

**Playing with Fire:
The Problematic History of Romania's Press and Media and
Recent State Corruption**

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January 2019

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Executive Summary

- Romania has a long-standing and persistent independent press tradition dating back to the nineteenth century. When conditions have allowed it, its independent press and media have flourished.
- However, over the years there has been a series of external attempts to suppress media freedom in Romania which included the Russian military administration after 1831, the authoritarian government of Carol II after 1934, and the Communist regime which came to power in the aftermath of World War II.
- Despite hopes of democratic change and freedom in the 1990s and early 2000s, there are now serious alarm bells ringing around the role and practices of the country's domestic intelligence service, the SRI, and Romania's so called National Anti-Corruption Agency, the DNA; and their adverse impact on the rule of law - particularly concerning the country's press and media sectors. It is apparent that most (potentially all) of the prosecutors used in court cases against the country's press and media owners in recent years have either been inappropriately influenced or instructed by key elements within its somewhat dubious intelligence community.
- From the evidence presented in this study, it is clear that today's press and media sector is no longer afforded the legal, political and judicial standards worthy of a modern European Union nation.
- As Romania's Constitutional Court recognised on 16 January 2019, key organs of Romania's state security and law enforcement community have consistently used highly inappropriate and unconstitutional means to not only undermine the judiciary, but to manipulate key features of the country's press and media sector.
- Politically, the Romanian press and media continue to work in an environment where powerful intelligence forces seek to either co-opt or intimidate key players. This was notable during the conflict between Traian Basescu and Victor Ponta during 2012-2014; and went on to have a wholly inappropriate impact on the life and subsequent death of the independent newspaper owner Dan Adamescu. It touched the lives of Dan Voiculescu, Dinu Patriciu and Adrian Sarbu. It also affected Dan Diaconescu and so enraged Sebastian Ghita that he went on the public record to fully expose some of the ways in which the country's deep state operated.
- These practices are not only unconstitutional, but as Romania's Constitutional Court and a Parliamentary investigation have together indicated they carry profound risks for the wider EU project. It is in this context that the previously secret and unconstitutional 'protocols' between the Romania's SRI, DNA and other key stakeholders should be of grave concern to anyone interested in the maintenance of security and the rule of law across the EU.

I Introduction

This report examines the longer term history, recent past and complex present of Romania's press and media. It starts with an introduction to the origins and development of the country's press and media and goes on to detail their suppression during the country's many years under Communism.

Following the re-establishment of a free and independent press and media during the so-called 'naïve' period of post-communism in the 1990s and early 2000s, the report goes on to examine the development and role of domestic and foreign investment in Romania's press and media sector. Charting the rise of a new and successful group of businessmen and their subsequent conflicts with centres of power within the state, the report also examines the increasing pressures on the Romanian press and media, created by economic and technological change.

At the heart of this report is a worrying story, not just for Romania and the wider European Union, but for anyone with a commitment to the principles of an open, free and democratic society under the rule of law.

Following a decision in early 2019 by Romania's Constitutional Court to declare many of the activities and practices of the country's domestic intelligence service, the SRI, and their close working with the country's National Anti-corruption Directorate, the DNA, to be unconstitutional¹, this report primarily focuses on the arrest, detention and in some cases death of several of the country's press and media owners in what are dubious and inappropriate circumstances. It is in this context that Freedom House has rightly categorised Romanian society and media as being only 'partly free' in recent years.²

With Romania's Constitutional Court having recently confirmed the extraordinary levels of collusion and unconstitutional practice across the country's security and law enforcement agencies, including those institutions tasked to lead the so called anti-corruption fight, the report argues that while many of Romania's media owners appear to have been persecuted and denied the basic conventions of due process, as a member of the EU, the country should now be monitored under a strategically refreshed EU Cooperation and Verification Mechanism (CVM) process that not only defends and promotes freedom of the press and media but which constrains the Romanian state from illegally pursuing journalists and entrepreneurs contrary to the rule of law.

In light of the Romanian Constitutional Court's decision of 16 January 2019, it is now vital that the EU and its member states protect EU citizens from such a dangerous situation bleeding out further into other EU states. It is in this context that this report argues that for the next five years, Romania should not only have no right or opportunity to engage in international

¹ See: <https://www.eureporter.co/frontpage/2019/01/18/romania-secret-protocols-between-intelligence-services-and-prosecutors-ruled-unconstitutional-sri/> [accessed 2 January 2019].

² See: <https://freedomhouse.org/report/nations-transit/2017/romania>

acts of lawfare, but the country should be tasked to demonstrate a proven ability to implement the required basics of due process, the rule of law and human rights.³

³ For an interesting comment on the recent situation in Romania, see: <https://www.eureporter.co/world/romania/2018/08/21/romanas-flawed-justice-system-needs-a-radical-solution/> [accessed 14 December 2018].

II The Origins of the Independent Media Tradition in Romania

When examining the subject of Romania's press and media, it is important to remember that the first successful attempt to establish a newspaper in the territories which were to become a major part of the modern Romania state, namely Moldavia and Wallachia, took place in 1829. Within five years, three newspapers were being published, each with more than 650 regular subscribers.

It is from these small beginnings that the Romanian printed media started to flourish in terms of circulation, particularly during the middle and second half of the nineteenth century. Indeed, the country's independent press made a significant contribution to the country's cultural and intellectual development. By 1900, there were more than 105 literary journals in what was fast becoming an intellectually vibrant and economically dynamic country.

That said, some restrictions on what could and could not be published were set in place during the early decades of the century. For example, in 1831, the Russian military administration brought in strict censorship rules against anything it judged to be 'likely to lead to a disturbance of the peace'. While the revolution of 1848 saw a brief lifting of such restrictions, it was not long before these sorts of measures were again enforced.

It was not until the constitution of 1866 and the establishment of Romania as an independent nation state,⁴ that formal censorship was abolished and people were given the statutory right to genuine free speech.

While some censorship measures were eventually reintroduced in 1934 under the more authoritarian government of Carol II⁵, many of the early and inter-war years of the 20th century saw Romania's independent press flourish and grow; particularly under the reigns of Ferdinand I (1914-1927) and Mihai I (1927-1930). It was during this period, that Romania bore witness to more than 1,300 newspapers (including 140 dailies) and more than 2,500 specialist journals and magazines.

Overall, the historic record is clear. Romania established in the nineteenth and early twentieth centuries a robust and dynamic tradition of independent media reporting and publishing.⁶ However, this situation was sadly not to last. Following the end of the Second World War, Romania's press and media was one of the first sectors to be targeted by the repressive and restrictive apparatus of its fledgling communist government. What had started so well in the nineteenth and early twentieth centuries turned out to be unsustainable in the face of a rapaciously interventionist and authoritarian state.

III The Media Environment under Communism

⁴ Keith Hitchens (2014) *A Concise History of Romania*, Cambridge, Cambridge University Press, see Chapters 5 and 6.

⁵ *The Romanians – A History*, Vlad Georgescu, I B Tauris, 1991, p.178-179.

⁶ See: Keith Hitchens, op.cit.

