



This analysis „SLAPPs against media in Bosnia and Herzegovina: analysis of selected examples“ is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of BH Journalists Association and do not necessarily reflect the views of USAID or the United States Government.

## **SLAPPs against media in Bosnia and Herzegovina: analysis of selected examples**

### **Executive Summary**

This analysis has been produced based on the request of the BH Journalist Association to examine whether five defamation cases against media in BiH are SLAPPs. These five cases are: 1) *“Flek d.o.o. Tuzla” v „Raport Media Group“ (Raport.ba)* (hereinafter: *Flek d.o.o. Tuzla*), 2) *Salko Zildžić v „Raport Media Group“ as the publisher of the web portal [www.raport.ba](http://www.raport.ba), Kenan Kešmer, editor of the web portal [www.raport.ba](http://www.raport.ba) and Edine Kalamujić, editor of the web portal [www.raport.ba](http://www.raport.ba)* (hereinafter: *Salko Zildžić*), 3) *Stefan Cvijanović v CSO „Udruženje za promociju evropskih standarda i unaprijeđenje poslovnog ambijenta“, Siniša Vukelić, editor-in-chife of the web portal Capital.ba and Dejan Tovilović, jourbalist at the web portal Capital.ba*, (hereinafter: *Stefan Cvijanović*), 4) *„KAVAT d.o.o. Novi Travnik“ v CSO „Centar za kritičko mišljenje“, poublisher of the web portal „Tačno.net“ and Edin Osmančević autor of the text published on web portal [www.tacno.net](http://www.tacno.net)* (hereinafter: *KAVAT d.o.o. Novi Travnik*), 5) *„DWELT“ d.o.o. Banja Luka and Stefana Krneta v CSO „Udruženje za promociju evropskih standarda i unapređenje poslovnog ambijenta“, Siniša Vukelić, editor-in-chife of the web portal Capital.ba, Marina Čigoja Ljubojević, and Dejana Tovilovića, journalists at the web portal Capital.ba* (hereinafter: *DWELT d.o.o. Banja Luka*).

This research does not aim or have the ambition to provide a comprehensive review of legal literature, comaprative soft and hard law (at the national, regional, or international level or the level of the European Union), research and findings of national and international non-governmental organizations concerning SLAPP proceedings. It also does not represent an analysis of BiH’s legislation and practice and assessment of its compliance with European and international standards that are being developed in the fight against SLAPP proceedings. Its aim is neither to propose directions or recommendations as a result of this research on how to harmonize domestic legislation and practice with the best practices in comparative law and established standards (or emerging standards) for combating SLAPP proceedings. The analysis needs to answer only one question: are the five submitted civil defamation cases SLAPP actions?

To answer that question, it is necessary to answer two other questions: 1) what are the characteristics of SLAPP lawsuits, and what makes a proceeding a SLAPP proceeding? 2) In what way are the United Nations (hereinafter: UN), the European Union (hereinafter: EU), the Council of Europe (hereinafter: CoE), and the Organization for Security and Cooperation in Europe (hereinafter and: OSCE) reacted to the emergence of SLAPP proceedings, and what are the perspectives of their reactions? In addition to the introductory part (part one), the analysis has three more parts. The second part discusses the definition of SLAPP proceedings and identifies the key features of proceedings initiated by SLAPP lawsuits. Also, the European response, that is, the response of the EU and the CoE to the occurrence of SLAPP proceedings, was presented. The third part is devoted to the analysis of five defamation cases, to answer the central question of the research. In the fourth, and last, part, the conclusion is given.

