

# FreeEx Digest

- No. 1

**Safety of journalists.  
Public lynching and kompromat**



Kingdom of the Netherlands

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**FreeEx Digest is an editorial project of the ActiveWatch Association, produced by the ActiveWatch team and its collaborators and financially supported by the Embassy of the Kingdom of the Netherlands.**

**In the upcoming months we will regularly produce summaries of the main issues that can negatively influence the right to correct information and freedom of expression in Romania.**

**We will talk about cases of journalists who are not allowed to work in the public interest, expose practices and institutions that restrict freedom of expression and try to offer recommendations and solutions for citizens overwhelmed by the huge flow of contradictory or misleading information that fuels our anxiety and prevents us from making informed decisions.**

**The FreeEx Digest project is inspired by more than 20 years of work in monitoring freedom of the media and contained in the [\*\*annual reports on freedom of expression in Romania\*\*](#).**

Of course the President can be expected to intervene in every single case, but it is better that the President is concerned about a good framework for an independent and free press and in my opinion he is.

**Your existence here, the fact that this press conference is taking place, I think is a good example for the freedom of the press in Romania (...).**

President Klaus Iohannis at [a press conference](#), 5 July 2022

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# FreeEx 2022 - 2023 //

## Safety of journalists.

## Public lynching and kompromat

After five years of political and social turmoil, the year 2022 brought a new political government configuration - a coalition of "stability". The hosts of this political project seemed committed to post-pandemic recovery projects and focused on putting Romania on the map of developed democracies. These plans, however, were to be put on hold by the outbreak of the Russian invasion of Ukraine and, also, by the first press inquiries questioning the professional and academic integrity of some members of the government, led by Prime Minister Nicolae Ciucă. Faced with a series of external and internal crises, the parties in the governing coalition seem to have agreed that stability will only be maintained through opacity.

Institutional communication and the publication of information of public interest have been carefully controlled, [while a good part](#) of PSD and PNL subsidies went to the press under "[press and propaganda expenses](#)". Instead, the few journalistic voices critical of political power have become the target of discrediting campaigns, initiated either by political actors or by media outlets with a long history of professional misconduct.

For a year with no apparent electoral stakes, politicians' inflexibility in dealing with critical journalists and their blatant collusion with the politically funded press can only be warning signs for 2023 and 2024. These years will bring even more pressure on investigative journalists and newsrooms with no political or economic affiliations to the current governing coalition.

The fact that [our country ranked 56th in 2022](#), down eight places from 2021, in the Global Press Freedom Index, published by Reporters Without Borders (RSF), gives a picture of both the vulnerability of the press and the infatuation of political institutions in Romania.

We recount below some of the incidents and events that affected freedom of expression and freedom of the press in 2022, focusing on the safety of journalists, kompromat and pressure from the authorities. The list is not exhaustive and has been compiled, for the most part, based on public reactions and documentation by ActiveWatch in 2022. However, these cases go a long way to explaining why the drop in the RSF rankings is part of a trend, and explain the concerns expressed by the European Commission in its July 2022 [Rule of Law report](#), and the harsh criticism and recommendations of the [Council of Europe Parliamentary Assembly's September 2022 report on Romania](#).

In recent years, a number of journalists in the central and local press have appealed to the criminal investigation authorities because their safety has been endangered by death threats or invasion of privacy. Unfortunately, investigations and prosecutions often stall, with the judiciary showing little capacity to respond to incidents involving journalists. Instead, some institutions in the criminal law enforcement system have acted as instruments of pressure on journalists, confiscating their equipment, endangering journalistic sources and exposing them to compromising campaigns.

2022 saw small victories, with the courts handing down two criminal convictions against individuals who committed offences targeting the safety of journalists. While it is welcome that these court decisions exist, the facts that triggered them are worrying. In July 2022, the former rector and former pro-rector of the Bucharest Police Academy were sentenced to three years in prison, suspended, for blackmail for having caused a policeman to send death threats to journalist Emilia Șercan. A member of the Timisoara underworld was also convicted at first instance of plotting the murder of journalist Dragoș Boța, editor-in-chief of Press Alert.

An increase in the number of messages threatening the physical safety of journalists, coming from politicians, dignitaries, military personnel and businessmen, contribute to a toxic public discourse that risks normalising violence against journalists.

One such case is that of journalist Parászka Boróka, from the Hungarian-language newsroom of the public radio station Radio România Târgu Mureș, who at the end of October 2022 became the target of harsh threatening messages made publicly by a far-right politician in the Hungarian Parliament while he was in Romania. The politician claimed that the journalist should be the victim of violent acts that could even take her life, calling for violence with particularly serious consequences for her physical safety and that of other public figures who hold similar views.

