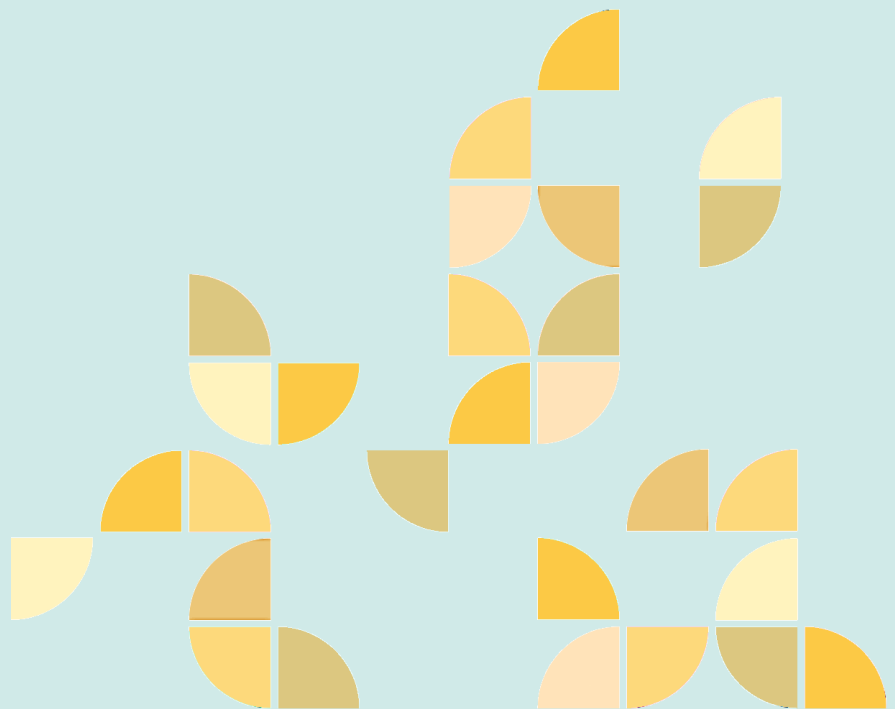


Country Report
NORTH MACEDONIA

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

Macedonian Center for International Cooperation (MCIC)
July 2024





Balkan Civil Society
Development Network

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

Country Report for North Macedonia

Daniel Stanoeski, Snezana Kamilovska Trpovska

July, 2024



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Country Report for North Macedonia**

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TABLE OF CONTENTS

Table of contents.....	5
Country brief.....	6
I. Background and Legal framework.....	6
1. Country Context.....	6
2. Analysis of the existing legal framework regarding SLAPP's in North Macedonia.....	7
2.1. Constitution of the Republic of North Macedonia	7
2.2. Legal regulation	7
- Law on Civil Liability for Insult and Defamation ZGONK.....	7
- Law on Obligations (ZOO).....	7
- Claims Security Act (ZOP) (temporary measures)	8
- Civil Procedure Law (CPL).....	8
3. Evaluation the effectiveness of current legislation in North Macedonia in preventing/addressing SLAPP cases.....	8
4. Focal points and available mechanisms to counter SLAPPs in North Macedonia.....	9
II. Strategies and tactics employed in SLAPP cases.....	10
1. Explore the tactics used by plaintiffs in filing SLAPPs in North Macedonia.....	10
2. Strategies employed by defendants in responding to SLAPPs within the Country legal context	11
3. Patterns observed in the filing and response to SLAPP cases within North Macedonia.....	11
III. Case Studies.....	12
1. Case studies of prominent SLAPP cases in the Country.....	12
- Kocho Angjushev and "Brako" against IRL and editor Sashka Cvetkovska.. ..	12
- Pajazina.....	12
- Liquidation.....	13
- Swedmilk	13
- Ali Ahmeti against ATV Media Company DOOEL Skopje and Isen Saliu.....	13
2. Extraordinary circumstances surrounding certain SLAPP cases in North Macedonia.....	14
IV. Impact on Public Participation.....	15
1. Broader impact of SLAPPs on public discourse and civic engagement in North Macedonia.....	15
2. Instances where SLAPPs have deterred individuals or organizations from participating in public issues within North Macedonia.....	15
V. Conclusions and Recommendations.....	16
1. Key findings and their implications for North Macedonia.....	16
2. Specific recommendations for legal reforms to address SLAPPs in North Macedonia.....	16
3. Measures to protect individuals and organizations from abusive legal actions, considering the North Macedonian context.....	17

1. Background and Legal framework

1. Country Context

The media are key drivers of democracy in modern societies. They contribute to increased transparency and accountability of the authorities and provide platforms for open and informed discussions and dialogues based on facts. The current situation in the media sphere in North Macedonia does not inspire optimism that the media are creators and guardians of the public interest and freedom of expression. On the contrary, the findings are getting louder that their freedom is in question. One of the tools used to influence the freedom of the media and thus the freedom of expression is the phenomenon of modern society or SLAPP.

