

Whistleblowers on their own

In European countries, children start learning from school about how important it is to be civically active and to notify authorities about any known irregularity. Thus, it is believed, that by involving everyone, it can be built a friendly society for all. Those who report possible cases of corruption are called "whistleblowers" and the only obligation they have is to act in good faith. Subsequently, the authorities are the ones that will determine whether or not there was any wrongdoing in that case.

Starting from the good practices from the West side, recently Moldovan authorities as well, said they were prepared to meet the citizen's needs. Thus, in different ways, but more insistently, citizens are urged to notify the authorities when they find out that someone has committed a crime. In reality, however, only few answer the call, and those who do so, usually do not get to see the abusers and offenders punished, they are not understood by society and, more so, they are not protected as the law requires.

"Television catches them all, police - nobody"

Nicolae Petrovici knows not only from the rumors what it's like to go "against the stream". In a village where every second person lives from illegal extraction of stone and lime burning, an environmentalist, even if well-intentioned, is seen at least as a freak.

"In 2007, they made so much rumbling like it was an earthquake. I was home. I felt how the homes shook, to some – the windows and the doors were broken, there were problems. They used dynamite to make holes in the stones and when those exploded, everything was shaking. I had to speak to the prosecutor from Edinet. I thought that if I do that, something would be solved. I went to him every month, every hour to tell him what has to be done. He was saying - well Mr. Petrovici, I have noted down. I still go to them until now and I get the same answer, "says Nicolae Petrovici. Nicolae Petrovici has also made an estimate of the volume of rock that would have been stolen from Gorge Trinca in the past years. This happened all though, in 2006, the area was declared a natural monument, and the law says that the authorities should do everything to protect it.

"By 2011 there were 77 million lei injury, but from 2011 there had been stolen about four thousand stone cubes. I ask Mr. General Attorney, who is replacing the former one, who will be responsible for this damage. He says - those who have stolen. How come? I have them all on the list, I gave it to the anti-corruption authorities and nothing happened, I have written hundreds of letters to them. Hundreds of letters I have written to the prosecutor and nothing. The crime goes on and they continue to steal", says Nicolae Petrovici, annoyed.

Besides the stone theft, Nicolai Petrovici also notifies the authorities, by phone and in written form, about the fact that at Trinca, tons of lime is burnt outside, and thus pollutes the air. For his enviable perseverance, says the activist, a few years ago he received the Civic Merit medal. Although the claim is one that many would crave it, Nicolae Petrovici continues to have regrets. He would like that the medal would come along with the authorities' efforts to protect the nature in the village Trinca, which never happened. Recently, he has lost the number of petitions written, but the guilty ones, at most, only received a fine and continued their work.

"We have 20 ovens in the village, it is a second Chernobyl for Trinca village. If Petrovici comes, he finds in the careers, everyone who destroys there. Television also came, Mr. Oleg Brega as well and caught them all from Trinca. But when the cops come, they do not catch anyone. When cars

full of stones drive by, I call them, they go there and laugh. They tell me they did not find anyone. How come? Television catches them all, and police nobody? (...) That is how I walked along, spent money and health. In order to write a letter, one should pay ten lei. But I have hundreds and thousands of letters, as you can see. Who is going to give me back my money, from all the pension I have spent. Instead of taking a big bag of charcoal, I was writing letters" says Nicolae Petrovici.

Abuser sentenced to execution, but being free

The fact that the system is often immune to complaints from outside, is proven by the arch-known psycho-neurological boarding dossier for rape in Balti. In this case, the lawyer Doina Ioana Străisteanu was the first who fired warning signals, that time being an ombudsman for the psychiatric institutions.

"I remember very well January 2013, when I found out about a complaint to police by some relatives of my client, who called them from the hospital. They keep in touch. (...) The complaint indicates about rape. My client was injured and she was also the denounced victim. (...) And here policemen investigating a single complaint have collected 18 complaints from ladies who confirmed abuse and rape from the same doctor", reports the lawyer Doina Ioana Străisteanu.

At the lawyer's insistence, it was the first time in the last twenty years, when the psycho-neurological boarding in Balti beneficiaries are given attention. It's about two decades since women have been writing letters to tell what happens, without receiving any response from those who ought to defend them.

