

# FreeEx Digest

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## SLAPPs and Freedom of Expression in Romania



**FRIEDRICH NAUMANN  
FOUNDATION** For Freedom.  
Romania and Moldova



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**ActiveWatch**



**FRIEDRICH NAUMANN  
FOUNDATION** For Freedom.

Romania and Moldova

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*“Journalists play an important role in facilitating public debate and in the imparting and reception of information, opinions and ideas. They should be able to conduct their activities effectively and without fear in order to ensure that citizens have access to a plurality of views in European democracies. Independent, professional and responsible journalism, as well as access to pluralistic information, are key pillars of democracy. It is essential that journalists are afforded the necessary space to contribute to an open, free and fair debate and to counter disinformation, information manipulation and interference, in accordance with the ethics of journalism, and are afforded protection when acting in good faith.”*

[EU Anti-SLAPP Directive](#) , Recital (8)

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## ■ SLAPPs and freedom of expression in Romania

A draft law on the protection of journalists, activists and others against strategic litigation targeting public participation is, at the time of publication of this report, under discussion in the standing committees of the Chamber of Deputies. The draft law, initiated by the Ministry of Justice and submitted to the Chamber of Deputies by the Government in February 2026<sup>1</sup>, aims to transpose an EU Directive, adopted in 2024, *on protection against manifestly unfounded claims or abusive legal proceedings against persons involved in public mobilisation* (“*strategic litigation against public participation*”)<sup>2</sup>. The Directive is known, in short, as the Anti-SLAPP Directive (after the English acronym for the phrase ‘strategic litigation against public participation’).

[P]ublic participation’ means the making of any statement or the carrying out of any activity by a natural or legal person in the exercise of the right to freedom of expression and information, freedom of the arts and sciences, or freedom of assembly and association, and any preparatory, supporting or assisting action directly linked thereto, and which concerns a matter of public interest;

[EU Anti-SLAPP Directive](#), Article 4(1)

In the context of this new European legislation, ActiveWatch presents an analysis of the phenomenon of strategic lawsuits against public participation (SLAPPs) in Romania, which aim to restrict freedom of expression and freedom of the press.

The central aim of our study is to analyse the mechanisms through which the judicial system comes to be exploited by powerful actors – be they politicians, public officials, businesspeople, civil servants, companies or public institutions – with the aim of silencing critical voices in the media and civil society. Based on the description of several relevant case studies from recent years, the research illustrates not only court decisions but the entire litigation ecosystem, from the grueling duration and sometimes prohibitive costs, to aggressive litigation strategies and the negative consequences for the dissemination of information of public interest. The ActiveWatch analysis includes 17 such case studies. These serve an illustrative purpose and do not constitute an exhaustive list of SLAPP lawsuits aimed at restricting the exercise of freedom of

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<sup>1</sup>PL-x No. 58/2026 Draft Law on protection against manifestly unfounded claims or abusive legal proceedings directed against persons involved in public mobilisation activities  
[https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=22968](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=22968)

<sup>2</sup> Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protection against manifestly unfounded claims or abusive legal proceedings against persons engaged in public mobilisation (‘strategic litigation against public mobilisation’)  
<https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32024L1069>

expression; many other such cases could not be included in this report due to space constraints and limited resources.

“Public interest” refers to all matters which affect the public and in which the public may legitimately take an interest, especially those matters concerning important social issues or affecting the well-being of individuals or the life of the community or the environment. The public has the right to receive information and ideas and thus to be informed about matters of public interest, and journalists and the media have the task of imparting such information and ideas. Public interest extends to issues which may give rise to considerable controversy, but it cannot be reduced to the public’s thirst for information about the private lives of others, or to an audience’s wish for sensationalism or voyeurism. Politics, current affairs, human rights, justice, social welfare, education, gender equality, sexual orientation and gender identity, sexual or gender-based harassment or violence, health matters, religion, culture, history, corruption, climate and environmental issues are thus all examples of topics of public interest, unlike individuals’ private relationships or family affairs. Topics may be of public interest at the local, national or international level.

Anti-SLAPP Recommendation of the Committee of Ministers of the Council of Europe  
[CM/Rec\(2024\)2](#)

## Conclusions and recommendations

As the ActiveWatch analysis shows, journalists and media organisations are prime targets of SLAPP suits aimed at curtailing the exercise of the right to freedom of expression, but such targets may also include citizens, civic activists, non-governmental organisations or even politicians.

Those who initiate SLAPP lawsuits are, as a rule, individuals with economic or political power – businesspeople, politicians, dignitaries, civil servants, as well as public authorities or private companies. From the case studies presented in this report, such examples include: a former Minister of Justice, a mayor alongside the local council he leads, two MPs, a Romanian Orthodox bishop, Romanian and foreign businesspeople, including even a media owner, a market-leading property company, a European professional football club and a timber industry company.

The claim for disproportionate damages, in the form of moral or material damages allegedly resulting from defamation, is the main mechanism by which a civil dispute becomes a SLAPP suit. In most cases, the claim for such disproportionate damages (especially when made by experienced claimants or lawyers) clearly constitutes an attempt to put pressure on SLAPP targets.

Such claims for damages have reached record sums: €3,465,000 was claimed from the independent media platform Context following a journalistic investigation into a businessman and his company. A former bishop of the Romanian Orthodox Church, convicted of sexual abuse of minors, sought €250,000 from journalists at the Media Investigation Centre and Dela0, who had exposed the facts leading to his conviction. The case was won by the journalists after three years in three courts. Although the courts ordered the former bishop to pay the legal costs, these have still not been paid to date. A university rector, former Minister of Justice and former dean of the law faculty in the city where he brought the lawsuit, sought, in addition to other penalties, 2 million lei (approximately 400,000 euros) in moral damages for the publication of an article.

Although the sums claimed run into hundreds of thousands and millions of euros, in practice such disproportionate damages have not been awarded in recent years, with the courts reducing the amounts awarded in those cases where they have granted them. Claims for large sums are also possible because, in the case of individual claimants, claims for non-pecuniary damages resulting from alleged harm to honour, dignity and reputation are subject to a fixed stamp duty of 100 lei, regardless of the amount of damages claimed<sup>3</sup>. In the case of material damages, these are subject to a stamp duty based on the amount claimed, with the stamp duty comprising a fixed component, set for several brackets, and a variable component. Another reason for claiming large sums is that claims involving amounts exceeding 200,000 lei fall, in the first instance, within the jurisdiction of the county court.

One mechanism that can have a significant impact on freedom of expression and information is the removal of press materials or online posts, either through the use of interim injunctions as a coercive measure prior to a judgment on the merits, or through final judgments. Added to these are requests in which claimants ask that defendants refrain from publishing any further comments or references concerning them, or make general requests regarding the prohibition of future defamatory statements — measures which are excluded from application under the Civil Code when the infringements of non-pecuniary rights result from the exercise of the right to freedom of expression.

Claimants' requests for the removal of certain articles or posts are sometimes readily granted by the courts. In most cases, such removal orders are reviewed by higher courts; however, there are also instances in which they remain final following the latter's approval. It is essential that the courts responsible for adjudicating such cases, regardless of their level, correctly apply national and international provisions on freedom of expression. Only in this way can situations be prevented in which journalists' work is impeded by measures contrary to the standards set by the European Convention on Human Rights and other human rights treaties to which Romania is a party.

The effect that such measures decided by the courts can have, when they are not reviewed by higher courts, was illustrated by a case concerning the independent journalism platform Rise Project. The publication was ordered by the Bucharest Tribunal to remove an article about

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<sup>3</sup> Article 7(1) of Emergency Ordinance 80/2013 on court fees, published in the Official Gazette No. 392 of 29 June 2013

irregularities in the management of a state hospital. The decision became final following a procedural error (the appeal being lodged after the legal deadline). Thus, an article of public interest, with a solid factual basis, was removed from the public domain simply because the decision of the court of first instance was, also erroneously, unfavourable to press freedom.

Such a final court ruling ordering the removal of a Facebook post concerned the politician Maria Grapini. She was fined by the National Council for Combating Discrimination (CNCD) following a complaint by USR Diaspora, for reposting a statement deemed to be discriminatory on the grounds of reference to the political beliefs of those concerned. The CNCD's decision was upheld following an appeal lodged by Maria Grapini in court. Furthermore, the courts ordered her to pay compensation for non-pecuniary damage, to delete the post from Facebook and to publish the court ruling, following a lawsuit filed by a person who had not been explicitly named in the post in question. The post shared by Maria Grapini was of a general nature and, despite the use of terms that some readers might consider harsh, in ActiveWatch's view it was protected by the right to freedom of expression, exercised in the context of a political debate.

Agent Green is facing legal action from AMECO, a timber industry company, which is demanding in court that it remove an article from the American newspaper The New York Times and another article by the Environmental Investigation Agency, an international non-governmental organisation dedicated to environmental protection. Agent Green is not listed as an author or contributor, nor is it cited in the article published by the Environmental Investigation Agency. As regards the New York Times article, an Agent Green contributor is quoted making some general observations regarding the impact of mass deforestation on natural ecosystems, without any specific reference to the plaintiff company. AMECO Renewable Energy has not sued either The New York Times or the Environmental Investigation Agency, but only Agent Green. In addition to the removal of the two articles, AMECO is also demanding that Agent Green publish retractions in The New York Times, as well as in several newspapers in Italy, Poland, Slovakia, Austria, Germany, Bulgaria and, furthermore, in seven publications in Romania. Moreover, AMECO is seeking €200,000 in civil damages. Like many of the cases included in this report, this is a typical SLAPP case because the arguments put forward by the claimant company are entirely unfounded, and the remedies sought by it are excessive and unreasonable.

In practice, the plaintiffs' request for the court to order the removal of certain press articles or Facebook posts is already a common occurrence, found in many of the cases analysed.

Often, proceedings on the merits are accompanied by applications for interim injunctions. Such applications to have articles removed pending the outcome of the main proceedings may be made at significant intervals, even years after the articles were published or after the main proceedings were initiated. In many of the cases analysed, the courts have rejected such injunctions. However, one of the cases highlights the serious issues raised by decisions to remove allegedly defamatory articles pending the trial on the merits. The Romanian Centre for Investigative Journalism (CRJI) has accumulated late payment penalties amounting to nearly €70,000 after failing to comply with such an interim injunction, which was sought two years after the articles were published and granted in proceedings in which it had no opportunity to defend

itself. The CRJI had been sued by two Turkish citizens and a company owned by them, registered in Malta, following the publication by the website theblacksea.eu of articles from the series of investigations into corruption in European football, known as Football Leaks. The judgment on the merits was in favour of the journalists, but they took a significant financial risk by remaining true to journalistic principles and refusing to temporarily remove the articles, as ordered by a court injunction.

In 2025, Romania lost a case before the ECHR, brought by an amateur music critic who had been ordered by the domestic courts to delete several comments made by himself and other users from his Facebook page, at the request of artists who considered them defamatory (the case of Pătrașcu v. Romania). The ECHR found that sanctioning the amateur music critic for his own statements was disproportionate, and that, with regard to comments posted by third parties, his liability was not provided for by law. In this case, during the domestic proceedings, at first instance, the Bucharest Tribunal had ordered the amateur music critic, amongst other things, to cease publishing and hosting in the future *“comments and references containing denigrating and defamatory content directed at the applicants”*. This part of the Tribunal's decision was subsequently reviewed by the Bucharest Court of Appeal, which also found that some of the comments, even if they used harsh language, fell within the bounds of freedom of expression. Any liability for alleged defamatory statements on the critic's blog was also dismissed, and the moral damages awarded were reduced. However, the critic was held civilly liable for some of his own comments or those of third parties on the Facebook page, with total non-pecuniary damages of 12,000 lei (2,400 euros) being awarded. The judgment became final following the rejection of the appeals by the High Court of Cassation and Justice, which led to Romania being found in violation by the ECHR.

This type of request, seeking to prohibit 'defamation' in the future or to prevent further reporting on a claimant, recurs frequently in several of the cases analysed. In our view, such requests indicate the use of court applications in bad faith with the aim of putting pressure on journalists or other individuals exercising their right to freedom of expression, given that the Civil Code explicitly excludes the possibility of applying an injunction to prevent the commitment of an alleged unlawful act where such an act would consist of the exercise of the right to freedom of expression. In other words, the legal framework permits only measures concerning expressions that have already taken place, which can be examined in concrete terms and in context by the court, and the extension of applications to expressions that have not yet taken place is clearly abusive and dissuasive in nature.

“In many cases, SLAPPs are civil actions brought to defend reputation, either under the general provisions on civil liability or under the specific provisions of the Civil Code concerning the protection of non-pecuniary subjective rights (the right to privacy, the right to personal dignity, the right to one’s own image, the right to the protection of personal data). Such proceedings may be substantive and/or for interim measures and are aimed at obtaining compensation for non-pecuniary or pecuniary damage and/or the cessation of the alleged infringements of non-pecuniary subjective rights. In practice, in many cases, claimants specifically seek to silence the targets, asking the courts to prohibit them from making further public statements concerning them. Such claims are clearly abusive, as the Civil Code expressly prohibits the prohibition of future expressions of freedom of speech, whether on the merits or as a temporary measure.”

[Diana Hatneanu, “SLAPPs in Romania– Case study” . published by the Centre for Independent Journalism, 2023](#)

The initiation of multiple legal actions, including criminal proceedings, as well as complaints to public authorities, is another mechanism used to intimidate SLAPP targets. The newspaper Libertatea, during the period when its editorial team was led by Cătălin Tolontan, was the target of proceedings initiated by the mayor of Bucharest’s Sector 4. The latter, together with the local council he was heading, filed no fewer than 18 complaints against the newspaper Libertatea and several of its journalists. These included claims for damages for defamation in the civil courts, requests for injunctions, complaints of discrimination to the National Council for Combating Discrimination, and criminal complaints. All these proceedings were concluded in favour of the journalists, but not without the inherent financial and time-consuming strain and, moreover, not without exposing the head of the editorial team to a media lynching, in the context of his summons to the DIICOT headquarters.

The local public radio station Radio Târgu Mureş has become the subject of a criminal complaint following a satirical programme which a foundation partly funded by the Hungarian government considered to be the target of. Among other things, the foundation accused the radio station of committing cybercrimes by allegedly using artificial intelligence to produce the material (the text had, in fact, been performed by two actors, who were named in the programme).

Residents of the Bucharest Floreasca neighbourhood and the non-governmental organisations that supported them have become the target of such multiple actions, being sued in two separate cases, both as organisations and as individuals, after they challenged the permits issued by the state authorities for the development of a major property project. The property developer – One United Properties – is seeking damages totalling €2 million from those involved for complaints submitted to public authorities, posts published on social media and legal action taken in relation to one of the company’s projects.

One United Properties has also brought multiple legal actions against the media. These follow a similar pattern: a claim for exorbitant compensation for non-pecuniary damage (€100,000), a

request to remove the articles from online platforms, accompanied by applications for interim measures, requiring the court to order the provisional removal of the articles in question from online platforms until final judgments are handed down. The property developer's claims have so far been rejected by the courts in the cases examined; instead, the company has been ordered to pay the legal costs incurred by the defendants.

In ActiveWatch's view, through the litigious and procedural tactics used against those who oppose its property projects or those who report on its activities in a manner it does not approve of, One United Properties represents the most telling example of a company responsible for multiple and repetitive SLAPP-style actions.

Casa Jurnalistului newsroom has been the target of multiple legal actions, spanning four years, following the publication of an article in a series of investigations into the phenomenon of *revenge porn*. The journalists were first sued by the parents of a person implicated in a *revenge porn* case. The plaintiffs were only briefly mentioned in the article, in reference to their public roles, but without being explicitly named and without the journalists attributing any blame to them. Nevertheless, the two demanded that the article be removed from the website and that an apology be published. After losing this case, two years after publication, the person identified by the journalists as responsible for the *revenge porn* case also took legal action, again without success.

Other forms of harassment identified by our analysis, in addition to the legal proceedings initiated by the complainants, included the use of information held by public or private entities outside Romania against journalists, as well as requests made to such entities to have journalistic content removed. The complainants in the Football Leaks series managed to obtain personal data from EURID, the .eu domain registrar, including the full names and addresses of all journalists associated over time with the Romanian Centre for Investigative Journalism and the publication The Black Sea.

