover, according to those interviewed, even the publicity offered by the commercial companies is indirectly controlled politically. “Publicity is directed by the communist government through pressures on the economic agents towards information means which are loyal to the Power. The economic operators are afraid to advertise in the media which “criticizes the government” because then they will be confronted with problems: inspections from the tax and state authorities, forged files etc.” said Cornelia Cozonac from the Centre for Investigation Journalism from Chişinău, in an interview for this report. The Centre for Independent Journalism found itself in such a situation during the electoral campaign for the elections from July; the Centre wished to carry out an awareness campaign for the issue of the freedom of speech. “In the context of the World Day of Press Freedom, the Centre for Independent Journalism wishes to give large publicity in the media to several provisions of the Constitution of the Republic of Moldova, the Press Law and also of the European Human Rights Convention related to the fundamental human rights and freedoms. Although the targeted articles referred to the freedom of the press and the non-acceptance of censorship in the mass-media (article 1 of the Press Law), to a person’s right to information and to the obligation of the mass-media to inform the public opinion correctly (article 34 of the Constitution of the Republic of Moldova), to guaranteeing the freedom of opinion and of speech (article 32 of the Constitution of the Republic of Moldova, The European Human Rights Convention) and do not have any political connotation, two advertising agencies from Chişinău who hold a network of advertising panels on Stefan cel Mare si Sfânt Avenue refused to rent the requested boards to the CIJ; among the reasons invoked, one was related to the political message which, in their opinion, would be conveyed by the excerpts in question” shows the Declaration on some consequences of the instauration of a climate of fear in the Republic of Moldova⁸². According to the observations made by the CIJ, the advertising boards in question remained empty during the electoral campaign.

⁸¹ Ibid.

⁸² Available at http://www.ijc.md/index.php?option=com_content&task=view&id=438

Another pressure lever used against the press is the fiscal inspections at the newspapers’ editorial offices which often end with penalties, sequestration of accounts etc. The court actions are also used against the press; thus, the justice becomes an instrument for putting “uncooperative” publications out of the market. “if lawsuits related to access to information brought by journalists or editorial staffs against the state structures for limiting access to public interest information last one or two years, those started by the civil servants against the press last very little. Accounts are sequestered from the first hearings and thus the newspapers cannot function anymore. Then there are also the enormous damages the courts order the press to pay. It is enough to lose one trial and any newspaper goes bankrupt. There were such cases in the last years” declared Cornelia Cozonac.

The intervention of the state in the mass-media sector has effects not only on the market but also, in wider terms, on the journalistic community. In the Republic of Moldova, the work of the investigation journalists became a risky job. For this reason, many good journalists run from investigations and would rather work on project-basis with the non-governmental organizations or for international institutions where the money is also better. Others, after having gone through interminable trials, retort to self-censorship” explains Cornelia Cozonac.

It is not only the mass-media that is targeted by these forms of pressure and intimidation, but also the non-governmental organizations interested in the good development of the elections. For instance, on April 28th, less than a month after this year’s first parliamentary elections and the violent riots which followed, the fiscal authorities from Chişinău launched a campaign of financial inspections against a number of 18 civic organisations which were part of the 2009 Coalition (among which the Centre for Independent Journalism, The Public Policies Institute, The IDIS Viitorul Institute, Amnesty International).

The international community – too little, too polite, too friendly

The international community has been for a long time the strongest support – sometimes even the only one – of the mass-media from the Republic of Moldova. Through their assistance programs – professional, technical and financial – the Western countries, especially those from the European Union and the United States contributed to the consolidation of the independence of the Moldovan press. But lately, the media activists from the Republic of Moldova, the journalists, seem to be more and more frustrated with what Vasile Butnaru called “political short-sightedness and lack of perspicacity”. They first accused the significant political trust given to Vladimir Voronin as head of state with apparent European aspirations.

“They tried to play by the democratic rules with a partner which does not respect any rule. And they continued to behave the same even after there was blood, as if it had never happened” declared Alexandru Cantar, the manager of the Imedia group, former manager of the BBC office in Chişinău. Many of those interviewed described their discouraging experiences related to the weak, “polite” reaction of the representatives of the international community in front on the post-elections crisis. Thus, Josette Durrieu, co-rapporteur of the Council of Europe for the Republic of Moldova was declaring in September 2008: “I am happy to say that things have started to change for the better in Moldova and this is visible. At the same time, I am glad to see that you are also presenting the existing problems with reasonable ambition and this was also noticed in Brussels”⁸³. After the elections from April, the same co-rapporteur was declaring in front of the Parliamentary Assembly of the Council of Europe, in Strasbourg: “The legitimacy of the elections has been confirmed. Now there is a need for a dialogue between the parties, between the government and the opposition. (...) Were the elections rigged? We are not certain. If we look at the elections, one thing is sure: the opposition lost because they could not organise themselves.” In the opinion of Corina Cepoi (CIJ) “such statements are very harmful, because they may be taken out of context and used as propaganda instruments.” Corina Cepoi also retold an episode in which while being presented the situation of the Moldovan press and the important role played by Vladimir Voronin in supporting certain media channels through informal ways which were still making use of the state authority, during a Parliament reunion, the same European co-rapporteur replied that in France, the press as well is dependant upon economic groups and that one must not expect anything else from Moldova.

Similar frustration was raised by the visit of the General Secretary of the Council of Europe, Terry Davis who arrived in Chişinău just one month before the elections from April 5th. According to the official information, the agenda of the discussions between the CE official and the Moldovan President contained issues related to the independence of justice, the fight against corruption, money laundering and the financing of terrorism, press freedom, the development of civil society, the support of the Roma community and the organisation of free and fair elections. The trends which mined the electoral campaign for the ballot from April were already visible, they were on the official agenda and they were not unknown to the General Secretary of the CE. Despite all this, the visit had a strictly festive character. Terry Davis was decorated by the same President to whom he had come to share the concerns of the European institution.

⁸³ As per Communicate.md, available at http://www.communicate.md/index.php?task=articles&action=view&article_id=56

The Unimedia case: how the future could look like

The riots of the young people from Chişinău on April 7th led to street fights, the arson of government buildings and violent repression on behalf of the authorities. In a purely totalitarian reflex, the communist government tried to limit press freedom by suspending the communication channels it could control (the Internet connection was cut, the mobile services functioned with interruptions) and making a series of highly aggressive arrests on Moldovan or foreign journalists. In the circumstances of such a “persecution” of the traditional means of communication, the information about the events in Chişinău circulated through informal means which were luckily unknown and uncontrolled by the government: the social networks, the Twitter micro-blogging network and so on. “Access to these networks was blocked – Twitter, Facebook, odnoklassniki were not accessible for over a week. We received them by proxy, trained by our colleagues from other countries which face the same problem. Unfortunately, the great majority of the Internet services providers complied with the orders and blocked the IP address lists provided by the Intelligence and Security Service” declared Corina Cepoi.

The events that took place in Chişinău in April proved the importance the new technologies are gaining in ensuring the circulation of the information and how they attach a new dimension to freedom of speech.

Unimedia.md is a news portal which started at the initiative of four Moldovan young people and became a reference in information about Moldova and a possible success story. *Unimedia* started in 2007 as a *digest agency*. In time, it began to produce its own contents, as well. Currently it provides text, video and live transmissions (text and/or image). Starting from 250 unique visitors per day in 2007, Unimedia now has web traffic of 15-20,000 unique visitors per day. “When there are scandals we go as high as 40,000 unique visitors per day” declared Tudor Darie, one of the co-owners of the portal, in an interview for this report⁸⁴. What distinguishes Unimedia from the traditional environments is the entrepreneurial, constructive spirit oriented to the inclusion of all market segments. Identifying the lack of a sufficient offer of equidistant information for the Russian-speaking public, the owners of Unimedia launched a similar portal in Russian. “As far as mass-media is concerned, Moldova has a dichotomist offer: either in Romanian or in Russian. The public got used to this” added Darie. Respecting the socio-linguistic demarcation lines, Unimedia launched a separate Russian portal, *vesti.md* which takes about 80% of the Unimedia contents (translated); the rest consists of new contents, adapted to the requirements and expectations of the Russian-speaking population. Moreover, Unimedia also launched a site for the feminine public, *Lady Club*, which comes to complete the main site whose public is mainly masculine.

⁸⁴ Tudor Darie, Chişinău, August 2009

Unimedia was not exempted from attempted pressures from the authorities, the most visible being the prosecutor's request to collaborate to the identification of the "anti-state" elements who are posting pro-Romanian messages on the Unimedia forum. "We are not afraid of this. We decided to use each pressure to our advantage. They call us to the prosecutor's office, we make a news out of it and increase our traffic; so, in the end, we have more to win than they do" declared Darie.

The profile of the Unimedia reader describes a young public (a quarter of the visitors are between 15 and 24 years old and 35% between 25 and 40), mainly masculine. The highest flow of readers is in the morning – meaning that most of our visitors access the website from the office.

Unimedia shows mainly live stories, "on the spot" which satisfy the need for immediate information specific to the Internet user. The technology used is unsophisticated (mobile phones are used as cameras) thus responding to an internationally recognised trend: internet users are willing to accept a worse image/sound quality if this gives them real-time access to events of interest for them.

The Unimedia project is not just an entrepreneurial exercise of a couple of young enthusiasts. The mobility, dynamism, number and quality of the public made Unimedia attract the largest volume of election-related publicity of all online publications. This allowed the company to build itself healthy economic basis and even to make some profit.

According to Darie, online publications are the real future of the Moldovan press. The Internet penetration rate is growing⁸⁵. The Internet spares the editors from all problems related to broadcasting, distribution to villages or licence-related pressures. "The newspapers understood this as well and moved on to real-time updates, even if the paper edition appears only a couple of times a week. Pro TV Chişinău did the same thing. The online competition is thus increasing but we are glad because it forces us to be inventive" concluded Darie.

⁸⁵ At the beginning of 2009, in Chişinău and in Bălţi, the penetration rate of the broadband Internet access services was of 30,8% and respectively 10,6% and in most of the districts this rate oscillated between 2,2 and 3,2%. The country average remains the lowest in Europe, at 4,9% for the fixed points Internet access services and respectively 4,2% for broadband Internet access services according to the National Agency for Regulation in Electronic Communications and the Technology of Information (ANRCETI), see <http://unimedia.md/?mod=news&id=12822>

Republic Of Moldova – Democracy is Postponed

Marian Chiriac

The respect for human rights remains a concern in Moldova, country which is somehow at a crossroads blocked on the way between Europe and another one, which may lead to isolation. Now maybe more than ever, Moldova must make a choice: it may become the next Transnistria or Belarus or it may become a normal country of the European family.

The dramatic events from April 7th 2009 highlighted the problems which had been signalled before, i.e. that there is a totalitarian regime in Chişinău who retorts to violence when it feels its position threatened and for whom it is not important to allow its own citizens to express their opinions freely and publicly.