At the end of 2022, many cases involving threats against journalists, some of which had been going on for several years, had not reached a conclusion. None of the seven cases opened at the beginning of 2022 in a complex and coordinated case of threats, intrusion into privacy and discrediting of Emilia Șercan had resulted in a prosecution or even the identification of a perpetrator. Moreover, there are reasonable suspicions that the criminal investigation bodies, to which the journalist turned to protect herself, were involved in these actions of intimidation and discrediting of Emilia Șercan.

A case of threats against the wife of the editor-in-chief of G4Media, aimed at stopping the publication of a journalistic investigation, had also not been resolved a year after the criminal complaint was lodged, although the perpetrator, a military officer, is known.

Moreover, at the end of 2022 there was no verdict, after four years, in cases in which journalists Gabriel Gachi (Reporter de Iași), Tudor Leahu and Rareș Neamțu (both from 7Iași) were the targets of intimidation and threat campaigns.

The case of the surveillance of journalists Alex Costache (Știrile TVR/G4Media) and Cosmin Savu (România, te iubesc!, Știrile ProTV), opened following events that took place in early 2020, was still in court at the beginning of 2023, with an extremely

winding path, with two closure decisions ordered by the prosecutors and later overturned by the court. In February 2020, the two journalists were tailed in an operation involving no less than 11 people and with an obvious compromising purpose.

Although prosecuting authorities should be the ones to protect journalists, in 2022 they also acted, in some cases, as instruments of pressure on journalists. In addition to suspicions that police leaked evidence from the Emilia Șercan case, DIICOT prosecutors were again involved in pressure against journalists. DIICOT prosecutors in Braila confiscated journalist Alin Cristea's equipment in an abusive action that resulted in the blocking of a publication and the exposure of journalistic sources. This is not the first such misconduct by DIICOT prosecutors, with a similar abuse targeting journalists from Libertatea and Newsweek in 2021.

Last year, several independent platforms or journalists working with local branches of international newsrooms were the targets of direct, discrediting and threatening campaigns. These journalists have either been blacklisted as so-called "toxic" journalists, branded as "enemies of Romania" or discredited through attacks on their person and invasion of privacy. The attacks have been promoted and maintained mainly by the Alliance for the Union of Romanians, Romania TV and Realitatea Plus, as well as by websites affiliated to these two media entities. Unfortunately for the freedom of the press, these incidents are not only discursive, but trivialise violence against journalists and distract public attention from issues of real public interest.

In conclusion, the safety of journalists was in 2022, more than ever, a topical issue in Romania, although the authorities in Bucharest have not shown a particular interest in this regard. Thus, the only consolation for some journalists has been and continues to be that the debates are much more consistent at the level of the European institutions.

The [European Commission adopted](#) in September 2021 a [Recommendation on guaranteeing the protection, safety and empowerment of journalists and other media professionals in the European Union](#), in the context of the institution having made it a priority to promote press freedom, pointing out that although Europe is one of the safest places for journalists, [the number of attacks on journalists, including assassinations, is on the rise](#). The Commission's recommendation calls on Member States to investigate and prosecute all crimes against journalists, whether committed online or offline, impartially, independently, effectively, transparently and in a timely manner, to ensure that fundamental rights are protected and that justice is swiftly done in specific cases, and to prevent the emergence of a "culture" of impunity for attacks against journalists. The safety of journalists also includes other issues such as the confidentiality of communications and the protection of online privacy, with the Commission calling on Member States to ensure that journalists and other media professionals are not subject to unlawful online surveillance or surveillance, including in the context of police investigations that may compromise the protection of journalistic sources.

In a context where online smear and denigration campaigns against journalists are frequent, the European Commission notes in the Recommendation that "this situation is particularly worrying when such attacks are initiated by politicians or powerful public figures".

The likelihood that the situation regarding the safety of journalists in Romania will improve in 2023 is extremely low, given that, despite the current social and economic challenges, the authorities and political decision-makers control and distort the public agenda. Unfortunately for the public interest, the next two years will be hijacked by overpromising discourses and the political interpretation of all actions and messages in the public space. Therefore, a good indicator of press freedom in 2023 and 2024 will not be mere existence, but the insistence of the press to serve the public interest, regardless of obstacles.



# Two criminal convictions

2022 brought two criminal convictions against people who committed crimes targeting the safety of journalists, a worrying fact that shows that Romania is not outside this European trend.