For its part, the publication Context.ro reported that it had been the victim of a coordinated campaign, in which several individuals with suspicious identities filed complaints with Google and Meta, falsely claiming copyright over articles published by the outlet. The articles concerned a businessman who had taken legal action against the publication. The aim of the complaints to Google and Meta was to have the articles delisted or deleted, including reposts of these articles on other media platforms. As a result of these actions, some of the Context.ro articles in question were temporarily removed from Facebook, Instagram and Google search results. This is not an isolated case; at least one other news outlet – CRJI – has reported facing similar attempts to have articles from the Football Leaks series delisted. On the other hand, the new European media regulations<sup>4</sup> could offer greater protection for journalistic content, and could therefore be used to safeguard content of public interest.

It should also be noted that journalists do not always receive institutional support from their editorial teams or employers when they are taken to court over published material, which can

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<sup>4</sup> See, for example, the European Media Freedom Act (EMFA) and, indirectly, the Digital Services Act (DSA).

leave them vulnerable to this kind of pressure. In a case concerning a first-instance court's decision to remove an article about a former Minister of Justice, the editorial team chose not to appeal against this disproportionate decision, which risked setting a dangerous precedent. The journalist did so, without having a lawyer, and the court of appeal ruled in favour of freedom of expression.

In conclusion, although the courts generally align with international standards and the case law of the European Court of Human Rights regarding the protection of freedom of expression and freedom of the press, SLAPP lawsuits continue to function as a tool through which their initiators attempt to put pressure on their targets. These lawsuits entail financial costs and time commitments that the individuals, newsrooms or organisations concerned must factor in as part of their editorial work or advocacy activities. The good news is that the targets of SLAPP lawsuits (journalists, newsrooms, citizens, non-governmental organisations), when they lack their own resources, often receive external support. In many cases, they have benefited either from lawyers working pro bono or from financial support to cover lawyers' fees and legal costs. Support has come from citizens who have shown solidarity and made donations through *crowdfunding* campaigns, or from non-governmental organisations that provide such financial support to victims of SLAPPs. Cases that defend the public interest often have public support.

It can be said that an analysis of SLAPP lawsuits—which aim to curtail the right to freedom of expression—reveals a worrying reality: those responsible for these actions exploit access to justice not to seek justice and punish possible misconduct in public communication, but as part of intimidation strategies designed to discourage the publication of information in the public interest or other acts of public mobilisation. At the same time, the majority of these cases are ultimately won by journalists and activists. Ideally, however, the duration of these proceedings, which usually stretch over several years, should be reduced through legal procedures, in order to relieve the burden on the courts and to protect the public interest.

The cases analysed in this report highlight the existence of a glaring imbalance of power between certain claimants, who have vast resources and specialized teams of lawyers at their disposal, and those they are suing, who are often individual journalists or small or independent newsrooms, non-governmental organisations, or even ordinary citizens, with limited financial resources. These claimants abuse legal provisions with the aim of punishing those who raise issues of public interest. Although the courts in Romania attempt to apply the case law of the ECHR on freedom of expression, practice remains inconsistent, and the lack of a procedural mechanism for the swift dismissal of manifestly unfounded cases allows these abuses to continue.

The swift dismissal of manifestly unfounded applications

Article 11 Early dismissal

Member States shall ensure that courts and tribunals may dismiss, after appropriate examination, claims against public participation as manifestly unfounded, at the earliest possible stage in the proceedings, in accordance with national law.

Article 12 Burden of proof and substantiation of claims

1. The burden of proving that the claim is well founded rests on the claimant who brings the action.

2. Member States shall ensure that where a defendant has applied for early dismissal, it shall be for the claimant to substantiate the claim in order to enable the court to assess whether it is not manifestly unfounded.

[The EU Anti-SLAPP Directive](#)

The urgent legislative solution to counter these threats to the public's right to information is the transposition of the EU Anti-SLAPP Directive in relation to both cross-border and domestic cases, with particular emphasis on the mechanism for the swift dismissal of abusive actions. The transposition of the Directive must be accompanied by specific training for judges to recognise the signs of a SLAPP-type proceeding and to encourage courts to impose financial penalties on abusive claimants. Last but not least, it is necessary to establish more legal aid funds, from public or private sources, to support investigative journalism and civic activism in their role of informing the public.

Investigative journalists and media organisations in particular play a key role in uncovering and combating organised crime, abuse of power, corruption, fundamental rights violations and extremism. Their work carries particularly high risks and they are experiencing a growing number of attacks, killings and threats, as well as intimidation and harassment. A robust system of safeguards and protection is required to enable investigative journalists to fulfil their crucial role as watchdogs on matters of public interest, without fear of punishment for searching for the truth and informing the public.

[EU Anti-SLAPP Directive](#) , Recital (10)

## Recommendations for journalists and media organisations:

- Check your mail regularly to find out about summonses in good time and to be able to prepare your defence in court within the legal time limit.
- Make sure you are in contact with a lawyer specialized in freedom of expression/freedom of the press whom you can consult at any time, including before publishing complex stories.
- Archive all documents supporting the article in a way that will be useful years later, as some of the remedies available under the Civil Code are not subject to a limitation period. Archive evidence relating to attempts to contact the individuals/institutions mentioned in the article (emails, phone messages, conversations, registered letters in which you requested a statement). These records must be kept under the strictest security, both to protect the integrity of the information and to avoid exposing journalistic sources.
- Ensure that you have a dedicated budget for paying a lawyer or that you know which potential sources of financial support you can turn to ([European Centre for Press and Media Freedom](#), [Reporters Without Borders](#) offer such support).
- If you are facing a SLAPP case, report it to organisations that defend freedom of expression in Romania (such as: ActiveWatch, the Centre for Independent Journalism, the Fourth Estate Alliance), as well as to the CoE platform [dedicated to the safety of journalists](#)<sup>5</sup> and to the [Media Freedom Rapid Response](#) mechanism<sup>6</sup>.
- Work alongside your lawyer to build your defence. Set aside time to work with your lawyer on preparing the case and organising the archive of documents and evidence. No one can explain the journalistic process (research, fact-checking, public interest, adherence to professional standards) better than a journalist.
- Familiarise yourself with [national legislation affecting freedom of expression](#)<sup>7</sup>, including [the latest case law](#)<sup>8</sup> of the European Court of Human Rights.

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<sup>5</sup> <https://fom.coe.int/en/accueil>

<sup>6</sup> <https://www.mfrr.eu/>

<sup>7</sup> The revised and expanded edition of the collection of Romanian legal provisions and case studies on freedom of expression in Romania – “*Case Studies on Freedom of Expression in Romanian Case Law*”, by Diana Hatneanu, published by the Centre for Independent Journalism, 2016  
<https://cji.ro/wp-content/uploads/2020/04/13.-Freedom-of-expression-in-Romanian-legislation-Financial-2.pdf>

<sup>8</sup> “*Guide on Article 10 of the European Convention on Human Rights – Freedom of expression*”, published by the Council of Europe, revised edition 2022

<https://rm.coe.int/guide-on-article-10-freedom-of-expression-eng/native/1680ad61d6>

“*Guide on Article 10 of the European Convention on Human Rights – Freedom of expression*”, published by the Council of Europe, first edition, 2020

[https://ks.echr.coe.int/documents/d/echr-ks/guide\\_art\\_10\\_rum](https://ks.echr.coe.int/documents/d/echr-ks/guide_art_10_rum)

## Context

At national and European level, journalists and media organisations are frequently targeted by intimidating lawsuits, initiated mainly by business figures and politicians, as highlighted [in the CASE 2024 Report](#)<sup>9</sup> – published by the Coalition Against SLAPPs in Europe. According to the same document, Romania is among the countries where the SLAPP phenomenon is particularly widespread, alongside Italy, Serbia and Turkey<sup>10</sup>.

In recent years, civil society in Romania has mobilised to counter this phenomenon, as non-governmental organisations, civic activists and citizens (most often involved in environmental protection) have become targets of such actions.

At the same time, there has been a rise in awareness among decision-makers regarding the risks these practices pose to democracy. At European level, the issue has become a priority, culminating with the adoption, in April 2024, of the Directive on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings, alongside an EU Recommendation and a Council of Europe Recommendation<sup>11</sup>.

The Anti-SLAPP Directive regulates cross-border cases, but provides that, at national level, the safeguards set out in the Directive may be supplemented by national provisions establishing more effective procedural safeguards regarding the right to freedom of expression and information.

Romania must transpose the EU Anti-SLAPP Directive in the coming months (the deadline for transposition is 7 May 2026). The Ministry of Justice finalised a draft transposition bill in June 2025<sup>12</sup>, but it was not until February 2026 that this draft was submitted to Parliament<sup>13</sup>, following the completion of inter-ministerial consultation procedures. The draft law proposed by the

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<sup>9</sup> [https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf\\_compressed-1.pdf](https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf)

<sup>10</sup> In 2025, UNESCO published a synthesis document – “[Global Initiative on Strategic Lawsuits Against Freedom of Expression](#)” – based on interviews with hundreds of lawyers, media experts and journalists from around the world. The text states that it is not only laws explicitly designed to regulate freedom of expression that are being misused against the media, but also other legislation that did not originally target the press (legislation on cybercrime, foreign agents, financial crimes, data protection, counter-terrorism and national security). According to the UNESCO document, these new legal challenges are exacerbated by a lack of expertise and resources among legal practitioners, as well as fragmented and underfunded safeguards, which make it difficult to defend journalists effectively. [https://unesdoc.unesco.org/ark:/48223/pf0000396103?mc\\_cid=1d7e0c1f48](https://unesdoc.unesco.org/ark:/48223/pf0000396103?mc_cid=1d7e0c1f48)

<sup>11</sup> As part of [the Action Plan for European Democracy](#), the European Commission and the European Parliament adopted both [the Anti-SLAPP Directive](#) (April 2024) and [the EU Recommendation on the protection of journalists human rights defenders engaged in public mobilisation against manifestly unfounded or abusive](#). For its part, the Council of Europe adopted [the Committee of Ministers’ to member states on combating the use of strategic lawsuits against public participation \(SLAPP\)](#) (April 2024).

<sup>12</sup> The draft law and explanatory memorandum on the Ministry of Justice website <https://www.just.ro/proiect-de-lege-privind-protectia-impotriva-cererilor-vadit-unfounded-or-abusive-legal-proceedings-directed-against-persons-involved-in-public-mobilisation-actions/>

<sup>13</sup> PL-x No. 58/2026 Draft Law on protection against manifestly unfounded claims or abusive legal proceedings directed against persons involved in public mobilisation activities [https://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?cam=2&idp=22968](https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=22968)

Ministry of Justice represents a step forward in guaranteeing the rights of persons involved in public mobilisation, as it extends the protections offered by the Directive to domestic cases<sup>14</sup> .

The draft provides procedural safeguards against manifestly unfounded claims or abusive legal proceedings, including the possibility for those targeted by such SLAPP-type actions to:

- request that the claimant provide collateral to cover estimated legal costs and ensure payment of damages to compensate for any potential harm caused by bringing the action;
- request the prompt dismissal of manifestly unfounded claims;
- request the award of damages for the harm suffered;
- request the imposition of sanctions (a court-imposed fine of between 10,000 and 100,000 lei, and the publication of the court ruling) should it be found that the action was brought in bad faith.

During the drafting of the bill, several civil society organisations proposed amendments to improve the draft, but these were mostly rejected by the Ministry of Justice. Subsequently, the NGOs' proposals found support from the Ombudsman's Office, which will also assume the role of the authority responsible for monitoring the application of the law, with duties to provide information and develop resources for potential targets of SLAPP suits, as provided for in the Directive. The proposal for this role to be taken on by the Ombudsman had also been supported by NGOs during the drafting phase of the bill.

At the end of February 2026, several non-governmental organisations submitted a series of amendments to the Romanian Parliament regarding the draft law transposing the Directive<sup>15</sup> . The letter from the 37 organisations was coordinated by the LiderJust Association and the Konrad Adenauer Foundation – Rule of Law Programme for South-East Europe, and included proposals drafted by the legal experts and lawyers of the two associations, alongside those from Context.ro, APADOR-CH, Greenpeace Romania and Bankwatch Romania.

In the letter submitted to Parliament, the organisations welcome the legislative measures set out in the Government's draft bill: the extension of the bill's scope to include domestic civil cases, the incorporation of the procedural safeguards established by the Directive, such as the fast-track mechanism or the obligation to publish the court's judgment; the introduction of an obligation to collect and report relevant data on SLAPPs.

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<sup>14</sup> In accordance with European Commission Recommendation (EU) 2022/758 of 27 April 2022 on the protection of journalists and human rights defenders involved in public mobilisation. Press release from the Ministry of Justice dated 13 January 2026

<https://www.facebook.com/ministeruljustitieiromania/posts/pfbid034AdCxbxWRcSLBpJ1eRN1dpYmEBqhFWgKv4JvWdviaJZ8Bo3cuXW4Uss5GS57EXNZI>

<sup>15</sup> Facebook post by the LiderJust Association, 27 Feb. 2026

<https://www.facebook.com/LIDERJUST/posts/pfbid022TVG5Sf9bDAZsq8ci5QSyo1Lp4Wh757iUjCRZ5KG2bDrjqf6rpy9adC3gpKKYWLDI>

At the same time, the organisations are once again proposing a series of amendments, including:

- the application of certain safeguards ex officio, and not merely at the request of the defendants (the fast-track procedure, the requirement to provide security, the consideration of any damages claimed by the defendant), in order to support vulnerable defendants and relieve the burden on the courts;
- the mandatory imposition of a fine on the claimant, as a deterrent, in an amount determined by the court depending on the seriousness of the situation, in cases where the court finds that a SLAPP suit exists;
- regulation of situations where a dispute acquires the characteristics of a SLAPP during the proceedings (for example, through an amendment to the statement of claim) and the application of the procedural safeguards provided for in the Directive;
- the application of the safeguards laid down by the Directive and by law, and the effects yet to be felt of ongoing disputes, in accordance with the principle of non-retroactivity of the law.

It should be noted that the draft provides for the application of specific mechanisms only in civil cases, the minimum required by the Directive, whereas those in the criminal or administrative litigation spheres, with effects similar to SLAPP-type civil actions, are not on the legislative agenda, as these would require amendments to the rules of criminal procedure or the rules on legal costs in disputes concerning matters of public interest.

## Methodology

This report analyses recent jurisprudence on civil litigation, criminal complaints and other strategic legal actions used to unjustifiably or abusively restrict freedom of expression and freedom of the press. SLAPPs seek to deter the exercise of fundamental rights and engagement in matters of public interest by intimidating and silencing those targeted.

The cases analysed concern legal proceedings that affect freedom of expression and press freedom. The targets of these legal proceedings are not only journalists or media organisations, but also other categories of individuals involved in expressing or advocating for issues of public interest.

The cases presented are for illustrative purposes. The cases included cover the period 2020–2025 (court decisions and legal proceedings from this period are included). We have also included cases where there are no final court rulings, provided that the claims brought against those who exercised their right to freedom of expression meet the SLAPP criteria.

The criteria used to select the cases included are derived from the principles set out in anti-SLAPP legislation and recommendations adopted at European level.

#### **SLAPP indicators**

- a. the claimant tries to exploit an imbalance of power, such as their financial advantage or political or societal influence, to put pressure on the defendant;
- b. the arguments put forward by the claimant are partially or fully unfounded;
- c. the remedies requested by the claimant are disproportionate, excessive or unreasonable;
- d. the claims amount to abuse of laws or procedures;
- e. the claimant engages in procedural and litigation tactics designed to drive up costs for the defendant, such as delaying proceedings, selecting a forum that is unfavourable to public participation or vexatious to the defendant, provoking an onerous workload and pursuing appeals with little or no prospect of success;
- f. the legal action deliberately targets individuals rather than the organisations responsible for the challenged action;
- g. the legal action is accompanied by a public relations offensive designed to bully, discredit or intimidate actors participating in public debate or aimed at diverting attention from the substantial issue at stake;
- h. the claimant or their representatives engage in legal intimidation, harassment or threats, or have a history of doing so;
- i. the claimant or associated parties engage in multiple and co-ordinated or cross-border legal actions on the basis of the same set of facts or in relation to similar matters;
- j. the claimant systematically refuses to engage with non-judicial mechanisms to resolve the claim.

Source: [Recommendation of the Committee of Ministers to member states on combating the use of strategic lawsuits against public participation \(SLAPP\)](#) (April 2024)

The SLAPP criteria are not assessed in any particular order, but rather as a whole, each serving as an indication that a particular action is abusive; consequently, in most cases, several of these criteria will be met simultaneously. In this report, the cases presented have each been classified into a broad category, based on the elements considered defining for each, but this classification does not preclude the presence of other SLAPP indicators in the same case. The categories chosen are as follows:

- Disproportionate damages for non-pecuniary loss
- Removal of content of public interest
- Multiple actions, including criminal or administrative complaints

## ■ Case law

### I. Claiming/awarding disproportionate damages

Claims made in abusive court proceedings against public participation can be either fully or partially unfounded. This means that a claim does not necessarily have to be completely unfounded for the proceedings to be considered abusive. For example, even a minor violation of personality rights that could give rise to a modest claim for compensation under the applicable law can still be abusive, if a manifestly excessive amount or remedy is claimed. On the other hand, if the claimant in court proceedings pursues claims that are founded, such proceedings should not be regarded as abusive for the purposes of this Directive.