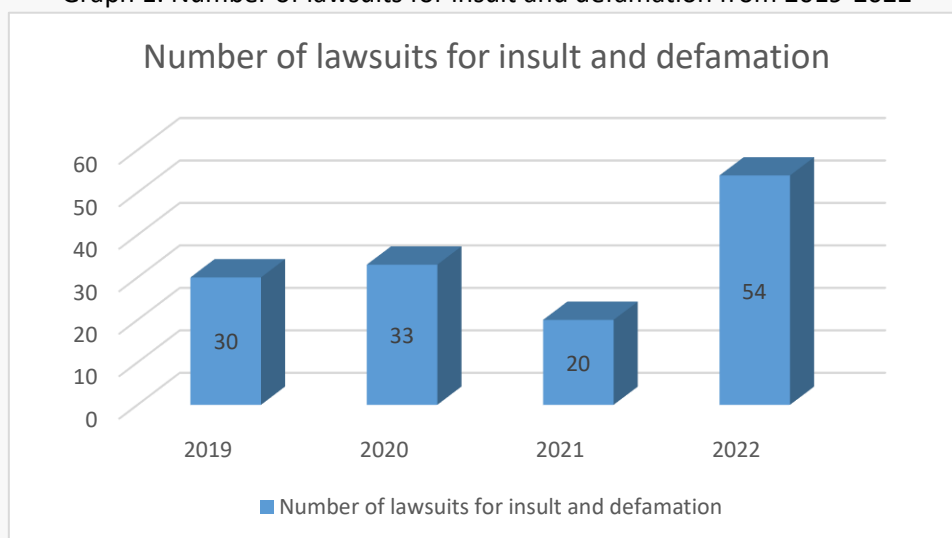
SLAPPs are lawsuits "lawsuits brought by powerful entities (e.g. a corporation, public officials, high-profile business person, etc.) against individual citizens or organizations that have expressed a critical view on a substantive issue of some political interest or social importance." These include attempts at censorship, intimidation and silencing through an intensified judicial process that is often additionally burdened with large financial costs that can lead to the abandonment of the legal battle, and in the last case to the stifling of criticism. So, their goal is to stifle freedom of expression on matters of public interest.

Most often this type of lawsuits in Republic of North Macedonia come from power centers, businessmen and politicians who do not want to be part of someone's research. Most often, SLAPP lawsuits have one goal - financial exhaustion and intimidation of journalists and questioning of the media whether a certain publication is worth publishing or not. That tactic of intimidating journalists or people trying to create certain topics in the public has been known for a long time. As a definition, most of the time we are talking about lawsuits that are directed, not to get justice, but for someone to be harassed because he is loud.

According to the comprehensive study of "CASE" published in 2023, there is a sharp increase in SLAPP cases throughout Europe, and thus also in the Republic of North Macedonia. Comparatively, the region and countries in Europe for example Malta have the highest rate of SLAPP cases per inhabitant, with 3 per 100,000 people, followed by Slovenia with 1.9 and Croatia with 0.6. Republic of North Macedonia with 0.29 per 100,000 people is in the group of 10 countries with the highest rate of SLAPP by number of inhabitants. In the last eight years, Association of Journalists of Macedonia has been keeping a register of attacks on journalists and pressures. The evolution of the pressure style is evident. If in previous years, for example in 2016, 2017, 2018, it was physical pressure or attacks on the ground, from today's point of view we have those subtler and refined pressures, but I would say very risky and effective", says Dragan Sekulovski (President of the Association of Journalists of Macedonia).

Spread over the years, we have a different number of lawsuits filed in the courts on the basis of insult and defamation, but it is evident that we have an upward trend, which shows how important it is to react promptly with conscientious legislation.

Graph 1. Number of lawsuits for insult and defamation from 2019-2022



The Association of Journalists, in its research and analysis of court cases against journalists and activists, recorded twice as many lawsuits for insult and defamation in 2022 compared to 2021.

2. Analysis of the existing legal framework regarding SLAPP's in North Macedonia

There is no special anti-SLAPP regulation in the Republic of North Macedonia. This, however, does not mean that the defendants in such processes are left without any protection, but that they exercise their rights, i.e. protection within the overall conditions of positive law, without making a distinction between what is a SLAPP lawsuit and what does not fall under this category. These cases, of whatever nature they may be, gravitate around several procedural and substantive laws. Some of them are *lex generalis*, such as the Law on Civil Procedure, the Law on Obligation Relations, the Law on Securing Claims, while the *lex specialis* is the Law on Civil Liability for Defamation and Insult.