In this context, it becomes pressing for the future authorities (Parliament, government, President) resulted following the parliamentary elections to allow rapid and efficient investigations on the cases of human rights violation and to punish the guilty ones. There is also a need for educational and informational actions for the citizens and the civil servants oriented towards the knowledge of their own rights and obligations so as to manage to stop the cases of human rights violations.

Respecting the citizens' fundamental rights and freedoms

The Republic of Moldova remains most often a "terra incognita", a land unknown to the Europeans, and to most Romanians; attention is drawn to this country especially at critic times, either for social troubles, economic crisis of political elections.

Such a critical moment is doubtlessly the parliamentary elections from April 5th 2009, the violent events which followed but also the campaign before the early elections organised on July 29th this year.

Taking the time interval surrounding those events as a time landmark, this report wishes to analyse the main existing tendencies concerning the respect for human rights in the Republic of Moldova.

Our conclusion is not optimistic at all: the regime from Chişinău does not succeed at all in complying with most standards in the field of human rights protection,

although this is a growingly insistent request of the citizens of the republic or is, at the same time, freely undertaken following the country's adherence to the respective international regulations.

Although during the last few years the Government of the Republic of Moldova made efforts towards the respect of human rights – be it legislative, material or even related to changing the administrative customs or the mentalities – remain yet unsolved a series of major problems.

Among the main problems which continue to have a serious effect on the functioning under normal democratic standards of the Moldovan state, we mention:

- the excessive influence of the politics in the act of justice;
- the full non-compliance of the legislation sanctioning the freedom to organise meetings;
- The existence of numerous cases of abusive arrests or the unreasonable motivation of the arrest cases;
- The promotion of torture and maltreatment as acceptable methods of hearing the arrested individuals or of collecting information by the secret services;
- The promotion of arbitrary or unmotivated court decisions;
- The press' lack of independence and the involvement of politics in the broadcasting industry; there are also problems with the impartial coverage of the political messages.
- Problems related to the right of property;
- Lack of protection for the refugees, the asylum applicants and the emigrants;
- Lack of respect for the economic and social rights of most of the population.

This list does not intend to be complete but only to highlight the main shortcomings of the Moldovan state. In spite of the official statements, of some efforts more or less real, the Republic of Moldova remains an authoritarian state dominated by a state-party which although did manage to ensure stability, order and to some extent to stop the economic collapse, continues to be in debt to its own citizens when it comes to the respect of the main rights and fundamental freedoms. At the same time, there remains a huge gap between Moldova's undertaken or declared intentions in relation to the European integration and the realities on the ground.

Context

The Republic of Moldova is a Member State of the Council of Europe (CE) since 1995 and ever since it made progresses in the respect, protection and promotion of human rights. From its accession to the CE, Moldova ratified 62 of the 200 conventions of the Council of Europe.

In 2003 it adopted a new Criminal Procedure Code and a new Criminal Code which brought the internal legislation of the Republic of Moldova to the standards of the Council of Europe and in 2005 the Criminal Code was amended by introducing a new article which makes special reference to the torture applied by individuals with responsible positions in the state authorities, which is in agreement with the UN Convention against torture. In July 2006, Republic of Moldova ratified the optional Protocol of the United Nations Convention against torture and cruel, inhuman or degrading punishments or treatments.

On February 22nd 2005, the Republic of Moldova and the European Union (EU) adopted the Moldova-EU Action Plan within the European Neighbourhood Policy which sets a series of objectives aimed at getting the Republic of Moldova closer to the standards of the Council of Europe, including the respect for human rights⁸⁶.

Later on, the authorities in Chişinău adopted a National Actions Plan for human rights, Moldova being one of the less than 20 countries in the world which adopted such a plan. The plan covered the 2004 – 2008 period and set concrete objectives in relation to the improvement of people's detention conditions, the prevention of torture and maltreatment. For this, they left from the premises that first of all they need to regain the trust of the population in the Moldovan state: "The deformed legal consciousness noticed in the last decade, the deeply rooted neglect for human rights and freedoms and of the human being in general, the legal nihilism and the lack of trust in the state conditioned the people's feeling of insecurity, their lack of trust in the state's ability to protect their rights"⁸⁷.

If we were to consider only the official information, we may say that at least on paper Republic of Moldova looks like a state which – although hardly come out of the communist era – is making serious efforts to respect the fundamental rights and freedoms of its own citizens. Only that these efforts were too seldom reflected in the concrete reality."

To this end, the Country report of the USA Department of State on human rights in 2008 shows that "Generally, the Government of Moldova does respect human rights but at the same time the police forces use force against people in detention and isolation and mass-media is intimidated and influenced by the authorities".

The report also shows that the detention conditions from Moldova remain tough and the police forces harassed and intimidated the political opposition. "There were cases of legal corruption in the police forces, arbitrary arrests of individuals by the police and illegal searches." Moreover, "the government tried to influence the mass-media, intimidated the journalists, maintained some restrictions on the right to meet freely and refused the official registration of certain religious groups."

⁸⁶ Information taken from the Amnesty International report „Tortura și maltratarea din partea poliției: „E doar normal.”, October 2007

⁸⁷ Quoted from The National Actions Plan in the field of human rights of the Republic of Moldova for the period 2004 – 2008, page 2.

The report also shows that in Moldova the social violence persists together with the discrimination of women and children, the traffic of women and girls for sexual exploitation, the discrimination of the Roma. Further on, religious minorities encountered difficulties with registration. There were reports about the limitation of the rights of employees and problems related to the work done by minor children.

In the Transnistrian region, human rights are not respected. The authorities impose restrictions on the freedom to travel and prevent the Moldovan citizens from exercising their right to vote at the elections from Moldova. Torture and arbitrary arrests are still an issue and the detention conditions remain very tough in the region. The Transnistrian authorities continue to harass the press and the opposition, limit the right to free association and religion and discriminate the Romanian-speaking population.

The report states that out of the 3.47 million people (including 528.6 thousands from the Transnistrian region), approximately 900 thousands citizens - of which 250 thousands from the Transnistrian region - are abroad. Moreover, the document notes that although Moldova is a parliamentary republic, the three branches of power (Parliament, Government and Justice) are very strongly influenced by President Vladimir Voronin⁸⁸.

In exchange, shortly after the publication of the report of the State Department the vice-minister of Justice Nicolae Esanu tried to offer an explanation to the situation reported. "Today the state does not have the capacity to ensure the implementation of the laws because there are financial issues, there are even organisational issues and there are competence issues. We have never declared that our capacity to implement laws improved significantly. In what concerns the respect for human rights we depend greatly on the material conditions. And this will not improve this year or in one or two years." said Esanu, quoted by Radio Free Europe⁸⁹

The organisation Amnesty International also expressed a critical attitude, noticing the "worsening of the situation in relation to the respect for human rights" in its report on the situation from Moldova for the year 2008. The authors of the report discover that in "Moldova they continue to report cases of torture and other forms of maltreatment but the authors continue to remain unpunished; that in spite of all efforts of the local and international organizations to raise awareness on the danger of human beings traffic, men, women and children continued to be trafficked and the development of the criminal investigations was hindered by the inadequate witness protection conditions. The state continued to limit the freedom of speech"⁹⁰.

⁸⁸ The Country report of the USA State Department on human rights in Moldova for 2008, see <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119093.htm>

⁸⁹ Statement of vice-minister of Justice, Nicolae Eșanu, mane on 29 May 2009, see <http://www.europalibera.org/content/article/1742718.html>

⁹⁰ Amnesty International Report, available in abridged version at the address <http://amnesty.md/library/yearreports.php?ln=ro&report=19&country=26>

The events from April 7th 2009 – violations of human rights

"Cases of violation of human rights are seen almost everywhere in the world. However, what individualizes Moldova is that here one cannot defend himself or herself against the interferences of the power or when your fundamental rights are being violated. The civil organisations have often said that the authorities do not respect human rights and that there is a huge gap between the laws adopted and their enforcement. And what happened after the riots which followed the announcement of the results of the parliamentary elections from spring is a perfect illustration of all this". The words of lawyer Alexandru Postică express briefly the landmark moment represented by the events from April 7th 2009 in assessing the degree of respect for human rights in Moldova⁹¹.

Let us resume what happened on that date. Two days after the parliamentary elections which sanctioned the rather unexpected victory of the Party of Communists of the Republic of Moldova (PCRM), numerous people – especially young people – went out on the streets to protest against this result.

Under circumstances which were not yet entirely clarified, the peaceful protests degenerated into violent actions; there were clashes between the demonstrators and the police which used rubber batons, tear gases and acoustic bombs, water canons etc. Some demonstrators devastated the buildings of the Presidency and of the Parliament and in this context the police forces could not ensure a peaceful development of the demonstration⁹².

It is estimated that following the riots from April 7th two people died (some reports mention three); of these two, at least one (Valeriu Boboc) seems to have died following the abusive use of force by the police. The press said that the death of Boboc was caused by "the diffuse brain injury caused by grievous body injury to the head region" according to expert Derrick John Pounder from the United Kingdom. These data were not made public until the completion of this report (middle August) although the British expert had shown his expertise report at the end of June already⁹³.

On the other hand, the case of the other deceased person, respectively Ion Țîbuleac raises some question marks but death may have been caused by the tear gases used against the demonstrators.

At the same time, on the night between April 7th and 8th and during the following days the police made numerous arrests, seizing between 166 people (according to the official data of the Moldovan Ministry of the Interior) and 700 people (according

⁹¹ Interview with lawyer Alexandru Postică, legal consultant of the Promo-Lex organisation from Chișinău, August 2009.

⁹² This duty is specified in the Law concerning meetings, no. 26-XVI from 22.02.2008 (articles 21 and 22).

⁹³ According to the publication Ziarul de Gardă, the edition from 13 August, text available at the address <http://www.zdg.md/investigatii/e-oficial-v-boboc-a-fost-omorat>

to the estimates of the civil organisations)⁹⁴. Many of the people arrested were minors.

In exchange, the vice-minister of interior, Valentin Zubic, showed other figures; 206 people were seized in administrative arrest. According to him, the policemen had to use force “against some people”. “When analysing these events, we discovered that the impact of the police beating was not as heavy as in other states, even from Europe” he declared, mentioning that the forensic expertise showed that the injuries caused by the policemen were “average” in the case of six persons while the rest of the injuries were of “insignificant gravity”. The Moldovan vice-minister also said that no cases of rape inside the police stations were proven; however, in the case of three young women seized by the police “there were some undignified, humiliating actions of the police collaborators” and the Prosecutor’s office will give a ruling in these cases. Among the measures taken to rectify the situation, Zubic mentioned the installation of several cameras in the penitentiaries⁹⁵.

On the other hand, the General Prosecutor Valeriu Gurbulea was saying in June that only 96 of those arrested filed complaints, stating that they were maltreated by the law enforcement agencies of order. “Only ten requests were examined and we initiated four criminal cases for abuse of power, average body injuries and so on. The slow development of the investigations was due to the agglomeration surrounding these subjects” declared the General Prosecutor Valeriu Gurbulea⁹⁶.

According to the data of the civic organizations, the people seized for protests were placed under administrative arrest for a period of 10-20 days (in 36% of the cases) followed by another arrest period of 30 days (in 26% of the cases)⁹⁷.

