

Testimony by Mihai Goțiu on the organization of the referendum on December 9, 2012 in 35 municipalities in the Apuseni Mountains

As a journalist, I witnessed the preparation and holding of the referendum organized in several municipalities in Apuseni Mountains on the topic of mining revival in the Apuseni Mountains and on the topic of the Roșia Montană project. This testimony is based on journalistic investigations carried out before the referendum, on personal on-site observations as well as on public information or on interviews that I collected or made on that occasion. This information was included in the book I published, “Afacerea Roșia Montană” ([“The Roșia Montană Business”](#)), Tact Publishing House, Cluj-Napoca, 2013 and was edited for the purpose of giving this present testimony, in particular with the aim of further explaining the terminology I used.

This testimony is given in order to be used by Alburnus Maior, Centrul Independent pentru Dezvoltarea Resurselor de Mediu (The Independent Center for the Development of Environmental Resources) and Greenpeace in their submission as a non-disputing party at the ICSID tribunal in file no. ARB/15/31 - Gabriel Resources Ltd. and Gabriel Resources (Jersey) v. Romania.

The original testimony was given in Romanian language and was translated into English for the purpose of submission as described above.

BEGINS

“The Cyanide Referendum

The story of this referendum began (officially) on September 21, 2011. During a TVR 1 broadcast, Romanian President Traian Basescu was the first to publicly announce the idea. "An unlocking solution seems to me a local referendum. What problems should I have, living in Bucharest, about Roșia Montană? That's a local exploitation. If we want to make a referendum check, and I think that a referendum is justified, we have to do it in the area that will be affected. Otherwise, what does one who lives in Suceava have to do with Roșia Montană, or one from Constanța? ", said Traian Bănescu.

The rhetorical questions asked by the president could be answered in many ways. The issue of cultural heritage (and its destruction when implementing the project) is a national and international problem, both because of its exceptional value and because of the fact that it can be the basis for sustainable economic development for several generations and with more

benefits for the local community and the Romanian state. The affected area (from an environmental point of view) is far larger than the commune itself (from a hydrographic point of view, the impact can even be transboundary). The real benefits of Romania are also the premises of the need for a national consultation. The fact that the Roşia Montană project is just one of the many cyanide gold mining projects in several counties (Alba, Hunedoara, Caraş-Severin, Arad, Bihor, Maramureş) is another argument for a national referendum and not just a local one.

Besides, geography would play a trick to the organizers of the referendum: there is no real logic in the choice of the 35 localities: Buru, Mihai Viteazul, Turda and Câmpia Turzii (*all situated in the Cluj County – A/N*), located on the Aries River Valley are equally in the impact area like Baia de Arieş or Salciua (*located in Alba County – A/N*). The municipalities of Stremţ and Gâlda de Jos were chosen for the referendum, but the town of Teiuş, which is only 3-4 kilometers from Stremţ and Galda de Jos, was not targeted. The same situation was found on the Aiud Valley, where Rimetea and Livezile municipalities were included on the referendum list, while the town of Aiud (5 kilometers away from Livezile) was excluded. The distance between Roşia Montană and Ighiu is 73 kilometers; the distance between Roşia Montană and Alba Iulia is 78 kilometers. In fact, Ighiu is a "satellite" of Alba Iulia. A referendum was held in Ighiu, but not in Alba Iulia. To believe that Ighiu falls within the affected area, but Alba Iulia does not, is simply a cynical defiance of reality. This is exactly the case with the exclusion of Teiuş, Aiud (in the Alba County), Turda and Câmpia Turzii (in the Cluj County), as well as Geoagiu and Brad (in the Hunedoara County, 70 and 50 kilometers away from Roşia Montană, respectively). The impact area of a project such as the one at Roşia Montană does not take into account the artificial administrative boundaries. What could affect a village 73 km away from the operation will also affect one at 78 km (not to mention the one at 50 km). Pollution of the Arieş River will not stop at the border (on the map) between the counties of Alba and Cluj. The only "logic" taken into account when establishing the localities in which the referendum took place was the degree of political servitude from local politicians (especially the mayors) and of the manipulative control the company believed to have over the locals (for years under the assault of the company's propaganda).