In August 1944, the regime of General Antonescu was overthrown in a coup organised by the opposition and backed by King Michael. The fall of Antonescu's pro-Axis government opened the way for a brief revival of Romania's free press and it was not long before a plethora of new daily mastheads became available. While some were aligned to political parties, others were staunchly independent.⁷

During this period, the circulation of newspapers and periodicals grew rapidly in the country, driven by an emboldened and news hungry public. By late 1944 for instance, the newspaper *Curierul* was recorded as having a circulation of more than 350,000 copies and the Propaganda Ministry, which had been run under the Antonescu government by the fascist 'Iron Guard' movement, was finally abolished.⁸

The period following the August coup saw the appointment and fall of a succession of weak governments. The Communists followed a twin-track strategy of seeking to steadily expand their role within government whilst at the same time using demonstrations, street protests, and strikes to exert maximum pressure on ministers. In March 1945, a government was established which was headed by Petru Groza and dominated by the Communists. The Communists, supported by the Soviet military, moved quickly to dismantle a range of democratic institutions, including the free press. By the time parliamentary elections were held in November 1946, not only had the country's independent media ceased to function effectively but the election was rigged by the Communists.⁹

During the 1950s and early 1960s the media in Romania fell under the total control of the country's ruling Communist Party. Nothing was published or presented without its permission or approval. All the relevant activities of journalists, writers, artists, and musicians fell under the direction and auspices of the 'Agitprop Section' of the party's Central Committee.¹⁰

In 1965, Nicolae Ceausecu replaced Gheorghe Dej as head of the Romanian Communist Party and a new constitution was introduced. The 1965 constitution guaranteed theoretical 'media freedom' but in practice prohibited the printing or broadcast of any material which was deemed to be hostile to either the 'socialist system' or its 'working people'. It was in this context that publishing houses, printers, book distributors, and radio and television channels remained regulated, managed, and monitored by the Central Committee of the Communist Party.

Overall, Ceausescu's long period of rule saw a steady decline in the number of journals published: from fifty one dailies and twenty three weeklies in 1969, to thirty-six dailies and twenty-four weeklies published in 1985. During this period, the most 'popular' daily newspaper was *Scinieia*, which had been founded in 1931 as the journal of the Central

⁷ For more on this see: Keith Hitchens (2014) *A Concise History of Romania*, Cambridge, Cambridge University Press, see Chapters 5 and 6.

⁸ *Romania in Turmoil – A Contemporary History*, Martin Rady, I B Tauris, 1992, pp97-117.

⁹ www.pressreference.com/No-Sa/Romania [accessed 13 December 2019].

¹⁰ *Savage Continent – Europe in the Aftermath of World War II*, Keith Lowe, Penguin, 2012, pp323-324.

Committee of the Communist Party. Although originally each issue contained eight pages, Ceausescu's administration progressively reduced this number to a mere four.

Romania's other leading and historic newspaper was *Romania Libera*, which was distinguished by the fact that it was the only newspaper to carry advertising.¹¹

IV The 'Naive' Period for the Media in Post-Communist Romania

On 17th and 18th December 1989, anti-government demonstrations broke out in Timisoara in western Romania. By 20th December the authorities had, in spite of the use of force by the

¹¹ *Ceausescu and the Securitate – Coercion and Dissent in Romania 1965 – 1989*, Denis Deletant, Hurst, 1995, p.9.

army and the *Securitate*, lost control of the town. Then, on 21st December protests spread to the country's capital, Bucharest.

In the face of growing demonstrations and street protests, Nicolae and Elena Ceausescu attempted on the morning of 22nd December to flee the capital by helicopter. Early that afternoon a crowd of protestors led by the poet Micea Dinescu, broke into the state TV broadcaster, which had been playing martial music for the previous twenty-four hours, and announced the fall of the Ceausescu regime. Shortly afterwards, Nicolae and Elena Ceausescu were captured near the town of Tirgoviste, some 50km from Bucharest. After a short 'trial' they were executed on 25th December 1989.¹²

The aftermath of the fall of Ceausescu saw the rapid establishment of an independent media sector in Romania. This period was characterised by high newspaper circulations as publishers sought to satisfy a post-revolutionary thirst for news and information amongst the public. In some respects, this post-revolutionary phase of media activity resembled the brief period of media freedom which followed the fall of the Antonescu regime in August 1944.

Initially, Romania's newly independent press and media sector was diverse and volatile. While many new publications failed to establish a loyal and sustainable readership base, nevertheless, by the early and mid-1990s Romania had more than 1,200 newspaper titles. Significantly, this post-revolutionary phase has been described as the 'naive' period of post-Communist media activity in Romania. And in many ways, this is a description that accurately captures the socio-political atmosphere of the time.

In December 1991, the Romanian parliament adopted a new post-revolutionary constitution. Article 30 stipulated that freedom of expression by the media was 'inviolable.' The constitution also declared censorship to be prohibited and went on to state that 'no publication shall be suppressed.' In addition, it stated that: 'freedom of the press also involves the setting up of publications.'

Immediately after the December 1989 revolution, *Scintila* ('The Spark'), the Communist Party mouth-piece, reinvented itself as *Adevarul* ('The Truth'). The original newspaper '*Adevarul*' had been suppressed by the Communists in 1951. *Adevarul*, aided by the infrastructure and distribution networks that it had inherited from its Communist predecessor, soon emerged as one of the leading newspaper titles in post-revolutionary Romania. At its height, it was recorded as having a circulation of 1.5 million.

Adevarul followed an editorial line which was supportive of the National Salvation Front, the group of former Communist officials who had taken over the government after Ceausescu's fall and had emerged victorious from the first post-revolutionary elections in May 1990. As such, *Adevarul* came to be seen as Romania's main centre-left daily newspaper.

¹² For more on this matter see: www.pressreference.com/No-Sa/Romania [accessed 20 December 2019]

Controversially, its coverage of the events of June 1990, when miners from the Jiu valley descended on Bucharest to attack protesting students and supporters of the opposition, was seen as supporting this violent state sponsored action. The tone of the *Adevarul* editorial line was initially also strongly nationalistic, particularly with regard to relations with Romania's Hungarian minority and the inter-ethnic clashes which took place in Tirgu Mures in March 1990. That said, observers did note a gradual improvement in *Adevarul's* journalism as the 1990s progressed.

The only other newspaper that existed at the time of the democratic revolution was *Romania Libera*. It was not only Romania's oldest surviving masthead, tracing its roots back to the 1870s, but it soon expanded to help fill an information vacuum that had emerged following the demise of Nicolae Ceausescu's regime. In the early 1990s, it had a similar circulation to *Adevarul*. However, in contrast, *Romania Libera* took a position which was critical of the government and overly supportive of a substantial pro-reform, pro-market agenda. During the course of the 1990s, *Romania Libera* evolved into the country's main centre-right and investigative daily newspaper; broadly aligned with the political opposition.

Amidst the polarised politics of Romania in the immediate post-revolutionary period, newspaper readership rapidly came to be indicative of political allegiance. Supporters of the old guard NSF, and later DNSF, carried and read *Adevarul*, while supporters of the Democratic Convention and other opposition parties formed the core readership of *Romania Libera*.

V Business and Media Ownership in Romania

In the later 1990s and early 2000s media ownership in Romania increasingly came to be concentrated in the hands of a disparate group of entrepreneurs and businesspeople. Although they may be characterised by some as forming a distinctive group, in reality, each of them had specific perspectives, customers and aims. The contrasting profiles and journeys

of these media businesspeople are examined below. Importantly, this section examines the increasing levels of conflict that has come to characterise relations between these enterprises and the Romanian state during the second decade of the twenty-first century. While these pressures have been evident across the media spectrum in Romania and range from the politically directed tabloid journalism of *Antena TV*, to long established newspapers such as *Romania Libera*, true to historic form, they combine to tell a story of an independent, free and diverse media that has once again befallen all manner of dubious and intrusive behaviours in the face of excessive state and political power.¹³

Dan Voiculescu and the *Intact* Media Group

The career of Dan Voiculescu exemplifies the strong inter-connection which has existed between the media, business and politics in the post-communist era.

