



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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Michel Forst
UN Special Rapporteur on environmental defenders under the Aarhus Convention

Ref: ACSR/C/2023/15 (Croatia)
(Please use this reference in your reply)

14 February 2024

Excellency,

I have the honour to address you in my capacity as UN Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

As you may be aware, article 3 (8) of the Aarhus Convention requires that “Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.” Croatia has been a Party to the Aarhus Convention since 2007.¹

At its seventh session (Geneva, 18–21 October 2021), the Meeting of the Parties to the Aarhus Convention adopted decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention.² Decision VII/9 establishes the rapid response mechanism in the form of an independent Special Rapporteur on environmental defenders under the authority of the Meeting of the Parties. At its third extraordinary session (Geneva, 23–24 June 2022), I was elected, by consensus, by the Meeting of the Parties as the Convention’s Special Rapporteur on environmental defenders.

In accordance with the mandate in decision VII/9, I write to bring to your attention information I have received concerning the alleged persecution, penalization and harassment of Ms. Vesna Grgić in connection with the exercise of her rights under the Aarhus Convention.

Ms. Grgić is the president of the non-governmental organization (NGO) and Veterans’ Association VIDRA – Veterans and Social Action and the leader of the Green Squad, one of the sections of VIDRA that has been documenting and attempting to stop the planned deforestation of Croatia since 2018. As part of the leadership of VIDRA and the Green Squad, Ms. Grgić has been involved in the collection of evidence, documentation and publication of information regarding alleged irregularities and illegal conduct in the management of Croatia’s forests.

Based on the information received, Ms. Grgić is an environmental defender within the meaning of the ninth preambular paragraph of decision VII/9.³

According to the information received, due to her efforts to protect Croatia’s natural environment and resources, Ms. Grgić has been the target of three nearly identical criminal lawsuits

¹ See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=en.

² Available at: https://unece.org/sites/default/files/2022-01/Aarhus_MoP7_Decision_on_RRM_E.pdf.

³ Ibid.

brought by Hrvatske Šume, a state-owned company responsible for managing forests and forest lands in the Republic of Croatia.

First criminal lawsuit – 28 June 2021

1. On 28 June 2021, Hrvatske Šume filed its first criminal lawsuit (ref. K-1423/2021) against Ms. Grgić in the Municipal Criminal Court of Zagreb for statements she allegedly made in an article entitled “Chief of the Green Squad: How We Gathered All the Documentation and Reported Hrvatske Šume for Horrific Devastation”, published on the internet portal “Telegram.hr” on 1 April 2021. While Ms. Grgić was not the author of the article, it refers to statements she allegedly made in an interview about how the Green Squad had collected documentation showing that Hrvatske Šume was a corrupt criminal enterprise involved in horrifying deforestation in Croatia for years.
2. Hrvatske Šume’s first criminal complaint accuses Ms. Grgić of committing the “criminal offense against honor and reputation” (i.e. criminal defamation) in violation of article 149(1) and (2) of the Criminal Code of Croatia. Hrvatske Šume requests the Court to order Ms. Grgić to pay a fine in the amount of 500 “daily incomes” (*dnevnih dohodaka*).
3. A first hearing in relation to this lawsuit was initially scheduled for 6 July 2023, but was cancelled due to a strike of judicial personnel. Based on the information received, as of the date of this letter, the hearing has not yet been rescheduled.

Second criminal lawsuit – 13 September 2021, amended 3 April 2023

4. On 13 September 2021, Hrvatske Šume filed its second criminal lawsuit (ref. K-1800/2021) against Ms. Grgić in the Municipal Criminal Court of Zagreb for statements she allegedly made during an online forum titled “Balkans: The Struggle for Nature and the Environment”, published on YouTube on 28 June 2021.⁴ Upon the court’s request, Hrvatske Šume had to provide additional information to substantiate its lawsuit, which it submitted on 3 April 2023. The amended lawsuit cites various statements allegedly made by Ms. Grgić during the online forum, including that, through three years of intensive work, VIDRA had proven that, based on the company’s own documents, Hrvatske Šume had cut down more than 100,000 hectares of forest in ten years, and in the last two or three years there had been unprecedented devastation, day and night.
5. As with its first criminal lawsuit, Hrvatske Šume accuses Ms. Grgić of criminal defamation in violation of article 149(1) and (2) of the Criminal Code of Croatia, and requests the Court to order Ms. Grgić to pay a fine in the amount of 500 “daily amounts” (*dnevnih iznosa*).
6. A first hearing in the case was scheduled for 16 January 2024. However, the hearing was cancelled at the start of the court session due to the failure of the prosecution’s witnesses to appear. Based on the information received, as of the date of this letter, the hearing has not yet been rescheduled.

Third criminal lawsuit – 4 March 2022

7. On 4 March 2022, Hrvatske Šume filed its third criminal lawsuit (ref. K-330/2022) against Ms. Grgić in the Municipal Criminal Court of Zagreb for statements she allegedly made in an interview published in the weekly magazine “7dnevno” on 6 January 2022, under the title “Hrvatske Šume’s Billion-Euro Black Business”. While Ms. Grgić was not the author

⁴ Available at: [Balkan: Borba za prirodu i životnu sredinu. - YouTube](#).

of the article, it included statements she allegedly made about Hrvatske Šume in an interview, including that the devastation of Croatian forests was a criminal endeavour manifested through excessive logging and forest sales and that there was hardly a mountain, hill, or forested area anywhere in Croatia where you won't find "caverns" caused by extensive logging.