The journalist Natalia Morari and the civic activist Ghenadie Brega were also arrested together with some public figures (businessman Gabriel Stati and the chief of his bodyguards’ team - Aurel Marinescu, the former presidential councillor Sergiu Mocanu, Anatol Mătăsararu etc.); related to the situation of the latter category, the press believed that these were “political arrests”⁹⁸. Moreover, pressure was put on the political leaders of the opposition; for instance against the president of the Liberal Democrat Party, Vladimir Filat a criminal file was initiated “for the participation in mass disorders”.

The power in Chişinău tried to show concern for the rapid and correct solving of this situation. Thus, on April 11th, the Moldovan minister of interior made public

⁹⁴ The Moldovan Ministry of Interior spoke of 172 persons arrested and fined (<http://www.mai.md/stirile-min-ro/216738/>). The Chişinău Town Hall created an office for registering the cases of abuse against people and made 318 registrations. In exchange, the Human Rights Institute (IDOM) and The Resources Centre for Human Rights (CReDo) made their own investigations and identified around 655 people. The abovementioned data are based on the documents put at our disposal.

⁹⁵ According to accounts of the Info-Prim Neo press agency, available at the address <http://www.info-prim.md>

⁹⁶ According to accounts of the Info-Prim Neo press agency, available at the address <http://www.info-prim.md>

⁹⁷ According to the data from the investigation carried out by the Human Rights Institute (IDOM) and The Centre of Resources for Human Rights (CReDo).

⁹⁸ See, for instance, a story made by Free Europe on 13 April 2009, available at <http://www.europalibera.org/content/article/1607951.html>

the list of those seized following the protest actions from April 6th -7th and the list of those under administrative arrest. However, the list in question was intensely contested as some said that it did not offer basic data about all people seized.

On April 15th, in a TV appeal of President Vladimir Voronin, the head of state announced that he would initiate “a total amnesty and the cessation of any form of prosecution of the participants in the street protest actions” except for “the representatives of the underground world and the recidivists”⁹⁹.

In a couple of days, the General Prosecutor’s Office started the legal procedures of releasing the people seized, with certain exceptions. All people seized in relation to the events from April 7th, except for Anatol Mătăsararu – who continues to be detained for another criminal matter – were gradually released. Their period of detention varied a lot; for instance, the politician Sergiu Mocanu remained in custody for 65 days and from June 12th to July 31st he remained in house arrest.

The abuses on the detained people also had international repercussions. Thus, at the European Court of Human Rights there are five files against the Republic of Moldova, in which the complainants – Anatol Mătăsararu, Gabriel Stati and Aurel Marinescu, Sergiu Mocanu and two other persons who wished to remain anonymous during the investigation – complained against the use of ill treatments or the lack of evidence to entitle arrest.

In the mean time, through a presidential decree Moldova set up a State Commission for the clarification of the circumstances and consequences of the events from April 7th – 8th 2009, presided by the communist deputy Vladimir Țurcan. Both the opposition parties and the representatives of the civil society criticised the structure of this commission and asked for the creation of an independent commission, with the participation of European experts. The same position was taken by several European officials. The activity of the commission was interrupted during the early parliamentary elections from July 29th and the clarification of the events from April 7th was too little discussed in the following period except for the mention of undertaking a moratorium until the political situation is clarified.

The situation from the Republic of Moldova could not have left indifferent the international bodies, either. The Moldovan NGOs alerted the European Commissioner for Human Rights, the Parliamentary Assembly of the Council of Europe, the UN, the OSCE, the European Union, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and other bodies and asked the Moldovan government to investigate each case very rigorously.

Thus, in April-May the Commission for External Affairs of the European Parliament had five reunions during which it discussed the situation from Chişinău.

⁹⁹ According to accounts of the Info-Prim Neo press agency, available at the address <http://www.info-prim.md>

On April 26th -29th, Moldova received the visit of a delegation of the European Parliament which documented on the spot the post-election situation in order to prepare a Draft Resolution of this institution. Following the research visit of the members of the European Parliament and the debates from the specialised commission, on May 7th the European Parliament approved *The Resolution concerning the situation from the Republic of Moldova*¹⁰⁰.

The resolution insists on the respect of the rule of law and of human rights, firmly condemning all related deviations and violations registered after the parliamentary elections. Thus, they express their concern about the “illegal and arbitrary arrests, the numerous violations of the human rights of the arrested people, especially in what concerns the right to life, the right not to be subject to any physical abuse, to torture, to inhuman, degrading or punitive treatments, the right to freedom and security, the right to justice and the right to freedom of meeting, association and speech”.

The European Parliament asked “to launch a special investigation in the cases of those deceased during the events which followed the elections and also of all accusations of rape or ill treatments during detention and of the arrests made on political grounds”, expressing its desire that those responsible of brutality and violence against the detained persons should “be brought to justice”. Moreover, they proposed the setting up of an independent commission for the investigation of the post-elections events, with the participation of experts from the European Union and the Council of Europe¹⁰¹.

Last but not least, we must say that the events from April 7th gave the power in Chişinău a reason to expel several foreign journalists (while others were not allowed access into the country), to limit access to information or to launch accusations of interference in the internal affairs of the Republic of Moldova by states such as Romania. In the end, however, the Moldovan authorities would have moderated this last point of view¹⁰².

In conclusion, one might say that during and especially after the end of the demonstrations from April 7th 2009 numerous situations of violation of human rights were recorded as the police most often acted very brutally, retorted to

¹⁰⁰ According Euromonitor no. 6, “Implementarea reformelor inițiate conform Planului de Acțiuni UE-RM, Evaluarea progresului în perioada aprilie-iunie 2009”, report compiled by the organisations Adept and Expert-Grup.

¹⁰¹ The entire text of the resolution may be found at the following address: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0384&language=RO>.

¹⁰² “Romania, as a state, did not participate at the protests from 7 April”, declared on 22 July this year the General Prosecutor of the Republic of Moldova, Valeriu Gurbulea, who added that “only some forms of actions were registered”, such as “a cyber attack on the servers of the state institutions” initiated from Romania and “attempts to cross the Moldovan-Romanian border”, according to the Unimedia.md news portal.

unjustified seizures and made extensive use of beating or intimidation tactics. To resume, the following situations were identified:

- **Arrest and detention were used extensively and systematically.**

According to the investigation of the Human Rights Institute (HRI) and of the Resources Centre for Human Rights - CReDo based on the identification of about 655 people detained or arrested, 47% of them were accused of “mass disorders”, 28% of robbery or 13% of “hooliganism” or “insubordination to the police”.

- **Access to legal assistance was not ensured in a large number of cases.** Thus, according to the already mentioned investigation, 40% of those detained affirm that they did not have access to a lawyer within the limits provided by law (respectively three hours for adults and one hour for minor children); moreover, 64% of those arrested say that they were forced to sign the accusation and procedural documents without any legal assistance; thus, 20% of the people accused state that they did not receive any legal assistance during the legal procedures and another 38% state that they were not explained why they were arrested.

- **The police was very brutal.** The number of beatings, maltreatments or intimidations was very high. To this end, the IDOM and CReDO investigation reveals that about 64% of the people detained say that they were beaten or abused while in police custody. Thus, 7.5% of those arrested say that they were beaten in the police cars while being transported to the place of detention; of the people maltreated, 56% declared having been beaten with the legs or hit and 42% were beaten with the batons. There were also cases when those arrested were hit with plastic bottles filled with water. To conclude, we must say that 2% of those detained say that they were sexually abused by the police. Under these circumstances, many people were hospitalised or treated at home.

- **A lot of minor children were detained and there was no access to medical services in a large number of cases**¹⁰³.

According to the data collected by the Office for the registration of cases of abuse against people, opened by Chişinău Town Hall, 43 cases of inhuman treatment and torture were documented. In exchange, the General Prosecutor’s Office of the Republic of Moldova announced having opened just one criminal file on the name of citizen Hînc Damian for the use of torture, following the submission of

¹⁰³ Information from a report put at our disposal by the Human Rights Institute (IDOM) and The Centre of Resources for Human Rights (CReDo), document which was not yet made public when this report was compiled.

24 complaints¹⁰⁴. However, the number of complaints would increase further on and in this case it is worth mentioning the case of the orthodox priest Johnattan Jerusalayem Netanyahu, a Romanian and American citizen initially accused of having organised the mass disorder actions; after being released, the priest complained to the prosecutors of having been beaten by the policemen and he declared that he would insist for the justice to punish the guilty policemen for having retorted to torture.

The rather numerous situations of human rights violation following the police intervention after the events from April 7th are also confirmed by a public institution from Moldova, i.e. that of the Ombudsman. Thus, a report of this institution was saying: “Some of the interviewed persons made reference to the use of excessive violence by the collaborators of the police both during the arrest and in the police stations of the Chişinău municipality districts and others were showing body injuries when they were transferred to their places of detention. (...) It was discovered that they were generally given the right to defend themselves by choosing a lawyer or benefiting from state guaranteed legal assistance. (...) At the same time, it was discovered that in some cases the arrest protocols were erroneously compiled as they did not indicate either the date or the hour of the arrest, therefore making it impossible to determine the duration of the detention, in total disagreement with the provisions of article 167 of the Criminal Proceedings Code. (...) Another legal framework which was erroneously implemented refers to the arrested being given the possibility to inform one of their close relatives or any other person about where they are being held; this again is in contradiction with the legal provisions”¹⁰⁵.

The limitation of the right to free and fair elections

The organization and the development of an electoral process according to the democratic criteria is one of the objectives freely undertaken by the Republic of Moldova both on the basis of its internal legislation and the adherence to the standards of the OSCE and the Council of Europe.

The parliamentary elections from April 5th and also the early elections from July 29th were assessed by quasi all the observers and independent reports as being “partially free and democratic”. Of course, in Moldova there were no situations similar to those from other Central Asian countries where the multiple voting is a common procedure or where the leader in power obtains at least 90 percents of all the votes in the country. Nevertheless, in Moldova the irregularities exceeded

¹⁰⁴ According to a story of the Free Europe radio station (<http://www.europalibera.org/content/article/1614813.html>), mentioned in the Euromonitor report no. 6 “Implementarea reformelor inițiate conform Planului de Acțiuni UE-RM, Evaluarea progresului în perioada aprilie-iunie 2009”, compiled by the organisations Adept and Expert Grup. This last report is available in PDF format on the website www.expert-grup.org.

¹⁰⁵ According to the preliminary Report on the respect of the rights of the people for the events from 7 April 2009, available at <http://ombudsman.md/file/Rapoarte/tematice/Pentru%20Presa.doc>

the average acceptable level for a state which is not entirely democratic, while such irregularities were “complex and sophisticated”, at the limit of the applicable European standards¹⁰⁶.

Since the number of cases which may be classified as breaches of the right to free and correct elections is high, we will only present the most relevant situations or the cases which have a major impact¹⁰⁷.

