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ROMANIA

Caught between Old Habits and Democratic Strides: Romanian Press at a Crossroads

April 2004

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Fourteen years after the collapse of Nicolae Ceausescu's dictatorship, Romania is still struggling to meet the criteria for membership in the European Union (EU), which it hopes to join in 2007. In its 2003 report on the progress made by the country in its bid for membership, the European Commission stressed the need for Romania to make rapid progress in several policy areas, including administrative reform, independence of the judiciary, the fight against people-trafficking and corruption, which "continues to be widespread and affects all aspects of society." The Commission also announced its concerns about certain limits imposed on freedom of expression, and deplored the few genuinely independent media sources, highly concentrated press ownership and the harassment of journalists by regional authorities.

The European Parliament (EP) went even further. Initially, Baroness Emma Nicholson of Winterbourne, the Rapporteur for Romania of the European Parliament's Committee on Foreign Affairs, Human rights, Common Security and Defence Policy, had demanded that all negotiations with Romania be purely and simply suspended. Then, in her 19 February 2004 report condemning corruption—particularly rampant among the country's political leaders—as well as the country's international child adoption schemes, abusive treatment of detainees in police stations and the lack of independence of the judiciary and of the media, she conveyed a serious warning to the Romanian government. The latter was called upon to guarantee press freedom and to "put an immediate end to the economic control of the media, which has led to self-censorship," "to track down the perpetrators of physical assaults on journalists," and to take "decisive measures against the harassment and intimidation of journalists."

Alarmed by the growing number of assaults on investigative journalists in the provinces and by the hardships faced by those who attempt to independently cover the country's most sensitive issues—particularly the country's approaching 2004 local, legislative and presidential elections, Reporters Without Borders dispatched a delegation to Romania to take stock of press freedom violations and of working conditions for the most critical journalists.

The aforementioned delegation travelled to the cities of Timisoara (in western Romania), Focsani (in the northeast) and Bucharest from 24 March to 1 April 2004, where they met with top government and local officials, Romanian press freedom organisations, trade unions, and many journalists.

Generally speaking, press freedom in Romania is suffering from poor relations between journalists and the authorities and is being undermined by their deep mutual distrust: one side complains of the disparaging official statements made about the profession, difficult access to public information and pressures of all sorts, while the other side objects to the journalists' defamatory campaigns and lack of professionalism. In this context, the most serious attacks on press freedom occur in the provinces, where the media are paralysed by conflicts of interest among their media owners and four investigative journalists were brutally assaulted in 2003.

On the national level, to the detriment of the opposition, information pluralism is inadequate in the state-owned, as well as privately owned, audiovisual sectors. State-owned media journalists object to the heavy pressures that are deflecting editorial policy, while private television stations' colossal indebtedness to the state represents a permanent threat to their independence.

Control over the local press

Numerous observers have referred to a "Berlusconization" of the local press. Romania may boast over 100 newspapers, and as many privately owned television stations, but political officials control—directly or indirectly—all but a very few of the country's media. The local media, which are economically extremely vulnerable, have been massively bought out by the "barons" of the Romanian Social Democratic Party (PSD), who wield the economic and political power in the provinces and have been determined to take control of the press since the party's electoral defeat in 1996.

One investigative report, published in the economic weekly *Capital* on 18 March 2004, exposed the extent to which the PSD controls local television stations. The primary shareholders of half of these stations consist of ruling party officials and businessmen. Of the 22 local television stations broadcasting in 13 cities, 11 are said to be controlled by the PSD, and 5 by the political opposition's National Liberal Party (PNL). For example, Dumitru Sechelariu, Mayor of Bacau, owns *Alfa TV*—the most influential television station in the region, while its competitor, *Euro-TV*, belongs to a PNL member. Galati's only television station—*TV Galati*—is owned by Florin Paslaru, Galati City Hall's Public Administration Director and Vice-Chairman of the local PSD party. In Constanta, *MTC Constanta*'s sole

shareholder is the Ministry of Public Works, Transportation and Housing, which invested nearly 5 million euros in the station in 2002. In Brasov, the local government and the opposition control two TV stations. Romania's largest cities, such as Cluj-Napoca, Timisoara and Oradea, have some privately owned, independent TV stations with a fairly large viewership, but they transmit only by cable.

Local television stations offer only a few hours a day of their own programmes; the rest of the time they retransmit national private station telecasts. *Capital* underscores the limited economic resources and audience of these TV stations, financed through advertisements contracted by local government agencies and PSD "barons."

The print media's situation is scarcely any better. Many newspapers have been more or less openly bought out by individuals with close ties to the PSD. According to another investigation conducted by Manuela Preoteasa and published at the end of November 2002 in *Capital*, half of Bacau's newspapers are controlled by shareholders or administrators actively involved in politics. Dumitru Sechelariu, the city's mayor, who owns several radio stations, a television station, and the *Desteptarea* daily, has admitted that the newspaper played a primary role in his re-election in 1996. In Piatra-Neamt, two businessmen and PSD parliamentarians jointly own the local media. Culita Tarata, another PSD parliamentarian, owns three local editions of *Monitorul* in Neamt, Braila and Roman. In the area of Oltenia, the *Gazeta de Sud* daily is published by a group headed by the Paunescu brothers, close allies of the PSD.