[EU Anti-SLAPP Directive](#), Recital (29)

#### **A former bishop of the Romanian Orthodox Church, who had been convicted of a criminal offence, sought €250,000 in damages for non-pecuniary harm from journalists who had reported the facts**

Cornel Onilă (former Bishop of Huși of the Romanian Orthodox Church, known by his priest name as Corneliu Bârlădeanu), brought a lawsuit in 2021 against the Centre for Media Investigations (CIM) and journalists Ovidiu Vanghele, Diana Oncioiu and Vlad Stoicescu, following the publication of an investigation on the Să Fie Lumină platform, a journalistic collaboration between CIM and Dela0.ro.

The investigation in question, comprising a series of articles published between August 2019 and February 2021, documented serious allegations of sexual abuse committed by the former cleric against students at the theological seminary. The investigation stemmed from a criminal case in which Cornel Onilă was the victim of a blackmail offence committed by Sebastian Jitaru, archimandrite of the Bishop Cathedral in Huși, along with two other priests. The offence was proven and subsequently punished under criminal law. They used video recordings in which Onilă was having sexual relations with underage students at the Ioan Gură de Aur Theological Seminary in Huși, with the aim of persuading the bishop to help Jitaru secure a position within

the Bishopry of Huși. The other two priests used the recordings to extort money from Onilă. The three were convicted of blackmail in 2017<sup>16</sup>.

In their investigation, the journalists highlighted that the video evidence included in the blackmail case file had been ignored by the DNA prosecutors in Iași who were investigating the offence, with the result that the possible sexual abuse of underage pupils was not the subject of an investigation. Following the investigations published by the Să Fie Lumină platform, the Iași Court of Appeal Prosecutor's Office opened a case in August 2019 in which Cornel Onilă and Sebastian Jitaru were put under criminal investigation for sexual offences against minors<sup>17</sup>.

In the lawsuit filed against the journalists, which was brought after the opening of this criminal case against him, Cornel Onilă claimed that the articles published on Să Fie Lumină were part of an "aggressive media campaign" and that the facts presented were untrue, asking the court to have the material removed and to award damages of €250,000 for the violation of his rights to his own image, dignity and reputation. Onilă also complained that the publication of evidence from the criminal case against him had failed to respect the presumption of innocence and that, as a result, his right to a fair trial had been violated. Cornel Onilă also requested that the journalists publish articles in the media and on the websites Să Fie Lumină and Dela0 apologising, publish the content of the judgment granting the summons, remove the defamatory web content (internet and social media), and that the court should order a ban on further media coverage of the criminal case.

The court of first instance – the Bucharest Tribunal – dismissed the claimant's action in June 2022<sup>18</sup>, basing its decision on the ECHR standards regarding freedom of expression (Art. 10). The court held that the subject of the articles – the conduct of a senior hierarch of the Romanian Orthodox Church towards minors in his care – constituted a matter of particular public interest. In the court's view, the journalists demonstrated that they had acted in good faith, based on solid research (victims' testimonies, on-the-ground verification, consultation of official sources within the church). The court also emphasised that journalists are not obliged to prove the absolute truth of the facts in the same way as a prosecutor, but must demonstrate that they had a sufficient factual basis.

Furthermore, the Bucharest Tribunal held that, as a public figure (hierarch), Cornel Onilă must accept broader limits on criticism, in accordance with the established jurisprudence of the ECHR.

With regard to the claimant Onilă's argument that the publication of evidence from the criminal case against him failed to respect the presumption of innocence and that, as a result, his right to a fair trial had been infringed, the Bucharest Court held that the obligation on journalists not to interfere with criminal proceedings does not amount to 'a prohibition on reporting on the

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<sup>16</sup> "The Secrets of the Cells", by Ovidiu Vanghele, Vlad Stoicescu, 7 August 2019, Let There Be Light <https://safielumina.ro/secretele-chiliiilor/>

<sup>17</sup> "The aftermath of the cells: retired bishop Cornel Onilă, arrested for rape", by Ovidiu Vanghele, Vlad Stoicescu, Diana Oncioiu, 21 May 2020, Let There Be Light <https://safielumina.ro/urmarile-chiliiilor-episcopul-retras-cornel-onila-retinut-de-procurori-pentru-viol/>

<sup>18</sup> Judgment No. 1085 of 29 June 2022. Case No. 5997/3/2021

progress of the investigation and expressing their own conclusions based on the facts described in their articles’:

*“What is essential when assessing compliance with the presumption of innocence, as emphasised by European case law, is that the journalist must not act as a judge in the case, regardless of whether their article actually has any effect or influence on the court. Even if the article quotes the words of a participant in the hearing, such as the prosecutor, stating that no solution other than the defendant’s conviction is possible, the author is obliged to quote the person who made such a statement, rather than presenting it as his own conclusion. (...) In other words, as long as criminal proceedings cannot in themselves call into question the presumption of innocence, neither can the press article which formed the basis of the ex-officio referral be given the negative connotation sought by the applicant in terms of the guarantees to which he is entitled under Article 6 of the Convention.”*

In his complaint, the former bishop argued that, through their reporting, the journalists had put pressure on the judges, thereby influencing the course of justice and his right to a fair trial. The Bucharest Tribunal, however, found that the journalists’ statements were not intended to secure a conviction against the claimant, but rather to criticise the shortcomings of the justice system:

*“The concern expressed in the articles criticised by the claimant is aimed at creating institutional safeguards, both in legal and institutional terms, so that a person claiming to be a victim of abuse is not placed in a vulnerable position, but rather that their complaint is genuinely heard and thoroughly investigated.”*

*“The dissatisfaction of the defendant journalists does not relate to the ruling itself, but to the failure to take action from the moment complaints and reports were made (...)”*

*“(...) nowhere is there any mention of the imperative to convict the claimant and the persons under investigation by the PCA Iași.”*

The claimant also raised issues regarding the legality of the journalists’ access to evidence from the criminal case file, arguing that it had been obtained unlawfully because, at the time of publication, it was not yet in the public domain, as the case was still at the pre-trial investigation stage. The judges held that obtaining information from sources investigated by prosecutors *“does not automatically render the discourse unlawful, provided that the reports are consistent with a pressing social need for public information regarding events which, beyond their criminal relevance, also carry significant social implications. (...) In such cases, the press is recognised as having a role in informing and, indeed, in exercising scrutiny; consequently, the criterion against which the unofficial acquisition of the indictment will be assessed is the social necessity of publishing the articles and the contribution to a debate of general interest (...)”.*

Onilă also alleged that his right to his own image had been infringed, as well as his right to privacy, through the presentation of recordings showing him engaging in intimate relations with the underage victims. The court took into account the bishop’s status as a public figure and the

manner in which he exercised his office, namely the authority he held over the educational institutions from which his victims came (in his capacity as bishop, he had the right to decide on the appointment and dismissal of teachers at the seminary in Huși), thereby concluding that *“the public presentation of the recordings is not such as to constitute an unjustified and disproportionate exposure of his image”*.

Regarding the violation of the former bishop’s right to privacy, the Bucharest Tribunal further held that:

*“What the criticised series brings to the public’s attention is not intended for entertainment, but to highlight cases in which complaints do not relate to superficial matters (...).”*

*“The public presentation of the recordings does not constitute an unjustified and disproportionate exposure of his image within the meaning of Articles 58, 73 and 74 of the Civil Code of 2009, serving solely to strengthen the factual basis of the journalistic report (...).”*

In its June 2022 decision to dismiss the claim as unfounded, the Bucharest Tribunal also ordered the claimant to pay the journalists’ legal costs.

Following this judgment, Onilă lodged an appeal. The Bucharest Court of Appeal dismissed the appeal in 2023 as unfounded<sup>19</sup>. This court also upheld and reinforced the arguments put forward by the Bucharest Tribunal, finding that the journalists had acted responsibly by publishing passages from the prosecutors’ indictment, the purpose being *“to attest to the accuracy and authenticity of the statements made in the published articles, and not for the purpose of infringing upon the appellant’s rights”* and that the publication had no impact on the criminal investigation conducted in the case. The Bucharest Court of Appeal also ordered the claimant to pay the journalists’ legal costs.

The judgment became final after Onilă’s appeal was dismissed by the High Court of Cassation and Justice in 2024<sup>20</sup>. In turn, the High Court of Cassation and Justice ordered the claimant to pay further legal costs to the journalists.

The case was included on the Council of Europe’s platform on the Safety of Journalists<sup>21</sup>. For their legal representation, the journalists received financial support from the European Centre for Press and Media Freedom<sup>22</sup>.

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<sup>19</sup> Decision No. 809A of 30 May 2023. Case No. 5997/3/2021 (27/2023)

<sup>20</sup> Decision No. 1011 of 11 April 2024. Case No. 5997/3/2021

<sup>21</sup> <https://fom.coe.int/en/alerte/detail/97308654>

<sup>22</sup> <https://www.ecpmf.eu/>

## Jurgen Faff v. Context – record claim for damages: €3,465,000

Sibiu-based businessman Jurgen Faff, together with one of his companies, brought several legal actions against the publication Context.ro, after it published in 2023 the series of investigations “The Phantom Golf Course”<sup>23</sup>, which revealed how approximately €2 million in European funds had been spent by Faff’s firm on a golf course that was ultimately never built.

In February 2024, businessman Jurgen Faff and his company Fly Lili sued the editorial team for defamation, claiming that the articles concerning them had caused them non-pecuniary and pecuniary damage, the latter being invoked in the form of the loss of a contract worth over 3 million euros<sup>24</sup>. In this lawsuit, the plaintiffs sought:

- that the defendants be ordered to pay the sum of €100,000 as compensation for non-pecuniary damage to the honour, reputation and dignity of the claimant, Jurgen Andreas Faff;
- that the defendants be ordered to pay the sum of EUR 3,365,000 or the equivalent in lei at the date of payment, by way of compensation for material damage caused to the claimant, Fly Lili SRL;
- that the defendants be ordered to publish in full and to keep published for 12 months the judgment to be delivered, under the heading ‘Legal Notice’, at their own expense, on the website context.ro, in the same font as that used for the articles about the claimant Faff Jurgen Andreas;
- order the defendants to remove from the website nine articles about Jurgen Faff;
- order the defendants to pay the costs of the proceedings.

One year after the start of the main proceedings, in March 2025, the claimants filed a new suit at the Bucharest Court<sup>25</sup>, requesting the issuance of a preliminary injunction against the investigative publication Context.ro. The application followed the publication by Context.ro of another article, which reported on the activities of the airline Fly Lili, owned by Faff, specifically regarding dozens of flights between Romania and Congo on which employees of Horațiu Potra

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<sup>23</sup> “The Phantom Golf Course”, by Mihaela Tănase, Context.ro, 18 May 2023

<https://context.ro/serial/terenul-de-golf-fantoma/>

“Who is transporting Potra’s mercenaries to the Congo: Fly Lili, a multi-million-euro contract with a Russian proxy”, by Mihaela Tănase, Context.ro, 13 February 2025

<https://context.ro/cine-duce-mercenarii-lui-potra-in-congo-fly-lili-contract-de-milioane-de-euro-cu-un-proxy-rusesc/>

<sup>24</sup> Bucharest Court, Case No. 6541/3/2024

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001114846&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001114846&id_inst=3)

<sup>25</sup> “Judicial harassment. Sibiu resident Jurgen Faff asks judges to censor Context.ro / PLUS Dozens of complaints seeking the removal from the internet of investigations concerning him”, Context.ro, 3 April 2025,

<https://context.ro/hartuire-judiciara-sibianul-jurgen-faff-cere-judecatorilor-sa-cenzureze-context-ro-plus-ze-ci-de-plangeri-pentru-eliminarea-de-pe-net-a-investigatiilor-care-l-priveau/> ;

Case No. 9952/3/2025,

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001182843&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001182843&id_inst=3)

had been transported, and about business dealings with an airline that had been banned from European airspace.

Specifically, the claimants requested:

- the removal of nine articles mentioning them from the context.ro website, as well as blocking access to them on all platforms on which they were distributed, reproduced, presented or redistributed, and a ban on their further presentation in public spaces, whether online or in physical form, until the case is resolved on its merits (the action on the merits was brought in February 2024);
- a ban on writing and publishing defamatory articles about Jurgen Faff, which call into question his dignity, attack his image and challenge his credibility, until the final resolution of the case filed in February 2024;
- a prohibition on writing and publishing articles associating Jurgen Faff and the company Fly Lili with the Russian Federation, Horațiu Potra or political affiliations linked to him, until the final resolution of the case brought in February 2024.

In April 2025, the Bucharest Tribunal dismissed the application for an interim injunction<sup>26</sup>, finding that the condition of urgency (specific to interim injunction proceedings) had not been met, and that *“the applicants have not demonstrated the existence of serious harm that would necessitate the removal of the references to them in the article”*. The articles complained of by J. Faff and Fly Lili, which were published by Context.ro after the main proceedings had been filed, were not taken into account in the court’s analysis.

The decision was upheld by the Bucharest Court of Appeal<sup>27</sup>, which ruled in June 2025 that *“the interference with the claimants’ right to their image appears, prima facie, to be justified by the right to freedom of expression and freedom of the press, rights guaranteed by the European Convention on Human Rights”*.

Also in April 2025, the Bucharest Tribunal dismissed the main action brought by Faff<sup>28</sup>, ruling that the published material had a sufficient factual basis and served the public interest<sup>29</sup>. The court held that Jurgen Faff, *“by virtue of his position and activities, falls within the public sphere”*, as a businessman who benefited from and managed public funds through contracts that the companies he owned had with Romanian state authorities.

The Bucharest Tribunal ordered the plaintiffs to pay legal costs amounting to 33,771.06 lei to Context.ro. The case is currently pending before the Bucharest Court of Appeal<sup>30</sup>.

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<sup>26</sup> Judgment No. 509 of 7 April 2025. Case No. 9952/3/2025

<sup>27</sup> Decision No. 513/2025 of 4 June 2025. Case No. 9952/3/2025

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001182843&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001182843&id_inst=2)

<sup>28</sup> *“Fair journalism: why the court ruled in our favour in the €3 million lawsuit against Jurgen Faff”*,

Context, 13 Oct. 2025;

<https://context.ro/jurnalism-corect-de-ce-ne-a-dat-dreptate-instanta-in-procesul-de-3-milioane-de-euro-cu-j-urgen-faff/>

<sup>29</sup> Judgment No. 734/2025 of 23 May 2025 in Case No. 6541/3/2024

<sup>30</sup> [https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001114846&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001114846&id_inst=2)

In parallel with the legal proceedings initiated by businessman Jurgen Faff and Fly Lili, Context.ro reported that it had also been the victim of a coordinated operation<sup>31</sup>, in which several individuals with suspicious identities filed complaints with Google and Meta, falsely claiming copyright over articles published by the website. The articles concerned the same businessman who sued them. The aim of the complaints to Google and Meta was to have the articles delisted, including reposts of these articles by other media platforms. As a result of these actions, some of the articles in question were temporarily removed from Facebook, Instagram and Google search results.

The lawsuit against Context.ro sets a record for the damages sought by the plaintiffs: €3,465,000.

### **Mihail Neamțu is claiming 400,000 lei in compensation for non-pecuniary damage**

In 2023, Mihail Neamțu – a conservative columnist and, from 2024, a member of the Romanian Parliament – took legal action against the publication Universul.net, Grigore Cartianu (a journalist at ziaristii.com) and Costin Apostol, known by the pseudonym Costin Andrieș, an influencer and contributor to the platform inliniedreaptă.ro.

The claimant argued that articles and posts published by the two individuals and the aforementioned editorial team constituted a media campaign directed against him, causing non-pecuniary and pecuniary damage<sup>32</sup>.