## Death threats conviction

In July 2022, the former rector and former pro-rector of the Bucharest Police Academy were sentenced to three years in prison, suspended, for blackmail, for having caused a policeman to send death threats to journalist Emilia Șercan. The two must also pay the journalist 80.000 RON (approx. 16.000 euro) in moral damages. [The events took place in 2019](#), and the threatening messages came as a result of Emilia Șercan's investigations into plagiarism at the Police Academy. With the final criminal conviction, [Emilia Șercan made public the content of one of the threatening messages sent to her](#) in 2019, at the instigation of two high-ranking police officers, which, for personal reasons, she chose not to publish until then:

*"We are sending this message with the aim of preventing what will happen next, it's all up to you. Stop all activities you have going on... if you don't want the ordeal to follow. Do you want to end up like Elodia? We'll cut off your legs and hands."*

## Conviction in the first court for plotting the murder of a journalist

In the second case, a member of the Timisoara underworld was convicted in the first instance for allegedly plotting the murder of journalist Dragoș Bota, editor-in-chief of Press Alert. Lucian Boncu was sentenced on 28 November 2022 to one year's imprisonment for attempting to cause the commission of a murder offence and two years for failing to comply with the arms and ammunition regime. The sentence is not final. The events took place in 2019 and came to light as a result of environmental recordings made by prosecutors and witness statements. The journalist, who had disturbed the interloper by writing articles targeting him, was supposed to be killed with a gun, as environmental recordings made by prosecutors reveal that the interloper was determined to have him eliminated. The journalist Dragoș Boța had also been the target of veiled threats sent by the interloper either directly to the journalist or through various intermediaries. In 2018, the journalist also found his car burned, the cause being, according to police expertise, an arson.

The events began in May 2018, when Dragoș Boța published [an article](#) with photos showing Ionuț Nasleu - the personal advisor of the mayor of Timișoara at that time, Nicolae Robu - with Lucian Boncu Adrian. In June of the same year, [the journalist's car caught fire](#), the cause being, according to a police expertise, a fire started with intent. Following the incident, [Mayor Nicolae Robu publicly attacked Boța](#) and insinuated the possibility that he had set fire to his own car. A few days later, Lucian

Boncu sued the journalist for using the term "interlop" when referring to him.

Also in June 2018, Nicolae Robu appointed a close associate of Boncu as interim director of the Timișoara City Hall's daycare service. In a phone call, [Boncu veiledly threatened Bota](#), asking him not to continue documenting the subject.

Over the next year, Dragoș Boța published several articles criticising Lucian Boncu and those close to him. Prosecutors say in the indictment in which they sent Lucian Boncu to trial that, during this period, he "developed a real obsession" for Boța, about whom he said several times, in the presence of his close friends, that he wanted to kill him, as proved by environmental recordings and recordings of telephone conversations made by prosecutors.

Another critical moment was on 9 September 2019, when the journalist published [an article](#) reporting that Lucian Boncu was a witness in a DIICOT case. Dragoș Boța said that, following the publication of the article, he received several signals that Lucian Boncu was extremely angry and wanted to take revenge, because by revealing this, his image had been damaged in the underworld, where he could be considered as a "snitch" of DIICOT, according to the prosecutors' indictment.

According to the prosecutors, a day later, Boncu was to meet several close friends and acquaintances, some of whom were even police officers. During the meeting, Boncu gave a gun to a close friend of his, Nicolae Gavrilă, and told him to "take care" of the journalist Dragoș Boța. In exchange for this act, Boncu allegedly promised a cash reward, to which the pistol was added.

According to Gavrilă's witness statements, he arrived that evening at the journalist's home for reconnaissance, accompanied by two close friends, but the three became "reluctant" because of a white Dacia Logan, which they thought was a police car, and gave up the plan.

In October 2019, Lucian Boncu was remanded in custody in a case involving drug trafficking, but it was only in March 2020 that Nicolae Gavrilă handed over the gun to the authorities, becoming a witness in the case.

In a sentence of 28 November 2022, [the Timis Court sentenced](#) Lucian Boncu in the first instance to a total of 11 years and one month in prison, [a cumulative sentence for offences such as continuous trafficking in high-risk drugs, driving a vehicle on public roads under the influence of psychoactive substances and manslaughter](#).

Environmental recording made by prosecutors on 27/28.07.2019:

*"Boncu Lucian Adrian: Do you want me to tell you something? Me, if I...I'll tell you personally. If it wasn't the police and the law so be it, I had at least 3-4 dead by now. I would have killed Bota for sure, I'd have killed Talis for sure, two dead already. Not that I'd beat him, I'd kill him and believe me... we'd come and drink beer. I don't have any scruples, I've never had any scruples about (unintelligible)... So believe me the animal instinct in all of us is."*

Ambient recording of a conversation between Lucian Boncu (B.L.A.) and one of his acolytes (H.A.), made by prosecutors on the evening Nicolae Gavrila and his two

other companions had left to the house of journalist Dragoş Boţa (10.09.2019):