Dan Voiculescu (born 1946 in Bucharest) was, during the 1980s, director of the Romanian-Cypriot trading company, *Crescent*. This company was believed by some to have acted as a means for the Ceausescu regime to transfer money out of Romania.

In 2006, the National Council for the Study of the Archives of the Securitate (CNSAS) published evidence that Voiculescu had during this period acted as an informant for the *securitate* under the codename *Felix*. These allegations by the CNSAS were strongly denied by Dan Voiculescu, and a lengthy court battle ensued. In March 2011, however, the High Court of Cassation and Justice in Bucharest ruled that Voiculescu had indeed worked for the *Securitate*.¹⁴

After the December 1989 revolution, Voiculescu established businesses in sectors that included construction, trade and the media. By 2009, his family was believed to be worth approximately 1.5 billion Euros. In 2012, this figure was revised down to 600-650 million Euros.

In 1991 Dan Voiculescu established the *Intact* media group which included the daily newspaper *Jurnalul Natiuna* (established 1993) and the popular TV stations *Antena 1* (established 1993) and *Antena 3* (established 2005). Voiculescu also founded the Romanian Employers Association.¹⁵

¹³ The situation has become so bad in recent years that the Diplomatic Editor of the Time Times has argued that ‘Romania is becoming the EU’s Outlaw State’, see:

<https://www.thetimes.co.uk/article/be524baa-ed46-11e6-8d68-d0e249a86942> [accessed 16 December 2018].

¹⁴ *Theft of a Nation – Romania After Communism*, Tom Gallagher, Hurst, 2005, p.116.

¹⁵ *The Romanian Secret Services, Politics, and the Media – A Structural Overview*, Elena Dragomir, *Balkan Analysis*, 20 April 2011. Elena Dragomir points out that the CNSAS had previously, in 2000, stated that Voiculescu had no *securitate* connections, on the basis of the information provided to them the Romanian security services, SRI. In 2006, with Voiculescu having indicated that he was a candidate for position of Deputy Prime Minister the CNSAS were provided with a fuller file by the SRI detailing *some historic* connections.

Dan Voiculescu's media and business activities were complemented from the outset by him developing a strong and active interest in the politics of Romania's post-communist world. On 18th December 1991, he founded the Humanist Party of Romania (PUR). The Humanist Party described itself as: 'a centre party based on the idea of unrestricted development of the human personality.' The party did not achieve immediate electoral success. In the 1992 parliamentary elections it gained only 0.21% of the vote. While it contested the 2000 elections in alliance with the Social Democrats, in 2003, it decided to leave the Social Democrat led government.

Despite this initial separation, it was not long before the Humanist Party went on to form a new alliance with the Social Democrats in order to take part in the November 2004 elections. After his unexpected victory in the presidential elections, Traian Basescu was able to extract the Humanists from their coalition with the social Democrats so as to construct a new centre-right coalition consisting of his Democratic Party, the National Liberals led by Calin Popescu Tariceanu, the Hungarian UDMR, and Voiculescu's Humanists.

On 7th May 2005 the Humanist Party changed its name to the Conservative Party (PC). The brand of Conservatism it advocated consisted of a mixture of social traditionalism, economic interventionism, and a degree of nationalism. In February 2006, the Party of Romanian National Unity, (PUNR), which had been one of the leading nationalist parties in Romania during the 1990s, merged with the PC. In spite of this apparent ideological shift, in early 2007, the Conservative Party became part of the Alliance of Liberals and Democrats in Europe (ALDE).¹⁶ However, during 2007, tensions within the governing coalition meant it finally broke down. It was in this context that Tariceanu's National Liberals then allied with the Conservatives and the opposition Social Democrats so as to try and bring down President Traian Basescu.

In reaction, President Basescu repeatedly targeted Dan Voiculescu, often verbally attacking him from his podium in the Presidential Palace. The President openly vilified him as an 'enemy of democracy' and repeatedly voiced his wish to close down Antena TV.

Dan Voiculescu headed a parliamentary commission set up to enquire into the conduct of Traian Basescu, which ultimately led to the referendum on Basescu's impeachment in April 2007. In the subsequent elections of 2008, 2010 and 2012, the Conservative Party returned to its established electoral coalition with the Social Democrats. The television channels owned by Voiculescu, in particular *Antena 3*, played an important and high profile role in 2012, backing Victor Ponta's, albeit unsuccessful, attempt to impeach Basescu.

On 19th June 2015, the Conservative Party merged with the Liberal Reformist Party to form the Alliance of Liberals and Democrats. The formation of the new party was welcomed by European Liberals with Sir Graham Watson of the British Liberal Democrats, stating: 'The coming together of your forces to keep the liberal tradition in Romania is something of which the great leaders of the past would have been proud.'¹⁷

¹⁶ See: *Romania – The Death of Reform*, Tom Gallagher, *Open Democracy*, 25 April 2007.

¹⁷ *ALDE President Welcomes Establishment of New Party in Romania: Alliance of Liberals and Democrats for Europe News Release*, 19 June 2015.

In many ways, the Humanist and Conservative Parties provided a political vehicle for Dan Voiculescu and his worldview. The instrumental nature of these structures were underlined by their melding of various ideological strands. The Conservative Party defined itself as a party of the centre-right. It was, however, a persistent ally of the Social Democrats. At the same time, internationally, it aligned itself with the European Liberals.

During this period, the relationship between Voiculescu's political and media interests was essentially symbiotic. The output of Voiculescu's TV channels was strongly aligned with his political priorities, ideas and agenda.

However, on 8th August 2014, Dan Voiculescu was sentenced to ten years in prison for being reputedly involved in the fraudulent privatisation of the Romanian Food Research Institute (ICA). Following the verdict, *Antena 3* journalists wrote an open letter expressing solidarity with Voiculescu, and on 10th August a protest rally was organised with around 4,000 supporters.

On 12th May 2016, Dan Voiculescu received a new two year sentence for alleged blackmail of an official from the RCS/RDS telecoms company.¹⁸ While he was acquitted on appeal, his daughter was also charged in the same case. Such behaviour has been all too common in Romania and alludes to a familiar pattern where the authorities often seemingly try to put pressure one person by involving other, often more junior members, of their family.

In 2017, an audio recording came to light in which Basescu is heard telling the story of his orchestrated battle against Voiculescu.¹⁹ In it, Basescu reputedly explains how the domestic intelligence services's (SRI's) deputy, Florian Cholda, changed the judge in Voiculescu's legal case to make sure he had been convicted 'within a week'.

Dinu Patriciu and Adevarul Holding:

Dinu Patriciu became a leading figure on the Romanian media scene in 2006 when he acquired *Adevarul* newspaper. He subsequently added the tabloid, *Click!*, the Romanian edition of *Forbes* magazine, and a number of other titles to what became the *Adevarul Holding* group.

¹⁸ *Media Mogul Dan Voiculescu Receives New jail Sentence in Blackmail Case Against RCS/RDS* Ovidiu Posirca *Business Review*, 12 May 2016.

¹⁹ For an introduction to this issue see:

<https://translate.google.co.uk/translate?hl=en&sl=ro&u=https://www.mediafax.ro/social/camelia-bogdan-unul-dintre-judecatorii-care-au-decis-condamnarea-lui-dan-voiculescu-nu-am-fost-la-traian-basescu-in-birou-nu-stia-nimeni-ce-pedepse-dam-in-ica-16048297&prev=search>

Under Patriciu, the *Adevarul* newspaper title expanded rapidly. He also launched a national network of local newspapers. Promoting the production and sale of everything from encyclopaedias, classic films, and a wide array of literature, the group's output became widely read and politically influential.