In his statement of claim, Neamțu sought an award of 400,000 lei in respect of non-pecuniary damages, the removal of all material associating him with terms such as ‘Putinist’, ‘Putinism’, ‘Russian propaganda’, ‘Moscow’s man’, or similar expressions, as well as an end to any infringement of his right to dignity, honour, reputation and image<sup>33</sup>. According to him, the statements in question had damaged his image and reputation and had consequences for his journalistic work, as well as for his participation in television programmes and events. He also sought an order requiring the defendants to publish the court’s judgment in a national newspaper and on their own online platforms, and to pay the costs of the proceedings.<sup>34</sup>

In December 2025, the Bucharest Tribunal dismissed the claim as unfounded<sup>35</sup>. Throughout the proceedings, which lasted approximately two and a half years and involved ten court hearings,

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<sup>31</sup> “Judicial harassment. Sibiu resident Jurgen Faff asks judges to censor Context.ro / PLUS Dozens of complaints seeking the removal from the internet of investigations concerning him”, Context, 3 Apr. 2025; <https://context.ro/hartuire-judiciara-sibianul-jurgen-faff-cere-judecatorilor-sa-cenzureze-context-ro-plus-ze-ci-de-plangeri-pentru-eliminarea-de-pe-net-a-investigatiilor-care-l-priveau/>

<sup>32</sup> Source: The statement of claim filed by the claimant.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> Judgment No. 1350/2025 of 17 December 2025. Case No. 17941/3/2023  
[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001075476&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001075476&id_inst=3)

the claimant did not appear in person, being represented only occasionally by a lawyer<sup>36</sup>. Moreover, during the proceedings, the Bucharest Tribunal had suspended the case, invoking Article 242 of the New Code of Civil Procedure, according to which suspension may be ordered when the judge ‘finds that the normal conduct of the proceedings is impeded through the claimant’s fault, by failure to fulfil the obligations established during the proceedings’<sup>37</sup>.

The decision of the Bucharest Tribunal is not final and may be appealed.

## **ECHR – Pricope v. Romania**

Between 2011 and 2014, journalist Sterian Pricope published several articles reporting on the involvement of businessman Paul Vişan, owner of the newspaper “Evenimentul Muscelean”, in the bankruptcy of the former ARO factory. Through articles published on the website bitpress.ro<sup>38</sup>, journalist Sterian Pricope (who had previously been chief accountant at the ARO factory) harshly criticised the commercial dealings of companies owned by Vişan with the former factory, claiming that they had “bleed” ARO dry. Information was also revealed regarding contracts concluded with a local sports club for the sale of sports equipment at prices that were allegedly unjustifiably high.

In relation to these articles, Paul Vişan brought a civil action for tort, claiming damages of 1,000,000 lei from Pricope and Bitpress for the alleged damage to his reputation, and requesting that they be ordered to publish any favourable ruling on their website. The Argeş County Tribunal initially dismissed his claim, but following an appeal in Vişan’s favour, it reheard the case and ruled that the journalist and the online publication must pay the businessman 5,000 lei for the damage to his reputation and a further 2,000 lei for legal costs.

The journalist’s appeal was dismissed, meaning that the judgment became final. The District Court and the Court of Appeal held, amongst other things, that Sterian Pricope, a graduate in economics, could not benefit from the protections afforded to journalists, as this status could only be acquired through specialised higher education. Furthermore, they considered that,

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<sup>36</sup> “Bucharest Court suspends libel case brought by Romanian MP against Universul.net”, Universul.net, 11 July 2025,

<https://universul.net/bucharest-court-suspends-libel-case-brought-by-romanian-mp-against-universul-net/>

<sup>37</sup> “Bucharest Court suspends the case brought by Mihail Neamţu against Universul.net”, Universul.net, 11 July 2025,

<https://universul.net/tribunalul-bucuresti-a-suspendat-procesul-deschis-de-mihail-neamtu-impotriva-universul-net/>

<sup>38</sup>

<https://bitpress.ro/economic/paul-visan-unul-dintre-aceia-care-au-contribuit-la-falimentul-aro-plange-acum-de-dorul-uzinei/>

<https://bitpress.ro/arhiva/paul-visan-patronul-evenimentului-muscelean-vinde-kimono-uri/>

<https://bitpress.ro/arhiva/evenimentul-muscelean-condamnat-sa-plateasca-daune-morale/>

<https://bitpress.ro/arhiva/renault-a-venit-in-romania-pentru-aro-dar-a-ales-sa-preia-dacia/>

<https://bitpress.ro/arhiva/cna-i-a-dat-flit-lui-paul-visan-patronul-evenimentului-muscelean/>

despite the fact that the journalist had cited sources in the national press from which he had obtained certain information about Vișan's activities, these did not constitute a sufficient factual basis for the statements made, which would have demonstrated the journalist's bad faith. Pricope lodged a complaint with the European Court of Human Rights, arguing that the decision of the national courts had infringed his freedom of expression, as enshrined in Article 10 of the Convention.

In 2023, the Strasbourg Court ruled in favour of the journalist<sup>39</sup>, finding that he had expressed himself on a matter of public interest concerning a well-known local figure, without exceeding the degree of exaggeration and provocation permitted to journalists. It was highlighted that the domestic courts had failed to examine whether the statements in question were factual assertions or value judgements, and had not indicated whether the journalist should have been required to prove their truth, which was contrary to the Court's case law. The European judges considered that at least some of the statements made by the journalist fell within the category of value judgements, and as such could not be proven, and that Sterian Pricope was entitled to the protection afforded to journalists in matters of freedom of expression, meaning that the reasoning of the domestic courts was flawed.

Furthermore, it was held that the very imposition of an order to pay non-pecuniary damages – 5,000 lei – even though these were paid in part by Bitpress, was likely to have a chilling effect on the applicant's exercise of freedom of expression.

## **One United Properties v. NGOs and residents of the Floreasca neighbourhood**

In October 2023, One United Properties brought a tort claim against several non-governmental organisations, their representatives, and a number of residents of the Floreasca neighbourhood<sup>40</sup> who had publicly spoken out against the property development project being carried out by the company in the neighbourhood. In the statement of claim, One United Properties requested the aforementioned defendants to pay moral and material damages amounting to over one million euros, following the publication of Facebook posts, the submission of requests and petitions, and the bringing of legal actions to annul the building permits. In addition, the property developer has also requested the publication of an apology for the statements made regarding the "One Floreasca City" project, at the defendants' expense. This case was suspended by the Bucharest Tribunal a year later<sup>41</sup> (and had not yet been reinstated at the time of publication of this report), pending the substantive hearing of another

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<sup>39</sup> [Pricope v. Romania](#) (Application No. 60183/17), Judgment of 30 May 2023.

<sup>40</sup> Nicușor Dan Daniel, Grădinaru Loredana Mirabela, Simion Ștefania Georgiana, Cartianu Ortansa, Cartianu Sever Artemon, Poenaru Oana Cătălina, Vanea Cristina, Bumbăș Liviu Mihail, the Save Bucharest Association, the Sos Orașul Association, the Association for the Comprehensive Conservation of Natural and Cultural Heritage.

<sup>41</sup> Suspension order of 8 November 2024. Case No. 30921/3/2023  
[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001093474&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001093474&id_inst=3)

case involving some of the defendants from the first case. The case follows a long series of actions involving One United Properties, which bear the hallmarks of classic SLAPP cases.

Thus, in 2022, One United Properties<sup>42</sup> filed a lawsuit<sup>43</sup> against non-governmental organisations<sup>44</sup> which, over time, had challenged the company's property projects in court. In the lawsuit, One United has sought "*payment in lei of the amount provisionally estimated at 1 million euros, representing the material and non-material damages suffered as a result of the substantive and procedural abuses of law committed by the defendants*". Both the Bucharest Tribunal (in February 2024)<sup>45</sup> and the Bucharest Court of Appeal (in December 2024)<sup>46</sup> ruled in favour of the organisations and dismissed the company's claim as unfounded.

Previously, in 2022, One United Properties had secured the dissolution in court of one of the associations involved in these proceedings (the Civic Movement Miliția Spirituală Association). The reason was the failure of these associations to pay certain legal costs. To avoid being dissolved themselves, the remaining associations raised the necessary funds to cover these costs through a crowdfunding campaign<sup>47</sup>. The situation had arisen because, starting in 2018, in order to support a citizens' initiative group (Floreasca Civică), the non-governmental organisations had sought the annulment of several administrative acts (environmental agreement, local urban development plan and building permit) issued by state authorities for a property development project. In two cases<sup>48</sup>, the courts dismissed the actions brought by the non-governmental organisations and ordered them to pay legal costs totalling 300,000 lei (approximately 60,000 euros) to the two companies benefiting from the property development - One United Properties and Auchan - which had intervened in the case. One United Properties purchased Auchan's claims and enforced them against the non-governmental organisations<sup>49</sup>, an action that resulted in the dissolution of the Civic Movement Miliția Spirituală Association, an organisation emblematic of post-1989 civil society).

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<sup>42</sup> Through his companies One Mircea Eliade Properties and One United Tower.

<sup>43</sup> Case No. 17119/3/2022

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001024226&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001024226&id_inst=3)

<sup>44</sup> The Civic Movement Spiritual Militia Association, the Save Bucharest Association, the S.O.S. City Association and the Association for the Integrated Conservation of Natural and Cultural Heritage.

<sup>45</sup> Judgment No. 180/2024 of 22 February 2024. Case No. 17119/3/2022

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001024226&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001024226&id_inst=3) ;

<https://www.rejust.ro/juris/23d65g858>

<sup>46</sup> Decision No. 1298/2024 of 10 December 2024. Case No. 17119/3/2022

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001024226&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001024226&id_inst=2)

<sup>47</sup> FB post by the Save Bucharest Association, 22 December 2023

[https://www.facebook.com/permalink.php?story\\_fbid=pfbid02LbJ9wL2wfJsT2MsDtzdCt3PfQHf2BaiFKc9pZ8xS8LFAQ8DhJmhwAdpdpX5Rqk4nl&id=100064743517221](https://www.facebook.com/permalink.php?story_fbid=pfbid02LbJ9wL2wfJsT2MsDtzdCt3PfQHf2BaiFKc9pZ8xS8LFAQ8DhJmhwAdpdpX5Rqk4nl&id=100064743517221)

Facebook post by the Save Bucharest Association, 28 December 2023

[https://www.facebook.com/permalink.php?story\\_fbid=775790227922421&id=100064743517221&ref=embed\\_post](https://www.facebook.com/permalink.php?story_fbid=775790227922421&id=100064743517221&ref=embed_post)

<sup>48</sup> Case No. 25248/3/2018, Case No. 4858/3/2019

[https://www.facebook.com/permalink.php?story\\_fbid=pfbid02LbJ9wL2wfJsT2MsDtzdCt3PfQHf2BaiFKc9pZ8xS8LFAQ8DhJmhwAdpdpX5Rqk4nl&id=100064743517221](https://www.facebook.com/permalink.php?story_fbid=pfbid02LbJ9wL2wfJsT2MsDtzdCt3PfQHf2BaiFKc9pZ8xS8LFAQ8DhJmhwAdpdpX5Rqk4nl&id=100064743517221)

<sup>49</sup> Further details can also be found in the \*State of Democracy\* reports for 2022, 2023, 2024 and 2025, published by Ce-Re, the Centre for Public Innovation, and ActiveWatch.

<https://www.stareademocratiei.ro/category/rapoarte-si-resurse-utile/>

In ActiveWatch's view, through the litigious and procedural tactics employed against those who oppose its property developments or those who report on its activities in a manner it does not approve of, One United Properties is the most telling example of a company responsible for multiple and repeated SLAPP-style actions.

Human rights defenders should be able to participate actively in public life and promote accountability without fear of intimidation. Human rights defenders include individuals, groups and organisations in civil society that promote and protect universally recognised human rights and fundamental freedoms. Human rights defenders are committed to promoting and safeguarding civil, political, economic, social, cultural, environmental, climate, women's and LGBTIQ rights and to fighting against direct or indirect discrimination as set out in Article 21 of the Charter. Considering the Union's environmental and climate policies, attention should also be given to environmental rights defenders as they play an important role in European democracies.

[EU Anti-SLAPP Directive](#) , Recital (11)

### **Agent Green taken to court over two articles it did not write**

Agent Green, an environmental organisation, was sued in 2023 by a pellet manufacturer, AMECO Renewable Energy, based in Harghita County. The lawsuit was filed following an article in the American newspaper The New York Times<sup>50</sup> and another article by the Environmental Investigation Agency<sup>51</sup>, an international non-governmental organisation dedicated to environmental protection. Both articles discussed pellet production based on deforestation and claimed that, in Romania's case, such deforestation is sometimes illegal. The articles also discussed European policies on renewable energy, specifically regarding the use of wood pellets. AMECO Renewable Energy was mentioned in both articles, with the legality of the origin of some of the wood it used for pellet production being called into question.

Agent Green does not appear as an author or contributor, nor is it cited in the article published by the Environmental Investigation Agency. As for the New York Times article, a contributor to Agent Green is quoted making some general observations regarding the impact of massive deforestation on natural ecosystems, without any specific reference to the complainant company.

AMECO Renewable Energy has not sued either the New York Times or the Environmental Investigation Agency, but only Agent Green.

<sup>50</sup> "Europe is Sacrificing its Ancient Forests for Energy", The New York Times, 7 September 2022  
<https://www.nytimes.com/interactive/2022/09/07/world/europe/eu-logging-wood-pellets.html>

<sup>51</sup> "EIA BRIEFING The EU'S Renewable Energy Policies Driving the Logging and Burning of Europe's Protected Forest", published by the Environmental Investigation Agency, 8 September 2022  
<https://eia.org/report/the-eus-renewable-energy-policies-driving-the-logging-and-burning-of-europes-protected-forests/>

In the writ of summons, filed more than a year after the publication of the disputed material, AMECO Renewable Energy requests that:

- Within three days of the court ruling becoming final, Agent Green must issue a retraction of the information that led to the publication of the New York Times article and the Environmental Investigation Agency article. Thus, Agent Green should publish, at its own expense, a retraction in The New York Times three times, on three consecutive days, on the front page of the 'International' section of the publication, in both the print and online editions. In the retraction, Agent Green should state that the claimant company is not involved in the illegal felling of trees in protected areas and has never purchased timber felled illegally from protected areas. The same retraction should be published in several newspapers in Italy, Poland, Slovakia, Austria, Germany, Bulgaria and also in seven publications in Romania.
- within 3 days of the court judgment becoming final, Agent Green must proceed to block and remove the original news item (the New York Times article) from the Google search engine, the YouTube platform and the Facebook platform.
- in the event of a delay in implementing the above requests, Agent Green shall be ordered to pay a late payment penalty of €5,464 for each day of delay.
- Agent Green shall pay the claimant €200,000 in civil damages for the non-pecuniary harm caused by the publication of these articles, whilst reserving the right to claim pecuniary damages in relation to the balance sheet items to be quantified at the end of the 2023 financial year (as of the date of drafting this report, the claim for damages had not been increased).

In March 2026, more than two years after the lawsuit was filed, the Harghita Tribunal (the court of first instance) is due to rule on this case<sup>52</sup>.

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<sup>52</sup> Case No. 1361/96/2023

[https://portal.just.ro/96/SitePages/Dosar.aspx?id\\_dosar=9600000000054561&id\\_inst=96](https://portal.just.ro/96/SitePages/Dosar.aspx?id_dosar=9600000000054561&id_inst=96)

## II. Removal of content of public interest

### The Romanian Centre for Investigative Journalism and Football Leaks

In December 2018, before the Christmas holidays, two Turkish citizens (Arif Efendi, Arif Tevfik) and the Maltese company Doyen Sports Investment Limited sued the Romanian Centre for Investigative Journalism over a series of articles hosted on the website [www.theblacksea.eu](http://www.theblacksea.eu). The articles had been published two years earlier, in 2016, and were part of the investigative series<sup>53</sup> known as Football Leaks<sup>54</sup>, which revealed information about suspicious dealings in European football.

In parallel with the claim for the main proceedings, the claimants also filed an application for an interim injunction, requesting the removal from the website [theblacksea.eu](http://theblacksea.eu) of the eight articles from the Football Leaks series that formed the basis for bringing this civil action. The District 5 Court granted the application for an interim injunction to remove the articles<sup>55</sup>, without the journalists being informed in time that the proceedings had taken place and, therefore, without them being able to defend themselves. In subsequent rulings, the District Court of Sector 5 decided that CRJI's failure to comply with the interim injunction to remove the articles from the website [theblacksea.eu](http://theblacksea.eu) would be penalised with a fine of 1,000 lei (approximately 200 euros) per day for each day of delay, and that Privactually Ltd., the owner of the domain [theblacksea.eu](http://theblacksea.eu) at that time, was obliged, until the final resolution of the case on the merits, *'not to publish, republish, communicate, disclose, authorise, attribute and/or transmit, or cause the publication or republication'*<sup>56</sup> of the articles in question.