### ***Definition of SLAPP proceedings and key features of proceedings initiated by SLAPP lawsuits***

Based on legal literature, acts, documents, and similar publications of the EU, CoE, and OSCE, as well as literature published by non-governmental organizations and other publishers, we can identify the following key characteristics of SLAPP procedures:

- 1) SLAPP lawsuits are often preceded by the practice of specialized law firms sending warning letters, demanding editorial changes or removal of journalistic content, all under the threat of civil actions and lawsuits aimed at significant financial damages. Sometimes just a warning about a lawsuit is enough to silence journalists.
- 2) As a rule, these are lawsuits or counterclaims filed in civil litigation proceedings (exceptionally, SLAPP proceedings can also appear in criminal [dominantly in those states where defamation is still a criminal offense], commercial, administrative proceedings, and other cases). In civil proceedings, the defendant enjoys a smaller scope of procedural protection, unlike the accused in criminal proceedings. Thus, the defendant is particularly vulnerable, and the plaintiff has the possibility of greater abuse of procedural rules to achieve his goals. SLAPP lawsuits are most often disguised in defamation cases, but they also appear in cases of protection of privacy, protection of personal data, insult, defamation, protection of intellectual property, etc. Such lawsuits are often combined with a claim for damages or judicial security measures to ban or delay of publication, resulting in *de facto* media censorship.

**3)** SLAPP proceedings are initiated by powerful individuals, corporations, interest groups, or government bodies (especially in vulnerable and flawed democracies) to protect personal, financial, and other interests. The plaintiff often has a history of filing SLAPP lawsuits as well as harassment, threats, and other forms of assault against the target of the SLAPP lawsuit.

**4)** The defendants are predominantly journalists, media houses, publishing houses, non-governmental organizations, human rights defenders (especially environmental activists), members of the academic community, trade union activists, whistleblowers, researchers, etc. As a rule, it is about individuals, not about the organizations they work for. The target of SLAPP lawsuits are, in the words of the European Court of Human Rights (hereinafter: ECtHR), - public watchdogs.

**5)** What causes SLAPP proceedings to be initiated is the defendant's activity: public criticism of the plaintiff's behavior, publication of a report, dissemination of information through social networks, organization, and participation in gatherings/protests, launching a campaign, participation in an interview, and the like. The bottom line is that it is an activity that is of public interest or draws attention to a matter of public interest.

**6)** One of the most common (but not necessary) characteristics of SLAPP proceedings is the existence of a disparity/imbalance of power and resources (primarily financial) between plaintiffs and defendants. Thus, there is an inequality of arms, in favor of the plaintiff and to the detriment of the defendant. In such cases, SLAPP proceedings have a greater deterrent and prejudicial effect.

**7)** The claim in SLAPP cases is entirely or mostly unfounded or excessive, which makes it malicious. The plaintiff is aware of these facts since the beginning of the SLAPP proceedings.

**8)** The purpose of SLAPP proceedings is not to obtain justice or access to justice. Their goals are completely different:

- a) To intimidate and frighten the defendant.
- b) To exhaust the defendant's (primarily financial) resources.
- c) To exhaust the defendant emotionally and psychologically.
- d) To question the defendant's credibility and reputation.
- e) To achieve the effect of diversion, more precisely, to interrupt the defendant's work and activities on a topic of public interest and thus undermine the defendant's active public engagement.

- f) To switch the focus of the public attention from the defendant's complaints and comments to the plaintiff's lawsuit.
- g) To censor the defendant and force him/her to give up criticisms, comments, and opposition and thereby silence the public discussion.
- h) SLAPP cases often have a *chilling effect* – the effect of intimidating, deterring, or preventing the actions of other guardians of the public interest, resulting in the impoverishment of public discussion as a whole. This makes a SLAPP lawsuit a particularly dangerous type of attack on free speech.

It should be noted that *cyberSLAPP* difference today, which, in addition to the usual goal of a SLAPP lawsuit, has an additional goal, which is to reveal the identity of the anonymous critic.

**9)** SLAPP proceedings, especially in the EU, are characterized by multiplicity and their cross-border nature. The practice of defamation tourism, according to which defamation lawsuits are filed in foreign jurisdictions, choosing the jurisdiction where the plaintiff has the greatest chance of winning the case (because, for example, the laws or practice of national courts are in force that is more restrictive and potentially opposed to the practice of the ECtHR) is widespread in the EU. This enables the plaintiff to find the most favorable legal system and makes it difficult for the defendant to have effective access to justice, as well as judicial cooperation. Ultimately, all of this makes defense more complex and expensive.

