

From Silence to Strength: A Regional Response to SLAPPs in the Western Balkans

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Country Report for Serbia
Authors: Kruna Savović, Uroš Jovanović
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SLAPP Regional Research

Country Brief Serbia

Background and Legal Context

In Serbia, there is no anti-SLAPP legislation, however, the domestic legal system recognizes the institution of the prohibition of abuse of procedural powers: Article 9 of the Law on Civil Procedure prescribes that the parties are obliged to conscientiously use the rights recognized by that law; paragraph two of the same article prescribes the obligation of the court to prevent and punish any abuse of the rights of the parties in the proceedings; Article 14, paragraph 1 of the Code of Criminal Procedure stipulates that the court is obliged to conduct criminal proceedings without delay and to prevent any abuse of rights aimed at delaying the proceedings. Also, Article 13, paragraph 1 of the Law on Obligations prohibits the abuse of rights by providing that it is prohibited to exercise rights from contractual relationships contrary to the purpose for which is that established or recognized by law.

The anti-abuse of procedural powers institute could potentially help in SLAPP proceedings, bearing in mind that SLAPP proceedings involve the abuse of procedural powers, however, the abuse that the existing institute protects against refers to actions that prolong the proceedings from the very beginning, and not before they start, which would be necessary in SLAPP cases. Therefore, the existing institute can help to detect the abuse that is being committed, but not to connect this abuse with the reason for which it was being committed, which is to burden, intimidate, punish or upset the defendant for speaking publicly about the plaintiff.

SLAPP proceedings, even though they are predominantly litigious (they are conducted due to violation of personal dignity, violation of the business reputation of a legal entity, etc.), do not necessarily have to be litigious. Through practice, it has been shown that they can be conducted as criminal proceedings, initiated with the aim of protecting personal data, initiated due to damage to business reputation and creditworthiness, and the like. In addition to proceedings conducted before courts of general jurisdiction, proceedings with a SLAPP character can also be conducted before courts of special jurisdiction, such as misdemeanour and commercial courts. Also, practice has shown that in addition to initiated proceedings - civil and criminal, initiated before courts of general and special jurisdiction - the group of SLAPP cases can also include threats of lawsuits.

Bearing in mind the fact that it is a phenomenon that is not regulated by law, and that the courts do not identify procedures according to that criterion - the reliable number of SLAPP lawsuits in Serbia is not known. In the [annual report](#) of the European Commission on Serbia for 2023, in the part related to freedom of expression, it is stated that there has been an increase in the number of lawsuits that have a SLAPP character and are directed at journalists and media in Serbia. It was stated that such lawsuits are especially filed by members of national and local bodies, that they can produce a deterrent effect, including self-censorship, and that through them pressure is exerted on both the financial and personnel capacities of the media. During 2023, there was a significant, and troubling, increase in SLAPP lawsuits filed against human rights defenders. As stated in the report, proceedings were most often initiated by members of national and local authorities.

In August 2023, the network of organizations united in the fight against SLAPP lawsuits in Europe - the CASE coalition (Coalition Against SLAPPs in Europe) published a report with updated data on the number of procedures that have a SLAPP character. Serbia is in tenth place on that list, with a total of

28 registered cases. It is important to emphasize that based on the available data, it can be concluded that the number of such lawsuits in Serbia is significantly higher.¹ According to the data from the given report, in the period from March to May 2021, only the company Millennium team d.o.o., engaged in some of the most valuable construction jobs in Serbia for years, submitted a total of 34 lawsuits to the High Court in Belgrade (competent for media disputes) - 27 lawsuits were directed against the media, journalists and editors, while the rest were filed against political parties and politicians who referred to that company in public addresses. Filing of a large number of lawsuits by Millennium team d.o.o. the report assessed it as "an event very reminiscent of strategic lawsuits against public participation".

The concern over the increase in the number of strategic lawsuits against public participation was also noted in the [report](#) of the Council of Europe Commissioner for Human Rights, Dunja Mijatović, who, in the report drawn up on the occasion of her visit to Serbia in mid-March 2023, cited information from the Independent Journalists' Association of Serbia (NUNS) that in 2021 and in 2022, at least 40 lawsuits that can be characterized as SLAPPs were filed. The report also recorded [a strong criticism](#) of the European Federation of Journalists (EFJ) due to the fact that the KRIK portal - internationally known for its notable investigative reporting on organized crime, corruption and other forms of abuse of power in Serbia - is facing 12 lawsuits submitted by public officials and businessmen. Also, the first-instance [court verdict](#) rendered in favor of the police officers mentioned by the KRIK journalists in the text in which they dealt with all the SLAPP lawsuits filed against their portal was apostrophized.