Hence:

- During the electoral campaign the candidates **made use of intimidations**, exercised pressures and physical aggressions including with weapons with blades. There were cases when the local civil servants said that they were intimidated by their bosses that they did not ensure the presence of the voters at the meetings with some candidates. At the same time, some voters were threatened by some representatives of the local public administration if they participated at the meetings with certain candidates. In the same context, some economic agents complained about the pressures exercised by the authorities for providing services for candidates of the opposition.
- **The non-compliance with the legislation on electoral publicity** was the most frequent violation of all candidates. The electoral gifts were also present in this electoral campaign as well as the differential treatment applied to the opponents by representatives of the local public authorities.
- **The administrative resources** put at the disposal of the electoral constituencies were **often used for political purposes**. Representatives of the political parties provided various gifts to the electors such as the organisation of free concerts, landscape development, free equipments, and humanitarian aids.
- The **messages** of the electoral campaign **often had an aggressive character**, which prevented many voters from having a clear, reasonable option. It was not just once there were promoted hate discourses or completely distorted electoral messages. The aggressiveness of the electoral speech grew worse in the campaign before the early elections, the main leitmotif being the riots from April 7th – 8th.
- **The mass-media often reflected the electoral campaign in a biased manner**. The negative champion of this was the public company Teleradio-Moldova. There were also some electoral posters placed in unauthorised places and others were destroyed.

¹⁰⁶ According to the statements made by all consulted experts and by the civil organisations. A similar conclusion may also be found in the reports monitoring the electoral process.

¹⁰⁷ For details on the concrete cases please see: The 1st and 2nd Reports of the League for the Defence of Human Rights on the monitoring of the elections campaign for the parliamentary elections from 29 July; The 1st and 2nd reports of the Promo-Lex Association on the monitoring of the early parliamentary elections from 29 July; The Quarterly report (6) on access to official information in the Republic of Moldova, compiled by a group of experts under the management of the „Acces-Info” Association (April-June 2009).

- **No solution was found for the voting of the Moldovan citizens from abroad or from Transnistria.** For the latter 11 voting sections were opened, but they were not ensured any information campaign.

- **The involvement of minor children in the electoral campaign.** The political parties involved children in the campaign, using them for the distribution of information to their voters or in the organization of electoral concerts.

Just one day after the parliamentary elections from April 5th, the OSCE observers presented a report – later assessed as “superficial” – showing that the elections from Moldova were “free and fair, with some minor violations”. After the riots from April 7th – 8th, the OSCE observers, the joint international mission were much more careful in their assessments and tried to have a massive presence outside of Chişinău, as well also trying to understand exactly what the national observers or the opposition parties see when they talk about “the use of administrative resources or the abusive use of the media”¹⁰⁸. Therefore one week after the initial report, the OSCE published an additional note in which it admitted the ballot monitoring deficiencies which made it impossible to register any significant violations.

On July 20th, unlike the reports from April, the Western observers from the European Parliament and the OSCE stated that the early elections “were incorrect, partially free and that many violations of the legislation took place”. The same opinion was expressed by the national observers from the 2009 Coalition while the observers from the mission of the Community of Independent States considered that the elections took place “in entire conformity with the electoral legislation in force”¹⁰⁹.

The international observers noted that although the day of the elections was properly organised and the elections went on peacefully, the abuses in the use of the administrative resources had a negative effect on the equality of opportunities during the electoral campaign. As negative points, the observers also noted that the authorities had used subtle pressuring and intimidation methods and the main television channels had not offered balanced information, but rather favoured the governing party.

The head of the OSCE observers mission, Petros Efthymiou, declared on July 30th that although the electoral campaign generally developed in a pluralist environment, it was still affected by the governing party’s attempts to prevent the opposition from meeting: “The abusive use of the administrative sources by some political parties had a negative effect on their equal opportunities to develop the campaign”¹¹⁰. At the same time, the public TV station did not manage to provide

¹⁰⁸ Interview with analyst Igor Munteanu (IDIS Viitorul), available at address: <http://politicom.moldova.org/news/imunteanu-neregularitile-la-alegeri-complexe-i-sofisticate-203045-rom.html>

¹⁰⁹ Public information, presented by the press from Chişinău.

¹¹⁰ The case which attracted most of the attention of the press was the one related to the retention of the mayor of Chişinău, Dorin Chirtoacă. On 18 July, he was retained for a couple of hours by the police for the assumed reason that his meeting with the voters, during which a film about the incidents from 7 April was shown, lasted too much and it extended over 10 p.m. Chirtoacă said that he expected a fine as he had been accused of having disturbed the public order, but the policemen who interviewed him didn’t even draw up a minutes of the offence.

impartial and balanced information through its programs, but rather favoured the Party of Communists.” Petros Efthymiou showed concern for the fact that cases of intimidation of the candidates and the voters by the police were also notified¹¹¹.

Marian-Jean Marinescu, the representative of the Mission of observers from the European Parliament declared that in spite of all the efforts made by the electoral administration to remedy the irregularities discovered in April during the compilation of the lists of voters, the ballot from July 29th lacked transparency with regard to the posting of the electoral lists and the registration of the voters: “the long-term observers informed us that there had been some improvements, but overall the electoral campaign developed in a more tensed atmosphere than in April, which is very regrettable.”

Several observers underlined that the lists of voters are not just a technical problem but a political one, which must be solved through adequate means.

On the other hand, according to the 2009 Coalition dozens of serious cases of intimidation of the electoral opponents were registered during the electoral campaign and the state did not ensure a violence-free campaign climate.

According to the 2009 Coalition the electoral lists were not compiled correctly and access to the information concerning the lists was limited. Therefore, on the elections day there were multiple cases of unknown persons reported living at other voters’ addresses, fraudulent votes in the name of other persons, and cases of voters multiple registration in the electoral lists, sometimes even different ID data¹¹².

Freedom of speech and of meeting – progress in legislation, discrimination in practice

On paper, Republic of Moldova has one of the most modern and permissive laws when it comes to freedom of meeting. The new law concerning meetings was adopted by the Parliament in Chişinău on February 22nd 2008 and it became effective on April 22nd the same year.

According to the law¹¹³, to organise a meeting one only needs to inform the town hall about his or her intent to do so (before, one needed the approval of the town hall to organise such meeting) and meetings of less than 50 people may occur spontaneously, without prior notification. At the same time, the law states that the town hall may ban the development of meetings only through a court decision

¹¹¹ See the story of Free Europe available at <http://www.europalibera.org/content/article/1789201.html>. Of the cases of obvious violation of the human rights one must mention the expelling of five observers from Georgia and Ukraine (later on, all observers of the Mission of the European Network of the Elections Monitoring Organisations - ENEMO withdrew), of seven foreign citizens (four Danes and three Belarusians) members of a civic organisation or delaying tactics with the journalists at the border.

¹¹² the stories of Free Europe available at: <http://www.europalibera.org/content/article/1789201.html>

¹¹³ The full text of the law on meetings may be found on the website <http://lex.justice.md/>.

(before, it could do so through a decision of its own). Last but not least, the police must protect those participating at the meeting from any counter-demonstrators.

In reality, the legislative progress was not accompanied by the elimination of the discriminating practices as the actions of the police and town halls from the Republic of Moldova speak of a real refusal to comply with the laws in force. According to the reports of the civic organisations, the presence of the police at the demonstrations, the number of people arrested and the use of force have increased since the new law became effective¹¹⁴.

To this end, it would be worth mentioning the cases in which members of the Hyde Park organisation were treated rudely and detained only for exercising their right to speak freely. Another eloquent case is that of Oleg Brega – member of the mentioned organisation who, on April 30th 2008 was arrested for protesting peacefully by himself in the centre of Chişinău at the anniversary of the setting up of the state television. The police tried to prevent him from protesting and accused him of hooliganism. On May 9th, the court sentenced him to three days of prison for swearing in public. His brother, Ghenadie Brega was fined for protesting in public against Oleg's arrest¹¹⁵.

On the other hand, on May 8th 2008 the town hall from Chişinău banned for the third consecutive year a demonstration of people with different sexual orientation. The Genderdoc-M NGO informed the mayor's office about their intention to organise this March in front of the Parliament, to support a new anti-discrimination law. The mayor's office said that the religious organisations, the students and the locals had had a negative reaction to this plan and “they accused the sexual minorities of aggressiveness and violation of the moral and spiritual values” and therefore, “to avoid any social tensions”, they had to ban the march. The militants did arrive at the Parliament but they were surrounded by around 300 aggressive people who prevented them from getting off the bus. The few policemen that were in the area did not have any intervention¹¹⁶.

The conscious and premeditated violation of the meetings law would reach its peak on the occasion of the events from April 7th 2009. Immediately after the parliamentary elections, on April 6th, a group of civic activists (among which Natalia Morari and Ghenadie Brega as natural persons and members of the initiative group “I am anti-communist”) organised a peaceful event entitled “day of national mourning” as a protest against the results of the elections. They informed the

¹¹⁴ The full text of the law on meetings may be found on the website <http://lex.justice.md/>.

¹¹⁵ Following an interview with Ghenadie Brega, leader of Hyde Park, it resulted that members and sympathizers of the organisation carried out demonstrations for various pretexts (in front of the Romanian Embassy, militating for their right to education in Romanian; or a commemorative meeting in front of the Russian Embassy in Chişinău) and they had problems with the police on each occasion although according to them they had always observed the law. For further details, please see the website www.curaj.net.

¹¹⁶ Please see the stories of the Moldovan press from that period.

authorities about their plans in accordance with the law and the forecasted protest action was promoted through the internet social networks, through text messages on mobile phones and from person to person¹¹⁷. The organisers expected just a couple of hundred young people, but they were amazed to see thousands of people gathering, including the leaders of the major opposition parties. “We, as initiators of the meeting, tried to calm people and declared the demonstration closed at the hour agreed upon with the authorities. We are not responsible for what happened afterwards” declared one of the organisers¹¹⁸.

But the authorities reacted in force. On April 7th, the General Prosecutor's Office announced that they had opened a criminal file on the name of Ghenadie Brega and one day later his brother, Oleg, is beaten by policemen in civilian clothes. On April 9th, the headquarters of the Hyde Park Association is searched by the police and several computers, documents, media materials etc. are seized¹¹⁹. Around the same period journalist Natalia Morari is also arrested and accused of “having organised mass disorders”. On June 12th, Dorin Chirtoacă, the mayor of Chişinău is also accused of “having organised mass disorders” and of attempted coup d'état for which he may get the maximum punishment of 15 years of prison. His lawyer declared that the mayor had been present at the demonstrations from April 6th - 7th but only to convince people not to make use of violence.

In a standard reply to the appeals of Amnesty International supporting Natalia Morari and Ghenadie Brega, the General Prosecutor's Office declared that “only those participants who took an active part in the illegal actions, qualified as such by the criminal law, i.e. the individuals who used violence against the representatives of the law enforcement agencies, destroyed or incited people to arson and destroy public property were detained and criminally prosecuted”. According to Amnesty International, Natalia Morari, Ghenadie Brega and Dorin Chirtoacă were accused of having committed criminal actions for exercising their legitimate right to freedom of speech and if they had been sentenced, Amnesty International would have considered them prisoners of consciousness¹²⁰. Later on, all those arrested would be released and their interdiction to leave the country would be cancelled.