By the time the court of first instance handed down its judgment, two years after the claim was filed, the CRJI had accumulated late payment penalties amounting to nearly €70,000 for its refusal to comply with the interim injunction<sup>57</sup>.

At the same time, in the statement of claim for the main proceedings, the plaintiffs requested that the Romanian Centre for Investigative Journalism withdraw the articles and *"refrain from publishing any new articles in future that contain confidential information, correspondence of*

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<sup>53</sup> "Football Leaks / A new cross-border investigation into the most popular sport in the world", The Black Sea;

<https://theblacksea.eu/investigations/football-leaks-2018/>

<sup>54</sup> [https://en.wikipedia.org/wiki/Football\\_Leaks](https://en.wikipedia.org/wiki/Football_Leaks)

<sup>55</sup> Judgment No. 397 of 23 January 2019, Case No. 27181/302/2018.

<sup>56</sup> Judgment No. 3721 of 21 May 2019 of the District Court of Sector 5, Bucharest. Excerpt from the judgment in the main proceedings.

<sup>57</sup> "Romanian Court dismisses lawsuit against Football Leaks stories/Two-year legal battle ends in win for Football Leaks reporting", Craig Shaw, 25 February 2021

<https://theblacksea.eu/stories/romanian-court-dismisses-lawsuit-against-football-leaks-stories/>

*any kind, photographs, personal data, defamatory statements or that infringe upon the plaintiffs' right to privacy*<sup>58</sup>.

In addition to the journalists' breach of the provisions of the Civil Code concerning the right to one's image and privacy, the claimants also alleged a breach of data protection legislation, as the journalists had gained access to the claimants' emails and internal documents. It was also argued that the journalists had disclosed trade secrets and confidential information ("*contracts, documents, correspondence relating to the plaintiffs' professional activities*"<sup>59</sup>), obtained unlawfully. The plaintiffs further argued, amongst other things, that the articles were not of interest to the Romanian public.

In the judgment handed down in February 2021<sup>60</sup>, the Bucharest District 5 Court noted that the published articles were the result of collaboration within the European Investigative Collaboration (EIC), a network comprising journalists from several publications across Europe. The court also noted that "Football Leaks" is known as the largest leak of information in the history of sport, revealing suspicious financial transactions in the world of professional European football, a subject on which a series of investigations had been published between December 2016 and November 2018 by the network's media partners.

Contrary to the claims made by the plaintiffs through their legal representatives, the court argued that the published articles are of interest to readers in Romania, stating, amongst other things, that: "*Human trafficking, prostitution involving individuals (including minors) from South-Eastern Europe, and endemic corruption are, likewise, a subject of interest to readers in Romania, given that Romanian society is confronted with these scourges.*"

The court also noted that the defendant CRJI had demonstrated good faith, and that there was a "minimal, reasonable" factual basis for both the facts set out and the personal assessments made by the authors of the articles.

With regard to the manner in which the information was obtained, the court held that, in general, it is of particular importance whether the information was obtained by unlawful means, but in the present case it was not the authors of the articles or the defendant CRJI who had obtained the information unlawfully and, in any event, there was no evidence at the time of the judgment that it had been obtained illegally. Furthermore, based on information leaked from the 'Football Leaks' document collection, there had already been consequences at FIFA level (the banning of certain types of contracts in professional football).

The court also noted, amongst other things, that "*the removal of the articles from the online environment was requested two years after publication and only against the CRJI, the plaintiffs*

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<sup>58</sup> Source: Statement of claim filed by the plaintiffs.

<sup>59</sup> Extract from the statement of claim filed by Arif Efendi, Arif Tevfik and Doyen Sports Investment Limited in Case No. 27180/302/2018

<sup>60</sup> Judgment No. 1462/2021 of 24 February 2021. Case No. 27180/302/2018

[https://portal.just.ro/302/SitePages/Dosar.aspx?id\\_dosar=30200000000369837&id\\_inst=302](https://portal.just.ro/302/SitePages/Dosar.aspx?id_dosar=30200000000369837&id_inst=302)

*being evasive in stating whether legal action had been taken against the better-known publications (Der Spiegel, Le Soir, Politiken, Mediapart, El Mundo, Newsweek Serbia, L'Espresso, Falter) that had published these articles (or parts thereof)".*

Consequently, in its judgment, the District Court of Sector 5, Bucharest, dismissed the plaintiffs' claim.

In its judgment of June 2023<sup>61</sup>, the Bucharest Tribunal upheld the decision of the court of first instance. The Bucharest Tribunal noted, amongst other things, that the publication of a facsimile of a confidential document (which the court of first instance had argued was protected by ECHR case law) *"could not, in any event, for the deletion of the article in its entirety; only the removal of the introductory passage and the extract in question would satisfy the aggrieved party's request, should an unlawful infringement of the right to privacy be found"*. Regarding the general request for the deletion of the Football Leaks articles from the website theblacksea.eu, the Bucharest Court also noted that such a measure cannot be viewed in isolation from its consequence, namely that of discouraging contributions to a debate of public interest, having a chilling effect on journalists who intend to circulate information of public interest.

In ActiveWatch's view, this dispute highlights the danger posed by interim injunctions ordering the removal of journalistic content in the public interest. Such decisions have a significant impact on editorial principles, which are founded on the protection of journalistic content from any form of external censorship. Furthermore, as had happened in this case, such court rulings may also entail the risk of huge costs for journalists who prioritise the public interest over the financial interests of the editorial team and decide not to implement injunctions they consider to be incorrect. Due to the high level of penalties set by the court for each day that the articles were not removed by journalists from the website theblacksea.eu and due to the length of the main proceedings, the fines accumulated by the journalists had reached, in just one year (between July 2019 and June 2020), 329,000 lei in penalties<sup>62</sup> (the equivalent of nearly 70,000 euros at that time).

Furthermore, during the legal proceedings, the plaintiffs' lawyers managed to obtain personal data from EURID, the .eu internet domain registrar, including the full names and addresses of all<sup>63</sup> journalists associated over time with the Romanian Centre for Investigative Journalism and the publication The Black Sea.

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<sup>61</sup> Judgment No. 1752/2023 of 6 June 2023. Case No. 27180/302/2018

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=30200000000369837&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=30200000000369837&id_inst=3)

<sup>62</sup> Case No. 28133/302/2019 of 26 November 2019

<sup>63</sup> *"Romanian Court dismisses lawsuit against Football Leaks stories/ Two-year legal battle ends in win for Football Leaks reporting"*, by Craig Shaw, 25 February 2021

<https://theblacksea.eu/stories/romanian-court-dismisses-lawsuit-against-football-leaks-stories/>

The CRJI–Football Leaks case has been included in the alerts published by Index on Censorship on the Council of Europe’s Journalists’ Safety platform<sup>64</sup>. To cover its legal defence costs, CRJI received financial support from Media Defence<sup>65</sup>.

## The “Matei Balș” Institute and Streinu-Cercel v. Rise Project

In 2018, Rise Project published two investigative articles concerning the activities of the “Matei Balș” National Institute of Infectious Diseases and its director, Dr Adrian Streinu-Cercel. In these articles, the journalists presented information suggesting that the Institute had falsified statistical data in order to obtain increasingly large reimbursements from the National Health Insurance Fund, i.e. from public money. Discussions also centred on the connections between Dr Streinu-Cercel, an epidemiologist involved in numerous public activities, and major pharmaceutical companies, which, according to the information presented in the articles, offered him expensive trips or even money transferred to the account of the foundation he runs in exchange for promoting their products and influencing other doctors to recommend them to patients.

Following the publication of these articles, both the “Matei Balș” Institute and Dr Streinu-Cercel brought legal action against Rise Project and against individual members of the editorial team, seeking the removal of the articles and the publication of an eventual favourable judgement<sup>66</sup>. Furthermore, the Institute sought 500,000 lei in damages for the harm caused to its reputation, whilst Dr Streinu-Cercel, in turn, sought a further 250,000 lei. Other hospital staff members, mentioned in the Rise Project reports for their involvement in the activities described in the articles, intervened in support of the doctor, citing in turn the damage caused by the publication of the report, and collectively claiming one million lei for the statements deemed defamatory.

The plaintiffs argued, in support of their claims, that the statements made by Rise Project were false, deliberately presenting a misleading picture of the hospital’s and the private foundation’s activities with the aim of defaming them. However, neither the Institute nor the doctor in charge of it provided concrete evidence to refute the information presented by the journalists. The interveners, in support of their claim that they had not been involved in activities through which the state had allegedly been defrauded, produced only documents attesting to their professional experience and the absence of their names from the foundation’s official financial documents.

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<sup>64</sup> “*Lawsuits Filed against the Romanian Centre for Investigative Journalism*”, Council of Europe Platform to promote the protection of journalism and the safety of journalists, Updated 7 Nov 2023 · Created 7 Jun 2020;

<https://fom.coe.int/en/alerte/detail/65147105:globalSearch=true>

<sup>65</sup> <https://www.mediadefence.org/>

<sup>66</sup> Judgment No. 870 of 27 May 2021, Case No. 30227/3/2018.

[https://www.riseproject.ro/wp-content/uploads/2024/01/sentinta\\_cercel.pdf](https://www.riseproject.ro/wp-content/uploads/2024/01/sentinta_cercel.pdf)

In 2021, the Bucharest Tribunal partially upheld the plaintiffs' claim, and this judgment subsequently became final on procedural grounds (the appeal having been lodged after the statutory deadline). The court held that Rise Project had exceeded the limits of freedom of expression by publishing the two articles, as the evidence presented — including interviews with sources within the hospital and pharmaceutical companies, accounting documents and patient records — was insufficient to indicate the existence of activities that would justify the seriousness of the allegations made. The court's conclusion failed to take into account the fact that there was an ongoing criminal investigation into some of the activities mentioned in the article, and that the activities of a hospital fall within the scope of information of public interest, particularly when they relate to the management of funds from the national health insurance budget. Furthermore, in reaching its decision that the journalists' claims were unfounded, the Bucharest Tribunal gave priority to reports drawn up by the Court of Auditors and the National Office for the Prevention and Combating of Money Laundering, analysing only certain specific aspects, some of which were unrelated to the claims made in the investigation.

The court ordered Rise Project to pay the legal costs and 10,000 lei each to Dr Streinu-Cercel and the "Matei Balș" Institute, as well as to remove the articles from its own website and publish the judgment<sup>67</sup> both on its website and in three national newspapers. The claims of the interveners were dismissed, on the grounds that the damage suffered by the Institute did not extend to them, as mere employees.

This case is emblematic of the shortcomings of the justice system when it comes to SLAPP-type litigation. An erroneous decision by the court of first instance became final because it was followed by a failure on the part of the defendants' legal counsel to file the appeal within the statutory time limit. Thus, two articles were removed, which were the result of months of research, analysis and drafting, explaining a complex subject in a manner as accessible as possible to the general public to ensure the accountability of state institutions. Rise Project's participation in the public debate on the functioning of the healthcare system was prevented, and information of public interest remained only in the archives of the state and the editorial office.

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<sup>67</sup> [https://www.riseproject.ro/wp-content/uploads/2024/01/sentinta\\_cercel.pdf](https://www.riseproject.ro/wp-content/uploads/2024/01/sentinta_cercel.pdf)

## The Iași Tribunal ordered the removal of an article that mentioned a former Minister of Justice

In 2022, the former Minister of Justice, Tudorel Toader, took journalist Marian Păvălașc and the publication Radio Europa Liberă România to court, seeking damages for non-pecuniary loss amounting to 2,000,000 lei (approximately 400,000 euros) and the complete removal of an article on the situation in Romanian prisons, in which his name was also mentioned<sup>68</sup>. The Iași Tribunal<sup>69</sup> found that the former minister's reputation had been damaged by the article in question and partially upheld the claim of the plaintiff Tudorel Toader, with the court of first instance ordering:

- the defendants to be jointly liable for the payment of damages amounting to 10,000 lei, for the harm caused as a result of the attacks on the claimant's honour, dignity and reputation;
- the removal of the defamatory article from the website and social media pages administered by the defendant Radio Europa Liberă;
- order the defendants to ensure, at their own expense, the publication of the judgment delivered in this case in two consecutive issues of three national daily newspapers, including on the website of the defendant Radio Europa Liberă and on the social media pages managed by the defendant Radio Europa Liberă;
- order the defendants, to jointly pay the claimant court costs of 140 lei, representing the value of the stamp duties.

Radio Free Europe Romania decided not to appeal against this ruling. However, the journalist Mihai Păvălașc lodged an appeal in his own name, without the assistance of a lawyer (Radio Free Europe subsequently supported the journalist's position through the procedural documents it submitted). Furthermore, in a written submission to the Iași Court of Appeal, ActiveWatch expressed a written opinion criticising the ruling and arguing that the article was in the public interest, that the statements which the trial court considered to be damaging to the claimant's reputation did not originate from the journalist or the publication, but from third parties, and that the claimant's point of view had been included in the article. Furthermore, the positive journalistic comments regarding the claimant, Tudorel Toader, had been ignored by the trial court. Furthermore, in ActiveWatch's view, ordering the removal of an article of public interest on the basis of isolated statements deemed defamatory towards a public figure could not be considered a proportionate measure and, therefore, could not be deemed necessary in a democratic society.

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<sup>68</sup> "A country in crisis. The horrors of prisons. What Romania (did not) comply with in the ECHR ruling on the torture of detainees", by Marian Păvălașc, Radio Free Europe Romania, 6 Jan. 2022

<https://romania.europalibera.org/a/31641022.html>

<sup>69</sup> Judgment No. 665/2024 of 5 April 2024, Case No. 665/2024,

[https://portal.just.ro/99/SitePages/Dosar.aspx?id\\_dosar=9900000000214995&id\\_inst=99](https://portal.just.ro/99/SitePages/Dosar.aspx?id_dosar=9900000000214995&id_inst=99)

The Iași Court of Appeal<sup>70</sup> ruled in favour of the journalist and quashed the first instance court's decision in its entirety. No appeal was lodged against the judgment, so it became final.

In ActiveWatch's view, this is a classic case of a SLAPP, as the former Minister of Justice has sought not only the removal of an article of public interest, which refers to him only in passing, but also a very substantial sum in compensation for non-pecuniary damage – 2 million lei (approx. 400,000 euros). Furthermore, there was also an imbalance of power in this dispute: the former Minister of Justice is the rector of the University of Iași and a former dean of the Faculty of Law at the same university, the city where the case against Radio Free Europe Romania was heard. He is also a former judge of the Constitutional Court.

Furthermore, this SLAPP case was successful at first instance, when the Iași Tribunal accepted almost all of the former minister's requests, including the removal of an article of public interest. Although it reduced the amount of damages to 10,000 lei, the court ordered the journalists to publish, at their own expense, the judgment handed down in the case not only on Radio Free Europe's website and social media pages, but also in two consecutive issues of three national daily newspapers. Such costs can become extremely expensive.

### **MEP Maria Grapini was subject to civil and administrative sanctions and ordered to delete a post that constituted political criticism**

Maria Grapini, a former minister and current MEP (PSD), was sued in 2019 by two individuals residing in the US over some general statements the politician made in a post on her Facebook page. These referred to participants in the protests against the PSD-led government, which took place in August 2018. In fact, Maria Grapini had reposted a message from Facebook.

The legal action was brought by a husband and wife living abroad, who felt that the statements reposted by Maria Grapini were discriminatory towards them. In her Facebook post, Grapini shared a post with the following content: *"We would like to inform members of the diaspora that the 'idiot tax' must be paid at the USR headquarters. Without a 'stupid' certificate, you cannot attend the rally."* They claimed total moral damages amounting to 1 million euros (500,000 euros each) for *"damage to health"* and for *"harm caused to honour, dignity and physical and mental integrity"*. Subsequently, the two repeatedly reduced their claims, eventually settling on a claim for damages amounting to 348,600 lei. Formally, the court complaint was filed by only one of the claimants (the husband), both on his own behalf and on behalf of his wife.

At the same time, the USR Diaspora branch lodged a complaint with the National Council for Combating Discrimination (CNCD) regarding the above statements. The CNCD found the

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<sup>70</sup> Decision No. 426/2024 of 6 November 2024. Case No. 6852/99/2022  
[https://portal.just.ro/45/SitePages/Dosar.aspx?id\\_dosar=9900000000214995&id\\_inst=45](https://portal.just.ro/45/SitePages/Dosar.aspx?id_dosar=9900000000214995&id_inst=45)

statements to be discriminatory and ordered Maria Grapini to pay an administrative fine of 2,000 lei<sup>71</sup>. This ruling was challenged by Maria Grapini, but in a ruling handed down in 2022, the Bucharest Court of Appeal upheld the CNCD's decision<sup>72</sup>.