Patriciu (born 1950 in Bucharest) trained as an architect, and during the 1980s was involved in a series of major construction projects in Romania and the United Arab Emirates. In 1990, he established the *Alpha* construction company, one of the first private enterprises in post-communist Romania. He subsequently expanded his business interests to include other property and investment companies.

In 1998, Patriciu acquired the newly privatised *Rompetrol* oil company alongside the US entrepreneur, Phil Stephenson. At the time, Rompetrol was the largest contributor to the Romania's state budget. In 2007, Patriciu led the sale of 75% of *Rompetrol* shares to the Kazakhstan's state-owned company *KazMunayGas*. Following this sale he was listed in 2008 as the richest man in Romania, and in 2009, the 397th richest man in the world with wealth amounting to some \$2.5 billion.

In September 2009, Patriciu formed a joint venture company called *Liberty Investment Holdings* with Lado Gurgendize, in order to acquire the Georgian Liberty Bank. Lado Gurgendize had been Prime Minister of Georgia from 2007-2008 and was credited with having succeeded in stabilising the Georgian economy in the aftermath of the August 2008 war with Russia.

Patriciu was also one of the founding members of the re-established post-communist National Liberal Party and was subsequently elected an MP on the National Liberal list in Romania's first multi-party elections. In 2003, he resigned as an MP in order to avoid a conflict of interest with his business activities. Patriciu, however, remained a highly influential political figure not least because he was the main financial backer of the National Liberal Party.

Significantly, he backed Prime Minister Calin Popescu Tarinceanu in his conflict with Prime Minister Traian Basescu, which came to a head with the 2007 referendum on presidential impeachment. In November 2009, Dinu Patriciu, as part of an on-going feud with Traian Basescu, published a video which purported to show Basescu striking a young boy. However, Basescu successfully sued him for libel.

It has been reported that when Patriciu visited President Traian Basescu in his office, the President ostentatiously left a file marked 'Rompetrol' on his desk. Patriciu believed Basescu was acknowledging his direct involvement in a legal case subsequently brought by state prosecutors.

In May 2006, charges were brought against Patriciu alleging that between 1991 and 2001 he had conspired to embezzle \$85 million from *Rompetrol*, money that was 'owed to the Romanian state'.

However, in August 2012, Patriciu was acquitted on all charges. Then, subsequently, this judgement was overturned on an appeal by the prosecution.

Dinu Patriciu died in London on 19 August 2014 after suffering from cancer and a lung infection. After his death, Dinu Zamfirescu, a former political prisoner and president of the Romanian Institute for Investigating the Crimes of Communism (IICCMER), stated:

*'He wanted to bring idealism back to our country. He had libertarian ideas which weren't always accepted.'*²⁰

Upon his death, the criminal charges against Patriciu were dropped. However, in a bizarre twist of fate, state prosecutors swiftly set about targeting Phil Stephenson with the same charges they had tried against Patriciu. While this case has now gone on for many years it has been a matter of widespread and international condemnation.²¹

Adrian Sarbu and Central Europe Media Enterprises – CME:

Adrian Sarbu (born 1955) was one of the key figures on the post-communist media scene in Romania. He studied at the Theatre and Film Academy and began his career during the 1980s as a commercial film maker. He produced the first documentary account of the overthrown of Nicolae Ceausescu (*December 1989*), which was broadcast on Romanian TV on 27th January 1990.

In the aftermath of the revolution, Sarbu allied himself with the National Salvation Front (NSF), who had taken control of the Romanian government. He was a member of the first revolutionary council of the NSF. Sarbu ran the NSF election campaign in Romania's first post-communist parliamentary elections in May 1990, and was a candidate on the NSF election list. In July 1990, he was appointed as Secretary of State for Media Affairs in Petre Roman's government. In October 1990, however, Sarbu resigned, and subsequently focussed on his business ventures.

The 1990s saw a steady expansion of Sarbu's media interests and investments. In November 1990, he founded the newspaper *Currierul National*. In December 1990, he established the *MediaPro* group. This was followed by the *MediaFax* news agency in 1991 and in 1993, ProTV - the country's first independent, professional TV channel.

In 1995, Sarbu collaborated with Ronald Lauder, an American businessman, in setting up Central European Media Enterprises (CME). Lauder was heir to the *Estee Lauder* cosmetics fortune and he had strong US political connections. During the 1980s, he was Deputy Assistant Secretary for European and NATO policy in the Reagan administration. And he subsequently served for twenty months as the US ambassador to Austria. In 1989, he stood in the Republican primary to be the candidate for Mayor of New York, but was defeated by Rudi Giuliani. He was also well connected in Israeli politics, particularly with Benjamin Netanyahu.

²⁰ *Dinu Patriciu: Businessman and Enemy of the Romanian President After Entering Politics*, Alison Mutler, *The Independent*, 19 August 2014.

²¹ For an overview see:

https://www.csce.gov/sites/helsinkicommission.house.gov/files/Phil%20Stephenson%20Testimony_Final.pdf

Sarbu was Chief Executive Officer (CEO) of CME from 2007-2009, and CEO and president from 2009-2013.²² Under his leadership the CME group included 33 TV stations based in countries which included the Czech Republic, Romania, Bulgaria, Slovenia, Croatia, and Slovakia. As such, CME made a significant contribution to opening up and diversifying TV in important parts of Central and Eastern Europe.

His position within CME only began to weaken after the financial crisis of 2008, and the subsequent arrival of *Time Warner* as a major investor in the company. *Time Warner* initially acquired 31% of CME shares. This expanded to 49.9% by 2012. And In August 2013, Sarbu resigned as President and CEO after he was publicly attacked by Victor Ponta.

While Sarbu sold major parts of his group, he retained ownership of the MediaFAX news agency and the national *Gandul* newspaper.

However, in July 2014, the Romanian Prime Minister, Victor Ponta, publicly accused Sarbu of attempting to bribe him. After being criticised by Sarbu's media outlets, it seems Ponta had tried to blackmail him. In September 2014, Ponta, speaking at conference of the South East Europe Media Organisation (SEEMO) repeated his allegations saying:

*'As prime minister I have very clearly related how I was blackmailed by a media tycoon who told me he made all the presidents so far, and how I should exempt him from taxes if I want him to make me president too. When I answered him I am not interested, and I would like him to pay taxes I became the target of his media trust.'*²³

Then, out of the blue, in February 2015, Adrian Sarbu was subsequently arrested on charges of tax evasion, money laundering and fraud. On 1st April 2016, he was sent for trial on these charges.²⁴

Dan Adamescu and Romania Libera

Dan Adamescu (born 1948) emigrated to West Germany in 1979, where he began a business career away from the shackles of Romanian communism. He only returned to Romania in the early 1990s whereupon he developed a range of business interests. Ultimately a newspaper owner,²⁵ he was also involved in construction; *he led* the country's largest insurance company, *Astra Asigurari*, and in property, his interests included the *Unirea* shopping centre in Central Bucharest and the *Rex* hotel on the Black Sea Coast.

In 2000, Dan Adamescu and The Nova Group (TNG) acquired ownership of Romania's historic newspaper *Romania Libera* in co-operation with the German based WAZ group headed by Bodo Hombach. In contrast with other entrepreneurs and media owners however, *Romania*

²² *How Jewish Billionaire Ron Lauder's Media Empire Crumbled*, Amir Teig, *Haaretz*, 9 August 2015.

²³ *Victor Ponta: I Was Blackmailed by a Media Tycoon*, Nine O'Clock, 24 September 2015.

²⁴ *MediaFAX is Brought to Trial in Tax Evasion Case*: Business Review, 1 April 2016.

