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# SLAPP suits: Ukrainian perspective

2021

# Threats to public participation in Ukraine

Three types of persecution:

- Personal harassment
- Court suits against public
- NGOs discreditation and threat to financial stability



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# Case 1: Village Bilyky residents against local pig farm

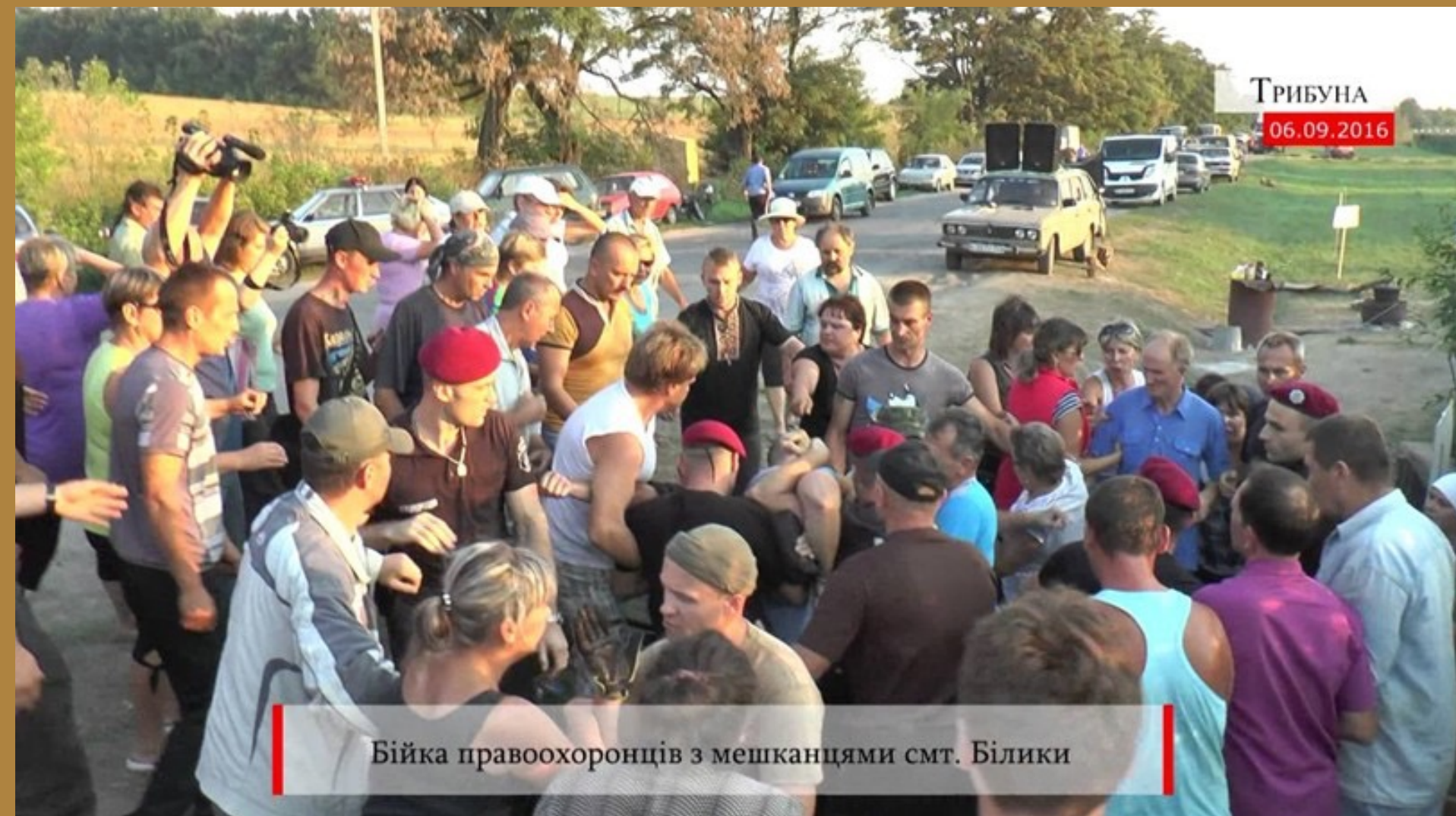
- Pig farm owners (investments from Russia) filed a suit to court against 14 activists for compensation of their material damage amounting to 11mln UAH (333 333 EUR) due to blocking of the access to pig farm by local population (pigs starving and loosing weight). Court case was stuck in court.