**10)** SLAPP proceedings are often combined with other instruments of pressure on journalists (or other defendants), such as threats to physical integrity and personal safety, and other forms of harassment and intimidation. Thus, a SLAPP proceeding is only part of a broader campaign directed at its target.

**11)** As it has already been pointed out, SLAPPs aim to create disproportionately high costs for the defendants (court fees, attorney's costs, and other procedural costs). Disproportionately high costs for the defendant are created through various mechanisms, for example, extending the duration of the procedure by postponing the hearing, choosing the most favorable court (outside the defendant's place of residence) instead of the court that is in the best position to decide on the lawsuit, cross-border procedures. Additional examples of the abuse of procedural rules are the withdrawal of the lawsuit, changes to the lawsuit claims, and other submissions. Essentially, the longer the proceedings, the better for the plaintiff and the worse for the defendant.

### ***SLAPPs against media in Bosnia and Herzegovina***

The media context in Bosnia and Herzegovina is characterized by: limited safety and protection of journalists from threats, with a mild punishment policy, low level of economic and social protection of journalists and job security, court proceedings in defamation cases that deviate from the practice of the ECtHR (on issues such as the prosecutor who holds a public office, the urgency of the procedure, uneven practice in proving emotional pain, excessive fines).

Understanding these three key characteristics that distinguish the work of journalists and media in BiH is necessary to be able to recognize SLAPP procedures if we keep in mind their key characteristics, which were presented earlier.

In an economically troubled media sector such as Bosnia and Herzegovina, the threat of high fees in defamation cases "can have a devastating effect." The experience of the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (hereinafter: the Ombudsman) is that lawsuits for defamation or compensation for damages due to an alleged injury to reputation are used as a means by which representatives of the authorities try to prevent or discourage the publication of texts with the content of which they do not agree. In this regard, in the public and the journalistic profession, there is an attitude "that some topics should be avoided." The ombudsman points out that in smaller places in Bosnia and Herzegovina, certain physical or real persons are more prone to defamation lawsuits, "not in the sense of protecting their subjective rights, but of discouraging writing about certain topics." The regional platform Safejournalists.net recorded two SLAPP lawsuits in BiH in 2021. They are characterized as SLAPP due to extremely high compensation claims and claims for the payment of the so-called court penalties, which threaten the financial survival of the media. It was stated that these lawsuits are an attempt to politically suppress investigative journalism and are politically motivated. Also, the trend of increasingly frequent SLAPP lawsuits and high compensation claims awarded by the courts was pointed out, and some independent media had to stop working, unable to withstand the financial pressure of defamation lawsuits. Bearing in mind the first characteristic of the SLAPP case, it should be noted that in one of the Safejournalists.net reports, it is stated that, as a new form of pressure, "public announcements of lawsuits are often sent to the media, which are never implemented, as well as requests to delete published texts and the removal of other media content, which threatens to limit media freedom and undermine the professional credibility of journalists and the media." In 2020, according to the data of the BH Journalists Association, there

were 300 active defamation lawsuits, of which in 80% of cases, the plaintiffs were politicians and other public officials. In most defamation lawsuits, the defendant is not only the journalist but also the editor and owner of the media. On the other hand, according to data from the same Association, from 2016 to 2021, about 40 SLAPP lawsuits were filed in defamation cases in BiH. Many of the media outlets have faced dozens of lawsuits from the same person, "which clearly indicates an intent to destroy them financially." In most cases, the plaintiffs are politicians and other public officials. Other research also indicates that journalists most often face pressure from politicians in positions. To prevent SLAPP lawsuits, the media community is proposing changes to the law on defamation, in such a way that the upper limit of the material amount of compensation will be determined, as well as the prescription of a special fee for the lawsuit because a significant number of lawsuits due to defamation are withdrawn. Given that Bosnia and Herzegovina does not keep official records of SLAPP lawsuits, the BH Journalists Association announced the establishment of a working group for recording, monitoring, and reporting on SLAPP lawsuits in January 2023.