²⁵ For more on Dan Adamescu see: <http://henryjacksonsociety.org/wp-content/uploads/2017/01/Romania-paper.pdf>

Libera was the only media outlet owned by Adamescu and no attempt was made to accumulate other press or broadcasting interests by him.

In October 2004, protests were organised by *Romania Libera* journalists concerned at what they saw as the influence by WAZ to change the character of the newspaper through greater emphasis on lifestyle stories and advertising. Similar protests against management policy took place at other newspapers including *Adevarul* and *Evenimentul Zilei* during this period.²⁶

In August 2010, the WAZ group announced that it was selling its shares in *Romania Libera*. Bodo Hombach stated that ‘the Romanian market is distorted’ and that it was too difficult to run media outlets as commercial operations. The withdrawal of WAZ from Romania came at a time when it was also pulling out of other countries in south-east Europe, including Serbia. The WAZ shares in *Romania Libera* were bought by Dan Adamescu and the TNG group.²⁷

In the political conflict between the Prime Minister, Victor Ponta, and Romanian President, Traian Basescu, which took place between 2012-2014²⁸ Adamescu and *Romania Libera* were generally allied to the centre right. This led Ponta to believe that Adamescu was either supporting or funding Basescu.

In yet another highly unorthodox TV interview, in May 2014, Ponta as Prime Minister publicly stated that:

‘Traian Basescu is one of the main beneficiaries of Mr Adamescu’s media support. Mr Adamescu publishes a newspaper that strongly campaigns against corruption. I think that this man who has himself led a network of corruption to such great effect over a period of many years presents himself as a publisher who speaks about the fight against corruption...I am convinced we will shortly be hearing even more things about this from the state prosecutors office.’²⁹

With the Prime Minister again shunning legal norms by making a public, political and legal attack on a perceived enemy, sure enough, on 6 June 2014, Dan Adamescu was arrested by masked anti-terror police on charges of attempting to bribe judges in connection with an insolvency case.³⁰ With little substantive evidence against him and the norms of due process systematically flouted, on 2nd February 2015, Adamescu was found guilty and sentenced to four years and four months in prison. The sentence was confirmed on 28th May 2016.

It subsequently seems that Adamescu’s insurance company, *Astra Asigurari*, had been targeted by agents from a range of state bodies and purposefully sent into bankruptcy under the order of Prime Minister Ponta.³¹ The former head of Britain’s Secret Intelligence Service

²⁶ *Row Flares over Romania Press Freedom*, BBC News, 2 October 2004.

²⁷ *WAZ Media Group Leaves Romania, Blames Oligarchs* Alina Grigoras, *Nine O’Clock*, 4 August 2010.

²⁸ See: *TV Antena 3 Report* dated 24 May 2014.

²⁹ *Media Landscape – Romania* Alexandru Bradut Ulmanu, *European Journalism Centre* 2009.

³⁰ For more on this see: https://www.nytimes.com/2015/03/05/opinion/romania-anti-corruption-romania.html?_r=0 [accessed 5 September 2018].

³¹ For more on this see: <http://business-review.eu/news/dan-adamescus-the-nova-group-has-initiated-arbitration-proceedings-against-romania-121735> [accessed 27 August 2018].

(MI6), Sir John Scarlett, seems clear that Victor Ponta illegally mobilised elements of Romania's secret state to directly target and destroy Astra Asiguari, and therein undermine *Romania Libera*.³²

However, this was not simply a means of undermining a perceived political opponent and a champion of a free and open media. Because Adamescu had been a German passport holder for many years, Ponta was also trying to signal to Germany's Angela Merkel that if granted greater freedom within the EU, Romania would be so tough on the fight against corruption that it would even bring down a Germany citizen. In targeting Adamescu, Ponta was trying to metaphorically kill two birds with one, large, illegal stone.

Sabin Orcan, the respected editor of *Romania Libera* stated, in an open letter published on 24th October 2016 that the moves to bankrupt *Romania Libera* were a deliberate attempt to silence it as a long-established and critical voice on the Romanian media scene. He drew attention to the fact that possible debt settlement plans proposed for the paper had been rejected. Orcan said in the open letter:

*'We are a thorn in the side of the Romanian state, because we relentlessly expose graft, despotism, and incompetence, across the political spectrum. Their solution is to nationalise us and to have control over our investigations.'*³³

He went on to accuse the accountancy firm KPMG, who were acting as administrators for *Astra Asigurari*, of working on behalf of the Romanian government to close down *Romania Libera*. He stated that:

*'There is no doubt about it this is a case of privatized censorship. KPMG has been used as a front by certain members of the Romanian government to take over control or shut us down...our publication has survived more than 140 years of the worst type of opposition including during the Soviet period but who knew it would be the accountants who would deliver the death blow to freedom of the press in Romania.'*³⁴

Despite repeated protestations concerning this case by the British Labour politician, Jeremy Corbyn MP, who has long been concerned about the Romanian abuses of human rights and due process in this case,³⁵ Dan Adamescu eventually died in custody in early 2017. The abuses Mr Adamescu suffered have also been highlighted in reports by Fair Trials and elsewhere.³⁶

³² <https://www.telegraph.co.uk/news/2016/12/13/european-arrest-warrant-targeting-innocent-british-resident/> (accessed 7 January 2019). Also see: <https://www.dailymail.co.uk/news/article-5346645/How-EU-nation-exploits-Brussels-law-dirty-work.html> (accessed 18 December 2018).

³³ *Romania's Quiet Sophisticated Media Crackdown*, Simon D Wolfe, *Forbes*, 28 November 2016. Also see: <http://www.eurasiareview.com/02112016-a-last-gasp-for-freedom-of-the-press-in-romania-oped/> [accessed 22 October 2018].

³⁴ *KPMG Accused of Attempting to Censor Freedom of the Press*, *Prnewswire.com*, 24 October 2016.

³⁵ See: <https://www.thelondoneconomic.com/opinion/complex-case-adamescu-family-romanian-government/21/12/>

³⁶ See: <https://www.fairtrials.org/wp-content/uploads/Defence-Rights-in-the-EU-full-report.pdf?platform=hootsuite>

Dan Diaconescu and the 'Army of Angels'

The short-lived career of Dan Diaconescu provides an illustration of the connections which have sometimes existed between the media and politics in post-communist Romania.

Dan Diaconescu was the owner of and presenter on OTV. The OTV programming content was popular and sensationalist. Diaconescu described the guests on the OTV show *Oglinda* as '*Ones that gesticulate, shout, use foul language, and make grammar mistakes, with whom the viewer can identify.*' The guests on Diaconescu's show also, however, included leading politicians from across the political spectrum including Victor Ponta, Sorin Oprescu, Traian Basescu, and Eleana Udrea. These politicians saw Diaconescu's show as a way of reaching a broad audience amongst the Romanian public.

On 22nd June 2010, Diaconescu was arrested on charges of having attempted to extort 200,000 Euros from Ion Mot, a mayor from Transylvania. Ion Mot had reportedly handed over 30,000 Euros to an intermediary on the understanding that this money would end up in the hands of the Diaconescu.

Diaconescu's clash with the authorities appears to have prompted him to move directly into politics. On 29th November 2010, he announced the launch of the 'People's Party Dan Diaconescu' (PP-DD). The first congress of the PP-DD was, however, not held until 6th April 2012. The platform of the PP-DD was classically populist. Diaconescu declared that he was opposed to the political establishment and called for a 'new Romanian revolution'. He described his supporters as being an 'army of angels.'