Gift bags, boiled brandy parties, threats. And a quiescent press

The decision to organize it as a local referendum and then the selection of locations were only the beginning of the masquerade of the so-called referendum. The decision by the Alba County Council to organize the referendum was taken on November 16, 2012. It is obvious to everyone with basic common sense that real public debates could not be held in three

weeks so that citizens could vote in an informed manner. The only "information" consisted of new and massive advertising messages broadcasted on television and in "Ziarul de Apuseni" ("Apuseni Newspaper"), the propaganda publication of the company, distributed free of charge in Apuseni area. In addition to these there were the bags (*bags with various gifts, from clothes to food, a well-established tactic in Romania to influence public opinion and to obtain votes – A/N*) and various festive events (with boiled brandy and gifts for children - a local version of electoral parties with Romanian sausages and beer).

During the referendum campaign, I have been alerted about numerous instances of intimidation and corruption of voters and of threats to those who were trying to present critical information about the project. I wrote about some of these on "VoxPublica" (<https://voxpublica.ro/>).

"It's a big infamy. There has been no public debate. The population was not informed on what this is about. The County Council and the mayoralities organize the referendum, and the company does "the information campaign". The press is embarrassing. They put the handkerchief on the cymbal and have not even remained neutral - they do propaganda for the company", said Eugen David, president of the Alburnus Maior Association from Roşia Montană. "The company has sent emissaries from door to door. Pensioners are told that if they do not vote "YES" at the referendum, the government will no longer have money to pay for their pensions", mentioned Eugen David as an example.

This kind of situation was not only to be found in Roşia Montană but in all the localities concerned. Şard is a village in Ighiu commune, near the town of Zlatna. G.D., with whom I discussed on the morning of December 6, 2012, lives in Şard. "On the fence of the house where I live I put some posters with the message 'vote NO' at the referendum. They pulled them away and put posters with Mayor Fulea who urged people to vote YES. At the end of last week, I was home and I saw some people who got out of a car and started sticking posters on the neighbor's fence. I went out and asked them if they'd ever asked anyone for permission to put posters on that fence. A person came down from the car, I was to find out that he was the deputy mayor, who shouted at me, "Are you looking for trouble? I'll hit you!!". I stayed calm, they did not hit me, but they caught my coat and they started to shake me. There were others coming, dressed in overalls, on which shimmered the sign of the "Future of Mining" trade union (*the "trade union" of RMGC – A/N*). You could see that they were trained, they told those who were pulling my coat to leave me", remembers G.D..

"But they kept telling me not to stick my nose into it, that it's not my business. The deputy mayor said that RMGC told him that they were going to employ a thousand of his people. The Gypsies, as I call them, not Rroma, patrol every day, break the posters they don't like

and put posters with YES instead. They have been told that if they do not perform, they will be cut off their social benefits (*in Romania social benefits formally depend on the signatures of mayors on several documents – A/N*). People execute orders because they are really afraid that they will be left without social aid", says G.D., who also says that what bothers him most about this campaign is that those who have a contrary opinion are not allowed to express it, they are intimidated.

On December 7, 2012 I received several photos from the Intregalde commune. A man loaded with gift bags got out of a Nissan 4x4, with car number AB 12 RMG, and began to distribute them from door to door. Cars with RMG number plates belong to RMGC¹.

Villagers from Vidra commune recalled the so-called "information" party, with boiled brandy and children gifts organized at the Cultural Center. Where, however, many were upset, because the gift packages were fewer than the number of children present, so some received them, others not. The same locals said that in each commune there were lists of 200 people who would be hired by the company if the project started. I was informed about the creation of a similar list in the city of Zlatna (where the number of future "employees" amounts to 1,000). Overall, the number of electoral "jobs" exceeded by far the most fanciful job promises made by RMGC by that time. In addition, there were several testimonies related to the drawing up of lists (with names and identification data) with citizens signing (and undertaking the obligation!) that they would go to vote.