The report also recorded two proceedings against the investigative portal Balkan Investigative Reporting Network (BIRN), due to reporting on real estate in the country and abroad owned by the then current mayor of the City of Belgrade, Aleksandar Šapić. The report also included cases of activists and citizens who publicly criticized the policy of the Government of the Republic of Serbia and the behaviour of civil servants. In this regard, 37 civil and criminal proceedings were brought by the director of the hospital in Novi Pazar against activists, citizens, doctors and even patients who spoke about his actions during the COVID-19 epidemic, demanding that he resign.

Due to the complexity involved in the review of SLAPP lawsuits - both because the SLAPP lawsuit does not have a specific legal regulation applied to it, and because of the lack of such legislation, it is impossible to determine the exact number of SLAPP lawsuits - below (these) analysis, several case studies will be presented. The goal is to shed light on the mechanisms on which these lawsuits are based - first, to enable their easier recognition in practice, and then to influence awareness of how important the adoption of SLAPP legislation is in Serbia.

¹ As part of the second regular annual report on the protection of freedom of expression in the judicial system of Serbia *Freedom of Expression Before the Court* (the report was realized by the Slavko Ćuruvija Foundation and the Center for Judicial Research), the author Ana Zdravković published the text "SLAPP lawsuits - strategic lawsuits against public participation", which testifies to that.

Strategies and Tactics Employed in SLAPP Cases

Several strategies employed by SLAPP plaintiffs were observed through an in-depth analysis of court documents and media captions, as well as through interviews conducted with media law experts and activists who have faced SLAPP lawsuits.

There have been strategies that are applied before the filing of the lawsuit itself. The most significant of these are initial threats through the provision of **warnings**. By warning a certain subject to stop an activity that is the subject of a potential future dispute, the plaintiff wants to dissuade it from continuing work on the case itself. Warnings are followed by **complete ignoring** of the subject. In the case of the SLAPP lawsuits filed against the KRIK portal, the plaintiff refused to talk to the journalists of this portal before the actual publication of the text, which will be disputed before the court later. In addition, the subjects are exposed not only by denying the presented facts, but also by targeting and smear campaign of the future plaintiff.

It has been observed that plaintiff's resort to filing **multiple lawsuits in a very short period**. Lawsuits are filed either in waves or all at once. In the specific case KRIK is faced with, lawsuits arrived in waves, with an interval of several days, under the well-founded suspicion of abuse of the legislative framework to exhaust the defendant.

High fees are also one of the strategies used by plaintiffs. Doubt that the requested compensation is not really based on well-founded facts was shown by the case of the SLAPP lawsuit against the JugPress portal when the plaintiff reduced the claim to a "symbolic 100 euros" so that his lawsuit would not be considered a SLAPP.

Plaintiffs often compound the effects of the SLAPP lawsuit itself by deliberately **prolonging court proceedings**. The legislation that regulates court procedures leaves enough space and tools for plaintiffs that can be used to prolong the trial, which further increases the sense of pressure and fear in the defendant. For example, plaintiffs may seek to disqualify judges on charges of impartiality or decide not to appear at trials, which exhausts defendants. In addition to prolonging court proceedings, it was noted that plaintiffs use the possibility to temporarily suspend court proceedings. This temporary suspension of the absence of specific procedures in the court proceedings itself puts additional pressure on the subject being sued.

When it comes to those affected by SLAPP lawsuits, several strategies have been observed that they have used. From the very beginning, those affected had a lawyer, with whom they had regular meetings. Activist Dragana Arsić, who has been affected by SLAPP lawsuits, noted in an interview for this research that she was lucky that her lawyer handled the cases very well. This is often not the case because, according to her, the regulations in the field of environmental protection are often unknown to lawyers. On the other hand, there were activists who did not immediately hire a lawyer, so they tried to handle the cases themselves. This was the case with the court proceedings that were conducted against the activist Aladin Paućinac, who pointed out that they were taken aback by the lawsuits, that he and others who were affected by the lawsuits did not know what it was about, so their initial strategy was to respond to the summons of the court and to try to face the new situation on their own.

Another important strategy applied by those affected by the lawsuits was seeking the support of colleagues from civil society. The interviewed actors pointed out that the support of civil society organizations and the media was one of the most significant forms of help they received. That kind of help was not only psychological through public expressions of support or attendance at hearings, but

also providing legal advice, connecting them with lawyers who would handle their cases, anything that made them feel that they were not alone.

Those affected by SLAPP lawsuits have not given up their regular and other activities that got them sued in the first place. Activists continued their work in the public interest by reporting to the public about it through social networks and connecting further with colleagues from civil society organizations. The KRIK portal stated in an interview for this research that they continued with their regular activities to show that SLAPP lawsuits do not have the desired effect on them.