*"H.A.: Brother, did you stop them or ... ?*

*/ ... /*

*B.L.A.: No .*

*H.A.: No?*

*B.L.A.: No.*

*H.A.: We're in trouble! Beat it, God!*

*B.L.A.: I know Aline but I can't anymore. I can't, believe me! I can't! I can't, understand me, I can't! (unintelligible) God damn it! to journalist)"*

Ambient recording made by prosecutors on 11.09.2019:

*"G.N.:We have to find that journalist!*

*Boncu Lucian Adrian: We have to ...shoot him!"*

# Threatening messages

An increasing number of messages threatening the physical integrity of journalists, coming from politicians, dignitaries, military, businessmen, contributes to a toxic public discourse that risks normalising violence against journalists.

At the end of October 2022, Parászka Boróka, a journalist with the Hungarian-language newsroom of the public radio station Radio România Târgu Mureș, became the target of threatening messages made publicly by a far-right politician in the Hungarian Parliament while he was in Romania. In his speech, Bartha Barna, a member of the Mi Hazánk (Our Fatherland) party, said that [the journalist should be the victim of violent acts that could even take her life](#), calling for attacks with particularly serious consequences on her physical safety and that of other public figures who hold opinions similar to hers, as reported by the Hungarian-language [Transtelex](#). The politician said:

*"(...) one can eventually listen to a programme signed by Parászka Boróka on Radio Tg. Mureș. If Hungarians cannot hang such people, cannot eliminate them from their ranks, then it is no wonder we are where we are. And she also claims to be of Szekler origin. I don't know who knows Parászka Boróka's work, but I have no words for her work. The people should eliminate those like her. The Szeklers should protest against the possibility of such people being able to work in radio or anywhere else. We are talking about a terribly intelligent journalist, but I have never seen such a scoundrel in my life."*

The criminal investigation has been swiftly launched and a criminal investigation is ongoing. The outcome of this investigation is uncertain, as the Hungarian politician enjoys parliamentary immunity.

This is not the first time that journalist Parászka Boróka has been the target of threats. Another case in 2022 led to László Szőke, a journalist and director of the Hungarian press trust Association for Transylvanian Media Space (Erdélyi Médiatér Egyesület), funded by the Hungarian government, being fined €1,000 in moral damages and court costs. Szőke was sanctioned for threatening Parászka Boróka with a beating in a Facebook post in 2021. The civil lawsuit is currently being appealed.

# Files in slow-motion

## Emilia Șercan, the most harassed journalist in 2022

Emilia Șercan was in 2022 the most prominent case of pressure on a journalist, through threats, invasion of privacy and kompromat. The journalist became the target of a mix of pressure vectors involving media outlets divorced from journalistic ethics and controlled by people with criminal records, including a fugitive politician with a final criminal conviction in Romania. The most serious thing is that there are reasonable suspicions that these actions to intimidate and discredit Emilia Șercan involved the very criminal investigation bodies that the journalist turned to for protection.

The events began on 19 January 2022, the day after Emilia Șercan published an investigation into [Prime Minister Nicolae Ciucă's plagiarism](#), when she received in her email a threatening message. [According to the journalist](#), the message was followed by another threat, received on the 2nd of February, on Facebook Messenger. For both threats, the journalist filed criminal complaints. Subsequently, on the 16th of February, Șercan received a Facebook message from a user who was not in her friends list. The message included five private photos of the journalist taken about 20 years ago, which had most likely been obtained from her computer. Emilia Șercan later discovered that these photos had been uploaded to 34 adult content websites.

The day after he received the message with the photos, on February 17, she filed a criminal complaint to the Criminal Investigation Service of the Bucharest Police and submitted to the policewoman who registered the complaint, as evidence, the screenshot of the message she had received on Facebook Messenger.

On February 18th, Șercan discovered that the screenshot of the message (which clearly shows that was taken with the journalist's phone), and the five private photos had been published [40 minutes after she left the Criminal Investigation Service](#), on a media website registered in the Republic of Moldova (realityadinmoldova.md). Within a few hours of the publication in Moldova, 74 media sites in Romania, 58 of them belonging to Realitatea Plus group, had published a denigrating article about Șercan, all of citing the Moldovan site as a source and including a link to it, and thus implicitly, to the private photos. Since no one, apart from the journalist and the policewoman who the complaint, had access to that screenshot, and because the phone journalist's phone was audited by several international organisations with expertise in digital security, the only explanation for the leaking of these photos is that it was done by police or prosecutors themselves (incidentally, during a subsequent investigation it emerged that the policewoman who took the complaint sent the screenshot, shortly after receiving it from the journalist, to several police chiefs.).