The CNCD's decision was cited as evidence by the two plaintiffs from the diaspora during the civil proceedings. In its judgment delivered in 2021<sup>73</sup>, the Bucharest Tribunal ruled that Maria Grapini's statements constituted an act of discrimination on the grounds of political beliefs, likely to undermine the dignity of Romanians living abroad, and specifically that of the claimant. The Bucharest Tribunal ordered the politician to pay the sum of 5,000 lei to the claimant, finding that: *"the message reposted by the defendant on her own Facebook page infringed upon the claimant's dignity, causing him feelings of outrage and frustration, for which reason the court considers the sum of 5,000 lei to be fair and equitable. In the present case, the court finds that by ordering the defendant to pay moral damages of 5,000 lei to the claimant, there is an interference with her freedom of expression as a public figure; however, this interference is necessary in a democratic society (to protect the right to dignity) and proportionate to the aim pursued."*

In the same judgment, the court ruled to dismiss the claim for additional non-pecuniary damages as unfounded<sup>74</sup>. Furthermore, the claimant's wife was not deemed to have standing to sue, as the claims had been brought by her husband.

Furthermore, the Bucharest Tribunal ordered an end to the violation of the right to dignity by requiring the removal of the discriminatory message from Maria Grapini's Facebook page, as well as prohibiting its future posting. At the same time, the court ordered the PSD MEP to publish the judgment on her own Facebook page.

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<sup>71</sup> Decision No. 847/2019 of 20 November 2019, issued by the National Council for Combating Discrimination, <https://www.cncd.ro/wp-content/uploads/2020/12/Hotarare-847-19.pdf>

<sup>72</sup> Judgment No. 417/2022 of 2 March 2022, Case No. 562/2/2020, <https://rejust.ro/juris/862779437>

<sup>73</sup> Judgment No. 1157/2021 of 15 July 2021, Case No. 686/2/2019, <https://rejust.ro/juris/99294g6g>

<sup>74</sup> According to the judgment of the Bucharest Tribunal: *'(...) quantifying the equivalent of non-pecuniary damage involves a degree of approximation, the court must take into account a number of criteria, including: the negative consequences suffered by the person concerned, both physically and psychologically; the importance of the moral values infringed; the extent to which these values were affected; the intensity with which the consequences of the harm were perceived; and the extent to which the family, professional and social situation was affected. In this context, compensation must be reasonable, and its assessment and quantification fair and equitable, commensurate with the moral and actual harm caused to the victim, so as not to result in unjust enrichment of the person entitled to receive it, nor should they be derisory; compensation must be in a reasonable proportion to the harm caused, in accordance with case law.*

*"As regards the quantification of the non-pecuniary damage suffered, the court cannot establish a link between the deterioration in the claimant's health and the unlawful act committed by the defendant."*

Both the claimant and the defendant lodged appeals, with the case being heard by the Bucharest Court of Appeal<sup>75</sup>, which in 2022 dismissed the appeals as unfounded. The judgment became final, as no further appeal was lodged.

ActiveWatch considers that the sanction imposed on the politician Maria Grapini by the CNCD and the upholding of the civil claim regarding damage to her reputation constitute a violation of her right to freedom of expression. Although the statements reposted by the politician were phrased in terms that some readers might consider harsh, their content constituted political criticism. Consequently, sanctioning her, in the context of a political debate, cannot be justified either by the need to protect the rights of an individual who had not been explicitly named (the claimant in the civil proceedings), nor by the need to protect the rights of members of the USR Diaspora political organisation (in the case of the administrative fine imposed by the CNCD). The order to pay compensation for non-pecuniary damage, as well as the order to delete the Facebook post, the publication of the court ruling and the administrative fine for breaching anti-discrimination legislation constitute measures that lack proportionality and cannot be considered necessary in a democratic society.

## **MP Cristina Trăilă calls for the removal of over 90 articles and social media posts**

Former MP and chair of the Chamber of Deputies' Legal Affairs Committee, lawyer Cristina Trăilă (PNL), has taken legal action<sup>76</sup> against journalist Mihai Goțiu and the Romanian Academic Society (publisher of the România Curată platform) over a series of eight articles published by him on România Curată and in the newspaper Libertatea.

The articles highlighted a potential conflict of interest involving Cristina Trăilă, who, whilst serving as a deputy and a member of the Chamber of Deputies' Legal Committee, was also working as a lawyer on the payroll of HS Timber Group (formerly Holzindustrie Schweighofer). The articles also claimed that she had lobbied on behalf of the company. Thus, the articles on<sup>77</sup> mentioned that she had received legal fees of approximately €700,000, including from HS Timber Group, a sum eight times greater than the income she received from her MP's allowance. Furthermore, the articles criticised MP Trăilă's parliamentary activity, claiming that she had supported the timber industry, including through her vote in the Legal Affairs Committee

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<sup>75</sup> Decision No. 485/2022 of 28 March 2022, Case No. 6865/2/2021, <https://rejust.ro/juris/98374d467>

<sup>76</sup> "Lawyer Schweighofer has taken us to court! She wants to silence us. Your help is essential. NOW!", Mihai Goțiu, 24 September 2024, România Curată, <https://www.romaniacurata.ro/avocata-schweighofer-ne-a-dat-in-judecata-vrea-sa-ne-inchida-gura-ajutorul-fau-e-esential-acum/>

<sup>77</sup> "A PNL MP is paid as a lawyer by Schweighofer, and in Parliament she is working on amending the Forestry Code: 'I don't see what the problem is'", Mihai Goțiu, 13 October 2023, Libertatea; <https://www.libertatea.ro/opinii/o-deputata-pnl-este-platita-ca-avocat-de-o-firma-importanta-din-industria-le-mnului-iar-in-parlament-se-ocupa-de-modificarea-codului-silvic-nu-vad-unde-este-problema-4682147>

to reject the establishment of the ‘Forest DNA’ (a vote she initially denied until the emergence of a video recording<sup>78</sup> ) or through her participation in various events.

The claimant accused the defendants of having “*launched a widespread and aggressive campaign to denigrate and discredit*” her, arguing that the published material was written with malicious intent, that certain statements had no factual basis and constituted assumptions and insinuations likely to cause serious damage to her image, to affect her reputation and honour, and were intended to manipulate the public, thereby inciting hatred against her. She also referred to the professional background of the article’s author, Mihai Goțiu, citing his past as an environmental NGO activist, as well as a former USR senator, and his alleged political interest in promoting the USR’s legislative initiative known as “The Forests’ DNA”.

Cristina Trăilă initially sought compensation for non-pecuniary damage amounting to 50,000 lei and the removal of eight articles; this list was expanded during the proceedings to include over 90 articles and social media posts<sup>79</sup>. Trăilă also requested that the opposing party’s legal fees<sup>80</sup> be capped at a maximum of 600 euros should she lose the case. Furthermore, the MP requested that the defendants be ordered to publish the judgment and a public apology on the website romaniacurata.ro and on the Facebook pages of the author and the publication. The case was initially brought by lawyer Cristina Trăilă before an incompetent court, and was subsequently referred by the judges to the competent court.

In July 2025, the Bucharest Court of First Instance dismissed all claims brought by Cristina Trăilă against Mihai Goțiu and the Romanian Academic Society<sup>81</sup>. The court held that the defendants’ statements did not concern the claimant’s private life, but rather her public activity as a Member of Parliament<sup>82</sup>. The proceedings focused on a matter of major public interest – forestry legislation – and considered the claimant’s ability to perform her public duties and represent citizens. The court held that the statements constituted value judgements based on facts, falling within the bounds of freedom of expression, without infringing upon the claimant’s private life:

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<sup>78</sup> Statement by MP Cristina Trăilă (PNL)

<https://www.youtube.com/watch?v=NhVBYMMrl3Y>

<sup>79</sup> Facebook post by Mihai Goțiu, 25 March 2025;

<https://www.facebook.com/gotiu.mihai/posts/pfbid02MZfuY26Wbs19poxZfJGb5XQTnj8oKtQ5PumfzNriY1fE8eXXrkydfzWj7cE8jgJMI>

<sup>80</sup> “*The astonishing request made by lawyer Schweighofer in the high-stakes trial concerning Romania’s forests, in which she has taken us to court*”, Mihai Goțiu, România Curată, 26 June 2025;

<https://www.romaniacurata.ro/solicitarea-uluitoare-a-avocatei-schweighofer-in-procesul-cu-o-miza-uriasa-pentru-padurile-romaniei-in-care-ne-a-dat-in-judecata/>

<sup>81</sup> “*Huge news: We have won the case against lawyer Schweighofer in the first instance! What the Bucharest Court has ruled and what happens next*”, Mihai Goțiu, România Curată, 9 July 2025.

<https://www.romaniacurata.ro/o-veste-uriasa-am-castigat-procesul-cu-avocata-schweighofer-in-prima-inst-anta-ce-a-dispus-tribunalul-bucuresti-si-ce-urmeaza/>

<sup>82</sup> Judgment No. 988 of 8 July 2025. Case No. 18205/300/2024.

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=3000000000705912&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=3000000000705912&id_inst=3)

*“The harshness of the tone does not amount to a civil offence as long as opinions are expressed on matters of general interest and there is a minimum factual basis.”*

*“Even if the statements are harsh or unpleasant, they are value judgements, made within a political context, not gossip-style allegations, and in this context, the margin of permissible criticism is wider.”*

The court expressly stated that: *“The claimant is a public figure, rightly subject to public scrutiny, being of public interest, since she is engaged in political activity.”*

The claimant was ordered to pay the defendants the sum of 10,000 lei in respect of partial legal costs.

The court’s decision is not final and may be appealed.

To fund their legal representation, Mihai Goțiu and the Academic Society launched a crowdfunding campaign through which they received support (donations) from members of the public.

## **The Sector 1 Court ordered a journalist to remove a post about media mogul Radu Budeanu**

In 2021, businessman Radu Budeanu sued journalist Alex Costache over statements made in a post published<sup>83</sup> on his personal Facebook page. Radu Budeanu was sentenced in 2020<sup>84</sup> to a two-year suspended prison sentence for bribery and is the owner of several publications. He has claimed moral damages of 100,000 lei (20,000 euros) from journalist Alex Costache for the infringement of his right to image, honour, dignity and privacy, as well as the removal of references to him from the post.

In 2022, the Bucharest Sector 1 Court of First Instance<sup>85</sup> upheld Budeanu’s claim and ruled that journalist A. Costache’s post had infringed his right to his own image, ordering the journalist to pay moral damages amounting to 10,000 lei (2,000 euros) and to remove all references to Radu Budeanu from the post published on Facebook. The court considered that the accusations made by the journalist exceeded the bounds of freedom of expression and were such as to

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<sup>83</sup> Facebook post by Alex Costache, 15 July 2021;

<https://www.facebook.com/alex.costache.355/posts/pfbid02GtF5WTtRQnyRbGg6dcPi5nsQyA39dnZFvT7kdeVq4eYj9r6TCTP3D28CG76v1A7uI>

<sup>84</sup> “Judges upheld the Budeanu-DNA plea bargain and sentenced the businessman to a two-year suspended prison sentence”, by Virgil Burlă, Radio Free Europe Romania, 26 August 2020

<https://romania.europalibera.org/a/30803806.html>

<sup>85</sup> Judgment No. 4638 of 11 May 2022. Case No. 31127/299/2021. Bucharest Sector 1 Court

prejudice the claimant's rights to his image and honour. Thus, the term 'vagabonds' used by A. Costache was deemed to have exceeded the limits of freedom of expression and to have undermined *the 'moral and professional integrity of the claimant'*. However, in his post<sup>86</sup>, Costache did not use the term "vagabonds" in direct reference to Radu Budeanu, but in reference to a former employee of Budeanu's, who had been part of a surveillance operation targeting the journalist<sup>87</sup>:

*"Personally, I'm less interested in these vagabonds at the moment. I'll be more interested in them when they cooperate with the prosecutors and reveal who put Budeanu, known as Snitch, up to doing what he did. We know who it was and we have evidence, but additional statements and confessions wouldn't go amiss!"*

The court also found that the journalist's use of the term 'snitch' was made without any factual basis. The court stated that *'journalism, by its very nature, has not merely the right, but the duty to inform the public accurately'*<sup>88</sup>.

Alex Costache lodged an appeal, and the case was heard by the Bucharest Tribunal. In 2023, the court upheld the appeal and quashed the decision of the Bucharest District 1 Court of First Instance. The judges of the Bucharest Tribunal considered that the term "vagabonds" invoked by Budeanu and upheld by the court of first instance referred to other individuals, mentioned by full name in Costache's post, and not to Radu Budeanu. Furthermore, the judges ruled that the term "snitch" used by Costache in reference to Budeanu did not infringe upon the rights to reputation and dignity, as it did not exceed *"the permissible level of exaggeration that may be used by journalists in the public interest"*.

## **ECHR - Pătrașcu v. Romania**

Alexandru Pătrașcu is an amateur music critic who publishes articles and reviews of opera performances, as well as commentary on the latest developments in the field, on his Facebook page and on his blog, entitled 'Despre operă' ('About Opera'), as well as in various national and international magazines. In 2016, over a period of three months, he published a series of comments on a major scandal affecting the Bucharest National Opera, concerning Romanian members of the Opera's staff who were calling for the departure of some of the foreign employees and protesting against the institution's retribution and employment policies. Under Alexandru Pătrașcu's posts, other people following the news of the controversy left their own

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<sup>86</sup> Facebook post by Alex Costache, 15 July 2021

<https://www.facebook.com/alex.costache.355/posts/pfbid02GtF5WTtRQnyRbGg6dcPi5nsQyA39dnZFvT7kdeVq4eYj9r6TCTP3D28CG76v1A7ul>

<sup>87</sup> Details of the surveillance operation targeting Alex Costache can be found in the ActiveWatch report "Journalist Safety: Public Lynching and Kompromat", published in 2023.

[https://activewatch.ro/documents/249/freeex\\_digest\\_1.pdf](https://activewatch.ro/documents/249/freeex_digest_1.pdf)

<sup>88</sup> Bucharest Tribunal, Judgment No. 1765 of 7 June 2023, Case No. 31127/299/2021

comments, mocking the situation or calling for a boycott of the Romanian artists, using various derogatory terms to describe them.

The individuals targeted by these comments and the critic's posts – a soprano and a conductor – brought an action for civil liability in tort, arguing that, through his own posts and by failing to remove comments made by other users, he had infringed upon their dignity, and seeking compensation for the damage thus caused. The Bucharest Tribunal found that the limits of freedom of expression had been exceeded, without identifying precisely which of the messages posted on Facebook, whether by the defendant or by third parties, had infringed upon the plaintiffs' dignity<sup>89</sup>. It was held that the critic's failure to act regarding third-party comments constituted, in itself, an act that had damaged the plaintiffs' reputation, and that the fact that he had removed certain comments demonstrated his bad faith regarding the others, such that he was fully liable for the comments as a whole. The court ordered Alexandru Pătrașcu to pay the claimant artists 20,000 lei each for the damage caused to their reputation. Furthermore, the court ordered him *"not to publish or host in future (...) comments and references containing denigrating and defamatory content directed at the claimants"*.

Following the appeal lodged against the decision, the Bucharest Court of Appeal<sup>90</sup> reaffirmed that Pătrașcu was liable for third-party comments, holding that the obligation to remove unlawful comments from one's own Facebook page falls within the concept of *'local custom'*. With regard to Pătrașcu's liability for third-party comments, the characterisation of the obligation to moderate comments as part of *'local custom'* first appeared on appeal, as the trial court had based its ruling on equating the critic with a television presenter, who would have had a duty to prevent guests from making derogatory statements. Thus, according to the Court of Appeal, Pătrașcu had breached local custom because he had refrained from moderating and could be held liable for the content of third-party comments. Some of the comments deemed defamatory by the Bucharest Tribunal were considered by the Bucharest Court of Appeal to fall within the bounds of freedom of expression. Some, however, were still deemed to exceed these limits, even taking into account Pătrașcu's status, considered to be *'pseudo-journalistic'*. The failure to remove the comments following the filing of the action was thus deemed to constitute a wrongful act justifying the award of non-pecuniary damages, albeit in a reduced amount of 8,000 RON for the soprano and 4,000 RON for the conductor. However, the Court of Appeal listed the remarks deemed to be defamatory and upheld the appeal regarding the injunction prohibiting the future publication or hosting of defamatory messages against the claimants, thereby overturning the Tribunal's decision in this regard. Following the dismissal of the appeal, the judgment became final, and Alexandru Pătrașcu lodged a complaint with the European Court of Human Rights alleging a violation of his freedom of expression through the conviction by the national courts.