"We were three lawyers who worked on the case. Each of us had some of the victims that we have represented over the years. I intervened in the case in early 2014, when the case was already in court, but there were no trials, because they were always postponed. (...) I began to speak publicly about the case when I saw how bad the situation in that boarding school was, when I saw that they try to cover up the case, when I saw that some judges laugh when victims speak and not take their words seriously, when prosecutors cancel orders, remove victims from the case and cease on following the heads of accusation against the defendant. (...) In fact, not only rape occurred in this hospital. The girls were raped, subjected to forced abortion, beaten and locked. (...) The victims of psycho-neurological boarding school in Balti have complained for several years about the abuses that occurred in this hospital. Firstly they complained to the Ministry of Labor, Family, and Social Protection, then made a complaint to the prosecutor's office in Balti. (...) At one point I tried to verify all this information because victims gave names of officials, to whom they have complained and what action was taken. (...) When I made a claim to the ministry, I was told that indeed, the year when the girls complained to the ministry, there were working those people described, and they were responsible for monitoring psycho-neurological boardings, including that in Balti" recalls Violeta Gașitoi, one of the victims' lawyers.

"The state does not have a big role in these institutions, but they provide minimal conditions of survival, otherwise the patients would starve to death, and the state would be responsible for genocide or crimes against humanity. But it provides minimum (...) and when case of abuse take place, the state becomes oblivious. In subsequent statements to the court, it was proved that many of them did not know what sex means. In depositions they say so - I do not know what that means, but I tell you what they did to me," says Doina Ioana Străisteanu.

Therefore, after the lawyers knocked at many doors, three years later, in October 2016 the Balti Court took a first decision in this case. The doctor was sentenced to 13 years imprisonment, but was allowed to leave the courtroom. The court's decision, difficult to understand, makes victims to fear for their own life even today.

The first public testimony about the "robbery of the century"

Serious abuses occur in other areas as well. For example, only a few have not heard yet about the billion fraud from the banking system of Moldova. Two years have passed since the subject began to be publicly discussed by experts - on television, by the common people – at the kitchen. Today, only imagination allows us to understand how everything was, when everybody knew nothing.

"We felt that things go wrong in the banking system since 2011-2012, when I was forced to intervene in the case of InvestPrivatBank, then at the Moldovan Economy Bank when we had to give money. After that, things had calmed down somewhat. The fiscal policy was on the role, we had voted several laws and BEM's problems became secondary. Somehow things were on a dead line. In the spring of 2014 appeared the first signals from the market traders that in BEM something happens, that money is starting to spin, bad loans went into a doubtful form. We were not receiving this information from any of the public authorities, but from people on market that simply told us to be careful, to look and watch, because things go wrong. I placed on the agenda of the committee the BEM subject, for me it was a routine thing. It was a committee which has dozens of topics weekly, and BEM was one of them. It was then a little strange that at the introduction of this topic suddenly I was called and being asked what is that, what is there to discuss. There was a stir among deputies. Meanwhile, some businessmen have heard that we introduced the BEM subject to the committee, and showed me documents with schematics, how the money was removed. Frankly, I was scared. I asked who they were, and they showed me their bulletin. They said they were not worried, that they lost business and all they want is to do be heard at the NAC. (...) We had a transaction of 30 million, another one of ten million, had gathered in the total, about 600-700 million lei and approximately, I realized we were talking about at least one billion lei. Now we can talk openly about, but then it seemed an enormous amount of money, it was incredible. I couldn't believe myself", recalls Veaceslav Ionita.

Today, Veaceslav Ionita says with a smile on his face, about how he was going to find out from the documents about the thefts in unimaginable proportions. Back then, as Chairman of the Parliamentary Committee on Budget and Finance, he admits, he had many hesitations before making a decision. First of all, he thought about the risks for his family.

"I was blackmailed I have six criminal cases, and also asked me if I wanted to be ambassador in a country. I could not understand. Not that I don't respect an ambassador's work, but I never imagined myself being one. The pressure made my wife to cry all day, not to mention about the pills. She was always telling me to give up, to, get away from there, to live a normal life and that I do not need that. She was crying all day telling me to go, go, go, go. (...) They were teasing us about nine months and I did not realize. They believed that I have found something, but I really had nothing at that time. When I saw all the documents, in two days I had to take a decision: to speak or not to speak. (...) In September, when I went public for the first time, people didn't realize that this was the final stage. I was under enormous pressure all year and I did not understand where it came from. I was sent all kinds of signals", said Veaceslav Ionita.

By mid 2014 the "battle" has passed into the public arena, and more people were convicted for embezzling millions. However, economy experts say it is too early to say that the robbery perpetrators were identified and punished. Veaceslav Ionita sustains that there are at least a few dozen people involved in thefts who are free right now.

