[RO] Sanctions for the “Vîntu Case“

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The Consiliul Naţional al Audiovizualului (National Council for Electronic Media - CNA) on 16 and 21 September 2010 fined two commercial Romanian TV stations and issued a public warning to a third one due to breaches of the audiovisual law when covering the preventive arrest of the Romanian tycoon Sorin Ovidiu Vîntu, who was accused of several illegal financial operations and who was arrested in September 2010.

A fine of RON 10,000 (EUR 2,350) was imposed on Realitatea TV, a fine of RON 5,000 (EUR 1,175) on Antena 3, and B1 TV received a public warning because the broadcasters did not ensure impartiality and balance when reporting on the main opposing points of view in the “Vîntu Case“; the broadcasters confused facts and opinions and did not observe the accused person’s right to his own image, through scurrilous reporting and by not requesting evidence regarding serious allegations.

The CNA recommended the stations to consider judiciously whether or not to use leaked information about trials in progress, as well as accusations without evidence against parties involved in judicial proceedings. These obligations are imposed by law on the parties involved in a trial. On the other hand, the obligations are imposed by the “deontological codes” (ethical rules), which concern the activities of broadcasters who discuss/debate publicly such legal cases.

According to Art. 12 of the Legea privind liberul acces la informaţiile de interes public (Law 54/2001 on the free access to information of public interest, see IRIS 2001-5: 15/22) information with regard to legal proceedings are excepted from free access if the publication of such information could affect a fair trial or the legitimate interest of any party involved in the trial.

The Deontological Code of judges and prosecutors (Hotărârea Consiliului Superior al Magistraturii nr. 328/2005, Decree no. 328/2005 of the Superior Council of Magistrates) envisages in Art. 15 that when hearings are designated as being confidential, judges and prosecutors are obliged to keep information and evidence “within the court” and to allow the documents to be read only if the law expressly permits it.

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At the same time, Art. 5 of the Journalists' Deontological Code, adopted by the Clubul Român de Presă (Romanian Press Club), one of the main professional bodies, envisages that journalists have to avoid the publication of commentaries and opinions about current proceedings. This does not exclude objective reports on the facts, but the journalists should not take the place of the institutions and public powers.

The CNA reminded the broadcasters of the importance of observing the presumption of innocence and that, in order to ensure a fair trial, they must not allow anything to happen that could be interpreted as an attempt to influence the course of justice.

CNA Comunicat de presă 23.09.2010

http://www.cna.ro/Comunicat-de-pres,3670.html

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