2.1. Constitution of the Republic of North Macedonia

The legal framework in the Republic of North Macedonia, which establishes a specific regulation of the issue of protection of basic human rights and freedoms, including the right to free expression, is indirect and begins with the Constitution and continues with the legislation. The basic freedoms and rights of man and citizen are recognized in international law and determined by the Constitution of the Republic of North Macedonia.

The ratified international agreements and the legal opinions expressed in the judgments of the European Court of Human Rights are taken as a source of law, which is in accordance with the Constitution and the laws of the Republic of North Macedonia.

2.2. Legal regulation

- Law on Civil Liability for Defamation and Insult.

In terms of proving liability or criminality, the burden of proof is shifted to the defendant. The defendant (journalist, Civil society organizations, etc.), in fact, has to prove that the claim made is true. This shifting of the burden of proof means that the defendant has the task of proving that what was presented or conveyed was true without allowing influences from the defendant who then presents his claims.

- Law on Obligations Relations

Everyone has a duty to ensure that personal rights, which are also recognized by legal entities, are not harmed. Jurisprudence in the country shows that in general care is taken to ensure that there are no

excessively excessive claims for damages that would be arbitrary, and as such awarded, which is in itself a deterrent for one who intends to file a SLAPP suit against a prosecuted journalist, civil society organization etc.

- Law on Securing Claims (temporary measures)

In the section on SLAPP cases from this law, the temporary measure is generally used, which will prohibit the publication or public publication of a book, inscription, story, etc. Also, the temporary measure is used because SLAPP cases usually have monetary claims in the name of damage, this means that with such measures, it is possible to request the provision of a monetary claim against a journalist or civil organization.

- Law on Civil Procedure

Essentially the only possibility where the court could theoretically at least and potentially intervene is at the stage of preliminary investigation of the lawsuit and to intervene if a SLAPP is recognized, as well as at the stage of the preparatory hearing. Law on Civil Procedure is a procedural law, which regulates the very procedure in which these lawsuits are carried out. There should be a mechanism by which those claims, if identified, would be subjected to stricter scrutiny.

3. Evaluation the effectiveness of current legislation in North Macedonia in preventing/addressing SLAPP cases

In the legal system of Republic of North Macedonia there are no formal legal mechanisms for dealing with SLAPP lawsuits, it is left to the judge to recognize and decide with free will and judgment. That is why it is necessary for judges and prosecutors to be well trained and ready to work with SLAPP.

The impact of a SLAPP is to intimidate and silence the target through the threat of an expensive lawsuit. Although the Republic of North Macedonia's Constitution protects freedom of speech, the Macedonian legal system generally gives the benefit of the doubt to the party bringing a lawsuit until the fact-finding stage and prosecutes almost all lawsuits. Which means that the existing laws are not enough for effective protection and recognition from SLAPP in the country.

These types of lawsuits are clearly baseless, contain offensive language and are disguised as lawsuits for defamation or alleged violation of constitutional and/or civil rights but are not filed with the intention of obtaining justice but to intimidate, silence and waste financial and psychological resources. on the target. The performance is excessive, with a demonstration of too much power, hiring a large number of legal advisors, media, highlighting huge claims or incurring large costs in the procedure, requests for a public apology and the like.

When initiated by politicians and public office holders, these lawsuits can cause fear and self-censorship over the public participation of activists and citizens, thus violating the public's right to be informed.

The cumulative data collected shows that journalists in their individual capacity remain the most likely target of SLAPPs, followed by the media, editors, activists and Civil society organizations. Other likely defendants include lawyers, academics, politicians, book authors (writers) and publishers.

4. Focal points and available mechanisms to counter SLAPPs in North Macedonia

The biggest challenge in the fight against SLAPPs is to distinguish legitimate claims from SLAPP claims without denying the rights of those with legitimate claims. This is actually the hardest part of the job and the biggest challenge. However, the spread of misinformation should not be protected. To this end, they should leave it to the discretion of the court or tribunal concerned with the matter to consider whether the application of the relevant safeguards is appropriate in a particular case. For example, if the allegations made by the defendant are fabricated and their purpose is to damage the reputation of the plaintiff, the defendant should not be afforded protection.