What was to be kept out of the eyes of journalists

The first reason why RMGC and their political supporters needed media complicity was to conceal (to mask, to ignore) the lack of legal significance and the manipulative nature of the referendum. I have already shown why organizing a local referendum on a problem with national and international impact is an abuse. The will of the inhabitants of some small communities cannot be the basis for ignoring national and international laws and regulations. Not without the acceptance of the entire affected community (which is larger than the local one). I have also shown that the selection of localities where the referendum was organized was absolutely artificial and arbitrary; the fact that in three weeks (between the decision by the Alba County Council and the date of the referendum) it was impossible to hold a real debate to ensure an informed vote. As RMGC expected, the media pretended not to see all these things and, with few exceptions (which consisted of taking over the information I

¹ <http://voxpública.realitatea.net/wp-content/uploads/2012/12/plasa-de-la-rmgc.jpg>

published on VoxPublica), the pressures and the way how the "information campaign" of RMGC took place were not reflected by the mainstream media.

Another aspect that "escaped" the vigilance of journalists was the aberrant way in which the question was formulated. "Do you agree with the re-launching of mining in the Apuseni Mountains area and of the exploitation at Roșia Montană?" It is not one question, but two. One question is about re-launching mining in the Apuseni and one is about the Roșia Montană project. Mining and the Roșia Montană project are not to be confused. There is mining without cyanide, as well as other types of exploitation than gold mining (underground mining, not open pit, mining of other ores etc.). Someone who agrees to "restart mining in the Apuseni Mountains" might not necessarily agree with the exploitation at Roșia Montană.

Vote Day. And the big infamies

Despite prohibitive terms and conditions, with the help of Centrul pentru Resurse Civice NGO (Center for Civic Resources, CRC), 67 referendum observers were accredited, from Cluj, Alba Iulia, Bucharest, Deva, Timisoara and even from Constanța. They volunteered and even covered the travel costs themselves (with a special mention for those in Timisoara who, due to a heavy snowfall, spent almost 17 hours on the road), and managed to cover and monitor 53 of the 148 polling stations. Their presence revealed flagrant violations of voting rules, illegalities, pressures, electoral taxi driving, electoral advertising on the voting day etc. What these observers have seen and reported shows that the whole mechanism put in motion by the Alba County Council was a deliberate attempt to conceal the huge lie to be served to the general public.

In order to understand what would have happened in the absence of observers, the most illustrative example comes from the municipality of Avram Iancu, where two voting stations were set up, no. 46R (with 712 registered citizens on lists) and no. 47R (with 647 registered citizens on lists). In the first section there was a CRC observer, in the second there was none. In the first section (the one monitored), the percentage of those who voted was 42.42%, while in the un-monitored section, the absolute record of voting at the referendum was reached, 93% (!). Significant differences were also registered for the voting option: 187 YES (in the larger, monitored section) and 441 YES votes (in the smaller, unmonitored section). A percentage report shows a difference in voting patterns between monitored and un-monitored sections of almost 22%.

The large differences between stations with CRC observers and those without observers does not mean that in the monitored sections the vote was clean, unaltered, that people came

willingly and without any interested "support". Here are some of the most common complaints made by CRC observers:

JOINT SECTIONS WITH THE PARLIAMENTARY ELECTIONS. An important share of the polling stations were organized in the same room with the stations for the parliamentary elections (that took place on the same day), being separated only by a textile screen; this was an original way of "interpreting" the decision of the Central Electoral Bureau to organize separate stations; Section 4R in Abrud was the most "original" in this respect; people who entered and voted in the parliamentary elections were forced to exit via the station for the referendum (!); initially, when he was alerted on this aspect, the mayor refused to consider it; he reconsidered his decision only when he was warned that this could result in the annulment of all the votes cast in that section;