In May, Hyde Park Association sent to the European Court of Human Rights a complaint against the illegal search and seizure of assets from its headquarters. It is to be noted that the association or its members submitted 16 complaints to the European Court of Human Rights which concern different forms of violation of the human rights; so far, four files were given a favourable solution.

¹¹⁷ Interview with Ghenadie Brega, informal leader of the Hyde Park organisation, Chişinău, July 2009

¹¹⁸ Interview with Ghenadie Brega, informal leader of the Hyde Park organisation, Chişinău, July 2009

¹¹⁹ Idem. The chronology of these events is available on the website www.curaj.net.

¹²⁰ Please see <http://www.amnestyusa.org/document.php?id=ENGEUR590062009&lang=e>

Harassment of the human rights defenders

In the chapter related to freedom of speech and of meeting we should also classify the situations in which several Moldovan organisations of the civil society were subject to unacceptable pressures from the authorities.

Hence, in a letter to the Prime Minister dated April 29th 2009 the organisation Amnesty International expressed its concern about the fact that at least seven NGOs had received letters from the Ministry of Justice being asked to explain their position in relation to the April 7th riots and to present the measures taken by the organisation to prevent and stop the violence and to ensure the observance of the law in relation to the meetings.

These seven organisations and four others also received unexpected summons from the local tax inspectorates dated April 24th; through these summons they were asked to submit their financial documents for the years 2008 and 2009 until April 28th and to identify their income sources and their expenses.

On April 28th, the office of Amnesty International in Moldova received the visit of the representatives of the local tax inspectorate which asked the organisation to show a copy of the list of members who had paid contributions. Then, starting from April 9th the Amnesty International Moldova office was supervised by unidentified individuals for several days¹²¹.

In an answer addressed to Amnesty International from May 22nd, the Minister of Justice declared that the actions of the tax authorities have nothing to do with the actions of the Ministry of Justice and that the latter had acted in accordance with the law. The state tax authorities did not give any explanation.

There were also subtler pressures. For instance, the office of Human Rights Institute which had started an investigation related to the victims of the riots from April 7th “started to be supervised by certain unidentified individuals who kept an eye on who comes when and when they leave from us. The telephone line started to work very badly; I am sure that even my personal mobile was and still is intercepted. When I have certain important discussions with different individuals about the events from April, the connection is very bad or I have to call several times until I find that person. Often, once I start the conversation, I hear an electronic signal in the telephone. I did not hear this signal before the events from April 2009”¹²².

The pressures against non-governmental organisations grew less intense before the early parliamentary elections but discussions with NGO representatives from Chişinău showed that the harassment and intimidation actions were a constant preoccupation of the government.

¹²¹ See: <http://www.amnesty.md/news/news.php?ln=ro&id=248>

¹²² Interview with Vanu Jereghi, manager of the Human Rights Institute (IDOM) and vice-president of the Consultative Council for the Prevention of Torture, Chişinău, August 2009

The flawed functioning of the legal system

In the Republic of Moldova there is consensus only in one matter: human rights are far from being respected, not even at the most basic standards.

The experts and the civic activists are unanimous when it comes to the cause of this state of fact: the flawed functioning of the legal system, the too exaggerated influence of the politics, and the almost total subordination of justice to the party in power. “The legal system is almost entirely subordinated to the politics” believes Vanu Jereghi, manager of Human Rights Institute (IDOM) and vice-president of the Advisory Council for the Prevention of Torture. “The party and the lack of professionalism are the great problems of Justice. It is necessary that the judges, the police, and the prosecution do observe the European standards. We have a good legislation, there are some laws which need to be amended to cancel some anomalies, but the most important thing is for these laws to be implemented” believes lawyer Alexandru Postică, legal consultant of the Promo-Lex organisation. A similar opinion is shared by Igor Boţan, executive manager of the Association for Participative Democracy-ADEPT: “The vertical of the state power generates the human rights violation cases and maintains corruption. Those in high positions feel protected; they can do anything, while those outside the system suffer. Human rights are violated to protect those in power.” Last but not least, lawyer Vlad Gribincea from the Association Legal Consultants for Human Rights said: “The problems of Moldova are not generated by the legislation, but by its implementation. We need honest civil servants which should not be subject to political pressures”¹²³.

There are numerous shortcomings in the Moldovan legal system:

- Vulnerability in front of pressures coming from political factor. The lack of independence of the prosecutor’s office leads to its involvement in intimidations and in preparation of politically motivated dossiers;
- Vulnerability to corruption;
- Insufficient funding and payment;
- Extension of the reasonable time needed to examine a case;
- Bad technical equipment;
- A significant number of unexecuted court decisions;
- Insufficient professional training and unsatisfying quality of the auxiliary staff;
- The legal system remains closed, without any efficient external control¹²⁴.

¹²³ Interviews with legal consultants and civic activists, Chişinău, July-August 2009.

¹²⁴ Synthesis of the problems made on the basis of interviews with legal consultants and civic activists. For an exhaustive presentation of the problems of the legal system of the Republic of Moldova, please see Alexandru Cocârţă, “Reforma justiţiei în contextul implementării Planului de Acţiuni UE-Moldova”, Chişinău 2009, ADEPT (www.e-democracy.md)

All these bring an obvious prejudice to the image of justice, affect the economic and social development of the Moldovan state and reduce its credibility on the external arena. The existence of shortcomings in the system is acutely felt by the ordinary people, also proven by the polls which show a low confidence of the population in the institution of justice (around 30%)¹²⁵.

Last but not least, the fact that there are numerous cases of human rights violation and that Moldovan justice seems to be incapable to solve them is reflected in the growing number of cases opened at the European Court of Human Rights. The number of requests submitted against the Republic of Moldova at the European Court of Human Rights increased from 212 (in 2001) to 1147, last year. At the same time, the number of requests declared admissible increased from 3 to 29 in the same time interval. But the seriousness of the situation is given by the number of sentences passed against Moldova by the European Court of Human Rights – no less than 138 cases (most of them related to the human rights violations) being solved to the disadvantage of Chişinău. Through these decisions of the European Courts of Human Rights, the Republic of Moldova was obliged to pay approximately 4.5 million Euros as material damages, moral damages and legal expenses¹²⁶.

The Business Environment In The Republic Of Moldova – Party Of Communists Ltd

Ştefan Câdea

In the Republic of Moldova major businesses were closed or taken over by force. Important privatisations were cancelled and the companies in question were nationalized. In the profitable import and export sectors monopolies were created and the free market competition was cancelled. All these were done to the detriment of businessmen and of public money, entailing serious breaches of the human rights. The beneficiaries of the abuse on the business environment are grouped around the presidential family, the ministers or the close members of parliament. Nepotism and conflicts of interest, officials and dignitaries – these are the characteristics of the big businesses in Chişinău.

In the last 2 years, over 50 million EUR were invested from abroad in the Republic of Moldova for anticorruption programs. Anticorruption expert: “related to the money spent, the results are very poor. Before the elections from April, the situation was improving. But after the elections, everything was ruined. One cannot fight against corruption in a totalitarian state.”

If a business becomes profitable, it falls immediately in the hands of the “raiders”, i.e. it is taken over by force. A handful of people grow excessively rich, a repressive apparatus is encouraged to support itself from the small and medium corruption and an entire country grows poorer. “Voronin created a direct political vertical and leads everything”. The present report identifies a series of “state weapons” used to take over others’ businesses: CCECC; the General Prosecutor’s Office with criminal files opened for blackmail; cancellation of privatisations and nationalisation; the presidential institution or Voronin himself; government ordinances or directives for creating monopolies; directing public money towards the companies of the president’s son, Oleg Voronin.

¹²⁵ Please see the series of „Public Opinion Barometers“ made by the Public Policies Institute, <http://www.ipp.md>

¹²⁶ Please see the activity reports of The European Courts of Human Rights, at the address: <http://www.echr.coe.int/ECHR/EN/Header/Reports+and+Statistics/Reports/Annual+Reports>

The system

The situation faced by the business environment from the Republic of Moldova is the following: from the head of the state-party – PCRM – and with the help of the state bodies, the Voronin family monopolised profitable business for themselves and for a handful of close businessmen; these business use both private funds and public money.

The wealth accumulated by Oleg Voronin in the years in which his father led Moldova with an iron hand has already become a legend¹²⁷. But the situation of the business environment is neither funny, nor a legend. Major businesses were closed or taken over by force. Important privatisations were cancelled and companies were nationalised. In the profitable import and export sectors monopolies were created and the free market competition was cancelled. All these were done to the detriment of businessmen and of public money, entailing serious violations of human rights. The beneficiaries of the abuse on the business environment are grouped around the presidential family, the ministers or the close members of Parliament. Nepotism and conflicts of interest are on the daily agenda.

Slowly but certainly, the political sector took over the profitable domains of the private sector and also collected for its personal benefit what it should have spent in the public interest. The system which was at the basis of the takeover of important businesses is the following¹²⁸: The Political controls the Executive, the Executive harasses the Private, and the Private is forced to turn most of the profit both towards the civil servants of the Executive as a bribe and to the façade-structures of the Political. Larger businesses are simply seized by the so-called “raiders”¹²⁹. The public money is embezzled in the leaders’ private pockets.

The Political and the Executive are the Voronin family. The top positions of the Executive are individuals who are very close to Voronin, most often individuals who may be blackmailed or have various criminal files forgotten in the prosecutors’ drawers. The intermediary private structures are controlled by maximum 5 families around Voronin. The system made up of the police, the prosecutor’s office and the justice is the driving belt which controls the businessmen.

The system implies blindly executed orders and blank permits to take bribe. “Voronin created a direct political vertical and he leads everything” declared a journalist

¹²⁷ The discussion related to the business environment from the Republic of Moldova starts invariably with one of the versions of the joke about President Voronin’s son who holds all prosperous businesses in Chişinău and is pitied by his mother for being the only one who works in the Republic. “Vladimir Voronin and his wife, Taisa were walking through Chişinău, astounded to see how many new banks, pizzerias and drug stores were in the city. “Whose bank is this?” asks the first lady. «Our son’s, Oleg», answers the President. «And that restaurant?». «Still his...». “How about the drug store at the corner?”. “Well it is still his, Taisia!”, answers Vladimir Nikolaevici irritated. “Poor boy, the woman laments, it seems that our son is the only one working in this country...”

¹²⁸ Interview with lawyer Vladislav Gribincea

¹²⁹ Companies or individuals whose private business is taken over by force on behalf of some politicians.

specialised in the economic sector¹³⁰. „Voronin merged the control structures in the Ministry of Interior, to create an efficient club”¹³¹. Pressure instruments: The General Prosecutor, CCECC, The Ministry of Interior, the Intelligence and Security Service. The order to attack a businessman or a company comes directly from Voronin, from one of the presidential councillors or from one of the families around the President¹³². Businessmen have a name for this mechanism: the system. The system invariably takes over the medium and big businesses – whoever refuses to conform, is “processed” to dissolution by the state control bodies.