The current focus on SLAPP prevention education is of great importance and is a unique mechanism in the fight against SLAPPs. There are educational programs and training programs for legal professionals (judges, lawyers, lawyers, journalists, institutions, etc.) based on the European Court of Human Rights practice and application of international standards and mechanisms. On the other hand, it is foreseen to develop strategies and measures to raise public awareness among the general public about SLAPPs and the damage that can occur in public life and to the public interest from them.

Current policies do not fully protect freedom of speech and expression of public opinion. Meaning public pressure remains one of the mechanisms used in the fight against SLAPP.

II. Strategies and tactics employed in SLAPP cases

1. Explore the tactics used by plaintiffs in filing SLAPPs in North Macedonia

If the existing legal tactics and experiences are analyzed, it can be easily seen that the plaintiffs aim to influence the discourse of reporting and information by journalists by initiating court cases against some of them. In the specific cases, it is interesting that in the part of compensation for damage, they differ drastically from each other, because in some court cases compensation for non-material damage is not required, while in others it is explicitly required, and it is very high. It is interesting that some plaintiffs only demanded compensation for damages, but not a public apology for publishing untruths, which harmed his personal reputation.

The strategies for initiating such proceedings before the courts are numerous and diverse, namely:

- The strategy of combining libel and insult lawsuits plus a well-thought-out PR campaign leads to even more pressure on activism and creating distorted opinion is a tried-and-tested strategy run by SLAPP teams because the public only accepts what is shared on social and news media without to actually check the titles.
- The plaintiff's intention to use an imbalance of power, such as his financial advantage or political or social influence, to exert pressure on the defendant.
- Aggressively worded arguments presented by the plaintiff are partially or completely unfounded.
- The plaintiff submits legal remedies, which are disproportionate to the case.
- The plaintiff uses procedural and litigation tactics, such as delaying proceedings, choosing a forum in which the law or other aspects of the proceedings are favorable to him, causing increased workload, filing appeals with little or no prospect of success, and causing disproportionate costs to the defendant.
- Legal proceedings are directed at individuals or organizations, or individuals or organizations associated with them.
- The court proceedings are accompanied by an offensive campaign in the public aimed at harassing, discrediting or intimidating the actors participating in the public debate or aimed at diverting attention from the essential issue in the specific case.
- Plaintiff or his agents engage in lawful intimidation, harassment or threats, or have a history of engaging in such activities.
- The plaintiff or related parties are involved in multiple and coordinated or cross-border legal proceedings based on the same facts or in relation to similar matters.
- Financially expensive campaigns that will influence the perception of the common man.
- Plaintiffs usually have a strategy for seeking interim measures to prohibit a certain research, story, book, or similar from being broadcast or rebroadcast.
- Use of expansion strategies excessive requests for delivery of data, information.
- Use of aggressive legal threats before initiating the procedure; refusal to mediate and amicable settlement without reasonable justification. Refusal to settle the claim through alternative dispute resolution (mediation, arbitration, etc.).

Any characteristic that combines the above tactics suggesting that the lawsuit is brought with the purpose of harassing, intimidating, or otherwise coercing the defendant into silence or giving up is characteristic of a SLAPP.

2. Strategies employed by defendants in responding to SLAPPs within the Country legal context.

In the defense strategies, the main role is played by the lawyers who appear as representatives of the sued journalists and other persons who participate in public life in North Macedonia. In the research, the lawyers as well as the judges who are the main actors in the trials emphasized the need for caution when creating procedural mechanisms for SLAPP prevention in the Macedonian legal system. The lawyers especially pointed out that there is especially great pressure when it comes to investigative journalists, citing the example of the Investigative Reporter Laboratory, against which court cases are multiplying, just to limit their research, which reveals corrupt affairs, not only within the state authorities, but also in the private sector.

During the research, the interviewed parties also emphasized that it is necessary to strengthen continuous education for judges about the practice of the European Court of Human Rights, with a special emphasis on SLAPP. Education is the simplest way to recognize and present SLAPP as a hidden danger to limit participation in public space and information.

The President of the Association of Journalists of Macedonia Dragan Sekulovski points out that it is very important to determine who decides to sue.

"It is very important if he is an economic powerhouse, if he is a politician or public office holder, maybe even a member of parliament. Second, why does he put up with them? Is there a problem with the reporting method of a certain media and is it really that he or she as a group is economically powerful and with their money and their political influence they are abusing the judicial system in order to be able to influence the spoken word or is it a matter of defending their rights ." says Sekulovski.

3. Patterns observed in the filing and response to SLAPP cases within North Macedonia

From the interviews with the stakeholders in these proceedings, such as lawyers, legal representatives, judges, journalists, activists, etc. for the purpose of this research, we concluded that SLAPP's target groups have many things in common: financial and political pressure, demotivation, temporary measures, psychological pressure. Going to court every day and concentrating on defense. And the anti-SLAPP response is aimed at combating these effects.