INFLUENCES/INSTRUCTIONS ON THE VOTING OPTION IN THE POLLING STATIONS. This refers to repeated and explicit, direct or suggested instructions made by some members of the committees for parliamentary elections and by the security staff positioned at the entrance who told voters "to go and vote at the referendum as well"; following warnings by CRC observers, some of these "influencers" have quenched their zeal, this to the desperation of mayors (from the towns of Abrud and Câmpeni, in particular) who railed against the observers for all kinds of reasons, such as "who are they to stick their nose in here?";

INSULTS AND INTIMIDATIONS TOWARDS THE CRC OBSERVERS. In fact, reproaches like "they are too zealous", "if they were people, they would understand..." etc. were addressed to CRC observers in several stations; some of them were moved to the "corner" or to separate tables...

ELECTORAL TAXI DRIVING. The electoral "taxi driving" was one of the most common phenomena reported around the polling stations, with the same cars repeatedly bringing voters to the same station or to different stations (pictures of these "taximeters" were caught around several stations); personally, in the Vadu Moșilor commune I witnessed when a lady, after she voted, told another that she was "waiting for the car to come", adding then, angry, "when they had to bring people to vote they rushed, but now, for return... "; I also told the story of the 3R section in Abrud, where one of the "volunteer taxi drivers" explained, in the presence of the gendarme, that he had brought his "father-in-law" - so far he had brought several "fathers-in-law";

“ADĂLMAȘUL” (*i.e., alcohol treats after concluding a deal – A/N*): A person who had RMGC marks on his clothes was caught "honoring" voters with alcohol after voting, across the road from the polling station in Albac, but also in other localities;

THE MOBILE BALLOT BOX. Doubtful requests for the mobile ballot box (way of voting at home for people unable to travel to the polling station, especially due to permanent or temporary medical problems) were recorded in several stations, reaching records in the Cricău commune (33 requests) and in the Vadu Moșilor commune (29 requests). In Cricău, medical certificates were completed, signed and stamped by the same doctor, on 8 and 9 December (Saturday and Sunday). Moreover, the applications for the mobile ballot box were written with the same handwriting (the president of the polling station tried to prevent the CRC observer from photographing these documents, but failed - at the "Criminology" class at the Faculty of Law I learned some of the secrets of graphology, but it was not necessary to have graphology expertise, the fact that it was the same writing was as obvious as possible); the situation was reported to both the College of Physicians (on medical certificates) and to the Police (forgery of official documents, for requests); in Baia de Arieș, the committee members who travelled with the mobile ballot box had the surprise not to find two applicants at home (!); in another case they learned that the applicant had already voted in the section (!);

WHO DECIDES. Locals from Roșia Montană who oppose the mining project of RMGC have warned observers that they have recognized people who came and voted although they no longer live in Roșia Montană (but in Alba Iulia or near-by Brad), but have kept their domicile registered in Roșia Montană. This was the case for hundreds of locals who signed pre-sale contracts and as such opted to leave Roșia Montană if the project were to be carried out, without directly bearing the risks of the project (theoretically, officially, there is nothing illegal about this but basically, from a moral point of view, their right to vote is no more important than that of any other citizens from Alba Iulia or Romania, who have not been consulted);

ELECTORAL DISPLAY (*in Romania, legislation prohibits the display of messages that may influence the vote in or near the polling stations on the voting day – A/N*). Needless to say, about 10, 20, 30 meters away from polling stations, it was full of propaganda posters that urged citizens to vote "YES"; at polling station no. 1R from the town of Abrud, such a poster could be seen at no more than 10 meters distance from the polling station window; with wailing, gnashing at the teeth, at the request of CRC observers, some committee chairmen ordered the removal of posters and banners near the polling stations; others, in the

most cynical way, benefiting from the complicity of some policemen, simply defied the demands.