Poverty and corruption

The Republic of Moldova is a poor country, on the verge of collapse. In the last several months, in most of the country no pensions were paid. The help provided by Moldovan citizens working abroad is essential. They send over a billion dollars annually to their families left home. In the Republic of Moldova, any private initiative is suffocated by a deeply corrupted legal system and by a contradicting legislation, which generates bureaucracy and countless occasions of corruption.

Transparency International (TI) has been monitoring the corruption in the Republic of Moldova for several years and has been conducting polls both among the businessmen and among the common individuals. The TI polls publish charts with information about fields where the corruption is frequent and the amounts paid for different services. According to the president of TI Moldova, Lilia Carasciuc, some of the indicators of small corruption registered weak improvements. But in the last 2 years, over 50 million EUR were invested from abroad in the Republic of Moldova for anticorruption programs. “Related to the money spent, the results are very poor.” The money was invested in the tax system, the customs department and the CCECC. “Before the elections from April, the situation was improving. But after the elections, everything was ruined. One cannot fight against corruption in a totalitarian state.” In the opinion of Carasciuc, the small corruption is an important issue, but it can be solved. The big problem is the political corruption, a safe route to dictatorship.

The methods used to suffocate the business environment are representative for the state of the Moldovan society. Figures are distressing. There are almost no foreign investors, the big investments came before the instauration of the communist regime and are generally related to utilities (energy, communication). The Moldovans from abroad are the biggest direct foreign investment¹³³ - they send

¹³⁰ Anonymous economic journalist

¹³¹ Interview with Nicolae Bivol, the first chief of the State Tax Inspectorate

¹³² See the case of the Carmez takeover

¹³³ See the ECOnomist: No. 229/22 July 2009, Page 5 – Moldovans working abroad continue to be the pillars of the economy.

over 1 billion dollars in the country annually. 70% of the budget returns are ensured by the Customs Department. 70% of the companies which make some profit are active in Chişinău. The discretionary manner in which Voronin uses his country (the imposition of the visa regime for Romania) led to the collapse of Romanian exports to the Republic of Moldova and to the suspension of the activity of 200 companies from the neighbouring country¹³⁴. The value of the imports from Romania dropped abruptly to one half, depriving the state budget from important returns.

A journalist specialised in the economic sector described the corruption mechanism for us: “The bureaucratic machine was inherited, then perfected and strengthened by the communists. One gives bribe for any paper and this is distributed to each higher level, depending on the size of the business. Each price is known (according to the chart from the TI poll¹³⁵). For atypical or larger businesses bribe is given directly at the higher levels, depending on the business.

Any new business calculates its official business plan and, in parallel, the unofficial one, with expenses on the black market and a bribe account. This is why foreign companies choose local representatives who are familiar to the corruption mechanism and have a budget to spend on this. Thus emerge the “black cash register” businesses – wages paid on the black market, quickly-made money and quickly-hidden money. These businesses are vulnerable to the system from the very beginning.

The unanimous opinion of those interviewed is that the main problem of the Republic of Moldova for the environment business is the extremely corrupted judicial system but also the judicial system in its entirety (police, prosecution, judges). Besides, in the TI polls judges are the most recent occurrence and the most spectacular increase in the chart related to the bribe businessmen have to pay. The legislation is all right in most of its part, but the implementation is flawed. Moreover, the legislation was amended with contradicting provisions by the communist regime. The purpose of these amendments was to protect the incompetent civil servants and to increase the power of the government even at a local level. There are, of course, specialists in the police and in the secret services – but they are overwhelmed by the system led by the heads promoted or appointed on political grounds or based on their file. “The file must be as dirty as possible, i.e. people should be prone to blackmail”¹³⁶. Civil servants are forced by the absurd system to manage and to make black money¹³⁷.

¹³⁴ http://www.transparency.md/index.php?option=com_content&task=view&id=480&Itemid=49

¹³⁵ http://www.transparency.md/index.php?option=com_docman&task=doc_download&gid=14

¹³⁶ Interview with Dorin Chirtoacă

¹³⁷ 1st example – the travel expenses of the road police are not deducted – however, at the end of the month it is obvious that a traffic policeman spent on travelling three times his wages and he is given nothing back. Where does he have the money from? 2nd example – a customs officer who has to move from West to the North-East. In his report he wrote that he did not have the money to move and he did not receive anything from the state (he has 2 children and a wife working in the West). He is dismissed and a criminal file is opened against him for not having followed an order. He went to a human rights lawyer who threatened to call a press conference. Panic in the system, everything is changed rapidly. The system is absurd and forces individuals to take bribe on their own.

However, there is a flicker of hope after the elections from July, although only statement-wise for now. The opposition promises to correct the legislation: “We will amend the legislation where it was changed by the communists to lead to the existing monopole and absurdities. I am in favour to total transparency – we must separate politics from business¹³⁸. I am in favour of a Companies Register which should be available online. Maybe this way we could discover the connections between the ministers and their relatives with profitable businesses. We are not there yet – but we do need a body of civil servants which are financially motivated and should forget about the businesses” declares Dorin Chirtoacă. Practically, this is the big problem: “A clique of businessman controlled by the communists, around 5 families, took over by force the control and monopole of everything related to banks, import and export, transport, sales, partial communication, constructions and questionable privatisations.”

The Propaganda and the lack of transparency

The objective information, which is vital for a healthy business environment is lost in the polarized media landscape¹³⁹ which is professionally weak and constantly abused by the state focussed on disinformation. In such a polluted business environment, the economic press is pointless. Nobody wants it. The state is totally un-transparent. So is the business environment. Moreover, the state uses the statistics to manipulate and refuses to provide information related to domains and sensitive business. Thus, the press cannot provide anything but bits of information, much of it unverified and the citizen is constantly misinformed.

Raw economic information is missing or difficultly accessible. The economic data presented by the state institutions are fake or erroneously interpreted¹⁴⁰. The National Bank is the only institution rather fair, but any other official information is pure propaganda.

An example about the way in which information about important matters is given: At the end of 2006 Voronin declared that there was no more organised crime in the Republic of Moldova. This just evaporated over night¹⁴¹ in spite of the growing corruption.

„The business environment is not transparent, we find out about transactions one year after they took place or from the foreign or Romanian press. There is no

¹³⁸ See the article from „Timpul”, Tuesday 28 July, no. 136 year 8 – “Fabrica de milioane a lui Igor Dodon – prim viceprim-ministru si ministrul economiei – o reţea de nepotism, cu suflete moarte, a furat milioane din banii publici”

¹³⁹ See the separate chapter – Media

¹⁴⁰ Journalists are describing, following discussions with the Institute specialists, how the Statistics Institute is modifying the algorithms, the calculations and the reposts so that figures show the government in a favourable light.

¹⁴¹ <http://politicom.moldova.org/news/voronin-in-moldova-nu-exista-crima-organizata-21789-rom.html>

information related to companies, in some cases we have to give bribe if we want information¹⁴².”

Even if it is legalised, access to public information does not work. The bureaucratic answers without any substance avoid the sensitive data. The Statistics Institute refuses to provide information, asks for money or provides truncated information.

“The big problem of journalists is that they lack information. They hear rumours, but it is difficult to verify them. This is how general materials emerge – poorly supported by facts”. We can verify information only where there are links to another country.”

The specialised press, a mirror of the business environment

“I take my information from everywhere: Curaj.net, Unimedia, Jurnal and Perm.md. The media is too polarized, the information is not easily accessible, some do not understand the phenomenon, and others are forced by the employer to take sides”¹⁴³ declares a lawyer specialised in financial transactions.

The economic press has a high calibre player in “Capital Market” (CM) – a magazine which belongs to the state (the founder is The National Financial Market Commission – CNPF). For a private competitor, such as the “ECONOMIST”, it is difficult to keep its position on the market because the state advertisement is inaccessible to him and so is the private advertisement. “The state advertisement goes to governmental publications only. Moreover, shares companies must publish the quarterly and annual reports in any publication. Before, the law specified that these should go to “Capital Market” in Russian and Romanian. Although this obligation was taken out of the law, this is still how things are done. There is unfair competition with other similar independent publications¹⁴⁴.”

Although a player with potential on the economic media market, now the CM sticks strictly to the government line. The insider journalists admit to a draconic self-censorship. CM supports itself financially, it does not receive money from the state, and it even pays dividends of 30%. Even so, CM prints only 1.200 copies of which half are sold through subscription, a quarter at the newspapers stand and the rest is returned. The profit is not public, although the newspaper belongs to the state.

“The mentality of the businessman is to hide his business and his profit as much as he can. The same does the CM. Things are different than in other countries, for fear someone might take over your business. CM tried to write company news. When we called to ask for news, owners were amazed; they thought they should

¹⁴² Economic newspaper, anonymous

¹⁴³ Lawyer specialized in commercial law, mergers, due diligence

¹⁴⁴ Economic journalist, anonymous

give bribe for a piece of news to be published. It is very tough for the journalists, even for those from the governmental newspapers, because there is no culture of transparency¹⁴⁵.”

We identified a major difference from the surrounding countries: the databases with information related to shareholders, property, and other financial information are circulated against a sum of money in the entire former Soviet Union either on DVDs or online. There is a natural reaction to the informational blockade imposed by different governments. In the Republic of Moldova, such information is not circulated because there is no demand for it. There is almost no competition. We have a different manner of doing business, where each is given his or her role and is not allowed to deviate from it: “If you need a piece of information as businessman, you get it. If you don’t get it, it means you don’t need it”¹⁴⁶.

Terror

The business environment is under terror. So are the communication channels addressed to the public and any defenders of the businessmen (lawyers or specialised NGOs).

The business environment is rope-walking between its own interests and those of the state institutions. It is not only the businessmen who are under constant danger, but also those with whom they come into contact: lawyers, media, NGOs.

The press was subject to growing pressure during the communist governing years. Everything culminated with the elections from April 4th and the protests which followed. Several journalists were placed under house arrest, others were kidnapped from the streets and held captive for hours or even days, and dozens of foreign journalists were expelled or were not allowed to enter the Republic of Moldova. The climate established was one of terror. Arrests and beatings were carried out by employees of the Ministry of Interior and of the Intelligence Service, many of them dressed as civilians and travelling in vehicles with Transnistrian plate numbers. In the following months, the local newspapers complained that their telephones and emails were being intercepted and they were being followed.

The NGOs were not spared, either, even if some of them were participants in internationally financed programs in partnership with different state institutions. “After the elections, all the NGOs and the opposition parties were inspected by the tax authorities. We had three types of inspections: from the Ministry of Justice (asking us why we did not intervene to re-establish order), from the tax authorities (they did not know themselves what they were looking for; they just skimmed through our files) and the guard company which was operating our alarm system, sent by the

¹⁴⁵ Interview with a CM journalist

¹⁴⁶ Interview with a CM journalist

Ministry of Interior and trying to install something on our premises. They came on several occasions, until we terminated the contract with them”¹⁴⁷.