Case Studies

Lawsuits that Nenad Popović, then a minister in the Government of the Republic of Serbia, initiated against the editor-in-chief of the research portal KRIK, the journalist of that portal, as well as the publisher of the KRIK portal

In November 2017, with the text "[Serbian Citizens in Paradise Papers](#)", research portal KRIK announced a new research story, created within the "Paradise Papers" project in which 96 media from 67 countries participated. The project was led by the international world-renowned journalist organization ICIJ and the German newspaper Süddeutsche Zeitung, and in addition to the research portal KRIK, [OCCRP](#), [BBC](#), [Guardian](#), [Le Monde](#), [The New York Times](#) and others participated in the project. The project was created after "leaked" documents from the "Appleby" agency, which deals with the establishment of offshore companies. The authenticity of the documents that appeared in the public, it is noted, was never disputed, not even by the "Appleby" agency itself. All investigative stories produced within the project were published in the same week.

Journalists from the editorial office of the KRIK portal had access to documentation concerning Serbian citizens. In that documentation, the name of the then current Minister without portfolio in charge of innovation and development in the Government of the Republic of Serbia, Nenad Popović, was found. In the text "[Serbian Citizens in the Paradise Papers](#)" it was explained why and how some people from Serbia found themselves in the "Paradise Papers", and then a story was announced in which the topic will be the activities of Minister Popović, which caused his name to be found in the mentioned documentation.

On the same day that the KRIK portal announced the topic of the investigative story, a statement was published on the website of the party whose president was Minister Popović, denying the news that Minister Popović owns companies in offshore zones, and demanding that journalists submit evidence to dispute Minister Popović's claim.

After that announcement, the portal reacted by publishing the article "[Incorrect that Popović has no offshore companies](#)", in which they stated the facts that the plaintiff denied, but also pointed to those that he did not dispute. Journalists pointed out that the information that Popović does not own companies in offshore zones is not correct, which is proven by the documentation they have. The journalists also informed the public that they have been trying to interview Minister Popović for more than a month, and that, because they were unable to establish contact with him, the questions they would have asked him verbally were forwarded to him by email, but from Minister Popović they never got an answer.

The next day, Minister Popović published a new statement in which it was said that the KRIK portal denied its claims. At the end of the announcement, Popović announced that he would sue the journalists "because of the lies that KRIK talks about him".

The announced research text "[Popović 'high-risk' for an offshore agency](#)" was published the next day on the KRIK portal. Appearing on Radio Television of Serbia, Popović marked the text as a political attack on him personally, but also on the President of the Republic of Serbia, Aleksandar Vučić, and on the Government of the Republic of Serbia. And that time he denied the information presented, repeating that he would file a lawsuit against the journalist.

KRIK portal journalists responded to Minister Popović with the text "['Paradise Papers' is not an attack on Popović, but an international project](#)". They repeated the key information they found in their research, emphasizing that their research story in no way represents political pressure on Popović, as he characterized it.

Almost two months after the last published text, Popović filed four lawsuits - one for each text - with the High Court in Belgrade, competent for judging media disputes. He submitted all four lawsuits within a period of seven days. As media disputes are urgent, the response to the lawsuit should have been filed within 8 days of receiving the lawsuit. In each of the lawsuits, the plaintiff requested an amount of 1 million dinars.

In the lawsuits, Popović claimed that numerous false information was published about him, which caused his honour and reputation to be damaged. The journalists, on the other hand, pointed out that they published all the data based on the relevant documentation obtained as part of one of the world's largest journalistic projects ("Paradise Papers"), as well as that after reviewing the documentation, they performed all the necessary checks (collected documents from the Serbian, Cypriot and of the Russian business register, as well as documentation from the British Virgin Islands and from Switzerland)² and contacted all the persons mentioned in the research. Although they tried several times to get in touch with Popović, he did not answer their calls and messages. It was only after they prepared their research story with due journalistic attention that it ended up on their portal.

For the court to consider the subjective circumstances significant for determining the existence and then the duration and intensity of mental pain, which indicate that honour, reputation and personal rights have been violated, it was necessary for the plaintiff to testify in all four court proceedings. Only based on those statements, the court is able to award the plaintiff fair compensation for damages, if it determines that he suffered the same.³ In all four court proceedings together, the court called the plaintiff to testify more than ten times. In one court proceeding, Minister Popović did not respond to the summons of the court as many as six times. He justified his absences by going on a business trip to Russia and Belarus, meetings with foreign government officials, an urgent meeting with the Government of the Republic of Serbia, and others. Excuses for absence were provided at the hearing, and sometimes there were no excuses.

During the proceedings, Minister Popović twice requested the dismissal of one of the judges, referring to her lack of impartiality. As evidence for the lack of impartiality, it was stated that the judge gave a statement to the KRIK portal about the court proceedings in question. Journalists of the KRIK portal denied that information.⁴ In addition to the dismissal of the judge, the plaintiff also demanded the dismissal of the deputy president of the court.⁵ All requests of Minister Popović were rejected.