Disastrous result. But perfect communication

However, despite all the irregularities, all the pressures, the "thousands of jobs" plots, the double question, the lack of a real debate, electoral taxis, gift bags, mayors' interventions, "records" of present voters of 85% or even 93% (!) in the un-monitored stations, the result was absolutely disastrous for the organizers: out of the 72,490 citizens enrolled in the voting lists, only 31,315 (43,2%) voted. Of these, only 19,556 (62.45% of those present) voted YES, 11,241 (35.9%) voted NO, and 517 (1.65%) votes were canceled. In real terms, only 26.97% of the area's inhabitants expressed their consent for mining in the Apuseni Mountains and for the exploitation at Roşia Montană. This percentage is light years away from that of 80%, 90%, or even 95% as claimed by RMGC representatives and their propagandists before the referendum as representing the local support. As we have seen, even this percentage of 26.97% was obtained after irregularities and rough manipulation. In Roşia Montană, out of 2,129 people enrolled on the lists, 1,499 (66.06%) voted out of which 1,184 voted YES. Given that the opposition in Roşia Montană has boycotted the referendum, RMGC has only gathered a real 52.18% of favorable votes. Without the help of the people who had already moved from Roşia Montană to Alba Iulia, Brad, Abrud and other localities, but who have kept their domicile in Roşia Montană, and who were driven in to vote at the referendum, the company would not have exceeded 50%.

At 23.00 (the official closing time of the vote), the 'festival' began. Televisions and online editions began broadcasting and multiplying an exit-poll by the Social Research and Branding Company (CCSB), which "predicted" a 74% percentage in favor of the project and 21% against it. But the news was edited so it was suggested that it was an official result, not an exit poll. In addition, nothing was said about the presence at vote. The last "contribution" of the Electoral County Office in Alba was the unjustified postponement of the announcement of the official results by next day (December 10th) at noon, although the centralization of results from 148 voting stations could not last for more than a few hours (the official result could have been made available to the press before the morning news).

Normally, any respectable media institution may take its own steps to provide accurate results and estimates as quickly as possible. In fact, not only did this not happen, but some media institutions continued to present the aberrant results of the CCSB exit-poll even after the Electoral Office announced the official results! Besides, with a few exceptions, most of the press has never even presented the official results! Instead, press releases, statements and interpretations of RMGC representatives and mayors submissive to the company began to be

published and disseminated without any reaction from the project's opponents. This media campaign was the "apogee" of the referendum: in fact, the end result was irrelevant, the only thing counting was the result promoted and broadcasted by the media!

RMGC and its political supporters have exceeded any limit and defied all possible rules during the organization and conduct of the referendum in order to obtain a result that would benefit them, but because they did not get it they went further: with the mass complicity of the mass-media, in which they have already invested tens of millions of euros, they presented and promoted figures that have nothing to do with reality. Nearly three months after the referendum (when I am writing this review - February 2013), RMGC's propaganda continues to send messages with "over 70% local support" (or even more), and the press continues to multiply them. Perpetuation of the lie is, however, an implicit acknowledgment of defeat: RMGC is aware that 62.45% YES from 43.2% votes (more precisely 26.97% in real terms) is too little to be able to invoke the idea of "local support".

A special mention: blaming the unfavorable weather conditions is another diversion taken over by the press releases from RMGC propaganda - in fact, the sections with the lowest attendance were also the stations where, on a percentile basis, there were also the most votes against; it is absolutely aberrant to state that the snow would have prevented those who support the project from voting, but not those who opposed it; if the weather influenced the vote, it can be said without too much mistaking that the opponents stayed home, not the supporters (given that the project proponents had a much greater motivation than the opponents to vote - the boycott of the referendum has anyway the meaning of a negative vote, while the support can be proved only by a vote expressed favorably).

