

The Promo-LEX Association expresses concern about pressure on investigative journalist Mariana Rață

On 22 December 2016, journalist Mariana Rață published an article on the nomination of the former police commissioner of Chișinău as head of a department at S.A. Moldtelecom.[\[1\]](#) That article cited Ziarul de gardă[\[2\]](#) on the functions previously held by Vladimir Botnari, making reference to his daughter's wealth without naming her.

After the publication of the article, V. Botnari submitted a complaint to the Office of the Prosecutor in Chișinău invoking the right to privacy and requesting that a criminal case be opened under art. 177 (2) of the Criminal Code (Violation of the Right to Privacy) against those responsible for accessing and publishing personal data about V. Botnari and his family members. [\[3\]](#)

According to art. 2 of Law no. 64/2010 on freedom of expression, the phrase "information about a person's family and private life" is interpreted as any information (including images) about a person's family life, life at home (...) etc. This law specifies that the media is supposed to inform the public about issues of public interest and to carry out (...) journalistic investigations of interest to the public. Journalists have the right to obtain and disseminate information, and can also request that any public institution verify the facts or circumstances referred to in certain materials.

Applying the provisions of Law no. 133/2011 on the protection of personal data to the article published by Mariana Rață, we

find that the journalist's actions adhere to legal regulations, since the information was used for journalistic purposes and the information about Mr. V. Botnari and the situation in which he was involved was of interest to the public.

Article 10 (2) of Law no. 64 establishes that information about the private and family life of a public person or of a person who occupies a public function can be disclosed if it is in the public interest. Furthermore, if public figures or those who occupy public functions draw attention to certain aspects of their lives, the mass media has the right to examine those aspects.

In addition, art. 32 of the Constitution of the Republic of Moldova guarantees freedom of speech for every citizen, as well as the freedom to express oneself in public with words, images and any other possible means. In exercising this right, the mass media must respect a series of principles related to the right to obtain and disseminate information: to report the truth; to verify information before publishing; to reject any attempt to distort facts, events, or their interpretation; to respect legislation regulating the activity of the media; etc.

On the other hand, the state is obligated to create the necessary conditions for establishing and developing a free and impartial media, and is also obligated to not intervene in its activity; the censorship of the media is prohibited.

In addition, Law no. 243/1994 on the press provides for sanctions in cases in which coercive measures are used against journalists with the intent of causing the dissemination or non-dissemination of information.

The Promo-LEX Association is an organization that supports human rights and freedom of expression as the foundation for the defense of democratic principles. We therefore express our concern about the pressure that the mass media has recently

been subjected to and we appeal to law enforcement bodies to make all efforts through criminal investigations to prevent interference with and intimidation of journalists in their activities.

In addition, we respectfully ask that law enforcement bodies approach these types of cases with the greatest care, taking into account both national legislation on freedom of expression, freedom of the press, and the protection of journalists, as well as the European Convention on Human Rights and the jurisprudence related to it.

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