In the second half of December 2018, the plaintiff submitted a request to terminate all four proceedings, so that their conduct would not be interpreted as pressure on the media. In all procedures, the request was the same. He requested that the proceedings be suspended while the plaintiff performs his ministerial function.⁶

In mid-2019, the plaintiff submitted requests to the court to withdraw all four lawsuits. The Civil Procedure Law provides that the plaintiff may withdraw the complaint without the consent of the defendant before the defendant begins to discuss the main case. The lawsuit can be withdrawn later, until the conclusion of the proceedings (which was the case here), only if the defendant gives his

² <https://www.krik.rs/jedno-od-sudjenja-krik-u-po-tuzbi-ministra-popovica-zavrsono-ceka-se-presuda/>

³ Law on Obligations, article 200.

⁴ <https://www.krik.rs/popovic-trazi-izuzece-sudije-koja-ga-je-upozorila-zbog-nedolazaka-na-sudenje/>

⁵ <https://www.krik.rs/odbijen-popovicev-zahtev-za-izuzece-zamenika-predsednika-suda/>

⁶ <https://srpskanarodnpartija.rs/popovic-zatrrazio-sam-prekid-svih-sudskih-postupaka-protiv-krik-a/>

consent. A withdrawn lawsuit has the status of a lawsuit that has not been filed and can be filed again.⁷ The defendants were informed about the circumstances that the plaintiff wants to withdraw the lawsuits at the hearing itself, at which the plaintiff was called to testify six times. The plaintiff did not appear in court that time either. After the plaintiff's proposal was presented to them, the defendants did not agree to the withdrawal of the lawsuits. They insisted that the judge listen to the editor-in-chief of KRIK, to waive the hearing of the plaintiff, bearing in mind that he persistently did not respond to the calls, and that, in accordance with the evidence that had been submitted up to that point, conclude the hearing and pass the appropriate court decision.

Not long after the conclusion of the hearing in the court case conducted over the text "'Paradise Papers' is not an attack on Popović, but an international project", the plaintiff sent letters to the High Court in Belgrade in which he stated that he waived the claim in the remaining three court cases.

The analysis of the specific case (Minister Popović vs. the journalist of the KRIK newsroom) is representative, bearing in mind that the SLAPP mechanism can be seen in several of its crucial segments.

The plaintiff initially threatens the journalists with filing lawsuits because of the published texts. Threats, most likely, have the character of a warning with a more far-reaching effect. They represent a warning that the topics and the way in which specific journalists deal with them are not acceptable, neither when it comes to them, nor when it comes to other journalists engaged in investigative journalism.

The defendant party is bombarded with lawsuits. Lawsuits arrive in waves, one after the other, in a very short period. In the specific case, four lawsuits were filed for four texts, and all four were filed within seven days. The deadline for responding to the lawsuit is eight days, which seems like a calculated move to put the defendant under the pressure of an extremely short deadline to submit its response (to the lawsuit).

The claim is high. Each lawsuit demanded one million dinars, approximately 8.500 euros. Due to the high amount of the claim, the case was noted in the Freedom House report as an example of a procedure in which Serbian politicians, even after the decriminalization of defamation, continue to file civil lawsuits demanding extremely high compensation.

During the proceedings, the plaintiff does not respond to the court's invitations to testify, which results in the prolongation of the proceedings. The same role was played by the plaintiff's request for the exemption of the acting judge and the president of the court. Such action leads to the conclusion that it is an abuse of procedural powers. By his actions, the plaintiff was usurping the defendants' time (which they would have dedicated to performing their own work) and their financial capacities.

Discontinuation of the proceedings means that the proceedings are still "active", even though they do not last for a certain period of time because they have not been legally terminated (with the termination of the proceedings, all deadlines set for the performance of litigation actions cease to run; litigation actions taken by one party while the suspension of the proceedings lasts have no legal effect towards the other party, and the effect begins only when the procedure is continued). In this way, even when the proceedings are terminated, they put pressure on the editorial office (it should be noted that in one case the court made [a decision](#) to terminate the proceedings, while in the other three cases the request of the plaintiff was not accepted).

⁷ Law on Civil Proceedings, article 202.

Lawsuits filed by the Millennium team against JUGPress

The company "Millennium Team" has been involved in some of the most valuable construction jobs in Serbia for years, including one of the most famous projects in Serbia, the "Belgrade Waterfront" project.⁸ While working on an investigative story, the journalists of the KRIK portal received information that the "Millennium Team" company, which during 2021, through cooperation with public companies, independently or in a consortium with other companies, was engaged in projects whose total value was about 12 million euros. The owners of the business company "Millennium Team", the journalists of the KRIK portal discovered, are close to Siniša Mali, former Mayor of the City of Belgrade and Minister of Finance in the Government of the Republic of Serbia (Mali took up this position in 2018), and his brother, through his company, received a car and an apartment.⁹