8. As with its first and second criminal lawsuit, Hrvatske Šume accuses Ms. Grgić of criminal defamation in violation of article 149(1) and (2) of the Criminal Code of Croatia, and requests the Court to order Ms. Grgić to pay a fine in the amount of 500 "daily incomes" (*dnevnih dohodaka*).
9. Based on the information received, as of the date of this letter, a hearing for the third criminal lawsuit has not yet been scheduled.

Ms. Grgić's request for consolidation of the three lawsuits

10. In light of the overlap between the various lawsuits brought by Hrvatske Šume against Ms. Grgić, Ms. Grgić has requested the three lawsuits against her to be consolidated.
11. On 16 January 2024, prior to the adjournment of the hearing in relation to the second lawsuit (ref. K-1800/2021), the judge heard Ms. Grgić's request for consolidation and has thereafter forwarded it to the Non-Litigation Panel of the Criminal Court in Zagreb, which is responsible for accepting or rejecting requests for consolidation. As of the date of the present letter, Ms. Grgić's request to consolidate the three lawsuits against her remains outstanding.

Based on the information received, should Ms. Grgić ultimately be found guilty in one or more of the three criminal lawsuits, Ms. Grgić could face a total of up to EUR 60,000 in fines for her efforts to protect Croatian forests.

Without prejudging the accuracy of the above allegations, I express my serious concern about the above sequence of events, which shows a clear pattern of penalization, persecution and harassment of Ms. Grgić due to her efforts to raise awareness of the environmental harms caused by deforestation in Croatia by Hrvatske Šume, a state-owned company. Based on the information provided, the criminal lawsuits brought against Ms. Grgić exhibit the characteristics of strategic lawsuits against public participation (SLAPPs) aimed at silencing Ms. Grgić to prevent her from continuing her activities to protect Croatian forests. Such abusive proceedings can have a serious chilling effect on the environmental defender's ability to exercise her rights under the Aarhus Convention. Moreover, the threat of criminal sanctions imposes a particularly heavy burden on an environmental defender like Ms. Grgić.

In this regard, it is important that I draw to your attention that the Aarhus Convention Compliance Committee has made clear that article 3 (8) of the Convention "is not limited in its application to acts of public authorities as defined in article 2, paragraph 2, of the Convention, but rather covers penalization, persecution or harassment by any State body or institution, including those acting in a judicial or legislative capacity".⁵ The Compliance Committee has also made clear that article 3 (8) "also covers penalization, persecution or harassment by private natural or legal persons that the Party concerned did not take the necessary measures to prevent."⁶ This means that Croatia is bound by article

⁵ See the Compliance Committee's findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, para. 70, <https://unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>.

⁶ Ibid.

3 (8) of the Convention to ensure that Ms. Grgić is not penalized, persecuted or harassed in any way, including through criminal lawsuits by a state-owned company like Hrvatske Šume, for exercising her rights under the Convention.

As it is my responsibility, under the mandate entrusted to me by the Meeting of the Parties to the Aarhus Convention, to seek to clarify all complaints brought to my attention, I would be grateful for your response to the following matters:


1. Please provide any information and/or comments you may have on the allegations set out in the present letter.
2. Please provide any information on action taken, if any, in response to this letter to ensure the immediate rejection, dismissal or withdrawal of the three criminal lawsuits by Hrvatske Šume against Ms. Grgić.
3. Please provide information on the provisions of Croatian law and other safeguards that Croatia has put in place to protect environmental defenders exercising their right to speak out about environmental harms by state or private entities, including any legal or other safeguards to protect environmental defenders from being sued for defamation by such entities.
4. Please provide any information on legal and other safeguards Croatia has put in place to (i) protect environmental defenders against SLAPPs, (ii) ensure the capacity of courts to identify and summarily dismiss SLAPPs, and (iii) compensate victims of SLAPPs, including for court fees and material and non-material harm suffered as a result of an abusive proceeding.

I would appreciate receiving your response within 60 days, that is by **14 April 2024**. After this date, the present letter and the response received from your Excellency's Government may be made public on the Aarhus Convention's website.⁷ They will also subsequently be reported upon in my report to the eighth session of the Meeting of the Parties in 2025.

While awaiting your response, I urge that all necessary interim measures be undertaken to halt the alleged persecution, penalization and harassment of Ms. Grgić and to prevent any further occurrences. In this regard, your Excellency's Government should take great care, when looking into the allegations in the present letter, that nothing is done that could put Ms. Grgić at risk of further persecution, penalization or harassment.

In the event that your investigations support or suggest the allegations to be correct, I urge you to ensure the prompt cessation of the alleged persecution, penalization and harassment of Ms. Grgić and to ensure the accountability of any person(s) responsible therefor.

Please accept, Excellency, the assurances of my highest consideration.



Michel Forst
UN Special Rapporteur on environmental defenders under the Aarhus Convention

⁷ <https://unece.org/environmental-policy/public-participation/correspondence-regarding-complaints-special-rapporteur>.

To: His Excellency, Mr. Gordan Grlić Radman, Minister of Foreign Affairs of the Republic of Croatia

Cc: Ms. Branka Pivcevic Novak, national focal point for the Aarhus Convention, Ministry of Environment and Energy, Republic of Croatia