In the run-up to the December 2012 parliamentary elections, Diaconescu demonstrated his capacity for grand populist gestures. On 1st October 2012, he arrived at the Ministry of the Economy with seven bags containing three million Euros in cash in order to pay the overdue and unpaid wages of workers from the *Oltchim* chemical factory. The PP-DD programme promised increased pensions and salaries, decreased VAT, and the collectivisation of agriculture. One political analyst described such moves as 'the politics of bread and circuses.' Diaconescu sought to depict himself and the PP-DD as an alternative to the feuding blocs of the left and right led by Victor Ponta and Traian Basescu and he eventually took to describing himself as 'Romania's next president.'

In the December 2012 elections the PP-DD emerged as the third largest political grouping. It gained 13.99% and 47 seats in the Chamber of Deputies and 14.65% and 21 seats in the senate. This represented a significant electoral success for the PP-DD. The party's fall would, however, turn out to be as rapid as its rise. In December 2013, Diaconescu was sentenced to three years in prison on the basis of blackmail charges brought against him in 2010. On appeal, this was increased to five years and six months in March 2014. The sentence was confirmed in March 2015. Diaconescu's supporters claimed that the charges against him were fabricated.

In Diaconescu's absence the PP-DD fragmented with its deputies leaving to join other parliamentary groups. In August 2015, the remnants of the PP-DD merged with National Union for the Progress of Romania (UNPR) led by Gabriel Oprea.

Sebastian Ghita - Secrets and Lies

Sebastian Ghita (born 1978) made his money in post-communist Romania from Information Technology. He moved into the media sector in 2010 when he secured the management contract for Sorin Ovidiu Vantu's *Realitatea TV*. Eventually, Ghita took control of the *Realitatea* studios, using them as the basis of his station, *Romania TV*.

In the December 2012 elections, Sebastian Ghita was elected to parliament as a Social Democrat MP. Within the Social Democrat Party (PSD), Ghita was a close associate of Victor Ponta. This was a source of considerable intra-party dissension, particularly in the aftermath of Ponta's unexpected election defeat in the November 2014 presidential campaign.

In June 2015, charges were brought against Sebastian Ghita by the Romanian National Anti-Corruption Agency (DNA) for peddling influence, money laundering, tax evasion, embezzlement of EU funds, and bribing voters.

While much DNA work has subsequently been discredited by Romania's Constitutional Court, one of the charges against Ghita alleged that in 2012 he had spent between 184,000 and 220,000 Euros on organising a visit by the former British Prime Minister, Tony Blair, to Bucharest. The visit was ostensibly non-political, having being organised by a Romanian NGO, the Multi-Media Foundation for Local Democracy, with the help of the Centre for American Progress.

Apparently, Victor Ponta, also hoped to benefit from Tony Blair's presence in Romania in the run-up to the December 2012 parliamentary elections. The charges stated that in return Sebastian Ghita had been rewarded with a place on the PSD candidate's list for the forthcoming elections.

In late December 2016, and early January 2017, Ghita released a series of videos which were subsequently broadcast on his *Romania TV* station. In the video broadcasts he stated that he had previously been a close associate of both Florin Coldea, deputy head of the SRI, and Laura Kovesi, the head of the DNA. He said that Laura Kovesi's appointment as head of the DNA had been secured by threatening Victor Ponta with blackmail.

Ghita then stated that he had co-operated with Laura Kovesi in order to bring down Sorin Ovidiu Vantu, and remove *Realitatea TV* from his control. His own downfall, he said, had been brought about by his unwillingness to hand over the control of *Romania TV* to the Coldea/Kovesi, SRI-DNA network. Ghita stated that other media owners, including Adrian Sarbu, Dan Voiculescu, and Dan Adamescu, had also been framed by the authorities. That the evidence against them had been variously fabricated and falsified.

He accused Coldea/Kovesi as presiding over a 'cult of fear' and stated that the DNA was the 'instrument of a foreign power'. These accusations, or '*Ghita-Gate*' as the episode became known, understandably caused considerable controversy amongst the Romanian public, media and Members of Parliament.

Resonating with previous accusations made by MI6's former Chief, Sir John Scarlett,³⁷ on 12th January 2017, Florian Coldea was suspended from his position as deputy head of the Romanian SRI while an investigation was conducted into his connections with Sebastian Ghita.

Sebastian Ghita's videos also placed Laura Kovesi under mounting pressure. Kovesi, however, initially dismissed the allegations as 'manipulation' and stated that she had 'no reasons to resign.' In the videos, Ghita stated that he would in subsequent broadcasts provide proof of his accusations, which he later did.

Not only was Laura Kovesi subsequently removed by court order from office as the head of the DNA, but in 2017, a senior former SRI officer went public in reiterating the scale of the SRI and DNA's illegal activities.³⁸ Lt Col Daniel Dragomir has repeatedly spoken in Brussels³⁹, London and Bucharest about the scale of the SRI's and DNA's unlawful and unconstitutional activities concerning the Romanian press, media and judiciary.

In January 2019, the decision of the Romania's Constitutional Court vindicated these views and served to highlight the extent to which several of the country's own deep state institutions had undermined and violated the constitution⁴⁰.

On 9 January 2019, Romania's Constitutional Court ruled that hundreds of secret and unlawful 'protocols' had existed between the General Prosecutor's office and the intelligence service (SRI) between 2009 and 2016. Containing details of highly sensitive and unconstitutional practice, only a few of them had been subsequently declassified. While the protocols were identified by a committee of the Romanian Parliament, of the 565 believed to have existed, approximately 337 remain in force. While some protocols provided for unconstitutional infiltration and influence of the press and media, others concerned the judiciary, the prison system and many other institutions across civil society. The full machinery of an authoritarian, deep state.

For ordinary Romanians, the revelation of such protocols causes particular concern. Given the country's history under communism, many believed that with democracy, the intelligence services had been precluded from interfering and tampering with the criminal justice system so as to avoid a repeat of the repression of an era when the 'Securitate' used the courts to impose their will. A Romanian law from 1992 states that the SRI:

³⁷ See: <https://www.telegraph.co.uk/news/2016/12/13/european-arrest-warrant-targeting-innocent-british-resident/> (accessed 7 January 2019). Also see: <https://www.dailymail.co.uk/news/article-5346645/How-EU-nation-exploits-Brussels-law-dirty-work.html> (accessed 18 December 2018).

³⁸ See EU Reporter video interview with Lt Daniel Dragomir: <https://www.youtube.com/watch?v=DXn0Ic9uVlk&feature=share> [accessed 29 November 2018]

³⁹ <https://www.eureporter.co/frontpage/2019/01/18/romania-secret-protocols-between-intelligence-services-and-prosecutors-ruled-unconstitutional-sri/> [accessed 4 December 2018]

⁴⁰ Ibid.

“...cannot carry out criminal investigation actions apart from issues of national security, when they are permitted to play a supporting role”.⁴¹

The revelations of a special Parliamentary Committee and the recent decision of the country’s Constitutional Court show that the intelligence services used a vast array of secret protocols and organisations such as the National Anti-Corruption Directorate (DNA) to act unconstitutionally and unlawfully on their behalf. In reality, the DNA was merely a front for the SRI’s rapacious exploits.