SLAPP lawsuits are characterized by the plaintiff's abuse of process by the plaintiff's excessive or specific claims. The financial power of the plaintiffs gives them an advantage in the proceedings regardless of whether they win the dispute or not a certain goal is expected to be achieved. One goal is the consequences felt by the defendants during the court proceedings, primarily financial and environmental, and the second goal is the consequences that such lawsuits leave in the public, for example public perception, setting an example for future similar situations, etc.

These consequences are reflected in the financial costs, the time spent in court as well as the psychological consequences due to the stressful court experience. Such processes never involve only the defendant, but the entire profession, for example, journalism, because in such processes, other journalists are often called as witnesses in the process itself.

Although such lawsuits are unfounded and have been dismissed many times by the court, the focus is on creating pressure on journalists, media or activists during the procedure itself as well as on attacking their reputation.

III. Case Studies

1. Case studies of prominent SLAPP cases in the Country

- **Kocho Angjushev and "Brako" against IRL and editor Sashka Cvetkovska** for the story "Conspiracy against the air" published on May 16, 2021.

In the first judgment made by Spirovska Panova, she rejected the lawsuit of the businessman Angjushev and ruled that there were no grounds for defamation, but after Angjushev appealed to the higher Court of Appeal, the procedure was returned to the beginning.

The Court of First Instance 2 or popularly called the Civil Court, did not allow the recording and photographing of the sentencing on the grounds that the plaintiff objected. Five minutes before the sentencing, the Supreme Court expressly responded to the Investigative Reporter Laboratory's request and thus their decision was final, and recording was allowed.

With this lawsuit, Angjushev and "Brako" demand that Investigative Reporter Laboratory and the editor Sashka Cvetkovska pay one euro in damages to him and his company "Brako", as well as to apologize to him in the daily newspaper "Sloboden Pечат".

In the fourteen-page verdict, the judge interprets who meets the conditions to be a journalist, editor and media outlet and concludes that IRL defamed Mr. Kocho Angjushev in the research "Conspiracy against the Air". As a reminder, in May 2022, the same judge rejected the claim for defamation of Angjushev, i.e. "Brako" as unfounded. Judge Jovanka Spirovska Paneva also assessed the role of the Association of Journalists of Macedonia as well as the guild organizations for self-regulation, which in the complaints submitted by "Brako" and Angjushev did not establish journalistic professional deviations in the "Conspiracy against the Air" research. rather, they made a decision that the journalistic standards were fully respected, and the complaints of the company "Brako" and Mr. Angjushev were unfounded. Judge Spirovska Paneva suggests censoring the independent and non-profit media through suggestions for inspections and decisions to ban the performance of the activity because, according to her, Investigative Reporter Laboratory is not allowed to broadcast research for the public, but only for the employees. She invites the Ministry of Justice, to examine the work of the Investigative Reporting Laboratory and assess whether it has violated someone's private freedom, because, according to her, Investigative Reporter Laboratory has no right to inform citizens because she was not convinced that this is their job. The judge claims that she did not receive a Statute of the association, although as a lawyer she should know that if she needed these documents, she could have provided them from the Central Registry of the Republic of North Macedonia, because without a statute it is impossible to register a Citizens' Association. "The court presented as evidence and appreciated the complaints that the plaintiffs submitted to the Association of Journalists and decided based on them, but found that these evidences are irrelevant and meaningless in the specific case, in conditions where the court determined that the Association of Journalists as an association does not can supervise another association, but another body in the state is competent for that".

- Characteristic and one of the first significant cases of media targeted with SLAPP is the so-called case "**Pajažina**", in which the subject of the investigation was A1 television in addition to other companies of the Ramkovski family. Namely, in the period before the opening of the investigation against the businessman Velija Ramkovski, he was a fierce critic of the government because of its autocratic and corrupt rule. This case was characterized by the intensity and extent of the mechanisms that were employed and used, both by the Public Revenue Authority and other financial institutions, which have investigative powers. This case ended with convictions for the owner of A1 television, as well as for his family members and associates, a total of more than 20 people were convicted, but the final effect of this case was the closure of A1 television, which was the most vocal against the government that was the creator of the so-called captured state and what

was ascertained by Reinhard Priebe's expert group. It was in the Priebe Report that the following recommendation was made, which could be said to apply to SLAPP. "Defamation actions should not be used as a means to stifle debate or prevent public figures from being held accountable."

