

# Reporters Without Borders

<http://www.rsf.org/bulgarie-news-website-harassed-for-24-10-2012,43583.html>

Europe/Ex-USSR - Bulgaria

Bitter apples

## News website harassed for investigating banking sector

24 October 2012

Reporters Without Borders strongly condemns the proceedings that four banks have initiated through the Bulgarian National Bank against the news website [Bivol.bg](http://bivol.bg) over [a 30 June article](#) about alleged bad practices by certain banks and the reluctance of the authorities to investigate them.

The article consisted of an analysis of [a US embassy cable](#) published by WikiLeaks about "bad apples" in the Bulgarian banking system, but it corroborated the US ambassador's comments with information from its own sources.

*Bivol* has been the official WikiLeaks partner for publishing US diplomatic cables about Bulgaria since March 2011.

"*Bivol*'s staff have our full support," Reporters Without Borders said. "At a time when Europe is undergoing an unprecedented financial crisis, it is imperative for banks to behave transparently. Investigative coverage of suspected corrupt practices within the banking sector is more than ever before in the public interest, and at the international as well as national level."

Four banks that were criticized in the *Bivol* article – First Investment Bank, Corporate Commercial Bank, Investbank and Central Cooperative Bank (TIM) – sent a "complaint" to the Bulgarian National Bank (BNB) accusing the website of publishing articles with false information that damaged their reputation and credibility, thereby violating article 152a of the Credit Institutions Act.

Under article 152a, anyone disseminating false information about a bank, or undermining its reputation or credibility, is punishable by a fine of 2,000 to 5,000 lev (1,000 to 2,500 euros), or 3,000 to 10,000 lev (1,500 to 5,000 euros) for subsequent offences. If a media is used to commit the offense, the fine increases to 5,000 to 10,000 lev or 8,000 to 20,000 lev (4,000 to 10,200 euros) for subsequent offences. *Bivol* is therefore facing a fine of up to 75,000 euros.

"We are astonished by the procedure used in this case," Reporters Without Borders said. "The Credit Institutions Act concerns only the banking world and cannot be used against the media or to defy the constitution, which guarantees media freedom. Moreover, the BNB has no jurisdiction over media law and cannot be allowed to impose heavy fines on news outlets.

"It would be completely illegitimate for the BNB to try to rule on a media case as it cannot give the required guarantees of independence, impartiality and respect for defence rights. The right to a fair trial and the right to freedom of expression, which are protected by articles 6 and 10 of the European Convention on Human Rights, are under direct threat.

"Proceedings such as those being used against *Bivol* are utterly inconceivable and unacceptable in a European Union member country and must be halted at once. If the banks want to seek reparation, the courts are available to them."

*Bivol* received a letter by courier from the BNB on 11 October summoning its staff to a meeting to discuss the complaint filed by the four banks. *Bivol* did not object to the possibility of a meeting but logically asked for time to study the complaint and prepare its defence.

"As of this moment, *Bivol* has not yet received a copy of the banks' complaint," Reporters Without Borders added. "We can only urge these banks to abandon the proceedings they were envisaging and to display the utmost transparency.

"We remind them that *Bivol* offered to let them use their right of reply and that, prior to publication, they were contacted with the aim of letting them express their viewpoint – without success."

Reporters Without Borders urges the Bulgarian media and public to demonstrate their support for *Bivol*. Reporters Without Borders has joined [the \*Bivol\* support group on Facebook](#).

- *Bivol* article: <http://www.bivol.bg/wlbadapples.html>
  - Text of US embassy cable: <http://wikileaks.org/cable/2006/12/...>
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