The relationships promoted by the protocols mean that individuals were directly targeted by the intelligence services for arrest, detention and reputational ruin. Not only does this sorry state of affairs violate Romania’s Constitution but it also falls far below the most basic standards of law within the European Union:

“No other EU member state allows their intelligence services to operate this way, which is essentially a parallel justice system existing outside the rules imposed by Romania’s constitution.”⁴²

In recent years, many in the Romanian judiciary have voiced alarm about the situation, with the National Union of Romanian Judges⁴³ saying the principles of the rule of law are “incompatible with the administration of justice based on secret acts”.⁴⁴

While it is believed that in some cases the involvement of the intelligence services was formal, in the majority of cases, the secret protocols led to a discreet coordination with other agencies, making their own actions difficult to trace and verify. Romania’s due process and rule of law has befallen a deep state that operates as if it were omnipotent. As a top EU newspaper recently reported following Ghita’s revelations and the ruling of the Constitutional Court:

“Recent tapes that became public in Romania show prosecutors from the National Anti-Corruption Directorate, one of the agencies that had secret protocol arrangements with the intelligence services, openly inventing and creating files against judges that were expected to rule against the wishes of the DNA or intelligence services.”⁴⁵

With rising concern about the implications of the Constitutional Court’s ruling for thousands of court cases and investigations that had taken place under the auspices of the secret protocols, one Bucharest lawyer understandably concluded in the *EU Reporter*:

“This is nuclear. Can you imagine how many cases were conducted under these protocols and how many people might be imprisoned as a result of being targeted

⁴¹ Ibid.

⁴² Ibid.

⁴³ For evidence produced by the National Union of Romanian Judges see:

https://medelnet.eu/images/2018/Romanian_Judges_Union_-_Report_on_the_unlawful_involvement_of_the_Romanian_secret_intelligence_agencies_through_secret_protocols_in_the_Romanian_judiciary_system.pdf

⁴⁴ <https://www.eureporter.co/frontpage/2019/01/18/romania-secret-protocols-between-intelligence-services-and-prosecutors-ruled-unconstitutional-sri/>

⁴⁵ Ibid.

under these protocols? The existence of the protocols already rocked many people's faith in the Romanian justice system. Now the Constitutional Court ruling confirms that fear as being completely justified."⁴⁶

VI The Crisis of the Media in Romania (2008-2019)

Despite the unconstitutional actions of the SRI and DNA over the last decade, and no doubt their questionable targeting of a wide range of press and media owners⁴⁷, following the end of communism in the early 1990s, observers of Romania's press and media sector have also noted a number of positive developments, particularly in the first few years of the twenty first century.

When communism collapsed, printed media was dominant. Shortly afterwards, television started to diversify, initially, with Adrian Sabu's independent channel, ProTV.

⁴⁶ Ibid.

⁴⁷ See: <https://www.forbes.com/sites/realspin/2016/11/28/romania-quiet-sophisticated-media-crackdown/#737f346250bf> [accessed 27 November 2018].

Between 2000 and 2010, Romania saw the development of a wide range of print media titles, improved quality, more pages, and improved conditions and wages for journalists. Beyond popular demand, these changes were further fuelled by higher advertising revenues in a steadily growing economy. However, it was these positive aspects that tended to mask other more negative underlying trends including declining circulation and tabloidisation, which should be briefly mentioned.

The economic crisis of 2008 brought about a contraction in the Romanian economy and a collapse in advertising revenues. Circulation of the leading Romanian print media dropped dramatically. *Evenimentul Zileu* was selling 35,000 copies daily in 2009, half of what it had been selling in 2006. Sales for *Romania Libera* stood at 45,000 in June 2009, a third less than in the same month in 2006. *Gandul*, owned by *Media-Pro* halved its circulation from 30,000 to 15,000. And, during this period, circulation for *Jurnalul National* fell from 74,000 to 60,000. As such, the main newspapers in Romania also saw job losses amongst journalists and the closure of several regional centres.⁴⁸

The downward spiral in print media circulation continued in subsequent years. By 2014, the daily circulation for *Evenimentul Zileu* stood at 13,000. Even the bestselling tabloid, *Click!*, had seen a fall in 15,000 to 111,000 copies daily. Its main tabloid rival *Libertatea* had also seen a fall in sales of 15,000 to 65,000. Overall, daily newspaper sales stood at a mere 500,000. Significantly, around 6,000 journalists had lost their jobs during the course of the previous decade.⁴⁹ That said, Romania has the fastest broadband in Europe, and the sixth fastest in the world.⁵⁰ Facebook is a particularly important form of social media communication in the country, with more than seven million uses.

It is in this context that the Romanian print media, and to a significant extent the television and broadcast media, have faced increasing competition from a proliferation of on-line platforms. Putting to the side the unconstitutional activities of the SRI and DNA, it was estimated that by the last half of 2016, more than 58% of Romanians were using the internet: a substantial increase from only 49.8% in 2013.

Slowly but surely, despite numerous headwinds and setbacks, ideas and information are once again setting themselves free and in much more open and accessible ways than ever before. The growth of online and social media provides powerful reasons to be optimistic about Romania's longer-term future.

⁴⁸ *Circulations Still Tumbling in Romanian Print Media*, Marian Chiriac, *Balkan Insight* 11 March 2015

⁴⁹ Statistics from: www.internet.livestats.com/internet-users/romania [accessed 29 September 2018].

⁵⁰ *Victor Ponta's Authoritarian Drift*, Vox Europ, Petre M Ianca, 22 June 2012.

VII Political and State Pressures on the Romanian Media

The Media under Political Pressure

Attempts by politicians, intelligence service operatives and their associates in the wider world of law enforcement to pressurise and intimidate the independent press and media have been a feature of recent post-Communist history in Romania. An example of this, at its most stark and violent, can be seen in the attacks on journalists and opposition supporting newspaper offices which accompanied the descent by the Jiu valley miners on Bucharest in June 1990.

More recently, the period in which Victor Ponta was Prime Minister (2012-2014) saw a concerted attempt to exert pressure on key parts of the independent media.⁵¹ During Victor Ponta's period in office the issue of political influence in the main state TV channel (TVR) also repeatedly came into public view.

The reorganisation of the TVR management board during the political crisis of 2012 was seen by some observers, along with the purge of other public institutions, as part of a strategy being pursued by Victor Ponta in order to secure control over Romania's key cultural and information institutions.⁵² In this period, *Reporters Without Borders* drew attention to 'the renewed use of paranoid and hate filled rhetoric towards many journalists.' At one point, one of Ponta's advisers reportedly even went so far as to suggest that members of a questioning and hostile media should be 'electrocuted'.

Ponta also lashed out at journalists working for international newspapers including *Der Spiegel*, *El Pais*, *the Economist* and *Le Monde*, describing them as 'anti-Romanian agents' and alleging that they had been paid by his political rival, Traian Basescu.⁵³

In December 2013, Stelian Tanase was appointed as interim head of TVR after his predecessor, Claudia Saftoiu, was dismissed by parliament and her activity report for TVR for 2012 was rejected. Stelian Tanase was a prominent journalist, political analyst, and activist who had played a dynamic role in the post-communist student protests in Bucharest in 1990.

In September 2014, Tanase complained of on-going pressure by the Ponta government to remove journalists and modify programme content in line with government policy. Tanase declared that he would seek to ensure that TVR took a position that was equidistant between the candidates in the forthcoming elections, but was afraid that he would be 'dumped' once the elections were over. He added that:

*'Politicians are involved in a lot of nefarious actions in this merry go round of directors that come and go...in the changing of lists of programmes. TVR has no programmes strategy as stipulated by law. Nor could it have one as it is at the beck and call of some politicians who are very imaginative'*⁵⁴

On 23rd September 2015, Stelian Tanase was dismissed as head of TVR. He described his removal as a 'political liquidation' attributing it to an intervention by Gabriel Oprea, the Deputy Prime Minister with the support of Victor Ponta, the Prime Minister, and Liviu Dragnea, the leader of the Social Democratic Party. Gabriel Oprea was apparently seeking to prevent TVR from reporting on a story involving the plagiarising of his doctoral thesis.