“There are several law firms specialised in commercial law, but even they want to remain in shadow. We could not write articles about them because they turned us down constantly”¹⁴⁸.

For lawyers who represent customers in the international courts against the Moldovan state, tension is a long-term feeling: “There were pressures on me personally but also on our law firm. We complained to the Court immediately. They continued with the teasing. For instance, Moldtelecom blocked our outgoing fax messages to the ECHR and their incoming messages to us for 2 years. We started investigating and making official inquiries and suddenly the fax started working again”¹⁴⁹.

Even the authors of this report took knowledge of the repressive apparatus of the communist state. Two experts were denied access to the country during the elections as their tourist visa was issued for the following week. One of the experts asked for his visa from London, precisely to go around the blockade imposed on Romanians. When he arrived on the Chişinău airport, he was questioned and searched in detail. They, he was followed by at least 6 agents in civilian clothes, who watched them during the following days¹⁵⁰. Another expert who arrived the evening of the elections was in his turn detained for several hours on the airport and interrogated about the purpose of his visit to the Republic of Moldova.

Most of those having agreed to give interviews for this report asked to remain anonymous.

The “Transnistriation” of the Republic of Moldova

Any analysis related to the Republic of Moldova makes abstraction of the existence of the self-proclaimed Transnistrian Republic (TMR) – a black hole of smuggling and lawlessness, where a state-clique is prospering with guns in their hands and against whom nobody has done anything in the last 18 years. Transnistria has been functioning for 18 years on the basis of an unchanged model: the Smirnov family occupies the most important positions in the state but also the private sector. An illegal state which has created instruments specific to any state: police, army, secret services, custom officers, customs service, tax authorities, pensions system, salaries, currency etc. Democracy is mimed; freedom of expression inexistent, business is the exclusive prerogative of those in power. A region where 500 thousands people live only to enrich the clique in power, who imposed themselves with the help of

¹⁴⁷ interview with Lilia Carasciuc, TI, involved in anticorruption programs with state institutions.

¹⁴⁸ economic journalist, anonymous

¹⁴⁹ interview with Vladislav Gribincea

¹⁵⁰ see <http://jurnal.md/articole/18586/> and <http://www.evz.ro/articole/detalii-articol/861410/Jurnalists-roman-filat-si-amenintat-de-agentii-lui-Voronin/>

guns. This is the model towards which the Republic of Moldova has headed itself in the last 8 years, obviously encouraged by the international lack of reaction. TMR influences the business environment but also the behaviour of the neighbouring state in issues such as human rights, media, democracy – precisely because no firm action has been taken by the international community against the TMR. This is why it became possible for the TMR to be seen as a successful model. This was certainly replicated at a larger scale by the Voronin regime, under the apathetic looks of the international community.

The state apparatus

Forms of pressure

The work instruments of this system are monopole, investigations and criminal files, nationalization and nepotism. If a business becomes profitable, it falls quickly in the hands of the “raiders”, meaning that it is taken over by force. A handful of people grow excessively rich, a repressive apparatus is encouraged to increase its revenues from corruption while an entire country is getting poorer. Ironically, if this system were not fuelled by the Moldovan citizens working abroad, it would collapse. Annually, those having fled abroad from the Voronin regime send over one billion dollars to their relatives remained in the country. Their money goes to consumption, which is intensely supplied from imports. From the interviews we had in Chişinău, it results that the profitable import-export operations were seized, with the help of the state, by umbrella companies of the Voronin family¹⁵¹. To understand how lucrative the import – export business is, we consulted the 2008 Activity Report of the Customs Service: the customs operations represent 70% of the state budget returns¹⁵².

Forced takeovers do not have profit as sole purpose. The second major reason for which certain businesses were closed abusively or taken by force was to prevent important funds from going to the opposition parties. In other words, to prevent any attempt to change the current system.

How did the Republic of Moldova reach the state of facts described above, in a relatively short time? “Voronin created a direct political vertical and he leads everything” is the most often occurring statement in discussions with businessmen, lawyers or journalists. Violations of the constitution were not penalised, therefore Voronin acted in an organised manner, sheltered by the political majority of the Parliament¹⁵³.

¹⁵¹ See interview notes

¹⁵² <http://www.customs.gov.md/index.php?id=1603>

¹⁵³ See „Jurnal de Chişinău”. “Voronin a uzurpat puterea de stat?” and “Curtea Constituțională încalcă legea” – Nicolae Osmochescu, judge at the Constitutional Court, says that Voronin chairs the government reunions non-constitutionally.

The state instruments in the hand of the presidential family

This report identifies a series of “state weapons” used in the seizure of private businesses: **CCECC; the General Prosecutor which documents criminal files for blackmail only; cancellation of privatisations and nationalization; the presidential institution or Voronin himself; government ordinances and directives to create monopole situations; directing the public money to companies of the President’s family.**

In order for the state institutions to function on political command, there are no cases of civil servants being accused of abuses (in the police, politics, administration or government etc.).

An essential tool in the fight for taking control of businesses is the Centre for Combating Economic Crimes and Corruption (CCECC). The structure is subordinated to the government and represents a merger of former independent institutions, from different ministers (such as the Financial Guard) under one single structure¹⁵⁴. „Voronin merged the former Financial Guard and other structures of the Ministry of Interior to have an efficient club”¹⁵⁵. Hence, at this point there are no independent structures dealing with cases of corruption or economic crime. Moreover, to the management of this structure they brought a main pawn from the Intelligence and Security Service. Numerous voices are accusing that CCECC is a structure specialized in taking over profitable businesses and harassing politically subordinated businessmen.

Another method to pressure businessmen is represented by the criminal files opened by the General Prosecutor and left pending, never sent to court. These files are a blackmail tool around elections or in cases of forced takeovers, when the subject of the file is incarcerated for a period of time, to be dispossessed by his/her shares or any other businesses.

Voronin himself sometimes gets involved against specific businessman or companies. For example, he started a campaign against businessman Anatol Stati, owner of the Ascom group. Because Ascom carries out its businesses in Kazakhstan, Voronin notified publicly the authorities from Kazakhstan “to be careful who they are getting into business with”¹⁵⁶. Inspections ended in fines were immediately initiated against the Ascom companies from Kazakhstan. At the same time, the General Prosecutor arrested Gabriel Stati, the son of the Ascom CEO, accusing him of having organised protests and non-transparent financing of the opposition. So

¹⁵⁴ <http://www.ccecc.md/history>

¹⁵⁵ Statement of Nicolae Bivol, former chief of the Main State Tax Inspectorate. In the past he organised a structure similar to the Romanian Financial Guard. Now he is representing businessmen in court against abuses of the tax authorities.

¹⁵⁶ <http://www.azi.md/ro/story/1757>

much did Voronin wish to see Stati arrested, that the latter was extradited through an emergency procedure from Ukraine. His lawyers consider that both the arrest and the extradition procedure were illegal. Finally, Gabi Stati was transferred from custody to house arrest.

TI notices a strategy aimed at creating monopolies on different niches of the imports and a political pressure on the Customs: “We noted an interesting statement of Nicolae Vilcu¹⁵⁷, general manager of the Customs Department, who had said that there are big pressures on him and that if these do not stop, he would make inconvenient statements” These monopolies on the import – export operations are initiated by the government, which invents new redundancy rules for each branch. The newly-created bureaucracy acts as a filter. Only companies which are approved by the communist leaders pass this filter. The competition is eliminated. “I tried to take my import license for meat, as we are the biggest processing factory in the country. I had 3 employees doing the paper work and going through the entire bureaucratic process, working nonstop. We managed to meet the impossible deadlines – and yet our file was rejected for absolutely no reason. The second day we had an intimidation control from the Ministry of Interior and I was told never to submit a license request for the import of meat, because we would all face serious trouble”¹⁵⁸. “All profitable import – export branches were seized through government decisions or completions of the previous legislation: fish, cereals, meat, industry, sugar, transport. Thus, they impose intermediaries who increase prices by 20-30 percents”¹⁵⁹.

The cancellation of privatisations and the nationalisation have been common phenomena ever since the communists took power. The Republic of Moldova was already condemned in several such cases by the European Court of Human Rights. Although the fault for a fraudulent privatisation also falls with the civil servants, no one was investigated, so far. The privatisation files were compiled only to take over those businesses.

The public money directed to the businesses controlled by Oleg Voronin is on the first page of the opposition newspapers. The most recent: the simultaneous renovation of the Parliament Palace and of the Presidency building, affected by the protests from April. The Contract amounts to 100 million dollars; the accounts of the ministries and of other state institutions were transferred by force to the banks controlled by Oleg Voronin; the private companies were marginalised to the benefit of state companies in fields like insurances or communications.

The corrupt judicial system

From the interviews we took, there is one unanimously recognised truth: the judicial system of the Republic of Moldova is profoundly corrupt. Any lawyer

¹⁵⁷ Deceased in 2006

¹⁵⁸ Anatolie Cislaru, CARMENZ

¹⁵⁹ lawyer Vladislav Gribincea

specialised in commercial law will recommend his or her customers to reach an agreement or to take the trial anywhere else outside the Republic of Moldova.

Vladislav Gribincea represented several private companies abusively dispossessed by the state of companies purchased through privatization at the European Court of Human Rights. As lawyer of the businessmen in conflict with the state, Gribincea underlines the main problems: “We have big taxation issues because the tax authorities harass the taxpayer. One cannot defend oneself because there is no constant legal practice. One cannot fight the state and the tax authorities - this is unimaginable. Not even the judges murmur, although they are in constant degradation since 2006 and the investment budget allocated to them was not released. One cannot make big businesses in the Republic of Moldova without giving something to the power underhand. It all comes down to the interests of the Executive, which are the interests of Voronin. The legislative framework is not all good, either; there are contradictory provisions. But the major issue is the civil servants who enforce the law. The civil servants are allowed to take bribe and this makes them prone to blackmailing. No top judge, no minister is a man of integrity – they are all controversial and have hardly been given key positions. One cannot speak of independent police force, prosecutors and judges. The 8 years strategy of the communists was to seize or subordinate the profitable medium and big-sized companies. They had 8 years and 70% of the mandates, i.e. a constitutional majority – they used them only for their own interest. From what we observed, the tools which assist in forced takeovers are CCECC and the General Prosecutor.

Gribincea identifies a series of major problems of the system:

- Trials and files “on command” – which remain open as blackmail tools.
- Unpunished abuses of the police and the prosecutors.
- Judgments given without presentation of reasons;
- Flagrant violation of the right of property – dispossession through cancellation of the privatisation.
 - The purpose of any abusive detention is the dispossession of assets.
 - The fear of the Executive and the corruption prevents justice from functioning.
 - It is impossible to win a trial in court against the will of the Government¹⁶⁰

To understand to what point is the state with all its tools focussed on seizing the business environment, we take a look at the percents of the trials whose object is the cancellation of the privatisations: until June 2008, 15% of the pending trials of the Supreme Court of Justice, the Economic College have as object “the cancellation of the privatisation”.