- A characteristic SLAPP case was the "**Likvidacija**" case, in which, among the other eight, the journalist Tomislav Kezharovski was sentenced, initially to 4.5 years, and then his sentence was reduced to 2 years of effective imprisonment. The journalist Tomislav Kezharovski was convicted because in 2008, in the magazine "Reporter 92", he allegedly revealed the identity of the protected witness in this court case. The journalist Kezharovski was involved in the case "Likvidacija" immediately after the announcements of his research on the traffic accident in which the owner of the weekly "Focus", Nikola Mladenov, one of the most prominent critics of the government at the time, lost his life. In the end, the proceedings were stopped due to the statute of limitations.

- The next case did not refer to SLAPP against journalists nor media, but was aimed at the farmer Dushko Ilievski, a person who made public appearances as an activist and leader of the protests against the "**Swedmilk**" dairy, which was a foreign investment supported by the Government of the Republic of Macedonia. Ilievski was arrested because he allegedly grows marijuana together with his brother. After more than ten days spent in detention, Ilievski and his brother were released because it was about wild hemp, not cultivated marijuana. After several years, Ilievski was accused of assaulting an official during the so-called A colorful revolution from the same ruling set because of its active role in these protests as well.

- Ali Ahmeti against ATV Media Company DOOEL Skopje and Isen Saliu

The plaintiff Ali Ahmeti, with the lawsuit, sought to establish that ATV Media Company DOOEL Skopje and Isen Saliu were responsible for defamation against him due to the fact that the defendants allowed untrue facts, harmful to honor, to be published through the website of the daily newspaper "Lime". and the reputation of the plaintiff, where it was announced that "Ali Ahmeti threatened the person of Rafiz Aliti that he would exclude him from the party Democratic Union for Integration." At the same time, the plaintiff Ahmeti demanded from ATV Media Company DOOEL Skopje to pay him non-material damages in the amount of 15,000 euros, while the person Isen Saliu in the amount of 10,000 euros, as well as the defendants, to oblige at their own expense to publish the verdict in the prime news on three national televisions and on the most read internet portal in the Republic of Macedonia. The Basic Court Skopje 2, passed Judgment¹, with which it rejected the lawsuit as unfounded because it did not establish elements of defamation. This judgment was confirmed by the Skopje Court of Appeal with the Judgment².

These were five distinctive court cases, which were the subject of criminal proceedings, through which the political elite actually used SLAPP to initially remove them, and if that was not possible, to restrict them from operating in the public space.

¹ Judgment P5-17/18

² Judgment GŽ-57/19 of 13.2.2019.

2. Extraordinary circumstances surrounding certain SLAPP cases in North Macedonia

The civil court in Skopje in the verdict condemned the journalists of the Investigative Reporter Laboratory network for the documentary "**Conspiracy against the air**" following a lawsuit by Kocho Angjushev a former Deputy Prime Minister of North Macedonia. This was a repeated trial, at first the same judge gave an acquittal, which on appeal was returned for a retrial. In the retrial, a precedent was set by excluding journalists from the courtroom in the classic case of SLAP in the Macedonian judiciary, Kocho Angjushev against Investigative Reporter Laboratory and Sashka Cvetkovska. The judge decided to exclude the public from the courtroom without explanation, even though journalists from several newsrooms were present who were tasked with reporting on the case where their colleagues are the defendant. The judge announced the direct confrontation as evidence in the proceedings through which she would assess who is telling the truth, and the reactions of the businessman and the journalist will be a key element for passing judgment. It is extremely dangerous and represents a classic precedent, says the reaction of Association of Journalists of Macedonia, which submitted a petition to the Judicial Council to determine the responsibility of judge Jovanka Spirovska Paneva. The trial passed with a series of scandals, and most of the testimony of the journalist Sashka Cvetkovska was not included in the minutes of the hearing. The record even says that the emotional performance of Mr. Kocho Angjushev gave the judge faith that he was telling the truth.

It should also be underlined that Judge Jovanka Spirovska-Paneva from the Civil Court Skopje, in the explanation of the verdict against the Investigative Reporter's Laboratory following a lawsuit for defamation and insult, said that the media was not a media, and that the journalists of this newsroom, that they were not journalists. Lawyer Ivan Breshkovski decisively asserts that the Appeal, which returned the case for a retrial, nowhere indicates that someone should determine "who is a journalist and whether he can work as a journalist".

The verdict also called for the closure of the editorial office, directing "the Ministry of Justice as the competent authority to go to the Investigative Reporter Laboratory for an inspection" and "not to publicly publish its research, but to present it only to the employees". "This is the scandalous explanation given by the judge in the case of Kocho Angjushev against Investigative Reporter Laboratory. Judge Jovanka Spirovska-Paneva appreciates that she had to protect the private interest, in this case of the plaintiff Kocho Angjushev, and not the collective one and not the freedom of speech.