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Бійка правоохоронців з мешканцями смт. Білики

- The farm was forced to close and after that plaintiff asked the court to leave the court case without consideration, the court agreed. EPL lawyers represented local activists.



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# Case 2: Voytyna against Eco-vtor Ltd

- Local resident published in Facebook information on non-compliance of Eco-Vtor with environmental norms: excessive harmful emissions into the atmosphere. Voytyna used data from the public monitoring system





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- Company filed defamation suit and asked court to declare information unreliable and order deletion of information from Facebook
- Final decision of Cassation Administrative Court ruled partly in favor of the company, declared unreliable a few posts and asked the defendant to delete them



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# Case 3: Kronospan v. Ecoclub Rivne NGO

- Swiss Kronospan planned construction of wood processing factory, which the public opposed due to formaldehyde
- Defamation suit filed due to comments of Ecoclub during EIA procedure posted on FB and website





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- The company asked for 1 UAH compensation and to declare 5 statements false.
- In May 2021, the Supreme court of Ukraine dismissed the court suit, based on practice of ECHR, AC and ACCC findings.





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# Case 4: "Agrol" company against an activist

- A local activist suffers from pollution of air, waters and soil from poultry processing factory Agrol nearby





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- A company filed a defamation suit for publications of Facebook posts and videos and for complaints directed to controlling bodies.
- Asked for compensation of 50 000 UAH of moral damage and 430 000 UAH for damage to the company reputation, 15 000 EUR in total.
- The case is pending in court of the 1st instance.



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# Suits against public participation

- Activists are using more social media
- Activists are subject to SLAPP suits more than journalists





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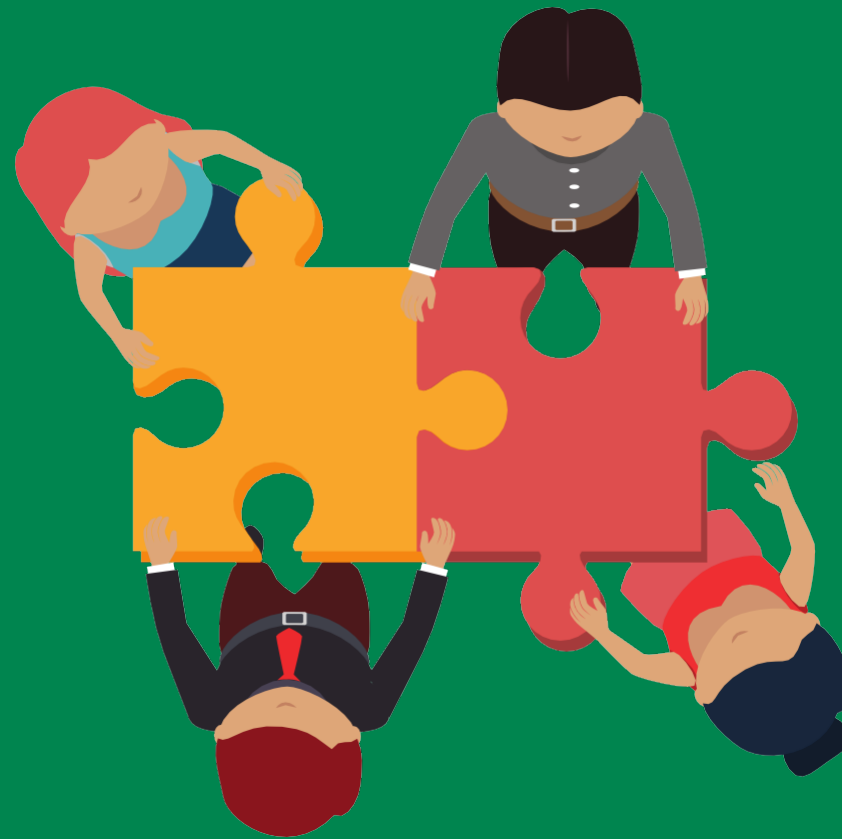


- No legal support in such cases is provided for activists – financial burdens and threats as well as their legal representation in court become solely their problems.
- Courts mostly support the position of defendants, based on practice of ECHR



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Thank you for your attention!