### ***Analysis of the details***

Relying on the Characteristics of SLAPP Proceedings, further, we shall reexamine the existence of the characteristics of SLAPP proceedings in the five above mentioned cases. Given that the author of the analysis only had insight into the lawsuit (in two cases and the response to the lawsuit), and not into other procedural actions that are relevant to examine whether these are SLAPP proceedings, it is possible that at an early stage of the proceedings conclude that it is not a SLAPP proceeding but later come to a different conclusion and vice versa.

#### ***1) Warning letter***

In the denials in four cases (*Flek d.o.o. Tuzla, Stefan Cvijanović, KAVAT d.o.o. Novi Travnik, and DWELT d.o.o. Banja Luka*), it was requested that the denial be transmitted in its entirety, an apology sent, and in some cases to remove the disputed content, with the threat of seeking legal protection and damages. In all four cases, denials were published, but the texts were not removed. This indicates that the threats of a civil lawsuit, disguised as a denial, did not achieve their intended purpose and that the journalists did not succumb to the pressure of a potential defamation lawsuit. Also, a review of the database of the Press and Online Media Council in

Bosnia and Herzegovina found that the plaintiffs did not address the Complaints Commission of the Council (the self-regulatory body of print and online media in Bosnia and Herzegovina), due to the alleged violation of journalistic and media standards embodied in the Code for Print and Online Media (which, without exception, are referred to in lawsuits). The exception is the case *Salko Zildžić*, whose complaint to the Complaints Commission was resolved through mediation, i.e. by publishing a denial. The plaintiffs in one case did not make a denial at all.

## **2) Type of procedure**

All five proceedings are civil litigation proceedings, initiated based on the relevant laws on protection against defamation. All procedures are conducted for compensation for non-material damages. In addition, requests were made for publication of the judgment in the media where the allegedly defamatory text was published, publication of the judgment in daily newspapers, and compensation for the costs of the proceedings. Some requests also include a request to remove the allegedly defamatory text and publish an apology. In some cases, secondary requirements are accompanied by a demand for payment of penalties in case of delay in their fulfillment.

## **3) The plaintiff**

In the first case, the plaintiff is the company *Flek d.o.o. Tuzla*. By looking at the website of the plaintiff, the list of almost 1000 persons who are provided with technical protection, and other data (e.g. number of employees, etc.), it can be concluded that it is an influential and recognized company in the wider social community. In the second case, the plaintiff is *Salko Zildžić*, a politician, who at the moment when the lawsuit was filed was a representative in the House of Representatives of the FBiH Parliament (as well as in the mandate period 2022-2026), and held other public functions (among other things in the sports life of BiH). The prosecutor has a history of threats and attacks against journalists. In the first and second cases, the plaintiffs have their seat/residence in Tuzla, where the court before which they filed the defamation lawsuit is also located. In the third case, the plaintiff is a powerful individual - *Stefan Cvijanović*, at the time of filing the lawsuit, the son of a member of the BiH Presidency from entity Republika Srpska (hereinafter: RS). In addition, the plaintiff is a co-founder (together with his father) of the company "PRIM d.o.o. Banja Luka." In the fourth case, the plaintiff is the company *KAVAT d.o.o. Novi Travnik* was founded by the Swedish shoe production company KAVAT. It is a



company that employs about 150 workers, and exports most of its goods abroad. In the fifth case, the plaintiff is the company *DWELT d.o.o. Banja Luka*, and his legal representative and director *Stefan Krneta*. *Stefan Krneta* is the person whose father-in-law, is Ranko Škrbić, a public figure (former Minister of Health of the RS and Ambassador of BiH, Dean of the Faculty of Medicine in Banja Luka, godfather of the current President of the RS and the President of the SNSD). *DWELT d.o.o. Banja Luka* is a company that participates in public procurement procedures, i.e. spending budget money. *Stefan Krneta* can be identified as a powerful and influential individual. According to online sources (apart from *Salko Zildžić*) and the database of the BH Journalists Association, the natural persons appearing as plaintiffs in the other four cases have no history of attacks, threats, and harassment of journalists or the media in the last three years (2020-2022).