IV. Impact on Public Participation

1. Broader impact of SLAPPs on public discourse and civic engagement in North Macedonia

SLAPPs are characterized by attempts at censorship, intimidation and silencing and redirection of public discourse through an intensified judicial process that is often additionally burdened with large financial costs that can lead to the abandonment of the legal battle, and in the last case to the stifling of criticism. SLAPPs goal is to stifle freedom of expression on matters of public interest and is used systematically against the public guardians of democracy and the rule of law. Journalists often think twice when they research certain cases which involve high profile person.

The European Center for Freedom of the Press and Media defines a SLAPP as "a lawsuit brought by powerful entities (eg, a corporation, public officials, a high-profile business person, etc.) against non-governmental individuals or organizations that have expressed a critical view on a substantive issue of some political interest or social significance." And this is the main negative impact that SLAPP's have on public discourse and civil engagement.

2. Instances where SLAPPs have deterred individuals or organizations from participating in public issues within North Macedonia

Although older, the following examples are a classic example of preventing public appearances and influencing certain persons to be prevented in their activities and research.

- In the case of the farmer Dushko Ilievski, a person who made public appearances as an activist and leader of the protests against the "**Swedmilk**" dairy, which was a foreign investment supported by the Government of the Republic of North Macedonia, Dushko Ilievski was arrested and kept in custody, and thus was prevented from participating in the announced protests and public gatherings against the crime that happened to the dairy. Ilievski was arrested because he allegedly grows marijuana together with his brother. After more than ten days spent in detention, Ilievski and his brother were released because it was about wild hemp, not cultivated marijuana. After several years, Ilievski was accused of assaulting an official during the so-called A colorful revolution from the same ruling set because of its active role in these protests as well.

- In the "**Likvidacija**" case, the journalist Tomislav Kezharovski was arrested and thus he was prevented from continuing to report on the investigation into the death of the journalist Nikola Mladenov. The journalist Tomislav Kezharovski was convicted because he had allegedly revealed the identity of the protected witness in this court case. The journalist Kezharovski was involved in the case "Likvidacija" immediately after the announcements of his research on the traffic accident in which the owner of the weekly "Focus" Nikola Mladenov, who was one of the most prominent critics of the government at the time, lost his life. Kezharovski was suspected that in 2008, as a journalist at "Reporter 92", he disclosed to the public information and data about a protected witness in the "Oreshe" case, thus violating the Law on Witness Protection in which the journalist was convicted among the other eight. Kezharovski, initially to 4.5 years and then his sentence was reduced to 2 years of effective imprisonment. In the end, the proceedings were stopped due to statute of limitations.

V. Conclusions and Recommendations

1. Key findings and their implications for North Macedonia

SLAPP in the Republic of North Macedonia in the past was not a regular measure and a means of silencing and pressure, but if we take into account the latest developments in the Macedonian judiciary and the judgments against journalists from the Investigative Reporters Laboratory, Pandora's box has been opened and a heavy precedent is being set against free speech and investigations against powerful people.

According to the Law on Civil Liability for Insult and Defamation, judges can and do directly apply the European Convention on Human Rights, as well as the practice of the European Court of Human Rights. Special modules have been created for the application of the European Convention on Human Rights and the practice of the European Court of Human Rights in the Academy for Judges and Public Prosecutors for initial and continuous training of judges and public prosecutors. However, despite the training and the specificity of the cases in which defamation and insult are judged, there is no separate department or other form of specialized defamation and insult judges that could be established.

The captured judicial system (as it is called in the Western evaluations of the Macedonian judiciary) in the Republic of North Macedonia creates favorable conditions for the implementation and prosecution of court proceedings that target journalists and activists and stifles freedom of speech and investigative journalism. The powerful in these conditions of the Macedonian judiciary have room to devise ways of attacking all those who will mention them in their columns or research. That is why there is a need for the recommendation to create a special department that will work on SLAPP cases with well-trained judges and staff who can respond to SLAPP challenges.

To prevent this occurrence, anti-SLAPP legislation is needed that would aim to limit and/or deter potential plaintiffs from filing harassment lawsuits that are not aimed at protecting rights, but are aimed at harassing defendants. Such regulations provide for early dismissal of such lawsuits, minimize costs incurred by the defendant, and provide punitive measures for filing SLAPP lawsuits, such as a fine for the plaintiff.