In 1998, the Northeast Network was the most powerful local press group, with 18 local editions of *Monitorul* and non-politically affiliated shareholders. This Network was bought out by businessmen Sorin Ovidiu Vantu and Mihai Iacob. The latter, who enjoys close ties to the government, allegedly tried to influence the newspapers' editorial policy in his favour. Refusing to yield to such pressures, some journalists left the group and created a new publication, *Ziarul*. But the pressures continued unabated, as evidenced by the *Ziarul de Vrancea* case in Focsani.

After *Monitorul de Vrancea*'s journalists left the Network, they created the *Ziarul de Vrancea* daily in 2001. Its director, Corneliu Condurache, defines *Ziarul de Vrancea* as the region's only independent voice which dares to criticise the government—irrespective of the existing political trend—and which habitually carries top stories on the financial dealings of local officials. Pressures began to be applied in March 2002, when the County Council

unilaterally terminated the contract which had authorised the newspaper to be sold at public newsstands, on the grounds that this contract generated no profit for the municipality. The Post Office and Rodipet—the state-owned distribution company—also refused to distribute the newspaper. On 22 April 2002, the municipality requested the help of the police force to destroy several of *Ziarul de Vrancea's* points of sale. As a result of the wide media coverage devoted to images of cranes tearing apart newsstands to which journalists had chained themselves, *Ziarul de Vrancea* became a symbol of the crackdown on the local press.

"We have never been willing to compromise when it comes to freedom of information, because that is our newspaper's policy," its director explained. "It is the price that we must pay—an unheard of price in Romania." Of the 18 newsstands distributing the newspaper prior to 22 April 2002, only three still remain—and they are a subject of contention with the city hall. Corneliu Condurache reported, however, that this situation has not yet had an impact on the newspaper's sales, which are being assured by street vendors. But for the last two years, journalists have been complaining that gaining access to public information is becoming increasingly difficult, and that strong economic pressures are being brought to bear, mainly in the form of frequent tax audits and boycotts on advertising. In addition, even though the authorities have ceased bringing actions for libel, the city hall recently filed 52 lawsuits against the newspaper on administrative and commercial grounds. Corneliu Condurache feels that this judicial and economic harassment is serving the interests of the newspaper's competitor, *Monitorul de Vrancea*, which benefits from a good distribution network and whose director, Corina Trifan, enjoys close ties with Marian Oprisan, President of the County Council and a member of the PSD.

The city's mayor, Decebal Bacinski, has admitted that it was a mistake to dislodge *Ziarul de Vrancea's* newsstands by force, especially because of the image that was conveyed. But he firmly rejected Corneliu Condurache's accusations of censorship, explaining that the municipality and the newspaper had formed a partnership to offer the city's residents diversified access to the local press, but that this was in no way a business contract authorising the newspaper's newsstands to also sell alcohol and cigarettes. "In this case, we do not view *Ziarul de Vrancea* as a newspaper, but rather as an economic agent which did not meet its obligations," asserted the mayor. Marian Oprisan used the same arguments, saying that the newspaper's owner had embezzled public funds and that this case had nothing to do with press freedom. Mr. Oprisan also pointed out that he had abandoned his plans to sue

Ziarul de Vrancea: "Today in Romania, no judge is brave enough to convict a journalist of libel. If we bring a lawsuit, we are accused of violating press freedom. If a judge finds in our favour, the journalists take it out on the judges. In this country, someone may be able to prove that there are corrupt politicians, policemen and judges, but no one can prove that there are corrupt journalists." Although he admitted that he and the director of *Monitorul de Vrancea* are friends, he denies that he made any threats against journalists or spearheaded a smear campaign against Silvia Vranceanu, a correspondent in Focsani with *Evenimentul Zilei*, a national opposition daily. This journalist, who is also the wife of a local opposition leader, claims that she has been the target of intimidation ever since her newspaper implicated local members of the PSD. She accuses Oprisan of having called her on the telephone and threatening to circulate a videocassette of her dancing nude at a private party that occurred eight years earlier. In August 2002, *OTV*, a privately owned TV station, had shown those images, while *Monitorul de Vrancea* implied in a front-page article that the journalist had been featured in a pornographic film. The newspaper's director, Corina Trifan, denied having been pressured in any way by the County Council and claimed that she worked in an entirely independent manner. Nonetheless, the two rival dailies in this city with a population of 150,000 are waging a cut-throat war, using libellous and libellous articles as weapons.

Local investigative journalists threatened

Investigative journalists are the first to suffer from conflicts of interest between public services and the private interests of media owners. Early in March 2004, Sorin Ozon, Liviu Avram and Stefan Candea led an inquiry on behalf of the Romanian Centre for Investigative Journalism (CRJI) in 12 of the county's cities. Their conclusion was damning: articles by investigative reporting is on the verge of disappearing in the local press. "Defectively trained journalists, ready to compromise, greedy press owners, corrupt politicians and businessmen putting extraordinary pressure upon journalists—each shares some of the blame," claimed the CRJI. The monthly salary of investigative journalists never exceeds 200 euros, which makes them especially vulnerable to corruption and often leads them to botch their work. According to the CRJI, local investigative journalism too often amounts to the publication of unverified, vindictive and partial information. The only way that investigative journalists can do their

jobs under normal conditions is to work for the national media, which now regularly covers certain local subjects considered as strictly taboo in the provinces.