"Millennium Team" saw the reason for filing the lawsuits in the statements of opposition politicians given at the press conferences held at the beginning of 2021 in Vranjska Banja and Leskovac, but also in the media coverage of them. Opposition politicians linked the company "Millennium Team" with corrupt activities and illegal actions in Vranjska Banja and the surroundings of Leskovac. According to publicly available reports, the company "Millennium Team" submitted 34 lawsuits to the High Court in Belgrade. Out of the total number of lawsuits, 27 were filed due to media coverage. According to the media, the largest number of lawsuits, as many as 12, were filed against "United Media Group" (N1, Nova S), 6 against the "Direktno digital news" business company (Direktno.rs portal), three against the publisher of the daily newspaper Danas, according to two lawsuits against Adria news d.o.o. Belgrade" and "Center for Democracy and Development of Southern Serbia Leskovac", publisher of the news agency "Jugpres", and one lawsuit each against "Center for Public Advocacy of Democracy Vranje" and "Team for Development of Integration Vranje".¹⁰

The first legally concluded proceedings against the "Millennium Team" lawsuit was the one conducted against the publisher and editor-in-chief of the "JUGpress" media. In the text "Jeremić: The top of the regime through the 'Millennium Team' kidnaps Vranjska Banja", without expressing value judgments and personal comments, the statements made by the politicians at the press conference were transmitted. The plaintiff, it is pointed out, never asked for the publication of a denial. Also, apart from that lawsuit, the owners of "Millennium Team" filed another lawsuit against the defendants, and because of the text "Jeremić: War on Corruption", in their own name. The reason for filing the lawsuit was the alleged injury to the plaintiff's business reputation. The lawsuit demanded the following: that the plaintiffs be compensated for material damage in the amount of 100.000 euros, that the text be removed from the website, that the judgement be published on the website, that the defendants be prohibited from republishing the information. During the course of the proceedings, the claim was reduced to 100 euros. They reduced the amount, they said, so the lawsuit wouldn't be construed as a SLAPP. The company, they said, "at no time had so-called SLAPP lawsuits in mind."¹¹ The court rejected the claims as unfounded. The plaintiff (the company "Millennium Team") filed an appeal, but the Court of Appeal in Belgrade confirmed the first-instance verdict of the High Court, which rejected the claim of the company "Millennium Team".

⁸ Article „[Corruptive connections: „Millennium team“ transered an Audi and an apartment to the brother of Siniša Mali](#)“, authors Dragana Pećo and Pavle Petrović, published on the KRIK portal on 22 July 2019.

⁹ Article “[The State gives Millenium team jobs worth almost 12 million euros last year](#)“, author Jelena Radivojević, published on the KRIK portal on 5 March 2022.

¹⁰ Article „[Proceedings for 29 lawsuits of Millenium team against media have not began after a year](#)“, author Ivana Predić, source: Cenzolovka, published on NUNS portal on 22 March 2022.

¹¹ Article “[Millenium team: Claims from media lowered to „symbolic 100 euros](#)“, published on N1.

In this case, and in relation to the mechanism's characteristic of a SLAPP lawsuit, it is important to note the following. The first claim amounted to 100.000 euros. The amount, one can reasonably assume, is high enough to fulfill the role that a SLAPP lawsuit is supposed to play: to stop journalists (not just those newsrooms) from doing their jobs - from reporting information about matters in which the public has a legitimate interest to be notified. Since the plaintiff did not ask for the publication of the denial, it can be assumed that there was no information that he wanted them to deny, because if the information existed, the conclusion is imposed, the denial would have been given and then published. Also, only after the claim in the amount of 100.000 euros had fulfilled its role, the plaintiff decided to reduce the amount to 100 euros. The question arises why the amount of the claim was so drastically reduced. How is the damage suffered assessed if it can be compensated with such a smaller amount? So, is it about compensation at all, or is it rather about intimidation, characteristic of lawsuits with a SLAPP character?

Lawsuits filed against Dragana Arsić, Novi Sad activist from the Movement "Defend the Forests of Fruška Gora" due to protest activities in the "All for Forests - Forests for All" walk

Dragana Arsić is an activist from Novi Sad, a legal representative of the "Forest Protection Association" and the founder of the ecological movement "Let's Defend the Forests of Fruška Gora". The movement aims to protect nature on Fruška Gora. Noticing several different irregularities in that area, Dragana Arsić and other activists repeatedly addressed the competent institutions. They submitted applications, demanding professional supervision and suspension of further work on Fruška Gora. Due to these works, several hectares of the National Park were fenced off.¹² One of the irregularities that caused the activists to react was the blocking of natural corridors used by both people and animals. A barbed wire fence blocking movement is located at the border of the National Park and crosses the old hiking trail.