CNA, a penalty behind the schedule

The National Audiovisual Council (Consiliul National al Audiovizualului, CNA) was officially notified of how the B1TV, Antena 3 and Realitatea TV stations presented the December 9th referendum and its results. After more than one month of no response, on January 29, 2013, a group of CSRM activists protested in anti-theft chains and devices in front of CNA headquarters in Bucharest. The protest "CNA conceals the truth about Roşia Montană" ended after the president of the institution, Laura Georgescu, promised that the petitions would be discussed in the near session.

On January 31, 2012, Narcisa Iorga (one of the members nominated by PDL in the CNA) blocked the discussion of the petitions. The pretext under which the debate was postponed was a so-called conflict of interest of another member of the CNA, Christian Mititelu, as he, in a public statement of Alianta Civica (Civic Alliance), of which he is a member, spoke

against the RMGC project. The "accusation" is totally unrealistic: the CNA does not have the competence to give verdicts about the Roşia Montană project, but on the manner in which television channels presented/present the various news and information related to the subject. In a commentary-response to the text I published on "VoxPublica," Narcisa Iorga did exactly the thing she had wrongly accused Christian Mititelu of: she prejudged the situation. And not in the case of the project, but exactly on the complaints for which the debates had been postponed. "Those news broadcasts you mention refer to a referendum and its outcome according to the exit-poll. Why would I not want to discuss such a trivial broadcasting situation?", asks Narcisa Iorga, rhetorically. For Mrs. Iorga, all the above examples (those related to television performances), the suggestion that it was a result (not an exit-poll), the fact that the official results were no longer presented, or that afterwards only the positions of project supporters were presented, all these were "a trivial situation in the audiovisual"²!

Finally, on February 12, 2013 (more than two months after the referendum was held), CNA debated the notifications and sent a warning letter to "Antena 3", "B1 TV" and Realitatea TV" for the manner in which they reflected the event. The sanction was late (just like the sanctions that stopped the broadcasting of RMGC's advertising spots, on the grounds of fake publicity, only at the end of the campaigns, after hundreds and thousands of broadcasts). However, the warning shows both the lack of good faith with which the news was presented and the lack of regulation on the way how exit polls are made public. After many years in a row where this type of poll has been intensively publicized during various elections and public consultations, members of the CNA finally found that the provisions of the Audiovisual Code are insufficient and need to be changed.

A bitter conclusion

Looking back, the Cyanide Referendum leads to a bitter conclusion, especially for the press. The referendum would not have existed if RMGC did not know that it had control over the media. Of course, the company and its political supporters wanted a favorable outcome. And they did everything that depended on them, far exceeding the limits of legality and good sense to get it. But I do not think they expected a result that would be genuinely favorable (unless they came to believe in their own lies about local support). Probably, however, they did not expect such a disastrous score either, considering that the outcome was anyway vicious.

² <http://voxpublica.realitatea.net/politica-societate/conflict-de-inteligenta-la-cna-rmgcna-dubla-masura-a-unei-gandiri-perverse-89816.html>

The company and its political supporters, however, launched in this adventure knowing one thing: in fact, the result DOES NOT COUNT. The only thing that counted was the result to be reported. And they relied on most of the press to take over and report only what would be supplied to them; as was the case after all. Without the support of the media, I don't hesitate to say that neither the company nor its supporters would have had the courage to organize the referendum.

With the help of most of the press, the company has achieved its goal: to report a victory at the Cyanide Referendum (despite the real failure). But this does not mean it also achieved the expected results. As I have already shown, the international press has rightly appreciated the significance of the Apuseni vote. Despite the company's triumphal releases, the stock exchange could not be fooled: less than a week after the vote, Gabriel Resources' listings fell below the values before the referendum was announced, thus losing more than they had managed to grow in a month. "

Cluj-Napoca, Romania

28 October 2018

Name: Mihai Goțiu

Signature

A handwritten signature in blue ink, appearing to read 'Mihai', with a stylized flourish at the end.

END