But these journalists are confronting an all-too-real threat. In 2003, four of them were brutally assaulted while investigating cases of corruption involving some local officials and businessmen. This series of assaults began on 25 July 2003 in Petrosani (in central-west Romania), where *Romania Libera* daily's Carmen Cosman and *Evenimentul Zilei*'s correspondent Marius Mitrache, were attacked in the middle of the street, a few steps from the police station, as they were preparing to leave on an assignment. The journalists—who sustained grave injuries from savage blows to their heads and bodies, had exposed several incidents of corruption among the local power structure which also implicated some managers in the Jiu Valley mining company.

The assault on Ino Ardelean, a reporter for *Evenimentul Zilei*'s local edition in Timisoara, raised a loud public outcry in the country. On the evening of 3 December 2003, while on his way home, the journalist was savagely beaten to the point of unconsciousness by unknown assailants. He was hospitalised with multiple head injuries and two fractures to his jaw. As a specialist in local politics and cases involving corruption, and recognised by his colleagues as one of the region's few investigative journalists, Ino Ardelean regularly exposes the involvement of local politicians—particularly members of the PSD—in various forms of illicit trafficking. In particular, he wrote many articles about the PSD's county leader, Eugen Milutinovic. The journalist had been the target of very harsh accusations in the pro-government daily, *Prima Ora*, of which Ioan Sipos, President of the County Council, owns 30% of the shares. According to the latter, the articles published about Ino Ardelean were merely part of a "normal feud between journalists" and not—as the victim thought—an actual attempt to incite violence. Using the Silvio Berlusconi case in Italy as an example, Mr. Sipos asserted to Reporters Without Borders that this conflict of interest had no effect at all on press freedom or information pluralism, as *Prima Ora*'s journalists were free to write about whatever they wished, including himself, "as long as they could prove it." His view was that the attack on Ino Ardelean was not orchestrated by local politicians. The journalist and Cornel Nistorescu, director of the newspaper *Evenimentul Zilei*, to the contrary, are convinced that Eugen Milutinovic was behind that assault. "It has been a really hard year...in fact, it has never been this hard before. No investigative reporter is allowed to publish his findings in the local press, which is controlled by the PSD," confided Ino Ardelean.

Romanian President Ion Iliescu and Prime Minister Adrian Nastase have officially condemned this assault. On 23 December—nearly three weeks after the event—Mr. Nastase stated: "It is inadmissible to seek revenge or resort to physical violence in dealing with anyone. This is unacceptable in a civilised society." The Prime Minister added: "If a mere article were enough of a reason to fight, I would have to fight journalists every single day." After sending them an ultimatum, the Prime Minister dismissed three top Timisoara police officers on 5 March for having failed to identify and arrest the assailants. Ioan Rus, the Romanian Minister of Interior and Public Administration, who indicated that the case is now in the hands of the Criminal Investigations Department, told Reporters Without Borders that more than 800 witnesses had been heard and they had requested the aid of Interpol, Europol and the FBI. The Minister acknowledged that this case was creating an "efficiency and image problem" for the police and stated that he was aware of the need to resolve it as soon as possible. He specified that the police had several leads, but that, at this stage of the inquiry, no tangible proof had yet come to light. He pointed out that the journalist had written articles critical of several—and not just one—political leaders, and promised that the authorities would show "zero tolerance" toward the assailants, who would be punished "without any discrimination or political protection."

Ino Ardelean is very sceptical of the pressure exerted by authorities to identify the assailants. He feels that it may induce the police to invent a perpetrator, despite the fact that, in his opinion, they already know who did it. The journalist objected to the very close ties that exist on the local level between the police, the PSD and the judges, saying "Any journalist who may want to write something about this gang in a national newspaper will be assaulted the very next day." He brought a complaint for negligence against the police on 12 January 2004 and is seeking approximately 1.25 million euros in compensation for pain and suffering and approximately 1,250 euros for material damage.

The end of the year 2003 was marked by yet another, equally brutal, assault. On 26 December, Zoltan Szondy, a reporter with Hungarian-language daily *Hargita Nepe*—who had already been assaulted in September—was beaten with iron bars by unknown assailants in the stairwell of his apartment building in Miercurea Ciuc (central Romania). He was hospitalised with serious head and arm injuries. A political activist, the journalist was inquiring into the activities of one of the city's businessmen, Csibi Istvan. Suspected of having committed

several crimes—including assaults on journalists—Mr. Istvan was placed in police custody on 23 April 2004.

During their meeting with Reporters Without Borders on 31 March 2004, the President of the Republic and the Prime Minister expressed their indignation over the assaults on journalists and their determination to punish those responsible. Even while commenting that "being a journalist involves a certain degree of risk," President Iliescu specifically condemned the assault on Ino Ardelean, stipulating that should any political forces be proven to be implicated in this case, it would be "very grave." The Minister of Interior and Public Administration had recorded 44 cases of assault against journalists between 2000 and 2004. The perpetrators identified in 24 of those cases are now on trial. The Minister contended that of those 24 cases, 20 were unquestionably not related to the journalists' professional activities. Currently, 20 other assaults remain unsolved, 10 of which could, in his opinion, be construed as attacks on press freedom.