But instead of conducting an internal investigation, [the police presented the journalist with a report that was obviously erroneous](#), trying to give credence to the idea that the screenshot taken by the journalist had been published on the internet before it reached the police. [The police report was debunked by a team of Swedish](#)

[cyber security specialists](#) as well as [an expertise of Bitdefender](#). As of February 2023, [one year after the events, none of the 7 files opened by the authorities in the case have been completed](#). During all this time, Emilia Șercan's private photos are still available on the internet, including with links from Romania (Realitatea Plus group websites), being published, as a primary source, by the websites [realitateadinmd.md](#) (owned by Cristian Rizea) and [realitateadinmd.net](#) (owned by Maricel Păcuraru's family).

In July 2022, former PSD MP Cristian Rizea, who fled Romania to the Republic of Moldova to escape a final criminal sentence, publicly stated that "[\(s\)stories, exclusively, appeared on Rizea's website](#)", "[all the compromising photos of Emilia Șercan "appeared at me", and were then picked up by "all the press in Romania"](#)". Implicitly, Rizea, who owns the website [realitateadinmoldova.md](#), admits that it was he who first published the screenshot provided by the journalist to the Romanian police and not another website, as claimed by the Romanian police expertise. Realitatea TV also [broadcast statements by Rizea](#), in which he says he "saved Prime Minister Nicolae Ciucă" and [claims](#) he did this because Emilia Șercan was allegedly working with Russian intelligence to compromise the prime minister. Realitatea TV belonged to businessman [Maricel Păcuraru, who has served a prison sentence](#), and is now owned by his family.

In November 2022, Emilia Șercan told [Europa Liberă](#) in an interview that she was being followed, saying it could be intimidation or that someone wanted to know who her journalistic sources were.

In January 2023, [Hotnews](#) journalists published an internal National Liberal Party document in which party members were instructed to attack Emilia Șercan, accusing her of "political vendetta", lack of objectivity, "lack of expertise". In February 2023, [Misreport](#) journalists published an analysis showing that a PR company linked to the National Liberal Party had paid for two Facebook campaigns promoting false media articles discrediting Emilia Șercan and promoting a positive message about Minister Lucian Bode. These press revelations show that Emilia Șercan is the target of a discrediting campaign agreed by the National Liberal Party and possibly funded with money from this party. The PNL's gesture comes after the journalist published two articles in the autumn of 2022 raising serious suspicions of plagiarism against the Liberal Minister of Education Sorin Cîmpeanu (who also resigned a few days after the article targeting him) and the Liberal Minister of the Interior, the party's Secretary General, Lucian Bode, who has not resigned to date.

The Șercan case has created a strong wave of solidarity that has included journalists, Romanian and international press freedom and human rights organisations, academics, ordinary citizens, as well as politicians and officials from European institutions and embassies. The solidarity is generated by the role of Emilia Șercan in revealing serious and prominent cases of plagiarism, [for which efforts are being made to cover them up](#), but also by a deeper fear, summed up in just a few words by journalist Cătălin Tolontan, in a public debate: "[I came here because I fear for Emilia Șercan's life. I fear for the lives of my fellow journalists in the local press, who cannot be here](#)".

## **G4Media, aproape un an fără nicio decizie**

Another case is that of the threats received by G4Media after the publication of articles criticising the work of a professor at the Carol I National Defence University. In March 2022, Alexandru Cristian, a military officer in the Ministry of National Defence and PhD student at the National University of Defence Carol I, called the wife of G4Media's editor-in-chief, Cristian Pantazi, trying to stop the publication of an article targeting Alba Iulia Popescu, a professor at the same university. In the conversation with the wife of G4Media's editor-in-chief, Alexandru Cristian [referred to a news story about a person in Russia who held anti-Putin views and was later found dead in a suitcase](#). Alexandru Cristian later also sent a message on Whatsapp, related to the journalistic article about his colleague, explicitly writing "Stay out of this...". Alexandru Cristian [is being investigated by the military prosecutor's office](#), but the investigation had not been completed as of early 2023.

## **Journalists tailed, case file reopened**

The case of the surveillance of two journalists and two magistrates, opened following events in early 2020, was also still pending before the courts in early 2023, [with an extremely circuitous route](#), with two closure decisions ordered by the prosecutors and subsequently quashed by the court. In February 2020, journalists Alex Costache (Știrile TVR/G4Media) and Cosmin Savu ("România, te iubesc!", "Știrile ProTV") and magistrates Horațiu Radu (deputy attorney general at the time, candidate for the position of attorney general of Romania) and Răzvan Păștilă (judge at the Ilfov Court), [were followed in an operation involving no less than 11 people and with an obvious compromising purpose](#). The journalists and the two magistrates were at a private party in a Bucharest venue. They were filmed and audio-recorded, and these images were broadcast by Romania TV and several other publications. Before the prosecutor, those involved in the filming claimed that they were journalists employed by the publishing company of Gândul, CanCan and other publications and that their approach was journalistic. Alex Costache contested the first closure order, arguing, among other things, that no evidence had been presented that those involved were journalists (employment contracts, collaboration contracts, published articles, etc.). In addition, one of those involved in the surveillance is a former frontier policeman, who was driving a car borrowed from a former Romanian Intelligence Service officer at the time of the surveillance. The case is currently (for the second time) under investigation by the prosecutors of the Bucharest Court of Appeal.