About 40 people participated in the protest walk that was organized. The walk "All for Forests - Forest for all" started in front of the Rakovac monastery, and continued towards the Kesten hill, along the National Park. Moving along the 10km-long fence, the participants noticed holes that indicated they had been made by animals trying to dig their way out. One of the activists took a grinder and cut the wire in several places. After that, Dragana Arsić and one of the activists lowered the wire with their hands, trying to make a passage in the fence. The reason for their action was clear: to free the passage for people and animals and send an unequivocal message that there is a problem with the fencing of plots in the National Park.

Moving along the forest road, the activists came to the spring "Neven", where there is a traditional fountain. Because of the fence, the animals could not get to the watering hole. Dragana Arsić said that they should remove the metal anchors, and by the action of one of the activists, the wire was cut in that place as well. Dragana Arsić's conclusion was that what had been done so far was a clear and sufficient message. Continuing his walk, the activist cut the lock with a grinder and opened the gate. A little further, the protestors came across hills of earth created as part of the construction works. Accumulated earth made it impossible for them to continue their movement along the forest path through the National Park, so they continued their journey along the border, thus entering the plot of land on which a permit was issued for the performance of preparatory construction works. In the end, the protestors returned to the concrete road.

¹² Article „[For whose account are hectares and hectares of Fruška Gora National Park fenced](#)“, authored by Slađana Gluščević and Dinko Gruhonjić, published on VOICE on 3 June 2020.

The protest was covered by the media. During the walk, Dragana Arsić gave an interview to a cable television channel. In the interview, she explained why the activists cut the fence and why they found themselves on the private property of the person who will sue them for it. The protest walk and the action of cutting the fence, as it was said, were not directed against the plaintiff and her family. The goal was to direct the public's attention to the fact that the yellow hiking trail is cut by a fence that prevents passage through the National Park. Part of the interview and reportage were broadcast in the evening time on the news of television "N1".

In addition to that television channel, one of the activists broadcast the protest march on the movement's website, so the plaintiff was aware of the action during its duration, considering that she followed it live.

The place where the fence was cut for the first time is on the Rakovac plot (Fruška gora National Park). At the time of the protest, the Diocese of Sremska had the right of ownership on that plot, while a certain Sanja Petrić had the right to use it. Sanja Petrić, the "Vojvodina Research and Analytical Portal (VOICE)" writes about it in 2020, is the wife of businessman Nebojsa Petrić and one of the real owners of the company "Galens Invest". In her name, she bought 205 plots on Fruška Gora and its slopes, and one plot in Bajina Bašta. In addition to the above, two construction plots in Novi Sad are registered in her name.¹³

At the beginning of October 2021, the Municipality of Beočin issued a decision granting Sanja Petrić a building permit for the execution of preparatory works for the construction of a tourist and hospitality facility. Four days later, the protest walk in question was organized.

Sanja Petrić filed a lawsuit against Dragana Arsić and three other activists for (alleged) property interference, claiming that the defendants entered her property without authorization and "continued their protest activities". The lawsuit demanded a ban on any further harassment of the ownership of the plaintiff, under the threat of fines. The procedure was legally ended by rejecting the claim as unfounded.

Sanja Petrić sued Dragana Arsić for the alleged violation of dignity (honour and reputation), personal rights (property rights) and for the fear suffered. In the lawsuit, she claimed, among other things, that the defendant caused her damage by organizing a protest walk and undertaking certain activities (illegally occupying land, cutting a wire fence and padlock, creating a passageway into private property). Also, the plaintiff stated that the defendant invited television crews to the event she organized and gave them statements in which she spread false information about her, created a false image of her, attacked her personality, directly endangering her security... With the lawsuit, she requested compensation for non-material damages in the total amount of 800.000 dinars. By a legally binding court decision, the claim was rejected as unfounded.

On the above grounds, apart from Sanja Petrić, the plaintiff's husband also filed a lawsuit against Dragana Arsić, demanding the same amount of compensation for non-material damages. And this proceeding was legally ended by the court partially accepting the claim and obliging the defendant to compensate the plaintiff for non-material damages due to the mental pain suffered due to the violation of honour.

Sanja Petrić also filed a lawsuit against Dragana Arsić and the activist who cut the wire fence and padlock for compensation for material damage. With the lawsuit, she demanded the amount of 22.456,97 dinars. The court rejected such claim as groundless.

¹³ Article „[Owner of the Galens company Sanja Petric purchased 205 plots on Fruska Gora](#)“, authored by Slađana Gluščević and Miloš Katić, published on VOICE on 12 July 2020.

The plaintiff also filed a lawsuit against Dragana Arsić for the criminal offense of damage to business reputation and creditworthiness. The lawsuit requested the imposition of a prison sentence of one year.¹⁴ Later, the plaintiff withdrew the lawsuit.

It is particularly noteworthy that all lawsuits were filed on the same day.