In addition, the body of Iosif Costinas, 62, an investigative journalist on assignment for the *Timisoara* daily, who had been missing since 8 June 2002, was found on 20 March 2003 in a forest in the vicinity of Timisoara. He was identified on 4 June by Timisoara's Institute of Legal Medicine, based upon a DNA test. The police concluded that Iosif Costinas, whose skeleton showed no trace of wounds, "committed suicide by means of a prescription drug overdose." A box of sleeping pills and a bottle of alcohol had, in fact, been found near his body. Oscar Berger, the daily publication's editor, and Malin Bot, of the local newspaper *Focus Vest*, give no credence to the suicide theory. In their opinion, the journalist may have been murdered because he was investigating why former members of the "Securitate" (Communist secret police) had been appointed to positions of leadership. While admitting that the journalist had problems with alcohol and had not informed them that he had uncovered new information likely to place him in jeopardy, they still feel that he was not depressed and that the police did not conduct a thorough investigation into the circumstances surrounding his death. Specifically, the two men believe that his body would have been found much sooner if it had really been lying for 10 months where it was found—just a few metres from a railroad track, in a forest. After visiting the site and discussing the case with Chief Inspector Dorel Andras, of the local police, and numerous journalists, Reporters Without Borders considers that there is no evidence to date which proves that this case is connected Iosif Costinas' work as a journalist.

Privately owned audiovisual sector undermined by its colossal indebtedness to the state

Privately owned television stations have run up a colossal debt to the state in excess of 17 million euros as a result of unpaid taxes and other state levies (such as insurance scheme contributions). According to data issued by the Ministry of Public Finance on 9 January 2004 and published by the Romanian Academic Society (SAR), the debts due to be discharged prior to 30 September 2003 have nearly all been rescheduled.

Privately owned television station indebtedness to the state

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| Amerom Television SRL (<i>Prima TV</i>) | ROL 255,206,936,022 (approx. EUR 6,300,000) | Collection proceedings underway |
| Media Pro International SA (<i>Pro TV</i>) | ROL 234,293,918,492 (approx. EUR 5,700,000) | Rescheduled |
| Antena 1 SA (<i>Antena 1</i>) | ROL 57,776,578,624 (approx. EUR 1,400,000) | Rescheduled |
| Corporatia Pentru Cultura Si Arta Intact SA (<i>Antena 1</i>) | ROL 51,257,023,493 (approx. EUR 1,250,000) | Rescheduled |
| Rieni Drinks SA (<i>National TV</i>) | ROL 46,200,537,990 (approx. EUR 1,100,000) | Rescheduled |
| Scandic Distilleries SA (<i>National TV</i>) | ROL 43,151,393,401 (approx. EUR 1,000,000) | Collection proceedings underway |
| Rosal Grup SRL (<i>Realitatea TV</i>) | ROL 16,446,491,632 (approx. EUR 400,000) | Rescheduled |

Source: Romanian Academic Society / Ministry of Public Finance, 9 January 2004

All of the executives of privately owned television stations interviewed by Reporters Without Borders contended that the authorities had never used those debts as a lever to exert pressure on them. According to Adrian Sarbu, director of the leading station, *Pro TV*, each successive regime has tried to pressure them but the TV station's editorial policy has never been affected by it. Mihai Codreanu, who hosts a talk show on *Pro TV*, explained that the only reason why his station steers clear of political issues is to avoid a decline in viewer ratings, as TV viewers are no longer interested in politics. Several journalists pointed out, however, that in 2002, while Romania was initiating its negotiations for membership in NATO, the station had been broadcasting for several months previously a show entitled *Pro Vest*, which bragged about the Romanian government's efforts to join the Atlantic Alliance.

Sorin Oancea, the director of *Antena 1*, stressed that the rescheduling of a public debt is a legal process and in no way implies a favour on the part of the government. "There are no

political pressures being placed on *Antena 1*, but I must admit that we are in a good position because we are part of a large media group," he said.

In an open letter to Baroness Nicholson, dated 24 February 2004, the organisation Romania Think Tank (RTT), which analyses the rule of law and the free-market economy maintained that these debts seriously compromise the independence of the Romanian media. Rather than requiring payment of these debts, the government has chosen to reschedule them "in exchange for political compliance." RTT condemns this form of unlawful subsidy in which the government uses public funds to buy control of the privately owned media. The organisation asked the government to demand that these debts be paid no later than 31 May 2004.

Although such a level of indebtedness undeniably constitutes a means to impose considerable economic pressure, this problem cannot be easily resolved: cancelling the debts would be difficult to justify vis-à-vis the country's other economic players, while the government's insistence on immediate settlement would undoubtedly force a large number of media to shut down.