## **Multiple threats, no culprit**

Local press journalists are not immune from various forms of pressure from local politicians and businessmen or even members of the underworld. In Iași there are several cases of threats against journalists, which started in 2018 and in which none of those responsible has been held accountable.

The situation has been brought again to public attention by one of the journalists who have been the target of threats. Gabriel Gachi of Reporter de Iasi, in the context of DNA cases opened in 2022 against the mayor of Iași, Mihai Chirică, and real estate developers who have threatened, since 2018, several Iași journalists who had written about their businesses. The complaint filed by Gabriel Gachi in 2019, after the door of the newsroom he runs was covered in faeces, did not result in criminal action, with police closing the case because they found no evidence to incriminate the perpetrator. Earlier, Gachi had been waited outside the block where he lived and threatened with death by a housing developer.

Also, the case in which the interloper who threatened and harassed journalists Tudor Leahu and Rareș Neamțu of 7Iasi was sent to trial in 2020 was still pending at the end of 2022, after being initially returned to the Public Prosecutor's Office and then sent back for trial. In 2018 and 2019, the two 7Iasi journalists were also repeatedly threatened with death and their cars were covered in faeces.



# Pressures from the authorities

In 2022, state authorities acted, in some cases, as instruments of pressure on journalists. The strategy of intimidating journalists by opening criminal cases comes in addition to various civil actions or administrative complaints by which influential people in politics and administration try to block legitimate journalistic efforts.

## DIICOT searches and then asks

The year began with a raid by DIICOT Brăila prosecutors at the home of journalist Alin Cristea, including the residence of his parents, and the editorial office of the newspaper debraila.ro. Prosecutors seized phones, computers and other equipment and [opened a criminal case against journalist](#) Alin Cristea and the debraila.ro publication for the offence of distributing or possessing child pornography. The file was opened solely on the basis of the publication of an article (on a subject of public interest and which was done with the protection of the victim's identity). [Central publications](#) reported at the time that journalist Alin Cristea had come under the scrutiny of law enforcement officers in Braila after criticising the Braila police chief. [A prosecutor from the DIICOT](#) Brăila had then contacted the journalist to defend the police chief. The latter was relieved of his post shortly after the journalist's articles, and the DIICOT's crackdown followed a few days later, raising serious suspicions about the real reasons for the search, seizure and opening of the criminal case against the journalist and his publication.

By confiscating journalistic equipment, DIICOT prosecutors blocked a publication from appearing and violated the confidentiality of journalistic sources.

At the end of November 2022, after a saga that lasted 11 months, the Court of Braila decided that the actions of DIICOT Brăila prosecutors against journalist Alin Cristea and the publication debraila.ro were unfounded. The Brăila Court has quashed the decision to drop the criminal proceedings, ordered by the DIICOT Brăila indictment (which meant that the crime had existed), and [ordered the closure of this case](#), thus confirming that the journalist Alin Cristea and the publication debraila.ro were not guilty of committing the crime of distributing or possessing child pornography.

## Mayor Băluță, the most tidy complainant

Such abusive, disproportionate or disregardful actions by prosecutors or police officers are not unique. As recently as 2021, following articles in Newsweek Romania and Libertatea on irregularities with public funds and tenders, the mayor of Bucharest's Sector 4, Daniel Băluță (a member of the Social Democratic Party), [filed a criminal complaint claiming that journalists from these publications were involved in blackmail and organised crime](#), but without presenting any evidence related to the subject of the blackmail. DIICOT prosecutors, before any independent

investigation, issued subpoenas and summoned the authors of the articles for questioning, including the senior editors of the two publications, Newsweek Romania and Libertatea (owned by Ringier Group), tacitly accepting the mayor's claim, unsubstantiated by any documents other than the press articles (which were informative and of public interest), that they were the authors, or "moral authors", of a so-called blackmail.