¹⁶⁰ Immediately after the elections, the situation started to change and political prisoners such as Mocanu were released.

Detailed cases and models

The Soviet mentality of the system and of the businessmen

The mentality of the local businessman is still the Soviet mentality according to which the owner tries to make money as hidden as possible, so as not to raise the curiosity of the state bodies or of the politicians in power. “We have no tax-related culture, many ignored the legal system, things went on and they reached a vicious circle, with black money which they cannot justify”¹⁶¹. “In many cases, owners go into hiding when they own a business because they are afraid of the source of the money. They do not consult their lawyer, they put someone in front and that’s it; it is the disease of those who got rich in the ‘90s”¹⁶².

The law of fiscal amnesty from 2008 remained without effect for two reasons: the amnesty fee was 5%, a very high fee; businessmen were afraid this might be a trap aimed at identifying and persecuting them.

“There are no murders anymore, but once a business starts to work, it is better to give it to someone else. Any profitable business is a clear victim of the raiders. I went through this and I started again from scratch. Because I work in complete transparency and without any black money and because my business is in the media sector, they did not manage to close it, but I have years of pressure behind me”¹⁶³.

„Raiders” for the System

Interviewed businessmen state that at this moment there is a “system” functioning in the Republic of Moldova; according to this system, you must contribute. The system is guarded and controlled by 5 families surrounding Voronin, with the help of the state bodies. “The state bodies started to get involved in private disputes 4 years ago. What seemed wild in 2000 now seems normal. Our mentality changed a lot and so did our system of values; we accept unimaginable abuses easily¹⁶⁴”. The businessmen from Chişinău speak of an offensive of the state bodies, after the elections from April; then, companies were visited by the police or the tax authorities and they received fines ex officio, without any inspection. The bigger companies were forced to pay taxes in advance.

“You hear of forced business takeovers everywhere. A taxi driver told me about his brother’s experience; he was distributor of a coffee brand and he received the visit of 3 men who told him that they liked his business and he must turn it over, to stay out of trouble. He turned it over, giving in to their threats. At the TI corruption hotline we heard the case of 2 young people who had returned to the country and

¹⁶¹ Interview with Liliana Carsciuc, TI

¹⁶² lawyer specialised in commercial law, anonymous

¹⁶³ businessman, anonymous

¹⁶⁴ businessman, anonymous

opened a restaurant. A construction inspector came and asked a bribe of 100 euro. They were obstinate and did not want to give it. The pressures which followed were so big that one of them fled from Moldova and changed his name. The second left all the documents with the TI – he thought they would kill him. Because the case was brought to the attention of the TI who put pressure on the government – finally the one having started the threats campaign was imprisoned¹⁶⁵.

Journalists constantly hear of cases in which the Voronin family or the communist dignitaries have taken over by force different businesses: “recently there was a press conference in which the owner of the Micăuți Quarry, complained of the same thing. Then it was an agricultural enterprise and now the Carmez case. In some cases, the owner denies everything in public, but there are indications that he was already forced to collaborate, like in the case of Andy’s Pizza, where the network of pizzerias counts on the spaces rented from the state¹⁶⁶.”

A lawyer who specialises in commercial law says: “you become the target of a raider attack when you have bad organisation or you have problems with your documents or you rent spaces from the state. Sometimes it is also about greed: the owner does not accept to do everything legally and gain less.”

It is difficult to make light in the avalanche of rumours and information. For example, a journalist who wishes to investigate the fortune of the Voronin family encounters many obstacles. “In the businesses of the Voronin family one finds a lot of off-shore structures or interposed agents, façade people. A simple request made at the Registration Chamber risks to remain unanswered or to be given a partial answer. There were, of course, telephones and emails intercepted or accidents at the printing house when some material was supposed to be made public¹⁶⁷”.

Model of profitable businesses

The interviews brought out only two recipes for successful businesses valid for the Republic of Moldova: the families surrounding the Voronin clan or the powerful multinationals.

The multinationals came in the years before the communist government. “If they do not get involved in politics, foreigners do not have any problems. Besides, the central offices are not here, they are either in Kiev or in Bucharest so that if problems occur in the Republic of Moldova, they may have a larger market until such problems are solved. In general, they have only one distributor and not a dealer. The distributor does the work and manages locally. Multinationals do not take the risk of creating dealerships yet or they have maximum 5 employees with laptops

¹⁶⁵ Lilia Carasciuc, TI

¹⁶⁶ Interview with an economic journalist, anonymous

¹⁶⁷ Vitalie Călugăreanu, the series about Voronin <http://www.crji.org/news.php?id=150&l=1> and 3 other materials

and a fixed budget. The rest is done from a distance or with the locals. The most important (Orange, Union Fenosa etc.) entered into business correctly. They did everything by the book and yet in 2000 they were sued. It cost a lot to do everything by the book, but otherwise they would have lost the investment. The Prosecutor opened a file against them immediately after the state took the money from the privatisation¹⁶⁸.

Carmez, a forced takeover

“How to explain logically the situation when an associate who has 12% of the shares takes over the entire company by force and illegally registers the take over the very same day?” This is the case of the Carmez¹⁶⁹ Company, the biggest meat processor from the Republic of Moldova. Business amounts to 24 million euro per year with a profit of 1 million euro. Carmez holds 70% of the national meat and deli market. Anatolie Cișlaru is associate and general manager: „In December there are 20 years since I work in this company. For a while now I have been living personally the experience of some raiders attacks. GlobAuto, a small company, bought 6% of the Carmez shares. They started pressuring me all the time and carrying out inspections, asking to cancel the privatisation; all this to take the rest of the shares by force. They managed to purchase 6% more but these were not enough to call in a General Assembly. The only answer to the GlobAuto pressures came from the Presidency, through a letter of the presidential councillor for financial matters, Sergiu Pușcuță¹⁷⁰. The councillor’s answer was sent to the General Prosecutor’s Office and to the CNFP, for “examination and taking proper actions”. This year they illegally cancelled the privatisation of Carmez and on April 21st they arrested the entire management team. With all the management in prison, they called a General Assembly.”

Nicolae Bivol, a friend of manager Cișlaru, went to the General Assembly to represent those arrested: “The General Assembly was full of irregularities; we discovered that there were dead people among the signatories, that the calculations were wrong. The special forces of the Ministry of Interior came to assist the General Assembly, for intimidation. In spite of all the irregularities, the minority shareholder GlobAuto chaired the Assembly to its end, took over the company and closed the meeting at 5 p.m. And yet they managed to go to the State Registration Chamber and register the modifications, although the Chamber was working only until 4 p.m.”

¹⁶⁸ Lawyer specialising in commercial law, anonymous

¹⁶⁹ see also <http://www.curaj.net/?p=18131>

¹⁷⁰ Petition No. 19/1-10-7 from 3 February 2009, signed by Sergiu Pușcuță (former manager of CCECC and of the States Tax Inspectorate)

Manager Anatolie Cişlaru spent 42 days in arrest and the other managers 2 days only. None of them was interrogated. According to Cişlaru, the true purpose of the arrest was to intimidate and isolate them and to render them unavailable so as to let the minority shareholder GlobAuto to play its cards. “GlobAuto is backed by Basarabia Nord, which is our competitor and there are people who had worked with Oleg Voronin and the family of Țurcanu – the former minister of the interior. They are actually the ones seizing Carmez”.

Cases submitted to the European Court of Human Rights

The cases in which a business is seized, similarly to Carmez have been growing more and more numerous in the last years. A proof of this is also the avalanche of trials at the ECHR. Vladislav Gribnicea, from Legal Consultants for Human Rights: “In 2008, we had 29% more cases at the ECHR than in the previous year; in 2007, there were 40% more than in 2006. If we remove Slovenia and Georgia, who have some punctual issues, the Republic of Moldova is first when it comes to number of cases brought to the ECHR from all sectors. Very many of them actually have an economic real cause, such as a ruined business. Practically, the ECHR became the fourth court for the Republic of Moldova and no one expects an equitable solution in the country.”

Gribnicea rapidly went through a couple of examples of economic cases in which the Republic of Moldova lost at the ECHR:

- EDUARD MUȘUC owner of MEGADAT COM, the most well-developed internet company. Mușuc was in the opposition and the company was having an enormous growth. Mușuc was arrested and his business torn to pieces. He won at the ECHR and agreed with the communists for a position of councillor.

- AIR MOLDOVA – a German company privatised the air operator, but the communists cancelled the privatisation. The ECHR gave a ruling in favour of the German company and ordered the Republic of Moldova to return the invested amount plus damages to the company.

- OFERTA PLUS – a company from the energy sector. The ECHR mentions that an abusive criminal file was opened against it, at the command of the current Prime Minister.

- HOTEL DACIA – the company which won the privatisation was expropriated because the purchase price was too low, according to the communists. The businessman who bought the hotel was in a personal conflict with Voronin. He won at the ECHR.

- EPTECH – a shopping centre assessed at 40 million euro for the business and the building. A criminal file was opened and privatisation was disputed as soon as the shadow owner, Vlad Filat, launched into politics.

No reaction

Internationally, we may mention the constant reaction of the ECHR which condemns the abuses of the authorities in Chișinău. For the rest, the last 8 years were plunged into silence. The international politics did not react firmly against the corrupt system which turned the country into a totalitarian system. The European Union and the United States treated the communist regime of the Republic of Moldova very kindly, always paying attention to Russia's reaction, the same way as they treated Transnistria. It is true that the opposition started to organise systematically and to collect proofs about abuses, corruption, and use of the state bodies as instruments serving the interest of the communist politicians very late. Practically, the moment which showed just how serious things were in the Republic of Moldova was that of the riots this year.

In its turn, Romania did not know what to make of its relation with the Republic of Moldova and did not denounce the concrete abuses with too much energy, at least not until the protests from April this year. Practically, the abuses and the fragrant violations of human rights from this spring also attracted attention on the monopolisation of the business system by the political regime.

The change

In contrast with the seriousness of the situation, many of those interviewed are optimistic and believe that things will calm down by themselves once the pressure from the top of the system is removed – meaning the Voronin family¹⁷¹. “If the regime changes, Voronin's clique will calmly accept to withdraw from different businesses to make room for the new power” thinks an economic journalist. There will be very many recovery trials in the cases of businesses taken over by force. We may even witness rather violent episodes” believes a businessman. Such reactions confirm the feeling that the democratic system from the Republic of Moldova is profoundly vitiated and the functioning of the state largely depends on the person holding the position of President.

The Republic of Moldova is awakening from a nightmare in which it has deepened itself during the last 8 years. The party of communists had the majority, it could change laws and Voronin behaved like a dictator: he assumed as many positions as possible, he played the role of the state and at the same time he exercised a monopole on private economy. The successful businesses were taken over by force both to generate profit and to suffocate any attempt to finance an organised opposition. The most affected by the communist regime seems to be the judicial system which is deeply corrupted. The communist adventure was also possible because there were no firm reactions from the exterior.

¹⁷¹ For example, one day after the elections Sergiu Mocanu was released from house arrest; he had been accused by the communists of having organised the protests from April and was groundlessly held in custody.