Pluralism of information threatened

A study carried out by the Media Monitoring Agency (MMA), a local NGO, shows that information pluralism is inadequate in the country's audiovisual sector. MMA analysed prime-time news programmes shown on privately owned television stations *Antena 1*, *Prima TV*, *Pro TV* and *Realitatea TV*, as well as by the state-owned channel *Romania 1*. The monitoring, which took place during the period from 15 to 28 January 2004, indicates that the two most popular channels, *Pro TV* and *Romania 1*, primarily present news about the leaders of the ruling party, President Ion Iliescu, and Prime Minister Adrian Nastase. PSD leaders are given 62% more airtime than those of the opposition on *Pro TV*, and 58% more airtime on *Romania 1*. Moreover, no negative news about Messrs. Iliescu and Nastase was broadcast on any of the channels during the period concerned. The other members of the ruling party are given more balanced coverage.

In its 2004 report, the Romanian Academic Society (SAR) asserts that Romanian television stations practice self-censorship by avoiding any form of criticism of the authorities. SAR considers that, with few exceptions, it has become virtually impossible to

criticise the government, the President or the Prime Minister in prime time, even though it was a frequent occurrence under the preceding centre-right regime, from 1996 to 2000. To escape such pressures, television station directors take refuge in a tabloid style and avoid political issues. But according to SAR, fewer and fewer viewers are watching TV news programmes: ratings have declined nearly 20% from what they were in 2000.

Ralu Filip, the President of the National Audiovisual Council (CNA), who, among other tasks, is responsible for monitoring information pluralism in the audiovisual sector, explained that no rules on this matter have been laid down in the last 14 years. Aware of the problem, the Council adopted a "three-tier" criteria for the opposition, the ruling party and the government on 9 March 2004. A new information-monitoring system should be in place by the end of April. In its "decision concerning the maintenance of accurate and pluralistic information," the CNA is committed "to enforce the pluralistic expression of ideas and opinions, as well as the pluralism of public information sources," and stressed that radio stations "are obligated to inform the public by presenting facts and events accurately and impartially."

In December 2003, the CNA had already put an end to a situation that symbolised the overlapping of political and media spheres in Romania. Indeed, the Council had banned a show hosted by Adrian Paunescu, a former poet under Nicolae Ceausescu, PSD Senator and Chairman of the Romanian Senate's Culture and Mass Media Committee. Entitled *Battle for Romania*, this weekly programme of indeterminate duration—which would occasionally last several hours—had been hosted since March 2003 by the Senator on the private station *Realitatea TV*. In its decision, the CNA concluded that parliamentarians and local government officials did not have the authority to produce or host news programmes. Mr. Paunescu had hosted several talk shows in the past, primarily on *Antena 1* and *Pro TV*.

But Ralu Filip specified that the Council has granted the greatest number of licences in Europe and considers that the source of the audiovisual sector's problems is more economic than political, due to an excessively high number of TV and radio stations vying for insufficient financial and advertising resources. CNA member Gabriela Stoica suggested that the political pressure argument had become an election slogan, even though the real danger for press freedom lies in the economic and financial pressures weighing on the relations between journalists and their managers.

Mircea Toma, MMA's director and a journalist with the weekly *Academia Catavencu*, and Manuela Preoteasa, an expert on economic issues, also observed that the share of ownership attributed to certain foreign companies, NGOs and foundations that subsidise privately owned television and radio stations has yet to be disclosed. This lack of transparency lead many to doubt that the Romanian media are truly independent.

Are Romania's state-owned media being censored?

The problem of information pluralism is particularly sensitive within the state-owned radio sector. An inquiry led by the *Capital* weekly, published in September 2003, shows that, of the 331 news items presented on the 7:00 p.m. news programme between 4 August and 6 September 2003, 97 concerned government leaders, 21 of which focussed on the Prime Minister, Adrian Nastase. This period of the year covered some of Mr. Nastase's holidays and the opening day of the government's new session (15 August). The weekly maintained that the news broadcast on *Radio Romania* was merely compiled from a series of press releases and press conference summaries and that no journalist had chosen to cover those topics. During the period in question, the news programme had not invited any analysts who were independent or critical of the government to share their views. Rarely interviewed live, opposition representatives had intervened only to make brief statements.

Bogdan and Cerasela Radulescu of *Radio Romania* denounced the political censorship practised by the station's director, Dragos Seuleanu. They contended that the government has been attempting to take control of state-owned radio stations since the elections of 2000. Bogdan Radulescu chose to leave the radio's political news department to escape pressure from his supervisors who wanted him to "promote government propaganda" and contribute to the "personality cult" surrounding the Prime Minister. He invoked the "voluntary servitude" exemplified by radio station directors, the direct orders received from PSD leaders and the journalists' "silent protest," as those who dared to publicly express their opinions are being gradually marginalised, ridiculed or forced out of their profession. "For me, joining the foreign service was a breath of fresh air. It was impossible for me to function professionally under those conditions," he confided to Reporters Without Borders. According to him, during one of his initial internal meetings, in 2001 the radio director supposedly stated that the station did not broadcast for the public but for the policy-makers. A claim that Mr. Seuleanu denied.