A third attempt of drafting a law that will protect whistleblowers

Mark Worth was invited to Moldova by the United Nations Development Programme, to help draft a bill that would come to defend those who expose violations. According to international experts, whistleblower protection is yet a sensitive issue for the entire ex-Soviet space where a person reporting a breach is still associated by society with a soviet rat and Moldova is no exception.

"Integrity warning is when reporting on corruption or corruption issues that harm the public interest. We are not talking about the situation when the boss left the employee without a parking lot. It is rather about the situation when people drink contaminated water, when the elections had been frauded or there is high level corruption. The public has a right to know about it, and whistleblower must be the least penalized. Rather it should be rewarded", told us Mark Worth.

According to expert in corruption, Olga Bîtcă currently authorities are at their third attempt to draft a bill that would come to protect whistleblowers. This is in the context, after the first two were inconsistent with human rights and good practices in the area of corruption.

"I noticed two consecutive bills on the website of the Ministry of Justice, the first did not meet certain requirements in terms of corruption and human rights, the second did not meet the human rights requirements. We can not impose an obligation to report corruption or any committed illegality as long it happens against public interest and we do not offer proper protection. When it comes to a law, experts say that is better no law on whistleblowers than just a law with rules, that does not provide a real protection mechanism. Our colleagues blocked this bill through professional expertise made. It was already in Parliament. Now, the third bill is drawn inside NCA with an expert contracted by UNDP", says expert.

Guja vs. Moldova

A warning integrity, says Olga Bîtcă should be guided on the one hand by the good faith of the person who reports abuse, on the other hand, it is equally important the professionalism of the authorities to manage the situation further.

"It is needed such a law that would protect people, including anonymity, understand that this call is not performed for a flagrant, but to communicate information that could allow analysis, especially prevention for future violations. A warning to be made in good time, one of the criteria would be for it to stop lewdness. When a person calls, the first thing, it should be protected his privacy. For a warning to stop lewdness, for this to happen, the natural environment is within the institution. And of course the classic reaction is revenge, either relegation or if there is official relegation, they switch you to another post when you analyze the details, you see that it is actually a hidden downgrade and a more subtle revenge", is convinced by that, Olga Bîtcă.

The most known case of dismissal of a person who has publicly spoken about abuses is Iacob Guja. The man was dismissed from the Prosecutor General's Office after giving two letters to press in which politics gave indications to the general prosecutor. Iacob Guja explained his action by seeking to eradicate corruption in the judiciary. Because he could not find justice in national courts, Iacob Guja's lawyer decided to refer the case to the European Court of Human Rights. Consequently, five years later, the ECHR condemns Moldova in this case and the state is obliged to pay public money in amount of over 18 000 with all the moral and material expenses.

Whistleblowers face to face with bureaucracy

Sajin Iurie, who is a builder, is unemployed because he dared to speak openly about what happens behind closed doors at the Boarding School for children with mental disabilities in Orhei. He did not know then what is a whistleblowers, and all he did was guided only by his instincts.

"I was born in Orhei, where I live to this day. Now I am a manufacturer but before I was a teacher. Once I chose to be a constructor, the company I work for has won a tender to the boarding house. That was in 2012, if I'm not mistaken, in September-October. (...) Yes, we all know about the fact that there is such a boarding school, but what happens inside we don't think about too often. Frankly, I do not know, and if someone had told me, I would never even have thought", says Iurie Sajin.

He remembers as if it was today that day when a few guys - beneficiaries of the Boarding House opened the doors.

"During the period when it was repair in their groups, the children were transferred to other groups. They still came. They were curious to know how to do the repair and how it is going to be in the final. I showed them all, told them stories, made them stay and look and that is how we met. After that, one day, children said they want to ask me something. They said, you know, we have nobody to complain. (...) There were 10 or 12 people who have approached me and asked me: Mr. Iurie, please go to the ministry, Mrs. Buliga and tell her what we go through", recalls the man.

Then, for the first time, rather whispered than aloud, the children told the man they knew only a few days, about their nightmare. They told him about threats and beatings they receive if they refused to work, how they are isolated in dark rooms, how their wheelchairs are taken, so they could not move, or are left without food, and other things hard to imagine.

Together with a teacher from the same Boarding School, some of the abuses were filmed with a mobile phone thrown away. It was the beginning of the end.