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<sup>89</sup> Judgment No. 878/2017 of 19 June 2017, <https://rejust.ro/juris/2ee95e46>

<sup>90</sup> Decision No. 327/2019 of 11 March 2019, <https://rejust.ro/juris/84e79ge8>

In its judgment of 7 January 2025, the ECHR<sup>91</sup> found a violation of freedom of expression, on the grounds that the reasoning put forward by the courts regarding Pătrașcu's liability for the comments published was contradictory. Thus, the interpretation that the moderation of comments by the owner of a Facebook page formed part of '*local custom*' for the purposes of civil tort liability was lacking in predictability for him. Furthermore, the courts did not identify the specific comments and posts deemed indecent and did not analyse how each of the comments, as well as Pătrașcu's posts, might have contributed to the damage, taking into account the ECtHR's case law on the limits of freedom of expression. In conclusion, with regard to comments published by third parties, the Court held that the interference was not provided for by law, as the domestic courts had unjustifiably departed from domestic provisions to create liability for the person operating a public page for comments posted by third parties on it.

As regards Pătrașcu's conviction for his own statements, this was deemed disproportionate, given that he had contributed to a debate of public interest and had not exceeded the limits of freedom of expression as established by the Court's case-law. The judges also noted that the sum he was required to pay to the claimants was likely to have a deterrent effect on him.

This Directive does not provide a definition of a journalist, since the aim is to protect any natural or legal person that engages in public participation. However, it should be underlined that journalism is carried out by a wide range of actors, including reporters, analysts, columnists and bloggers, as well as others who engage in forms of self-publication in print, on the internet or elsewhere.

[EU Anti-SLAPP Directive](#) , Recital (9)

## **One United Properties is harassing media outlets that report on its activities**

The property developer One United Properties has made a habit of taking legal action against various individuals, newsrooms, civic initiatives and organisations that have reported critically on or opposed its property development projects.

The legal actions brought against the press follow a similar pattern: a claim for exorbitant damages (€100,000), a request to remove articles from online platforms, accompanied by applications for interim injunctions whereby the court orders the provisional removal of the articles in question from online platforms until final judgments are handed down.

Among the news outlets targeted by such lawsuits are Puterea, Podul, defapt.ro and Național. In the case of the first three outlets, the applications for interim injunctions have so far been

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<sup>91</sup> Alexandru Pătrașcu v. Romania (Application No. 1847/21). Judgment of 7 January 2025, Final on 7 April 2025  
<https://hudoc.echr.coe.int/eng?i=001-238635>

rejected by the courts, whilst the property developer has been ordered to pay the legal costs incurred by the defendants.

Instead, the editorial team at Național reached an agreement with One United Properties, with the latter withdrawing its legal action, while the articles that were the subject of the complaint were removed from the publication's website.

### One v. defapt.ro

The publication defapt.ro reported in two articles published in December 2023 on some of the shareholders and financiers of One United Properties, drawing attention to their background, namely a businessman from the gambling industry<sup>92</sup> and a bank run by a person close to the Putin regime<sup>93</sup>. In the third article<sup>94</sup>, defapt.ro briefly reported on the lawsuits brought by this company against the Salvați Bucureștiul (Save Bucharest) Association, including the request for the dissolution of that association.

In its legal action against defapt.ro and the journalists at that publication, the property company requested the removal of the articles in question from the publication's website and that they “cease engaging in defamatory actions against ONE, via online networks or by other means, which are likely to infringe upon the rights to dignity, reputation and image”, to publish in full, at their own expense, the court ruling handed down in the case on the front page of the defapt.ro website for three consecutive weeks; to pay moral damages in the amount of €100,000 and legal costs<sup>95</sup>.

At the same time, the company sought the temporary removal from the internet of the three articles mentioned above, by means of an interim injunction.

The company's lawyers argued that the authors of the articles had based their work on a real event, but had distorted the facts with the aim of damaging the company's reputation rather than informing the public, and had presented unsubstantiated conclusions that infringed the claimant's right to reputation.

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<sup>92</sup> “The company seeking to dissolve Salvați Bucureștiul, linked to the gambling industry: Sacha Dragic, founder of Superbet, has purchased shares in One United Properties”, by Mircea Marian, defapt.ro, 24 Dec. 2023

<https://defapt.ro/eveniment/compania-care-vrea-sa-desfiinteze-salvati-bucurestiul-asociata-cu-industria-jo-curilor-de-noroc-sacha-dragic-fondatorul-superbet-a-cumparat-actiuni-one-united-properties>

<sup>93</sup> “EXCLUSIVE: The property developer who secured the dissolution of the Save Bucharest Association, a loan from an international bank led by ‘Putin’s financier”, by Maria Pană, defapt.ro, 22 Dec. 2024

<https://defapt.ro/investigatii/one-creditat-de-finantistul-lui-putin>

<sup>94</sup> “The property developers who wanted to dissolve the Save Bucharest Association have revived the organisation: donations of 130,000 lei in just six days”, by Mircea Marian, defapt.ro, 29 Dec. 2023

<https://defapt.ro/eveniment/dezvoltatorii-imobiliari-care-au-vrut-sa-desfiinteze-asociatia-salvati-bucurestiul-au-relansat-organizatia-donatii-de-130-000-de-lei-in-doar-sase-zile>

<sup>95</sup> Case No. 8848/3/2024 of 20 March 2024, Bucharest Tribunal

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001117973&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001117973&id_inst=3)  
<https://rejust.ro/juris/23654dee8>

The Bucharest Court of Appeal dismissed the application for an interim order, ruling that:

*“the possible influence on the perception of those who read the posts does not demonstrate an infringement of the right to image and reputation of an exceptional nature, in a manner sufficiently convincing to warrant such an interference with the defendants’ freedom of expression, by way of the summary procedure of a preliminary injunction”<sup>96</sup> .*

The court further stated that:

*“it is found that, in the statement of claim, the claimant did not specifically indicate the existence or imminence of the serious harm alleged, stating, in general terms, that the harm claimed consists of an infringement of the right to image and reputation and an adverse effect on professional activity.*

*However, the mere publication of articles with content potentially harmful to the claimant cannot, in itself, be considered sufficient evidence to establish the existence of serious damage to the claimant’s image, dignity or honour. Furthermore, there is no evidence in the file to demonstrate any concrete infringement of the claimant’s right to reputation in the context of his professional activities as a result of the publication of the articles at issue in this case.”*

The property developer appealed against the ruling rejecting the application for an interim injunction, but the Bucharest Court of Appeal also dismissed this appeal<sup>97</sup> in 2024. The Court considered that *“the mere assertion of serious and irreparable harm to a listed company and its founders, on the grounds that the overall impression created by the articles is one of ‘fraud’”, is not sufficient, “as no concrete impact on the company’s business or a fall in the value of its shares on the stock exchange has been proven, nor has the appellant-claimant been harmed in this way.”<sup>98</sup>*

Furthermore, the claim filed in the main proceedings was dismissed by the Bucharest Tribunal<sup>99</sup>, the court finding that all three articles had a factual basis, that the information contained therein fell within the bounds of freedom of expression, and that the contested statements were not defamatory. In this case too, One United Properties lodged an appeal, which was in turn dismissed by the Bucharest Court of Appeal<sup>100</sup> . The court stated that the way in which

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<sup>96</sup> Judgment No. 581/2024 of 14 May 2024. Case No. 8850/3/2024

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001117976&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001117976&id_inst=3)  
<https://rejust.ro/juris/398434298>

<sup>97</sup> Decision No. 778/2024 of 10 July 2024, Bucharest Court of Appeal. Case No. 8850/3/2024

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001117976&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001117976&id_inst=2)  
<https://rejust.ro/juris/7296d6ed5>

<sup>98</sup> *Ibid.*

<sup>99</sup> Judgment No. 181/2025 of 19 February 2025. Case No. 8848/3/2024. Bucharest Tribunal

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001117973&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001117973&id_inst=3)  
<https://rejust.ro/juris/23654dee8>

<sup>100</sup> Decision No. 934/2025 of 27 November 2025. Case No. 8848/3/2024. Bucharest Court of Appeal

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001117973&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001117973&id_inst=2)  
<https://rejust.ro/juris/73e389674>

consumers of the published information relate to it is irrelevant in determining the unlawful nature of the published material:

*“Contrary to the appellant-claimant’s assertions, the manner in which the published information might be ‘consumed’ by certain readers is irrelevant when assessing whether or not an unlawful act has been committed. More specifically, the mere fact that there are people who read information appearing in the media in a superficial manner is not such as to lead to the conclusion that the published articles are defamatory, as the court of first instance also held. Therefore, the merits of the claim cannot be assessed through the prism of an interpretation that the claimant imagines certain readers will apply to the published articles, but must be assessed in light of the applicable legal framework, the central element being determined by the factual basis corresponding to each piece of information conveyed by the respondents.”<sup>101</sup>*

## One v. Puterea

In the spring of 2024, One United Properties brought legal proceedings against the publication Puterea and the journalist Cristian Matache, in response to a series of articles concerning economic developments in the company’s operations<sup>102</sup>. In line with established practice in such disputes, the property developer sought damages for non-pecuniary loss amounting to €100,000, reimbursement of legal costs, the permanent removal of the offending material, and the issuance of an interim injunction for the temporary removal of the two articles until the final resolution of the case on the merits.

The first article presented information regarding the intention of certain shareholders of One United Properties to sell off shares they hold and put forward hypotheses regarding a possible withdrawal from the business, against the backdrop of the high value of the shares, whilst also raising questions regarding the company’s financial sustainability and the possible existence of a speculative bubble<sup>103</sup>. The second article was based on a press release from the company, the

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<sup>101</sup> *Ibid.*

<sup>102</sup> "One United Properties, a successful business or a bubble for enriching shareholders", by Cristian Matache, Puterea, 13 April 2024

<https://www.puterea.ro/one-united-properties-o-afacere-de-succes-sau-o-bula-pentru-imbogatirea-actionarilor/>

"Major problems at One United Properties: sales are falling, projects are being delayed and prices are rising", by Cristian Matache, Puterea, 22 April 2024

<https://www.puterea.ro/probleme-mari-la-one-united-properties-vanzarile-scad-proiectele-sunt-amanate-si-preturile-sunt-in-crestere/>

<sup>103</sup> "One United Properties, a successful business or a bubble to enrich shareholders", by Cristian Matache, Puterea, 13 April 2024

<https://www.puterea.ro/one-united-properties-o-afacere-de-succes-sau-o-bula-pentru-imbogatirea-actionarilor/>

data from which was analysed and interpreted by the publication as indications of vulnerabilities in the developer's business model<sup>104</sup>.

The company considered that the publication had acted in bad faith in drafting the articles, had not sought its view, and claimed that the statements in the two articles were *"of a nature to cause serious and irreparable harm to a listed company and its founders (...) as investors may be influenced"*<sup>105</sup>.

The Bucharest Court of Appeal dismissed the application for an interim injunction, finding that the urgency of the provisional removal measure had not been demonstrated and that the existence of serious and irreparable harm had not been proven<sup>106</sup>. Regarding the alleged damage, the court also noted that One United Properties had succeeded in achieving its objectives of selling the share packages through the placement offer. The decision was upheld by the Bucharest Court of Appeal<sup>107</sup>.

The case on the merits was also won at first instance, at the Bucharest Tribunal<sup>108</sup>, by the newspaper Puterea. The judgment of the Bucharest Tribunal, which had not been drafted by the date of publication of this report, may be appealed.

## One v. Podul

In another legal action brought against a publication, One United Properties and the company's co-founders, Andrei Diaconescu and Victor Căpitanu, challenged two articles<sup>109</sup> published by Podul in December 2023 and sought a preliminary injunction to have them provisionally

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<sup>104</sup> "Major problems at One United Properties: sales are falling, projects are being delayed and prices are rising", by Cristian Matache, Puterea, 22 April 2024  
<https://www.puterea.ro/probleme-mari-la-one-united-properties-vanzarile-scad-proiectele-sunt-amanate-si-preturile-sunt-in-crestere/>

<sup>105</sup> Bucharest Court, Judgment No. 800/2024 of 18 June 2024. Case No. 13554/3/2024  
[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001124241&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001124241&id_inst=3)  
<https://rejust.ro/juris/de2d56ed2>

<sup>106</sup> *Ibid.*

<sup>107</sup> Decision No. 855/2024 of 13 September 2024. Case No. 13554/3/2024 (1251/2024)

<sup>108</sup> Judgment No. 710/2025 of 3 June 2025. Case No. 13552/3/2024  
[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001124239&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001124239&id_inst=3)

<sup>109</sup> "Shocking! Property sharks have secured the dissolution of the Save Bucharest Association in court! The mega-developer 'One Properties', which has filled the capital with hideous and overcrowded buildings, has so far managed to destroy several NGOs that were denouncing its abuses in the property sector", by Dodo Romniceanu, podul.ro 21 Dec. 2023  
<https://podul.ro/articol/22457/siderant-rechinii-imobiliari-au-obtinut-in-instanta-dizolvarea-asociatiei-salvati-bucurestiul-mega-dezvoltatorul-one-properties-care-a-umplut-capitala-de-construcii-hidioase-si-aglomerate-has-so-far-managed-to-destroy-several-NGOs-that-were-reporting-its-abuses-in-the-property-sector>  
"NGOs reveal how the property mafia operates. <<One United Properties will buy you out or destroy you!>> / The mega-property developer has borrowed tens of millions of euros from a bank run by a close associate of Vladimir Putin", by Dodo Romniceanu, podul.ro 23 Dec. 2023  
<https://podul.ro/articol/22472/ong-urile-dezvaluie-cum-actioneaza-mafia-imobiliara-one-united-properties-bu-uy-you-or-kill-you-mega-property-developer-borrowed-tens-of-millions-of-euros-from-a-bank-run-by-a-close-associate-of-vladimir-putin>

removed until a final judgment is handed down in the main proceedings. The articles mainly concerned the legal proceedings through which the property developer sought to dissolve two non-governmental organisations that had challenged the legality of certain property investments made by the aforementioned company. The plaintiffs argued that both articles contained untrue statements about specific facts and were intended to undermine investor confidence.

In May 2024, the Court of Bucharest District 5 dismissed the application for an interim injunction<sup>110</sup>. The court found that there was no appearance of a prejudicial action, as the articles in question contained information of general interest already in the public domain, used ‘decent language’, and their headlines contained a degree of exaggeration ‘*but within the limits permitted by the right to freedom of expression conferred on the press*’:

*“In assessing the seriousness of the harm alleged in the claim, the court also took into account the fact that the claimants are well-known figures in the community (a fact that is undisputed in this case), which always has two implications: on the one hand, ‘public’ figures must accept a greater degree of intrusion into their private lives than ordinary people, and the extent to which they are subject to closer scrutiny is all the greater the more important the public figure in question and the information disclosed are. On the other hand, public interest in such individuals is greater and information about them spreads more easily, and the damage to reputation is greater than in the case of a private individual who does not particularly enjoy public attention. The court considers that the interim measure to remove the article appears disproportionate in relation to what has been communicated to the general public, particularly given that no concrete evidence has been provided to show that the article caused damage that is difficult to remedy.”*

The judgment was upheld by the Bucharest Tribunal<sup>111</sup>.

In early 2025, the Bucharest Tribunal also dismissed the claim on the merits, ordering One United Properties, Andrei Diaconescu and Victor Căpitanu to pay court costs amounting to 5,000 lei<sup>112</sup>. The judgment of the Bucharest Tribunal, which had not been drafted by the date of publication of this report, is subject to appeal.

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<sup>110</sup> Judgment No. 4381/2024 of 13 May 2024, Case No. 8852/3/2024, [https://portal.just.ro/302/SitePages/Dosar.aspx?id\\_dosar=300000001117979&id\\_inst=302](https://portal.just.ro/302/SitePages/Dosar.aspx?id_dosar=300000001117979&id_inst=302)  
<https://rejust.ro/juris/ee2dgg7dg>

<sup>111</sup> Judgment No. 2876/2024 of 3 July 2024, Case No. 8852/3/2024, [https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001117979&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001117979&id_inst=3)  
<https://rejust.ro/juris/23g6583e6>

<sup>112</sup> Judgment No. 279/2025 of 28 February 2025. Case No. 8851/3/2024  
[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001117977&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001117977&id_inst=3)

### III. Multiple legal actions, including criminal or administrative complaints

Covering all causes of legal action – Legal actions may entail the misuse or abuse of all types of statutory or common law to prevent, inhibit, restrict or penalise contributions to public debate, including, but not limited to, defamation, insult, invasion of privacy, conspiracy, breach of intellectual property rights, economic interference or infliction of emotional harm. While this will generally mean a civil lawsuit, in some jurisdictions it is possible to trigger misdemeanours, administrative measures or criminal charges against their critics, including through the use of injunctions. This definition also extends to “legal intimidation tactics” – interlocutory or interim measures, aggressive subpoenas or simple threats designed to intimidate the other party into backing down.