2. Specific recommendations for legal reforms to address SLAPPs in North Macedonia

Recommendation to the courts to follow the recommendations and established practice of the European Court of Human Rights. To define public participation and public interest, which as terms are very specific and depend on the context. Respect for the right to freedom of expression and information, guaranteed by Article 10 of the European Convention on Human Rights as interpreted by the European Court of Human Rights in its case law.

From the research and surveyed participants in this type of court proceedings, it is concluded that the following recommendations can contribute to the fight against strategic lawsuits against public participation.

Effective management of cases, recognition and early rejection of lawsuits against public participation, not changing the claim, shortened procedures, costs to be directed to the plaintiff of the procedure and compensation for damages, compensation for the costs of the court procedure and compensation in the case of SLAPP, stay of court proceedings in case of death of the defendant.

Preventive Remedies in the case of SLAPP cases: allocation of the costs of the procedure, compensation for damages to the victims of these procedures, limitation of the amount of non-material damage for the plaintiff, measures to deter lawsuits aimed at putting pressure on the other party. In terms of transparency in these cases, it is necessary to publish the court findings when it comes to SLAPP, as well as the name of the plaintiff according to the positive laws for the protection of personal and European standards for human

freedoms and rights. In addition to publication, it is also necessary to introduce and maintain a public register of court cases and decisions that are considered SLAPP.

All-round support to SLAPP victims, providing legal aid, financial support, psychological support, practical support and support from the private sector.

During the research, as a recommendation, the need for caution arises when creating process mechanisms for SLAPP prevention in the Macedonian legal system. The lawyers especially pointed out that there is especially great pressure when it comes to investigative journalists.

We emphasize that it is necessary to strengthen continuous education for judges about the practice of the European Court of Human Rights, with special emphasis on SLAPP. Education is the simplest way to present SLAPP as a hidden danger to limit participation in public space and information.

As a SLAPP prevention, a preliminary hearing should be used, where the judge could evaluate whether it is a SLAPP or an alleged defamation and insult. Hence, the journalists consider that the preparatory hearing is a part of the judicial procedure that the court conducts more formally than substantively, because the judges do not evaluate whether there is a legal interest of the plaintiff in filing a lawsuit.

From the surveys with judges and lawyers participating in these court proceedings, it is concluded that special attention should be paid to provide training for the specialization of judges in defamation and insult arising from their previous experience. The established system, according to which all judges judge defamation and insult, represents a risk of legal uncertainty and the quality of decisions in these specific cases. Consequently, the journalists believe that in the larger courts there should be a department in which there would be judges specializing in defamation and insult.

There is a huge need to familiarize the public with the meaning and danger of SLAPP, in order to increase the pressure of the public towards the stakeholders who are the creators of SLAPP. At the same time, it was emphasized that the introduction of the public should be in the direction of making it aware that SLAPP aims to silence journalists or at least censor them. Regarding the costs of the procedure and compensation for damages, the journalists pointed out that their media covers a part of them, while the Association of Journalists of Macedonia, which provides special support in court cases, covers many of them.

In the end, the journalists emphasized that the Council of Europe should make a special commitment in protecting journalists from SLAPP, by raising awareness through the member states of the people living in them. It is also necessary for the Council of Europe to provide clear guidelines for the prevention of SLAPP, as well as the education of judges and public prosecutors to easily recognize the elements of SLAPP, in order to ensure normal conditions for the participation of journalists in the public space and to work in the protection of the public interest.

3. Measures to protect individuals and organizations from abusive legal actions, considering the Macedonian context.

In addition to the improvement of the legal framework and the establishment of a special department that will work on SLAPP cases, educational advancement, case analyzes and studies and analysis of the European SLAPP regulation are also needed.

Organizing seminars and trainings on the topic: "Strategic lawsuits against public participation SLAPP comparative experiences and practice for recognition and prevention". The trainings and seminars should be aimed at journalists, civil activists and all those who may be targets or actors in these cases and have the opportunity to discuss and exchange experiences about SLAPPs whose purpose is to intimidate and financially exhaust the sued journalists or media .

To make rules and plans on how to react when faced with a SLAPP, how to recognize a SLAPP lawsuit, how the media could react to a SLAPP lawsuit and how to ask for support, as well as define the role of lawyers and the judges in such cases.

Defining strategic lawsuits against public participation in the local context through case studies from the country and from other Western Balkan countries, to encourage learning and exchange, as well as legal recommendations relevant to the local context, in order to recognize and prevent and legal protection has improved.

The mapping and legal assessment of national legislation to ensure a clear systematization of the relevant regulation relating to existing safeguards against SLAPP. At the same time, this section refers to the principles that underlie the protection from SLAPPs, which derive from the practice of the European Court of Human Rights.