Rodica Madosa, former editor-in-chief of the state-owned radio station's news department, also accused her director of having influenced and censored news transmitted on *Radio Romania Actualitati*. She reported that the quality of the news and the climate prevailing in the radio station has seriously deteriorated since the appointment of Dragos Seuleanu: "the law was violated when the preceding board of directors was improperly removed from office two years before the end of its term (...) Mr. Seuleanu does not hesitate to implement whatever means of oppressive propaganda that he has at his disposal." The journalist deplored "the intervention of the PDG in all of the morning news programmes" and objected to the "precipitous" breach of her work contract, two months before she was due to retire.

Cerasela Radulescu, a political journalist, denounced the "daily manipulation of news, which is systematically censored, slanted, or deflected in order to serve the best interests of the government and the ruling party, not only detrimental for the opposition, but particularly for the public, who is deprived of accurate and impartial information on issues critical to the country," such as corruption and the progress of Romania's bid for membership in the EU.

For example, the journalist asserted that the state-owned radio stations had presented the Bechtel case—as well as the statements made in Bucharest by the European Parliament's Rapporteur for Romania, Baroness Emma Nicholson, concerning Romania's membership in the EU—in a totally biased manner. On 5 February 2004, the country's privately owned national and international media mentioned the fact that the European Commission had opened an inquiry into the legal framework in force in Romania for the granting of government contracts following an agreement concluded in December 2003 between the Romanian government and the American company Bechtel for the construction of a highway), which allegedly had never been subject to a call for tenders. According to Cerasela Radulescu, state-owned radio stations were muzzling the subject. The journalist phoned *Radio Romania's* correspondent in Brussels, astonished she had not received that information. After this intervention, the radio station discussed the news item on their 7:00 p.m. news programme. A dispatch from the *Rador* public radio's internal press agency repeated the terms used by the radio: "The Commission has opened an inquiry referring to the legal framework in force in Romania in cases involving government contracts." The Bechtel case was not directly mentioned.

In another example, on 9 February 2004, Emma Nicholson held a press conference in Bucharest after meeting with the Prime Minister. An *Agence France-Presse (AFP)* dispatch indicated that Mrs. Nicholson had declared that she planned to maintain her proposal to suspend EU membership negotiations, reminding those present that "EU member countries do not export their children," and criticising the "unacceptable and inappropriate" manner in which government authorities handled the moratorium on international adoptions, as well as the implication of the President and Prime Minister in this report, before demanding an urgent reform of the judicial and administrative system. The Romanian privately owned media and international press have widely reproduced these vitriolic statements. But, according to Cerasela Radulescu, *Radio Romania's* 6:00 p.m. and 10:00 p.m. news programmes preferred to broadcast only the more positive remarks made by Emma Nicholson after she concluded her discussion with the Prime Minister: "We both agreed that Romania had made a great deal of progress but that much still needs to be done. We raised the problem of justice, obsolete laws and corruption, and the Prime Minister assured me that the government will definitely implement certain measures to that effect, on both a national and international level. We discussed the progress already made in terms of children's rights and what still needs to be done" (presented on the 10:00 p.m. news programme of 9 February 2004).

In reaction to accusations publicly announced by Cerasela Radulescu against the state-owned radio station at Reporters Without Borders' press conference in Bucharest on 31 March, and reprinted in the daily *Evenimentul Zilei*, Ralu Filip, CNA's President summoned the journalist and radio head to his office on 6 April. At the end of this meeting, CNA issued a recommendation in which it requested the state-owned radio station to comply with the 9 March 2004 Council decision "concerning the maintenance of accurate and pluralistic information." The Council also admonished the head of the radio station to adhere to, and implement, the state-owned radio journalists' professional code, which prohibits censorship and stipulates that journalists must refuse to yield to any form of pressure whose purpose is to dissimulate, deform or manipulate information. Lastly, the CNA demanded that the station publish, at the end of every month, the results of its internal monitoring that tracks the airtime for news devoted respectively to the government, the ruling party and state opposition. Mr. Filip nonetheless specifically informed Reporters Without Borders that evidence of censorship had never been presented: the state-owned radio's news tapes could not be provided, as the events concerned occurred more than 30 days earlier. Although he regretted that the journalist

did not reveal the incidents at the time of their occurrence, CNA's President stressed that it was the first time in 14 years that a state-owned radio station was given such a warning. Furthermore, CNA assured Reporters Without Borders that it planned to issue in the near future a notice concerning the 29 March broadcast on the state-owned radio station of Adrian Nastase's intervention on the occasion of a meeting of the Youth of the PSD. Interrupting its other programmes, *Radio Romania* had then devoted more than 30 minutes to retransmitting the statements made by the leader of the PSD, which many observers felt was reminiscent of an election campaign speech.

For his part, Dragos Seuleanu, the radio station's director, rejected all of the accusations, explaining that the offences were committed by a minority of journalists who were uncomfortable with its policy for reforming and modernising *Radio Romania*. As for devoting airtime to political representation, in Mr. Seuleanu's opinion, officials fail to take advantage of the airtime made available to them because they have "no particular message to convey to the population", while the government—to the contrary—is very pro-active due to its very busy local and international political schedule. "We're just broadcasters—we can't generate debates. I don't think that we're producing propaganda, all we're doing is trying to cover the news," he asserted. When Reporters Without Borders warned him not to be tempted to take up the old habits of some bygone era, the director of the state-owned radio station retorted: "Sometimes I have the impression that journalists haven't changed either since Ceausescu!"