During the proceedings, the defendant pointed out that Mr. and Mrs. Petrić, extremely powerful and influential people who run large companies, filed four civil and one private criminal lawsuit against her, with the aim of putting pressure on them in order not to silence them, intimidate them, exhaust them financially and ultimately deter them from further activities and criticism of their work. Bearing in mind the above, the defendant assessed the submitted lawsuits as SLAPP, which is why she proposed to the court to dismiss them. She instructed the court that the preparation of the text of the European Union Directive¹⁵ is in progress, which will ensure the protection of vulnerable individuals, in such a way that the courts will be obliged to reject such lawsuits so that the "public word" and persons who are whistleblowers, defenders of human rights, activists, members of the non-governmental sector and the like were protected.

The allegation that these are SLAPP lawsuits was viewed negatively by the court. However, what is important about this case, and what makes it relevant to the case study, is that the court protected the public interest. When we talk about lawsuits that have a SLAPP character, we are talking about lawsuits in which the defendant is "flooded", intimidated, intimidated by the amount of the claim... so that he is prevented from informing about things about which the public has a legitimate interest to be informed. In this regard, the words of the court from the judgments in the proceedings for interference with property and the proceedings for the compensation of non-material damage according to the lawsuit of Sanja Petrić are cited:

In the specific case, the purpose of the act and the intentions of the defendants were unequivocally established as sending a message and drawing the attention of the public, while the defendants took into account the scope of their actions in the sense that, as can be seen from the video recorded by the court in the presence of the litigants, were careful not to cause great damage to the plaintiff, but directed their actions only towards freeing the passage for people and animals. In this sense, their actions, according to the opinion of this court, certainly fall within the scope of protection of Article 10 of the European Convention and Article 46 of the Constitution of the Republic of Serbia. [...] Given that the defendants indicated to the public that traditional, marked, hiking trails are closed to pass through, that the National Park is fenced, which is why it is inaccessible to both people and animals in one part, the court finds that the defendants are dealt with a topic of general interest to the public, because from the provisions that regulate the mentioned area, it follows that the National Park is available for passing through and staying for everyone, while respecting the rules about not endangering nature. The fact that dozens of participants took part in the protest walk, that the protest was covered by the media, that the reportage about it was in the evening news of a television channel only confirms the court's conclusion. And on the basis of all the actions of the defendants, they enjoy the protection of Article 10 of the European Convention on Human Rights, and therefore Article 46 of the Constitution of the Republic of Serbia. The court took into account that due to the actions of the defendants, the property of the plaintiff did not suffer significant damage, was not threatened or damaged on a large scale, but by a single act of partial dismantling of the fence and passing through plots in the state of the plaintiff.

¹⁴ Article „[Petrić's withdrawing from criminal lawsuit against activist Arsić: They do not ask for prison, only money](#)“, authored by Draga Prica Kovačević, published on Radio021 on 13 December 2022.

¹⁵ At the moment of this report's writing, the European Parliament passed the Anti-SLAPP Directive.

Lawsuits filed against Aladin Paučinac, activist from Novi Pazar

In July 2020, prompted by a lack of transparency and the increase in infection and mortality rates from COVID-19, as well as reports of a shortage of protective equipment and deteriorating conditions at the city's health facilities, a group of citizens started gathering daily in front of the General Hospital in Novi Pazar, demanding the resignations of the acting director, Meho Mahmutović, and his closest associates. These protests continued for over a hundred days. Additionally, several dozen specialists employed by the hospital signed a petition asking the Ministry of Health to remove Mahmutović from his position, citing poor handling of the pandemic.

While authorities refused to divulge the true extent of the health crisis, social media became flooded with posts from disgruntled citizens, who created Facebook groups where they discussed the hospital administration. The exact number of casualties remains unknown to this day, but [research](#) has since shown that, at the time, Novi Pazar was the biggest COVID-19 hotspot in Europe. As of July 1, 2020, Novi Pazar had a 300% higher mortality rate compared to the previous year, a rate almost ten times higher than the rest of Serbia.

In response to the swell of public criticism against him, the director of the General Hospital in Novi Pazar, Meho Mahmutović, has filed a total of 37 private civil and criminal lawsuits against activists, citizens, fellow doctors and even one patient who spoke out against his handling of the COVID-19 epidemic and demanded his dismissal.

Aladin Paučinac led protests against health authorities in Novi Pazar and he received 9 defamation lawsuits from Mahmutović. Some were civil, while some were private criminal procedures, due to comments he has made on social media and at protests, all of them criticizing Mahmutović's handling of the health crisis in the city at the height of the pandemic in 2020.

The General Court in Novi Pazar delivered a verdict partially accepting the plaintiff's request for a claim in non-material damages in one of the cases. It was stated that the plaintiff filed a lawsuit in which it was stated that Paučinac posted a comment on Facebook on Mehmedović, containing lies and insulting statements, inflicting insults to his honour and reputation. These statements were public, as was stated, as they were posted publicly on social networks available to the public, and since the statements were incorrect and insulting, the plaintiff suffered non-material damages, since his honour and reputation were injured.