#### **4) Defendants**

The defendants in all five cases are public watchdogs. The defendants are non-governmental organizations that are publishers/founders of online media - web portals, editors, and journalists of portals. These are reputable media, which have won several different journalistic awards. In one case (*Flek d.o.o. Tuzla*), only the online media publisher - a legal entity - was sued, which deviates from the usual phenomenon that individuals, not organizations, are sued in SLAPP proceedings.

#### **5) Activities of the defendants**

In all five cases, the topics that the journalists reported on are topics of public interest. In two cases (*Flek d.o.o. Tuzla* and *Salko Zildžić*) it was about criminal proceedings for the criminal offense of murder; in the other two cases (*Stefan Cijanović* and *DWELT d.o.o. Banja Luka*) on the spending of public money, i.e. the public procurement procedure; and in one case (*KAVAT d.o.o. Novi Travnik*) on respect of labor rights, i.e. labor legislation.

#### **6) Existence of unbalanced parties in the proceedings**

If we bear in mind the media context in BiH, the financial situation in the media, and the economic and social rights of journalists, in all five cases there is an imbalance between the parties in the proceedings in favor of the plaintiff. This imbalance is primarily reflected in the

financial imbalance in favor of the plaintiff (especially visible in the two available responses to the lawsuit, which were made by the defendants and not by lawyers - their legal representatives). The imbalance is also reflected in the resource of time that plaintiffs and defendants have at their disposal.

### **7) *The merits of the claim***

In the initial stage of the proceedings, the key characteristic based on which it can be assessed whether it is a SLAPP proceeding, is the majority or entire groundlessness of the claim or its excessiveness (a characteristic that makes it malicious). In this regard, attention should be paid to the amount of the dispute determined by the plaintiff in the lawsuit, bearing in mind that the most often awarded damages in defamation cases range from 2,000 to 5,000 BAM. In the cases (*Flek d.o.o. Tuzla* and *KAVAT d.o.o. Novi Travnik* the value of the disputes exceeds 5,000 BAM (in the first case it is 6,000 BAM, and in the second case it is 10,000 BAM). The value of the dispute is important when determining the amount of court fees paid by the defendant, by cantonal laws on court fees. In previous research, media owners and editors have pointed out that "given the very difficult financial situation in which most media find themselves, almost every defamation lawsuit is essentially a SLAPP lawsuit." What is also interesting to note is that both lawsuits are against Raport Media Group (cases *Flek d.o.o. Tuzla* and *Mr. Salko Zildžić*) filed on the same date - October 6, 2021. Regarding the merits of the claims, we will briefly refer to each claim.

In the case of *Flek d.o.o. Tuzla* the plaintiff's legal representative referred to the defendant's obligation to verify the information he received in the anonymous letter sent on the letterhead of the Cantonal Prosecutor's Office of Tuzla Canton, calling up on case law of the Court of Appeal of the Brčko District of BiH. This position of the Appellate Court is contrary to the case law of the ECtHR, according to which "(...) the press should normally be entitled, when contributing to the public debate on matters of legitimate concern, to rely on the content of official reports without having to undertake independent research. Otherwise, the vital public-watchdog role of the press may be undermined. [The court] sees no reason to doubt that the applicants acted in good faith in that connection and, therefore, finds that the reasons relied on by the domestic courts are not convincing." The defendant claims that the plaintiff did not send a denial, so it could not be published. However, the denial was published on another web portal. This behavior of the plaintiff can be an indicator of *mala fide* behavior.