The interrogation on 20 May of Libertatea's editorial coordinator Cătălin Tolontan and journalist Mihai Toma of the same publication was a photo/video opportunity for a number of media outlets. Cătălin Tolontan became the main target of a coordinated discrediting campaign in the media, unable to defend himself because, while the journalists questioned were forced to sign non-disclosure agreements with prosecutors, other media outlets were given access to and published selections and truncated details of Mayor Băluță's criminal complaint. The attempt to discredit the journalist was led by a publication (Gândul - the same publication where those who had followed journalists Alex Costache and Cosmin Savu in 2020 claimed to be employed as journalists) controlled by a person who was convicted of brokering a million euro bribe between a private businessman and a former minister. Also, several Newsweek journalists (the ones who originally published the article about the mayor), were interviewed on May 21.

Rise Project soon discovered that [the prosecutor investigating the case against the journalists was married to the lawyer of one of Mayor Băluță's subordinates](#), in a flagrant conflict of interest.

In total, during 2021, Mayor Băluță opened no less than 18 cases against the newspaper Libertatea and its journalists - ten defamation complaints, three requests for a presidential order (temporary orders for deleting the articles until further trial), three discrimination complaints (filed with the National Council for Combating Discrimination - CNCD) and two criminal complaints. Of these, one lawsuit and one request for a presidential order were initiated by the institution of the mayor of Sector 4, not by Mayor Băluță personally. By early 2023, Libertatea had won all the lawsuits in which the courts had ruled, the complaints to the CNCD had been rejected (Mayor Băluță challenged one of these decisions in court in 2022), and the criminal cases had been closed (the decisions having been definitively confirmed by the courts).

As the extreme case of Mayor Băluță shows, one form of pressure on journalists is filing regular civil lawsuits. These can be a form of pressure due to their large number, which entails high costs for the editorial office concerned. When a single plaintiff files a series of lawsuits, the likelihood of a [Strategic Lawsuit against Public Participation \(SLAPP\)](#), i.e. a lawsuit aimed at intimidation, is very high. Although courts generally rule in favour of journalists, the level of application of legal principles on freedom of expression, such as those generated by the [European Court of Human Rights](#), remains a challenge.

Thus, a significant problem is posed by defamation cases where courts order the removal of articles from the online environment, even though these articles are of public interest and written in good faith. Even in the case of articles (or posts on social media) where no public interest or good faith in publication can be

demonstrated, the question remains as to the proportionality of the sanction of ordering deletion (when other methods might be more effective - e.g. publication of the court judgement next to those statements).

## Sources exposed by court order

In addition, some journalists have reported that there are plaintiffs who file lawsuits just to find out journalists' sources. In one such case, [journalist Gabriel Gachi, from the publication Reporter de Iasi](#), was asked in June 2022 by a judge "[to clarify the source of the information obtained for editing the articles mentioned by the plaintiffs](#)". [Gachi had been sued](#) by the director of the Iasi Neurosurgery Hospital, Lucian Eva, after a series of articles about how MEP Tudor Ciuhodaru was on duty as a doctor. However, in the end, in November 2022, the Iasi Court dismissed the civil action against the journalist and the publication Reporter de Iasi.

Protecting journalistic sources is both a legal privilege and a professional obligation for journalists. The case law of the European Court of Human Rights, which, according to the Constitution, is part of Romanian domestic law, has a rich jurisprudence related to journalists' right to protection of sources. There is also legislation that establishes this journalistic privilege as such - the audiovisual law, the national press agency Agerpres law, the Romanian public radio and television law.

In this context, we also recall that the DIICOT Brăila ordered the opening of a storage medium of journalist Alin Cristea, in the absence of a computer search warrant, this being issued only a few hours after the operation. In the end, the computer search was carried out at the DIICOT Central Structure headquarters, the journalist having expressly requested that the search not be carried out in Brăila, where one of the DIICOT prosecutors had put pressure on him and the journalist feared that his sources would be in danger. When the journalist managed to retrieve his equipment from the prosecutors, his mobile phone, which contained his conversations with the DIICOT prosecutor mentioned above, was no longer working.

# Public lynching and kompromat

Over the past year, several independent platforms or journalists working with local branches of international newsrooms have been the targets of direct discrediting and threatening campaigns. These journalists were either blacklisted as so-called "toxic" journalists, branded as "enemies of Romania" or discredited through attacks on their person and invasion of privacy. The attacks have been promoted and maintained mainly by the Alliance for the Union of Romanians, Romania TV and Realitatea Plus, as well as by websites affiliated to these two media entities. Unfortunately for the freedom of the press, these incidents are not just discursive, but trivialise violence against journalists and distract public attention from issues of real public interest.

## Alliance for the Union of Romanians vs. uncomfortable press

The year 2022 marked a first in political communication, taking the relationship between politics and the press into an alarming area to say the least.