⁵¹ For more on this period see:

<http://www.activewatch.ro/Assets/Upload/files/FreeEx%202012%20engleza.pdf>

⁵² *Journalists Under Fire – Press Freedom in Romania*, *The Economist*, 1 September 2012.

⁵³ *Stelian Tanase (SRTV): I Think I Will Be Dumped After the Elections*, Nine O'clock 24 September 2015.

⁵⁴ *Stelian Tanase Complains About Political Pressure at TVR: My Liquidation*.

Tanase's interpretation of events was supported by the opposition National Liberals who declined to vote for his nominated successor, Irina Radu.⁵⁵

The Media and the Security Services

In recent years, widespread concern has increasingly been expressed internationally with regard to the continued presence and influence of Romania's state security operatives within the judiciary, press and media.

On 21st September 2014, Robert Turcescu, a TV presenter and journalist on *Realitatea* and *B1TV*, confessed in a live interview to being a lieutenant colonel in the military intelligence division of the Ministry for National Defence. Referring to allegations by Traian Basescu that one of the candidates in the presidential election contest was an intelligence agent, which was widely seen as thinly veiled attack on Victor Ponta, Turcescu added that:

*'I could no longer come before you and talk to you about the undercover officer who is the presidential candidate when I felt like this. I wish you could experience this moment of relief, so that you can do your job in an honest manner. I was dying inside.'*⁵⁶

In the June 2016 local elections, Robert Turcescu stood as the mayoral candidate for Bucharest for Traian Basescu's People's Movement Party. He gained 6.46% of the vote.⁵⁷ Following Turcescu's TV confession, two other journalists, Daniel Befu and Radu Moraru, the owner and show host from *Nasul TV* came forward to say that the SRI had also sought to recruit them as agents.

As far back as 25th January 2015, George Maior, the head of the SRI, confirmed that the intelligence services maintained a "substantial presence" within the Romanian press and media sector. He stated that:

*'We are the same as in all democratic states. The undercover officer is a special angle, a special weapon of every intelligence service. His/her duty is to gather information of state national security by using this capacity.'*⁵⁸

George Maior resigned as head of the SRI shortly afterwards and was subsequently appointed as Romania's ambassador to the United States.

Later in 2015, the issue of relations between the media and the security services in Romania was again highlighted when the journalist, Catalin Tolontan, alleged that he and his colleagues

⁵⁵ *Stelian Tanase Dismissed From Public Television by Parliament, Irina Radu Voted Interim President*, Romania Journal, 23 September 2015.

⁵⁶ *Media Freedom in Romania 2014-2015*, Freeex Report, Page 28. *Spy Allegations in a Presidential Race Continue Romania's Authoritarian Past*, Andrew Higgins, *New York Times*, 31 October 2014.

⁵⁷ *Robert Turcescu to Run for Bucharest City Hall Endorsed by Basescu's Party*, Romania Journal, 22 April 2016.

⁵⁸ *Media Freedom in Romania 2014-2015*, Freeex Report, Page 27.

had been targeted by an intelligence services surveillance operation whilst undertaking an investigation into the circumstances surrounding the *Colectiv* night club fire in which sixty people died.⁵⁹

In 2016, elements within the Romanian state even went so far as to claim that Sky News highly awarded Chief Correspondent, Stuart Ramsay, had fabricated a news story when he reported widespread arms trafficking across Romania.⁶⁰ Whilst Romanian authorities have pursued him ever since, Ramsay's freedom to pursue high quality investigative journalism has been subsequently championed by a range of UK journalists and publications including the *Spectator*.⁶¹

More recently, in 2017 and 2018, investigations into the influential Romanian news portal, HotNews, revealed close connections between one of its most prolific journalists and former key operatives within the SRI.⁶²

In recent years, as more and more evidence of unconstitutional and questionable practice both by the Romania's SRI and DNA mounted, so there is perhaps little surprise that the Country's Constitutional Court has finally intervened with its damning verdict on Romania's post-communist state and its orchestration of the widespread undermining of Romanian judicial, legal and press and media freedoms.

In exposing what amounts to the largest corruption spy scandal in post-Soviet, Eastern Europe, Romania's Constitutional Court has not only found against hundreds of secret and unlawful protocols but the court has laid bare the scale and implications of such actions.

Not only does has the court's findings cast a fundamentally new light on recent Romanian history but it adds veracity to those international observers who have long warned about the undermining of Romanian citizen's rights to the rule of law, and basic human rights and freedoms. Possibly heralding further political turpitude, Reporters Without Borders have concluded:

"The media has been increasingly transformed into political propaganda tools...where excessive politicisation of the media, corrupt financing mechanisms...and intelligence agency infiltration of staff have become the new normal. The media environment has also been affected by the activities of far-right groups linked to the Orthodox Church— itself partly state-funded—that are openly opposed to press freedom."⁶³

⁵⁹ *Civil Society Calls for Investigation Into Surveillance of Journalist Catalin Tolontan*, Active Watch, 11 December 2015.

⁶⁰ See: <https://www.telegraph.co.uk/news/2016/08/19/romanian-investigators-charge-british-journalists-with-spreading/>

⁶¹ See Stephen Pollard's article in The Spectator: <https://www.spectator.co.uk/2016/09/the-case-that-shows-why-we-must-not-stay-in-the-european-arrest-warrant/>

⁶² <https://translate.google.co.uk/translate?hl=en&sl=ro&u=https://evz.ro/tapalaga-coldea-morar-.html&prev=search> Also see: <https://translate.google.co.uk/translate?hl=en&sl=ro&u=https://www.flux24.ro/tag/dan-tapalaga-sri/&prev=search>

⁶³ See: <https://rsf.org/en/romania> [accessed 14 November 2018].

VIII Conclusion

Ultimately, Romania has a long-standing and persistent independent press tradition dating back to the nineteenth century. When conditions have permitted, an independent press and media have flourished in the country. Historically, there has been a series of external attempts to suppress media freedom in the country which included the Russian military administration after 1831, the authoritarian government of Carol II after 1934, and the Communist regime which came to power in the aftermath of World War II.

When these restrictions have been removed, a free press has developed rapidly to satisfy the thirst for news demonstrated by the Romanian public. This was the case after the 1848 revolution, in the period between the August 1944 coup and the communist takeover, and after the fall of the Ceausescu government in December 1989.

While freedom of expression and freedom to publish was enshrined in the December 1991 constitution, it is however now clear that a number of factors have acted to prevent an independent media from functioning at an optimal level over the last ten years.

In economic terms, the press and broadcasting media are operating in a difficult environment in which competition from new forms of media is becoming increasingly intense. Similar problems are currently being faced by many Western press and broadcast media, although they have the advantage of being better established and operating in a more stable environment.

Over recent years, the Romania's press and media sector have often struggled to work in an environment where state and political forces seek to either co-opt or intimidate them where this is seen to be possible. This was notable during the conflict between Traian Basescu and Victor Ponta in 2012-2014, and during other periods of recent history as well.

In 2019, it is clear from the decision of Romania's Constitutional Court that key elements within the Romania's intelligence and anti-corruption community have not only sought to infiltrate, arrest and control major swathes of the country's press and media in recent years, but they have done so through unlawful and unconstitutional means. The Romanian state's permeation of the judiciary, press and media has not only undermined the underlying institutional architecture of a free and open society but it has damaged Romania's reputation internationally.

Casting a long shadow over Romania's post-communist history, such activity also calls into question many of the accusations, investigations and court proceedings surrounding the treatment, imprisonment and in some cases deaths of several entrepreneurs associated with the development of country's press and media in the post-communist era.

As more evidence comes to light, it is clear that Romania still has some distance to travel before it is able to fully enjoy the benefits of an open and free press and media under the genuine principles of the rule of law.