"We complained to the police not once, when children were beaten. The second case in my practice was when a child had his penis broken. Everyone knew about abuses, but they also knew that to talk about it is prohibited. I remember the first reaction of the nanny when I poured the whole portion of food and water. She said – what do you do lady, it is too much. You go home, but what remains to me?" recalls Nina Botnaru, teacher at the boarding house.

"We wrote messages to the prosecution, we received responses from Lidia Popa. I wrote to the police, but received replies written by Lidia Popa with the police signature", added Luiza Artiomenko.

A repeated attempt to notify authorities about what at Orhei Boarding house was done by Sajin Iurie.

"We came to the Deputy Minister, told about the situation, and she told me it was impossible, that there were recently checks and nothing was confirmed. I told them then to give us a man of theirs to present him at the boarding school as a construction worker so he could see what happens inside. In reply she told me to go out in the hallway to write an application. As I was doing this, the time was almost 4 p.m., the deputy left the office and went. She said she was sorry, but she has finished her schedule for that day. I thought that a secretary will register the application, but she refused to do so. Just said to leave it on the table and talk with the deputy minister. Even today the application has not been registered, but this was the first step, when I tried to pull alarm bells", says Yuri Sajin. The next day, the man was called by the boss and said he was fired. "I was called by the chief, who told me that since that moment, I was no longer working for him. He gave me ten minutes to go. I asked what I did. He said I should understand by myself and that he was called by Lidia Popa and he does not need someone like me who is risking his contract. (...) Therefore, I thought, look, I'm at liberty, comparing to those children. I can go to complain to the police, prosecution, court, we have this right, but ... they can not do that. How to protect them? I did not know from where to start. I printed flyers, about one hundred, and shared them on the streets to citizens. It was a call,

let us together draw attention to Orhei Boarding house, not to be indifferent, because behind this walls, awful things happen", says Iurie Sajin.

The case came to public attention after media got interest in the subject by publishing an investigation topic. The director of the institution was dismissed.

What should the state do?

"What should the state do? To trust the people, to support them and do everything possible not to create a culture of fear. I do not say that in Moldova it exists, but it is important for the state to intervene because it does not engender. A person's right to free speech must be defended at any time and in any situation. There should be created or delegate tasks to an institution that protects whistleblowers, to defend their interests at all times and ensure that information about them is not public without their permission. (...) The first and most important thing that the state must do is cease to condemn and accuse longer whistleblowers ", is convinced the expert Mark Worth.

However, the expert says that there are also solutions for the situations where a citizen has to communicate about abuse, but does not feel protected.

"Now, this is not very hard to do. We have many technologies that allow data encryption and conversations that journalists or other people can use them. It is no longer so hard ", assures the expert.

I asked people who chose to speak publicly about abuse if they were afraid. See below how they respond.

"If I was afraid? Of course, I was. I understood there were high interests. I am a grown up person and of course I also knew I was very vulnerable. Yes, at that time I was very vulnerable. (...) No one could help me. I have chosen my path to go. I was going against the power and knowing I was assault inside the hospital, my family was defending me when I was at home, but we all knew that I could be caught in the street at any moment"- Nina Botnaru

"No, I am certain that the state will not protect me if I'm ever in danger. I am absolutely convinced of that. I am on my own "- Doina Ioana Straisteanu

"My colleges always wondered, what do I need , why do I care, anyway I will not be able to prove anything. They said it's a battle between the interests of the Democratic Party, to which I responded anyway that there is still a hope"- Luiza Artiomenco

"I was committed in the case, but when I did that, automatically my parents were engaged as well, and so did my wife. They found themselves suddenly in a situation where they did not choose to be. (...) The biggest advise I always want to give is do not be surprised and do not get angry with your family members who do not understand you. Unlike you, they have not taken this decision. I think people still appreciated my effort then. Later, but they did"- Veaceslav Ionita.

"Why is it important to talk about it? - Why is it important? Because it's not normal, because it's a crime. We say that we are civilized, we want democracy, but, forgive me, we act like pigs. Not all, but many do this, hide behind beautiful words "- Yuri Sajin.

"I fight because I want people to live better. Let's stop this corruption, with these lies. We have a good law, let's keep it. All of us who violate the law are defended. I've been to the police, to the law enforcement officers who must defend me, but nobody did that. They defent only thieves and violators. Nobody defends me until now, that's it"- Nicolae Petrovici.

In Moldova there are several possibilities for reporting abuses against human rights and contrary to public interest, some of which ensures anonymity.

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