Paučinac on the other hand rejected all allegations. He did not reject the fact that he posted the statements via his social network profile on Facebook but stated that these activities were not directed to the personality of the plaintiff, but criticism of acting leadership of the hospital in Novi Pazar during the COVID-19 pandemic. He further stated that he was a founder of the Free Citizens Initiative that deals with human rights protection and that he was always criticizing development in the city which were inappropriate. He does not reject that the words he used were not appropriate for the circumstances, but he stated that he was revolted because of the situation in the hospital. He further noted that the plaintiff was engaged in a political campaign since elections were called at that time. He said that the criticism was directed to him not as a regular person, but as a public official and leader of a hospital since he was unsatisfied with his handling of the crisis. He added that he did not act as a regular person but as an activist of his organization, and since his reactions, the situation in the hospital improved as reported by various media. He rejected the lawsuits stating that it was in the interest of the public to be informed about irregularities in the work of the hospital which was led by the plaintiff.

The case of Paučinac is specific since he was also exposed to private criminal charges for the criminal offense of "unauthorized publication and display of other people's files, portraits and videos", for which he was acquitted by the verdict of the Basic Court in Novi Pazar from April 11, 2023, and the latest one, for "insult in extended duration", for which he was sentenced to a fine in the amount of 250.000 dinars (approx. 2.130 euros), including a court lump sum of 15.000 dinars, reimbursement of expenses related to the court fee for the applicant of private lawsuits in the amount of 3.920 dinars and compensation for the costs of criminal proceedings in the name of hiring an attorney in the amount of 475.200 dinars (approx. 4.000 euros). The High Court in Novi Pazar later reduced the amount of the fine for the criminal offense to 150.000 dinars (approx. 1.280 euros).

The defence filed an appeal against this verdict, referring to the argument of an attempt to "influence" the director of the hospital and call him to account for a failure in his work, denying the findings in the verdict that Paučinac's intention was to disparage the plaintiff. The court rejected the appeal, confirming the findings from the verdict that Paučinac sent insulting words to Mahmutović with the aim of disparaging him, humiliating his personal dignity, and hurting his honour and reputation. The court states that Paučinac uttered the insults in a state of sanity, aware of his actions and through the social network Facebook, which is "a tool similar to the media of the press, radio or television".

Impact on Public Participation

SLAPP lawsuits limit public participation and significantly limit work in the public interest.

Representatives from the Crime and Corruption Research Network (KRIK) stated that SLAPP lawsuits are financially draining to those affected and produce a great deal of stress and lost time consumed. More broadly, SLAPP lawsuits have the effect of **reducing productivity**, as those affected are forced to devote themselves to preparing defences instead conducting their regular activities. Additionally, SLAPP lawsuits have far-reaching dangerous consequences as they affect the emergence of self-censorship, suppression of activism, and social organization. KRIK representatives stated that activists are wondering if something is worth publishing if it will potentially lead to a lawsuit and thus, SLAPP lawsuits block the work of civil society organizations. Especially affected are smaller organizations, whose budgets are smaller, and which are based at the local and regional level.

SLAPP lawsuits also affect the very community in which activists and civil society organizations operate and produce additional negative consequences for themselves.

According to activist Aladin Paučinac, the news about the lawsuits spread quickly in his local community, whose members were sceptical about the outcome of the court proceedings. This created additional pressure on all those affected.

The impact produced by SLAPP lawsuits in the form of pressure, stress and anxiety was also highlighted by activist Dragana Arsić, who stated that she felt relief as the support of other activists and organizations arrived. However, Arsić also highlighted the positive examples that were present in the activist community and the change she saw after being faced with SLAPP lawsuits.

Namely, SLAPP lawsuits and court proceedings produced practice and activists gained invaluable experience that was of importance to all those who had just received or were under the threat of receiving SLAPP lawsuits. On the example of Arsić, activists from Bosnia and Herzegovina asked for help in the form of advice on how to deal with the lawsuits received after their fight against the construction of hydroelectric plants that would significantly damage the environment in the locations where they were built. Arsić stated that her cases and those of other activists led to the exchange of information and experiences, as well as the networking of those working in the public interest.

Conclusions and Recommendations

Although the lawsuits were not recognized as SLAPP, the fact that the protection of the public interest was in focus - indicates that the need for SLAPP legislation exists. If such legislation existed, the public interest, when it is already in focus, would be protected much more effectively.

1. Continuous exchange of information between journalists, activists and other persons affected by SLAPP lawsuits.
2. Education of judges regarding the recognition of the SLAPP phenomenon.
3. Unification of court practice in procedures that have a SLAPP character.
4. Encouraging professional associations to provide legal assistance to persons affected by SLAPP lawsuits.
5. Amendments to the legislation to solve the occurrence of SLAPP proceedings, taking care that the right to access the court is not endangered, as well as that there is no possible abuse of rights by the defendants.