



## Defamation proceedings for article alleging offshore financing in socialist party's 2016 presidential campaign in Moldova breached the Convention

In today's **Chamber** judgment<sup>1</sup> in the case of [The Association of Investigative Reporters and Editorial Security of Moldova and Sanduța v. the Republic of Moldova](#) (application no. 4358/19) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.**

The case concerned defamation proceedings brought against the applicants, an NGO and a journalist, for their article reporting on the Socialist Party of Moldova's alleged financing by an offshore company with Russian ties ahead of the 2016 Presidential elections. The leader of the Socialist Party, Igor Dodon, was elected President of Moldova in those elections.

The Court was prepared to assume for the purposes of this case that revision proceedings and subsequently reopened proceedings on the merits in 2020, dismissing the defamation action against the applicants, had amounted to the domestic courts acknowledging a breach of Article 10 of the Convention. However, it considered that the applicants had not been given sufficient redress in those proceedings as the domestic courts had not awarded any compensation. It therefore refused to dismiss the case for lack of victim status, and awarded the applicants 3,800 euros in respect of non-pecuniary damage and costs and expenses.

### Principal facts

The applicants are Asociația Reporteri de Investigație și Securitate Editorială din Moldova, a non-governmental organisation based in Moldova, and a journalist, Iurie Sanduța, a Moldovan national born in 1988 and living in Chișinău.

In September 2016 the applicant association published an article signed by Iurie Sanduța entitled "Dodon's Bahamas money". The article reported that a Bahamas-based offshore company with links to the Russian Federation had transferred 1.5 million euros to a Moldovan company headed by a member of the Socialist Party who had close ties to Igor Dodon.

According to the article, the money had arrived in Moldova a few months before the 2016 presidential elections. A third had been withdrawn in cash for distribution to individuals close to the Socialist Party in the form of free loans.

The Socialist Party subsequently initiated civil defamation proceedings against the applicants, submitting that had any State body found any illegalities in the financing of the Socialist Party and of its candidate, Mr Dodon would have been banned from participating in the presidential elections. The applicants argued that they had merely presented evidence that EUR 1.5 million had been transferred from an offshore company to a Moldovan company and that the money had ended up with different members and supporters of the Socialist Party.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

In a judgment of 21 December 2017, the Centru District Court found in favour of the Socialist Party. It considered that the article had been defamatory because no State body had found that the Socialist Party had received funds from abroad. The applicants were ordered to publish a retraction admitting that the article had been untrue and to pay the plaintiff costs and expenses (amounting to approximately EUR 10). All subsequent appeals were unsuccessful.

After the European Court notified the Moldovan Government of the present application, the Government Agent lodged a revision request in 2018 with the Court of Appeal. This court, ultimately in 2020, upheld the request and the judgments finding the applicants guilty of defamation were set aside.

## Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression), the applicants complained that their having been held liable for defamation of the Socialist Party of Moldova had breached their right to impart information.

The application was lodged with the European Court of Human Rights on 9 January 2019.

Judgment was given by a Chamber of seven judges, composed as follows:

Jon Fridrik **Kjølbro** (Denmark), *President*,  
Carlo **Ranzoni** (Liechtenstein),  
Valeriu **Grițco** (the Republic of Moldova),  
Egidijus **Kūris** (Lithuania),  
Branko **Lubarda** (Serbia),  
Pauliine **Koskelo** (Finland),  
Marko **Bošnjak** (Slovenia),

and also Stanley **Naismith**, *Section Registrar*.

## Decision of the Court

The Court rejected the Government's argument that the applicants had lost their victim status because of the outcome of the revision proceedings. It noted that neither the Court of Appeal nor the Government in the proceedings before it had awarded or offered to award any compensation to the applicants, contrary to normal practice in many other cases. It therefore did not consider that the dismissal of the defamation action had constituted sufficient redress in the applicants' case.

Furthermore, the Court was prepared to assume for the purposes of this case that the overall outcome of the revision proceedings and of the subsequently reopened proceedings on the merits had amounted to an acknowledgement in substance of a breach of Article 10 of the Convention. In view of its own case-law and noting that the domestic courts in the initial proceedings had not conducted a proper balancing exercise, the Court saw no reason to depart from the above conclusion and did not consider it necessary to re-examine the merits of this complaint.

Consequently, the Court held that there had been a violation of Article 10 of the Convention, because of the applicants having been found liable for defaming the Socialist Party of Moldova.

### [Just satisfaction \(Article 41\)](#)

The Court held that the Republic of Moldova was to pay the applicant 2,300 euros (EUR) in respect of non-pecuniary damage and EUR 1,500 in respect of costs and expenses.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.