Romanian State Television (*RTV*) also stands accused of strong pro-government bias. *RTV* exerts considerable influence over the Romanian population: nearly half of all Romanian households are without cable, which carries programmes broadcast by privately owned TV stations.¹ In this electoral year, Theodor Stolojan, leader of the PNL, expressed his grave concern over the weak coverage devoted to representing the opposition on the public media. He pointed out that he had been invited to participate in state-owned TV shows only twice in the last three and one-half years. Mona Musca, a PNL parliamentarian and member of the Culture, Arts and Media Committee of the Romanian National Assembly, reported that the European Parliament's debates on the progress of Romania's membership in the EU were only covered in the sixth or seventh position on *RTV*'s televised news programme, and were always

presented in a positive way, while an eight-minute news report—in the same time slot—dealt with the negative aspects of Bulgaria, which will also be a candidate for membership in the EU by 2007. According to the parliamentarian, state-owned television is "caught up in an electoral campaign instead of reflecting the real world."

At the end of 2003, the suppression of Stelian Tanase's show, *Masina de Tocat* ("The Meat Grinder") provoked an angry response from the opposition. This liberal political analyst hosted a prime-time talk show for three months, to which he invited representatives from the opposition as guests on several occasions. Dan Matei-Agathon, the ruling party's Secretary General, repeatedly objected to this programme. In an open letter to Valentin Nicolau, the President and Chief Executive Officer of the Romanian Television Company, dated 5 December 2003, Mr. Matei-Agathon demanded that *RTV* issue a public apology and dismiss its director following a broadcast that had portrayed the Romanian national holiday in an "ironic" light: "People probably did not understand that the country's National Holiday is also *RTV*'s, who chose—in this programme—to treat this subject ironically. This show used an approach similar to those used by other TV stations—like *Antena 1*—who, for reasons related to its managers' political affiliation, chose to portray the 85th anniversary of the Great Union of 1918 in a humorous way. If, in terms of these stations, we can at least accuse some managers and journalists of being irresponsible and showing an obvious lack of patriotism, the case of *RTV* represents a much more serious offence: an abdication of the public interest television statute."

The journalist's contract, which was due to expire at the end of December, was not renewed. The two last broadcasts of the year—which was dealing with the Romanian Revolution of 1989 and was to feature guests from the National Peasant Christian Democratic Party (PNTCD)—were cancelled. "I am a liberal, but in my show, I did not take an anti-government approach," explained Stelian Tanase. "I feel the same way now as I did twenty years ago when the communists were censoring my books. I felt isolated, the ruling party had me under surveillance. I sense the same sort of hostile attitude toward journalists today," he added.

Lucian Sarb, *RTV*'s News Director, justified the suppression of this programme by its weak ratings—around 3%—and asserted that the state-owned TV station had not been

¹ Privately owned TV stations broadcast only via cable and satellite. The cable penetration rate is 45% of households, 78.5% of which are in urban areas and 17% in rural areas (Source: Romanian Ministry of

subjected to any form of pressure in this matter. His view was that *RTV's* subservience to the government was "a pure fable" systematically brought up again by every opposition party during electoral campaigns. According to him, *RTV's* problems are exactly the same—and neither more nor less—than those confronted by such European state-owned television stations as *RAI* in Italy, *ORF* in Austria, or *TVE* in Spain. The journalist specified that only 30% of *RTV's* reporters were already working there under Ceausescu's regime, and that the young generation is free of any "complex" about press freedom.

A national print media better armed against government pressure

In keeping with the omnipresent symbolic traditions of their past, most Romanian national newspaper editorial staffs work in a Stalin-like building owned by the state. Cristian Tudor Popescu, President of the Press Club and director of the daily paper *Adevarul*, reported that he had asked the Prime Minister to sell the building off to the various publications. The newspaper's executives are not particularly unhappy about the current situation, as the rent paid to the government is less expensive than it is in the city and they claim that the authorities have never profited from this situation to exert pressure on their editorial policies.

The national print media enjoys a great deal more freedom than the local press. Defined by many observers as the only true form of political opposition, the print media better exemplify information pluralism than does the audiovisual sector. But that does not make relations between the political establishment and the press any friendlier. In this respect, World Press Freedom Day on 3 May 2003 was marked by a revealing incident. On that day, Dan Matei-Agathon, who at the time was Romanian Minister of Tourism and Vice-President of the PSD, in a telephone conversation with Sanziana Ionescu, a journalist with the daily *Adevarul*, threatened to eliminate the advertising contracts originating from the Ministry which came under his control if she wrote another critical article about him. The newspapers' dependency on government advertising contracts is often denounced as a major source of pressure.