The Anti-SLAPP Recommendation of the Committee of Ministers of the CoE (6)

[CM/Rec\(2024\)2](#)

#### Casa Jurnalistului targeted by repeated civil actions

In 2019, Adrian Bădilă brought a legal action<sup>113</sup> against five members of the independent editorial team at Casa Jurnalistului (Venera Dimulescu, Vlad Ursulean, Lina Vdovii, Luiza Vasiliu and Andreea Chirică), alleging a breach of his right to his image and dignity through the publication of information claimed to be ‘untrue’. The claimant sought an award of €10,000 in compensation for non-pecuniary damage, the removal of the article from the website, the publication of an apology, and the publication of the court ruling both on the publication’s website and in a national newspaper.

The action concerned the article entitled “The Ultimate Humiliation”<sup>114</sup>, published by Casa Jurnalistului in December 2018, which reported on a case of revenge porn<sup>115</sup>. The person responsible for this case of *revenge porn* was Vlad Andrei, the claimant’s stepson. According to the journalistic investigation, Vlad Andrei had sent nude photographs of a 19-year-old student – with whom he had had a brief relationship – to the victim’s colleagues, friends and relatives, had published them on escort websites and had made her personal and contact details public, in order to take revenge after the relationship ended. The article was part of a wider series of reports by the Casa Jurnalistului editorial team on the phenomenon of *revenge porn*, which addressed systemic issues regarding how the authorities investigate these crimes and analysed the gaps in the existing legislative framework.

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<sup>113</sup> Case No. 11417/301//2019. Application for summons dated 18 April 2019.

<sup>114</sup> “*The Ultimate Humiliation*”, by Venera Dimulescu (Illustrator: Andreea Chirică, Editors: Vlad Ursulean, Luiza Vasiliu, Lina Vdovii), Casa Jurnalistului, 14 December 2018.

<https://casajurnalistului.ro/umilinta-suprema/>

<sup>115</sup> Part of the *Revenge Porn* series published by Casa Jurnalistului

<https://casajurnalistului.ro/revenge-porn/>

Adrian Bădilă claimed that he had been wrongly linked to his stepson's actions, even though the article did not make any direct accusations against him nor explicitly mention his name. The journalists argued, in their defence, that references to the parents' social and professional status were relevant, as the perpetrator had explicitly invoked his parents' social standing to exert pressure on the victim, suggesting that he would receive protection and attempting to intimidate her into dropping her criminal complaint for harassment.

However, the complainant considered that the mention of his profession, career and political or administrative positions held, including that of founding member of the College of Mediators, would have made it easy to identify him. He also argued that the article had suggested he had the ability to influence the criminal investigation, a claim which, in fact, is not found in the content of the published material. Furthermore, Adrian Bădilă complained about the posts and comments published on the Facebook page of Casa Jurnalistului, including the failure to moderate certain comments critical of him. Furthermore, he questioned the authors' status as journalists and the very existence of the media organisation Casa Jurnalistului, and claimed that the media coverage of the case had led him to withdraw his candidacy for public office on behalf of the PNL.

In July 2019, Lavinia Andrei, the wife of Adrian Bădilă and mother of Vlad Andrei, joined the proceedings and, at the same time, brought her own action<sup>116</sup> against the same five journalists, claiming non-pecuniary damages of 10,000 euros, the removal of the article, the publication of an apology, and the award of penalty damages of 250 lei per day until the obligations were fulfilled. Like her husband, she claimed that she had been mentioned without justification in the journalistic investigation, that she had been accused of alleged involvement in an attempt to obstruct the criminal complaint, and that clues had been published which would have allowed her to be identified, even though her name had not been explicitly mentioned.

At the time the article was published, Lavinia Andrei was a public figure, having recently joined a political party after gaining prominence as an environmental activist. She further claimed that the article and associated Facebook posts had created a denigrating and intimidating atmosphere, amounting to a '*media lynching*', thereby violating her presumption of innocence and right to privacy. At the same time, she stated that the journalistic investigation had compromised her political career, leading her to resign from the party and withdraw from the USR's list of candidates for the European Parliament elections.

The District Court of Sector 3 dismissed the claims brought by the two plaintiffs, finding that the article in question dealt with matters of "general interest and, in particular, of current relevance to society, namely the emergence of the phenomenon known as 'non-consensual pornography' (revenge porn)"<sup>117</sup>. The court considered that "*the defendants presented facts that were proven and drew conclusions amounting to value judgements which, by the logic of the facts, are supported*" and "*the need to restrict freedom of expression in a democratic society to protect the reputation or rights of others ceases where another necessity begins, that of encouraging open discussion on matters of public interest*". The court also rejected the claims regarding the

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<sup>116</sup> Case No. 15892/300/2019

<sup>117</sup> Judgment No. 3378 of 26 March 2021. Case No. 11417/301/2019

existence of a smear campaign resulting from the republication and dissemination of the article in the media, as well as the criticisms concerning the management of comments on the publication's Facebook page.

Following the dismissal of the action brought by his parents, two years after the publication, Vlad Andrei initiated, in 2021, a new lawsuit<sup>118</sup> against the author of the article, Venera Dimulescu, and Vlad Ursulean, as the owner of the Casa Jurnalistului website and editor of the material, requesting a sentence that the article was unlawful, its removal from the website, and the removal of all associated audio-visual material from the defendants' online accounts.

Although he did not dispute that the acts had been committed, the claimant based his claim on the decision to dismiss his criminal case, handed down in June 2020, arguing that the material was no longer of public interest, that the article had been written in bad faith and that it had infringed his right to privacy, image, honour and dignity.

Moreover, according to the journalists, from their first contact with them during the research phase of the article and subsequently, right up until the end of the legal dispute, Vlad Andrei put pressure on them to drop the article or to fictionalise it, removing elements that referred to real people. Furthermore, according to the journalists, he used the lawsuit as "proof" that the journalists were wrong and contacted a number of influencers who denounced a "conspiracy" against him and attacked the journalist and the victim, using derogatory epithets regarding their physical features to discredit the journalistic investigation<sup>119</sup>.

In 2023<sup>120</sup>, the Bucharest Tribunal dismissed the claim, holding that the article did not infringe the claimant's rights, fell within the bounds of freedom of expression as defined by the case law of the European Court of Human Rights, and was based on information of public interest, having a sufficient and credible factual basis. The judgment was upheld by the Bucharest Court of Appeal<sup>121</sup>.

Casa Jurnalistului newsroom received pro bono legal representation in court from lawyers who are members of the LiderJust network. ActiveWatch supported the editorial team by submitting a statement in support of the journalists in the case brought against them in 2019.

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<sup>118</sup> Case No. 16366/3/2022

[https://portal.just.ro/3/SitePages/Dosar.aspx?id\\_dosar=300000001023175&id\\_inst=3](https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001023175&id_inst=3)

<sup>119</sup> Facebook post by Casa Jurnalistului, 20 March 2019

<https://www.facebook.com/reel/305884430343438>

<sup>120</sup> Judgment No. 379 of 30 March 2023. Case No. 16366/3/2022.

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001023175&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001023175&id_inst=2)

<sup>121</sup> Decision No. 298/2024 of 12 March 2024 Case No. 16366/3/2022.

[https://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=300000001023175&id\\_inst=2](https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001023175&id_inst=2)

## Mayor Băluță v. Libertatea – dozens of civil, administrative and criminal complaints

At the end of 2020 and in 2021, Mayor of Bucharest District 4, Daniel Băluță, filed no fewer than 18 complaints against the newspaper Libertatea and several of its journalists - 10 claims for damages for defamation in the civil courts, 3 applications for injunctions, 3 complaints of discrimination (lodged with the National Council for Combating Discrimination), and 2 criminal complaints. Of these, one lawsuit and one application for an injunction were initiated by the office of the Mayor of Sector 4, not by Mayor Băluță personally.

All the complaints lodged concerned several articles published by Libertatea, including articles that did not refer to Mayor Băluță, but to people in his entourage, or articles of an informative nature. In the defamation lawsuits, Mayor Băluță sought symbolic damages for non-pecuniary loss, but demanded the removal of the articles and that the journalists be ordered to publish the court's decision once it becomes final.

Furthermore, the mayor of Bucharest's District 4, Daniel Băluță (a member of the Social Democratic Party), filed a criminal complaint against Newsweek Romania and Libertatea, alleging that journalists from these publications had been involved in blackmail and organised crime, without, however, presenting any evidence regarding the subject of the blackmail. The complaint was lodged following the publication of articles concerning irregularities regarding funds and public tenders at the District 4 City Hall. Prosecutors from DIICOT, before conducting any independent investigation, issued summonses and called in the authors of the articles for questioning, including the senior editors of the two publications, Newsweek Romania and Libertatea (owned by the Ringier Group), tacitly accepting the mayor's assertion — unsubstantiated by any documents other than the press articles (which were informative in nature and in the public interest) — that they were the authors, or rather the 'moral authors', of so-called blackmail. The hearing on 20 May 2021 of Libertatea's editorial coordinator, Cătălin Tolontan, and journalist Mihai Toma, from the same publication, served as a photo and video opportunity for a number of media outlets. Thus, Cătălin Tolontan became the main target of a coordinated media smear campaign, unable to defend himself because, whilst the journalists were obliged to sign non-disclosure agreements with the prosecutors, other media outlets were granted access and published selections and truncated details from Mayor Băluță's criminal complaint. In turn, several Newsweek journalists (those who originally published the article about the mayor) were interviewed on 21 May. Rise Project soon discovered that the prosecutor handling the case against the journalists was married to the lawyer of one of Mayor Băluță's subordinates<sup>122</sup>, and was therefore in a clear conflict of interest<sup>123</sup>.

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<sup>122</sup> "RISE Project: The wife of the DIICOT prosecutor investigating Băluță's complaint against journalists was the lawyer for Goleac and Goleac's son!", Otilia Cristea, Libertatea, 26 May 2021, <https://www.libertatea.ro/stiri/rise-project-sotia-procurorului-diicot-care-cerceteaza-plingerea-lui-baluta-la-a-dresa-jurnalistilor-a-fost-avocata-lui-goleac-si-a-fiului-lui-goleac-3569064>

<sup>123</sup> Summary taken from "Journalist Safety – Public Lynching and Kompromat" – FreeEx Digest No. 1, published by ActiveWatch, 2023 [https://activewatch.ro/documents/249/freeex\\_digest\\_1.pdf](https://activewatch.ro/documents/249/freeex_digest_1.pdf)

By early 2024, Libertatea had won all its court cases, the complaints lodged with the National Council for Combating Discrimination (CNCD) had been dismissed (Mayor Băluță challenged one of these decisions in court in 2022), and the criminal cases had been almost entirely dismissed (the rulings having been definitively upheld by the courts).

It is also worth noting that in one of these cases, the court of first instance ordered the removal of the articles in question, but the ruling was subsequently overturned in its entirety by the Bucharest Tribunal, which considered that the articles were in the public interest and had a sufficient factual basis.

Furthermore, in one of these cases, which concerned an opinion piece written by Cătălin Tolontan, Băluță filed an application for interim measures requesting that the article be removed and that Libertatea and Cătălin Tolontan refrain from publishing any further articles until the case had been decided on its merits. These requests were dismissed at first instance as unfounded, but on appeal, the judges of the Bucharest Tribunal agreed with the arguments put forward by the journalists and the publication Libertatea, namely that a request to refrain from publishing further articles in the future about a person or a subject should not be considered unfounded, as the court of first instance had argued, but rather inadmissible, in accordance with the legislation in force.

Another application for interim measures sought to compel Libertatea to publish a statement from the District 4 local council, correcting an interview with a secondary school headteacher. The District 2 Court granted the application for a presidential order, invoking the right of reply provided for in the Broadcasting Act (which, however, cannot regulate the print media). The Bucharest Tribunal, however, ruled that the application for an interim injunction was inadmissible, as the publication of the council's statement did not constitute an interim measure and, therefore, could only be ordered in the context of proceedings on the merits. The Tribunal also considered that such a measure was disproportionate, as the council had the means to communicate its position publicly.<sup>124</sup>

Detailed information on each of the legal actions mentioned above is set out in the report “SLAPPs in Romania – Case Study” published by the Centre for Independent Journalism<sup>125</sup>.

Even nearly five years after it began, this case remains the most telling example of a public figure using every available legal means—both civil and administrative—as well as the abusive support of criminal investigation bodies to harass and attempt to silence journalists who were

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<sup>124</sup> Information on the details of the disputes is taken from “SLAPPs in Romania – Case Study”, by Diana Hatneanu, published by the Centre for Independent Journalism, 2023. The report contains references to court rulings and links to case files on the courts’ portal.

<https://cji.ro/slapp-uri-in-romania-studiu-de-caz/>

<sup>125</sup> *Ibid.*

reporting in the public interest. The case has also been published on the Council of Europe’s platform on the safety of journalists<sup>126</sup> .

### **Criminal complaint over a satirical programme**

In October 2025, the Pro Economica Foundation, together with Monika Kozma, the foundation’s president, filed a criminal complaint against the local public broadcaster Radio Târgu Mureş regarding a satirical programme broadcast at the end of August 2025<sup>127</sup>. The complaint cited several alleged offences, including incitement to hatred, violence and discrimination, abuse of office, tampering with digital data and digital forgery. The foundation also requested that Radio Târgu Mureş cease broadcasting and withdraw the audio and text versions of the material in question, considering that it had “xenophobic” and “false” content and would damage the foundation’s image<sup>128</sup> .

The programme in question was a satirical piece produced by the Hungarian-language section of Radio Târgu Mureş, as part of a series of Romanian-Hungarian language lessons. The episode, entitled ‘Luxury Hotels’, featured a fictional dialogue between a journalist and the president of an anonymous Romanian foundation, allegedly funded by the Hungarian government to support the construction of accommodation facilities in the Székely Land. During the dialogue, the fictional president of the foundation hurled insults at the journalist, using – with the aim of satirising them – stereotypical expressions from far-right discourse (for example, “filthy Soros-backed anti-Hungarian liberal”, “Ukrainian criminal”, “shameless globalist”, “filthy pro-European neo-Marxist”, etc.). The ProEconomica Foundation felt targeted by the radio programme, although the script did not contain any direct references to the foundation. A few weeks before the satirical programme was broadcast, the publication Magyar Hang had published an article<sup>129</sup> on the situation regarding investments managed by the ProEconomica Foundation and partly funded by the Hungarian state in hotels in the Székely Land.

Furthermore, the Pro Economica Foundation claims in its criminal complaint that the journalistic material was produced using artificial intelligence, which would amount to the offences of tampering with digital data and digital forgery. In reality, the text of the programme was performed by two actors, whose identities were disclosed and made public during the programme.

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<sup>126</sup> “*Newsweek Romania and Libertatea Investigated Following a Complaint by Mayor*”, Council of Europe Platform to promote the protection of journalism and safety of journalists, created on 31 May 2021, updated on 7 November 2023

<https://fom.coe.int/en/alerte/detail/100310820:globalSearch=true>

<sup>127</sup> Language Corner – Episode 58: Luxury Hotels, Radio Târgu Mureş, 27 Aug. 2025

<https://www.marosvasarhelyiradio.ro/nyelvlecke-58-resz-luxusszallodak/>

<sup>128</sup> “*Târgu Mureş Radio reported to the authorities over the Romanian language lesson entitled ‘Luxury Hotels’*”,

Boglárka Molnár, Maszol, 20 October 2025

[https://maszol.ro/belfold/Feljelentettek-a-Marosvasarhelyi-Radiot-a-Luxusszallodak-cimu-roman-nyelvlecke-miatt#google\\_vignette](https://maszol.ro/belfold/Feljelentettek-a-Marosvasarhelyi-Radiot-a-Luxusszallodak-cimu-roman-nyelvlecke-miatt#google_vignette)

<sup>129</sup> “*The fate of hotels built with Hungarian public funds – With video*”, Csaba Lukács, Magyar Hang, 1 August 2025

<https://hang.hu/magyar-hang-plusz/fele-sem-keszult-el-a-magyar-kozpenzbol-epulo-szallodaknak-178987>