In the case of *Salko Zildžić* (which concerns the same anonymous letter as the previous case), when assessing the merits of the claim, one should bear in mind the quality of the letter (the fact that it was written on the letterhead of the Cantonal Prosecutor's Office of Tuzla Canton; signed "the plaintiffs "; and that the previous identical letter was sent to the address of several police and judicial institutions); the right to protect journalistic sources; the subject of the journalistic text and the characteristics of the plaintiff. Also, the prosecutor's denial was published on the web portal of the online media. Given that these two cases concern the same text, it should be emphasized that the text was not only based on an anonymous letter but also official documents - the indictment of the Cantonal Prosecutor's Office of the Tuzla Canton.

In the case of *Stefan Cvijanović*, the contested text, the plaintiff's denial, and the defendant's response to the denial were published. The essence of the plaintiff's statement is that the defendant stated that the money of 6.000,00 BAM was paid to the plaintiff - the co-founder of a company, and not to that company. Such a lawsuit seems unfounded and malicious, to scare journalists. This conclusion is particularly supported by the fact that the lawsuit was later withdrawn and that the amount of the dispute was set at even 3,000 BAM.

In the case *KAVAT d.o.o. Novi Travnik* three texts were published: the contested text, the denial, and the defendant's response to the denial. The disputed text is based on a documentary film published in the Kingdom of Sweden and an article published in a Swedish newspaper. The film and article are accompanied by statements from former employees, who can be identified. It seems that in this case, the lawsuit is dominantly directed against the defendant for critical and harsh journalistic reporting on a topic of public interest. Such reporting should also be understood in the broader context of a business that operates in the local community and has a position of power and influence.

In the case of *DWELT d.o.o. Banja Luka* the plaintiffs did not send a denial to the defendant at all. Regarding the merits of the defamation claim, it follows from its content that the plaintiff filed the lawsuit because the defendant did not publish affirmative information about the plaintiff or write affirmatively about his business ventures, that is, because he wrote critically about a topic of public interest. So, it is about a lawsuit due to presented critical, analytical, and value judgments.

### **8) Achieving the goal(s) of the SLAPP proceeding**

The defendant in the case *KAVAT d.o.o. Novi Travnik* states that the defamation lawsuit in this particular case represents "direct pressure on the work of journalists who report on corruption and crime in our society." The defendants in the cases *Salko Zildžić* and *Flek d.o.o. Tuzla* points out that the effect sought to be achieved by the lawsuits is "primarily to destroy the reputation and credibility" of the media and journalists, and to "intimidate the media from [not] dealing with this case". On the other hand, the defendants in the cases *Stefan Cijanović* and *DWELT d.o.o. Banja Luka* state that the dominant effects of the lawsuits are reflected in the "interruption of daily work" and "questioning (...) the credibility and reputation" of the media and journalists.

It should also be noted that by reviewing the website of the online media [www.tačno.net](http://www.tačno.net) it is not possible to find a journalistic text about the plaintiff in the *KAVAT d.o.o. Novi Travnik* case except three published before the lawsuit. By searching the website [www.raport.ba](http://www.raport.ba) we find that there are no new journalistic articles published about the case that is the subject of two proceedings (*Salko Zildžić* and *Flek d.o.o. Tuzla*). After reviewing the website [www.capital.ba](http://www.capital.ba) regarding the case *Stefan Cvijenović*, we come to the same conclusion, while regarding the case *DWELT d.o.o. Banja Luka* that is not the case. This can also be a kind of indicator of the effect of the lawsuits.

### **9) Cross-border SLAPP proceedings**

None of the five cases had an element of foreignness, that is, a characteristic of cross-border.

### **10) Other instruments of pressure on journalists and the media**

A review of online sources and information obtained by the defendants in these cases indicates that the plaintiffs did not use other instruments of pressure on journalists and the media (threats to physical safety, insults, antagonism, online attacks, etc.).

### **11) Creation of high procedural costs for the defendant**

It is not possible to comment on the existence of this characteristic, because there are no available data on other procedural stages in the five cases that are analyzed. However, based on the information received from the defendants, there were no procedural actions that could affect the high costs of the procedure (such as postponement of the hearing). In the final phase of the

investigation, we learned that in the case of *Stefan Cvijanović*, the prosecutor withdrew the lawsuit. In the absence of access to this plaintiff's submission, it is not possible to refer to its content or to know at which stage of the procedure this happened. However, as noted, in SLAPP cases, plaintiffs often file and withdraw lawsuits.