But the journalists' main complaint is the large number of lawsuits for libel, which forces them to resort to strong self-censorship. The prevailing penal code provides for maximum sentences ranging from one to four years in prison for insult and defamation-related

Communication and Information Technology, 10 November 2003).

offences, particularly with respect to government officials, representatives of the state, or national symbols. In May 2003, the Romanian government submitted to Parliament a bill calling for the reform of the penal code which provided for the decriminalisation of insult and libel offences. However, the text also instituted as an offence the propagation of "false or biased information abroad which may prove harmful to the interests and honour of the nation," punishable by a one- to five-year prison term. On 30 March 2004, the Chamber of Deputies decriminalised the insult and libel offence, eliminating the two-month to two-year jail term for libel. However, the latter is still considered a criminal offence subject to a fine. Although few trials result in sentences, fines can climb as high as 3,000 euros and damages and interest can reach amounts disproportionate to the average monthly salary of a journalist, which is only 200 euros.

Political leaders and businessmen, on the other hand, deplore the growing number of libellous articles which accuse them without proof of corruption, or of having been members of the Securitate. According to President Iliescu, the post-Revolution generation of journalists lacks "professionalism, credibility and responsibility." If the quality of their journalistic endeavours leaves something to be desired, it is obvious that, generally speaking, the Romanian authorities do not appreciate criticism from the press—whether national or international—which they accuse of tarnishing Romania's image by exclusively focusing on the country's negative aspects. This attitude has resulted in several excessive reactions from the government's high-ranking officials. In 2002, the Minister of National Defence had sent a press release to the newspapers that had reprinted an article from *The Wall Street Journal* suggesting that NATO distrusted the Romanian secret police in which he stated: "Life is too short and your well-being too precious to waste on tiresome discussions." That same year, a daily had printed a document issued by the Supreme Defence Council (CSAT), entitled: "Plan to Counter Attacks Against Romania," which accused the press of "harming the country's image" and of paying "undue attention to incidents involving corruption, people-trafficking and international adoption schemes."

Conclusion

Press freedom does not yet occupy the position it deserves between the old habits inherited from the dictatorial period and the strides actually made toward implementing European

standards. The political establishment, very anxious to preserve its reputation with the European Union, and to placate public opinion in this election year, has been exerting insidious pressure on the Romanian media. Although there has been no grave press freedom violation to deplore on the national level, the state-owned media's lack of independence, the pluralism issues in the audiovisual media sector, the attempts to manipulate information—especially on the state-owned radio not to mention the self-censorship broadly practiced among journalists (who now avoid inquiring into subjects which are essential, but too sensitive), are all alarming signals to which the Romanian government and Parliament must attach the utmost importance.

Romanian journalists, for their part, must also find the means to resist these economic and political pressures. In this perspective, the fact that they signed the country's first collective labour agreement for journalists on 31 March 2004—which notably grants them the social and economic protections of which they had been previously deprived—is a very positive development.

However, a certain amount of pessimism prevails in respect of the local press, whose situation is very alarming. Caught in a vice between the political and economic interests of their owners and their own desire to keep the public informed, the local media lack independence and the investigative journalists working in the provinces are truly facing a dangerous situation. Local and national authorities must take measures to curb the spread of micro-conflicts of interest occurring throughout the country, which are preventing local journalists from working under normal conditions in terms of freedom and safety. Lastly, the inquiries into assault cases must be quickly resolved. Otherwise, all indications are that a sense of impunity could take hold in the country, with very dangerous consequences for the few investigative journalists who still want to freely carry on their work.

Recommendations

Upon concluding its mission, Reporters Without Borders is asking Romanian authorities:

- to intensify their efforts to bring their investigations into the four assault cases mentioned in this report to a swift conclusion and to make public any breakthroughs in these cases;

- to abstain from making disparaging statements about journalists, which tends to create a climate that is not conducive to press freedom and sets poor examples for the rest of the political establishment, especially on a local level;
- to apply to the media sector the measures laid down in the Anti-Corruption Law of 2003, which stipulates that elected officials and high-ranking officials must not be the primary shareholders, or the managers, of a profit-making enterprise;
- to observe the recommendations made by Reporters Without Borders and the Organization for Security and Cooperation in Europe (OSCE) concerning the decriminalisation of libel offences and to ensure that the damages and fines imposed are proportionate to the damage sustained.

Furthermore, Reporters Without Borders calls upon the Romanian National Audiovisual Council to guarantee information pluralism in the audiovisual sector and to prohibit the use of any form of censorship or political pressure on the editorial policy of the state-owned audiovisual media.

Reporters Without Borders requests local politicians to stop supplementing their public service functions by cumulating share ownership in the media sector.

The organisation requests the leaders of the Social Democratic Party to ensure that their members, who are behind the majority of the attacks on press freedom noted by Reporters Without Borders to abstain from using any form of pressure on journalists, either locally or nationally.

Reporters Without Borders reminds the state-owned media that their role is not to serve as an organ of the government, nor of any other political party, but to give free rein to the expression of the full range of diverse opinions existing in the country, as well as to provide the public with independent, comprehensive and unbiased information on all topics of general interest.

The organisation advises journalists to act responsibly and to scrupulously adhere to the profession's code of ethics so as to render themselves less vulnerable to the authorities' pressures. Reporters Without Borders also advises the media to comply with the "right of response" in order to avoid some types of lawsuits.

Finally, Reporters Without Borders is delighted that the European Commission and the European Parliament have made the criteria of press freedom one of the core issues in the negotiations for Romania's membership in the EU and ask them to persevere in those efforts, notably by supporting all of the recommendations made in this document.