On 26 January 2022, the Alliance for the Unity of Romanians (AUR) party urged its supporters and followers on its official Facebook page [to nominate "the most toxic and fake <<media organisations>>"](#), opening the list by nominating G4Media. The drift was promptly denounced by civil society and the National Audiovisual Council, as well as [Prime Minister Ciucă](#).

Not two months after this incident, AUR leader George Simion [publicly called](#) on Facebook for the government to "do its duty" and close G4Media. Simion's message, dated 4 March 2022, came in an extremely controversial context, as the day before the National Directorate for Cyber Security had [indexed the Aktual24 website](#) on a shortlist of malicious sources allegedly promoting Russian propaganda, blocking access to this media site. Although couched in the form of an alleged joke, Simion's message was intended to fuel the general hostility of AUR supporters towards the G4Media publication.

In May and June, the AUR leader moved his confrontations with the press on social media directly to the street, specifically in front of the Digi24 TV headquarters. On 18 May 2022, under the pretext of wanting a right of reply, George Simion [entered the TV station's car park](#) and tried to force his way into the headquarters. Although he was prevented from doing so by security guards, the conflict was not resolved until a police team arrived.

On 13 June 2022, George Simion [repeated the incident](#) and returned to the Digi24 car park to express his dissatisfaction with the way he is portrayed in some of the station's programmes. This time too, he failed to get past security guards.

We would like to point out that all these acts of intimidation against media outlets, coming from AUR, took place despite the fact that, in Romania, there is a legal and institutional framework for any person who has been harmed to be able to defend

their reputation and to ask for reparation of their image, by going to court or, also, by going to the National Audiovisual Council, to ensure a right of reply.

## **Kompromat, editorial policy or ideological weapon?**

In 2022, Romania TV and its affiliated website, romaniatv.net, stood out for several materials in which they defamed and attacked journalists from other newsrooms, which, traditionally, the editors of the two platforms classified as part of the "#rezist propaganda". The virulence of the messages and arguments went beyond the framework of freedom of opinion, undermining the idea of debating issues of public interest or the idea of guild solidarity.

In the autumn of 2022, various actors in the governing coalition or those close to it brought the subject of Romania's accession to the Schengen area back into the public arena, in ponderously optimistic, but predominantly optimistic tones. The public agenda finally made room for a consistent topic of debate, after two years of pandemic and another half year of uncertainty caused by the war in Ukraine.

Instead, the few voices in the media that expressed scepticism or criticism of the way the Bucharest authorities are handling the Schengen issue came under virulent attack from competing media outlets.

*"We don't have proof, but that doesn't stop us from assuming that the gang of enemies of Romania in the press are working in an organised way and are heavily sponsored from an area that doesn't at all want Europe's borders to be fully open to Romania."*

*(romaniatv.net, 11 October 2022)*

Thus, in October 2022, the website romaniatv.net has published two materials in which it tried to expose the "toxic people in the media" who dared to publicly formulate more nuanced or different opinions from those of the politicians in power or from those of the media institutions that uncritically promoted them. The articles "[Enemies of Romania in the press!](#)" (11 October 2022) and "[Enemies of Romania - episode 2!](#)" (13 October 2022) directly targeted several names in the independent press or local sections of international newsrooms.

According to romaniatv.net, a view unsupported by factual evidence, Ioana Ene Dogiou and Magda Grădinaru (spotmedia.ro), Dan Tapalagă (g4media.ro), as well as the editorial offices of Europa Liberă Romania, Deutsche Welle Romania or Radio France International Romania were nothing but "enemies of Romania", who "seriously damage one of the political and even national goals", namely accession to the Schengen area.

In December 2022, Romania's accession would be blocked by Austria. Since then we have not been able to find any more lists and sentences for journalists who were sceptical from the outset about the success of this political and economic project.

Only in 2022, Romania TV was fined twice by the National Audiovisual Council for deviations from audiovisual legislation and for the way they reported on other journalists.

In March 2022, the [National Audiovisual Council fined Romania TV](#) 50.000 RON (approx. 10.000 euros) for a series of defamatory statements made against Emilia Șercan and for misleading the public by showing an image of Cristian Tudor Popescu (at the time a Digi24 contributor), suggesting that the commentator was present live on Romania TV, even though the programme had in fact shown recordings of him from Digi24.

In November 2022, [the station was again fined](#) 10.000 lei (approx. 2.000 euros) for not respecting the right to one's image and for not presenting a point of view in the case of journalist Ovidiu Vanghele, from the Media Investigation Centre and Let There Be Light.

In all the cases examined and sanctioned by the National Audiovisual Council, the journalists concerned officially addressed and pleaded before the audiovisual forum to defend their reputation.

## **Team**

Liana Ganea

Ionuț Codreanu

Ioana Popa

Andrei Boloș

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