## ***12) Balance***

It is very difficult and challenging to conclude, based on the lawsuit, whether it is a SLAPP proceeding in any of the five cases that were analyzed. However, in the case of *Stefan Cvijanović*, which ended with the withdrawal of the lawsuit, it could be concluded that it was a SLAPP proceeding. It was a civil defamation action, brought by a powerful and influential individual, against the media - the guardian of the public interest - who reported on a subject that is *par excellence* of public interest, in a manner that is not pleasing to the plaintiff. In addition, there is an imbalance of financial and other resources, and the lawsuit is completely unfounded. In the end, the plaintiff withdrew the lawsuit, which also reveals its goal - to intimidate and dissuade the media from reporting to the public on the given topic. It should also be noted that the request for publication of the denial was sent by a lawyer and that the amount of the dispute was set at 3,000 BAM. On the part of the plaintiff, there were no threats or other forms of intimidation by the media. Taking into account all the mentioned facts, we can state that this was a SLAPP case. If we consider the amount of the dispute (10,000.00 BAM) which the plaintiff determined in the case of *KAVAT d.o.o. Novi Travnik* which has a dominant influence on the cost of the procedure, together with other characteristics, we can also identify this case as a SLAPP one. In the remaining three cases, although some features of SLAPPs are recognized, it cannot be concluded that they are SLAPP cases.

## ***Conclusion***

Journalists and media, as well as other defenders of human rights, in BiH, will not avoid the increasingly present European trend of initiating and conducting strategic proceedings against public participation. The emergence of SLAPP procedures requires the reaction of all social factors: public authorities, academic communities, legal and journalistic communities, and non-governmental and media organizations. Regarding the reaction of the public authority, it is expected to formulate new public policies (protection and support for victims of SLAPP

proceedings, education of legal practitioners and students), and to pass new procedural legislation as well as to revise existing ones on defamation. Models for such activity can be found in comparative law (USA, Canada, Australia), as well as partly in EU law, i.e. in emerging EU law. In particular, the human rights dimension of SLAPP proceedings should be kept in mind, as well as the obligation of BiH to ensure "the highest level of internationally recognized human rights and fundamental freedoms" (Article II paragraph 1 of the Constitution of BiH). In this regard, as the Chamber for Human Rights did in its practice (institution established by Annex 6 of the General Framework Agreement for Peace), this also means taking into account the standards developed by other human rights courts, such as the International the American Court of Human Rights (and not only the ECtHR), and fulfill its positive obligation arising from freedom of expression and the right to a fair trial. Until that happens, national courts must consistently apply the standards of human rights protection, without deviation, as well as certain procedural tools available in the law on obligations and civil procedure. In turn, these laws contain general protective measures (eg, the prohibition of abuse of rights), which apply to SLAPP, but their effectiveness is limited, and therefore it is necessary to strive for appropriate legislative interventions. While waiting for the slow and sluggish mechanism of public authorities to be launched, the centers for the education of judges and prosecutors should improve education and integrate seminars on SLAPP procedures. Ultimately, the non-governmental sector bears the dominant responsibility for recording and keeping statistics on SLAPP proceedings; conducting more detailed research that will support the request for new policies, new legislation, and new defamation laws; and the education of legal experts and law students, the wider media community and the implementation of the campaign on SLAPP proceedings.

Regarding the five cases that were analyzed, two can be concluded to be SLAPP proceedings, namely *Stefan Cvijanović* and *KAVAT d.o.o. Novi Travnik*. Given that the first case has been concluded, the proceedings were reviewed in their entirety, while in the second case, this conclusion was reached, with particular reference to the value of the dispute determined by the plaintiff. For the other three cases, although some of the characteristics of SLAPP proceedings can be recognized, it cannot be conclusively concluded that they are SLAPP proceedings, with the indication that the proceedings have not been concluded, and the final conclusion may be different.