

Dear Ms Zuluaga,

Thank you for giving us an opportunity to respond to the reaction by Green Invest to our campaign in support of the two activists facing SLAPP suits for speaking out about the potential environmental impact of the Green Invest/BUK d.o.o. small hydropower plants in Bosnia and Herzegovina.

We would like to reiterate our concern and disappointment with the activities of Green Invest, including the letter of response submitted to the Business and Human Rights Resource Centre.

While Green Invest believes that its engagement in BiH meets the criteria for sustainable development, unfortunately, the experience of the communities affected by these infrastructure projects is very different. Over the years and after witnessing widespread and irreparable damage left by the construction of small hydropower plants across the country - including the impacts on the Kasindolska river - local communities and citizens living in these areas decided to engage more actively to protect their environment. All they are demanding is a properly regulated and responsible use of natural resources and a greater public say in these matters, that directly affect them. They do not have any financial or any other gain from doing so, on the contrary, their engagement comes at a huge personal expense.

In many cases in BiH, including the Kasindolska case, these are spontaneously organized movements led often by concerned women and youth. They are up against pervasively corrupt systems of power and government, entangled with private interests, and they often face serious threats from investors, interested politicians, and – as in the case of [Brave Women of Kruščica in 2017](#) – police violence. Activists across BiH are connected through the country-wide [Coalition for River Protection of BiH](#) and the international river coalition [Save the Blue Heart of Europe](#).

The business in small hydropower in BiH started intensively more than ten years ago promising to bring economic development and green transition. In practice, however, the economic benefits to the communities are negligible. By 2021, 119 small hydropower plants were built in BiH (50 in Republika Srpska and 69 in Federation of BiH) producing only 2,3% of all the annual electricity. Judging by this, the planned contribution of the small hydropower plant Podivič, built by Green Invest, in the annual production of electricity in BiH is at its best 0,028%. Considering the negligible output and often irreparable long-term damage to the environment, small hydropower plants are neither able to bring green transition nor economic development.

Small hydropower plants pose serious risks for some of Europe's last wild, pristine forests and threaten the biodiversity of rivers. While investors tend to see significant profit, local communities do not have any benefits. The business in small hydropower in BiH has been significantly incentivized, i.e., consumers of electricity, citizens and legal entities pay a fee for renewable energy, through subsidizing energy produced in small hydropower plants, while any promised social benefits in terms of new jobs, new infrastructure projects and other profits are often not confirmed. Finally, concession fees paid to the local communities are insignificant compared to the profits gained by the investors.

According to concession agreements for small hydropower plants on Kasindolska river, the concession fee for the use of small hydropower plants is 3.1% of the total revenue that the investor realized by performing a concession activity. According to the Ministry of Energy and Mining of the Republika

Srpska the investor paid 10.685,00 BAM (5500 EUR) in 2019, 11.008,00 BAM (5600 EUR) in 2020, and 12.589,00 BAM (6500 EUR) in 2021 to the entity budget. On the other side, the total income of BUK d.o.o. which manages Podivič was 454.051,00 BAM (125.000,00 EUR) in 2021, 300.055,00 BAM (150.000,00 EUR) in 2020 and 708.804,00 BAM (350.000,00 EUR) in 2019<sup>1</sup>. Considering the impact on the environment and communities, the small electricity output and insignificant income only compound the sense of injustice felt by the local communities.

This is one of the arguments used in front of the Parliament of the Federation of BiH, the other entity in BiH, in regards to the adoption of a law banning the future construction of all small hydropower plants in July 2022. River activists fought for over 10 years to present the reality of small hydropower plants to the government and members of the Parliament, which resulted in proving that the environmental damages and impacts on communities are too high, the electricity output is too low and the preservation of nature has a better potential for economic development. In February 2021, the Republika Srpska National Assembly adopted the Declaration for River Protection, which urged all levels of authority to take measures and protect rivers from devastation also created by small hydropower plants. We hope that the construction of hydropower plants will soon be banned in this part of the country as well. These victories showcase the importance of civic engagement and community participation especially when projects are not in the local communities' best interest. They also highlight why activists and human rights defenders must be able to express their opinions on issues of public interest without fears of reprisal.

In their letter, Green Invest write that they have always respected the laws. Yet, as we have noted in our [open letter](#) to the Belgian Ambassador in BiH, signed by 145 organizations from around the world, BUK d.o.o. had continued operating for nine months – between September 2021 and June 2022 – despite the fact that the District Court in Banja Luka had at the time revoked the environmental permit for Podivič hydropower plant (from July to September 2021, the District Court in Banja Luka revoked the environmental permit for Samar hydropower plant, which is under construction, and Slapi hydropower plant, which construction is in the planning stage, but also for Podivič, which is currently operating). The permit for Podivič was reinstated by the RS Supreme Court in June 2022, but the activists have appealed the decision in a case that is currently pending before the Constitutional Court of BiH.

Furthermore, during the construction of the SHPP Podivič an authorized construction-urban inspector from RS forbade further works on the construction of the SHPP in 2017 due to the identified irregularities.

Green Invest writes in the letter that, in the process of construction, they had to “improve the access roads and widen forest paths, which had been requested by certain local residents, whose lives are now greatly facilitated by this.” The access road is marked by a sign which clearly prohibits the use of the road for anyone but BUK d.o.o, which means that the local community in no way benefits from these “improvements.”

Green Invest further states that their representative had a meeting with one of the activists in 2021, however, we would like to highlight that this invitation arrived after Green Invest sent legal warnings threatening further legal action against the activists if they proceed with activities on the protection of

---

<sup>1</sup> Information obtained at [www.akta.ba](http://www.akta.ba)

Kasindolska river. In light of the warnings, it was obvious that the investor was not interested in a genuine dialogue with the local community and saw the meeting as yet another attempt to silence them.



(Access road for SHPP Samar – it says: warning: this road is intended to serve the needs of construction site for SHPP, forbidden trespass, photo: Sunčica Kovačević)

Following analysis of legal documents and other materials, Amnesty International classified the defamation lawsuits against the two activists fighting for Kasindolska river as Strategic Lawsuits against Public Participation (SLAPP). SLAPP suits are designed to misuse the legal system to intimidate and silence critical voices and can have a strong chilling effect on community involvement and discussion on issues of strong public interest, such as the protection of the environment. Across BiH, but also in the broader region, SLAPP suits are becoming increasingly popular as a means of discouraging activism on environmental issues.

In her speech at the European Anti-SLAPP Conference, Council of Europe's Human Rights Commissioner Dunja Mijatovic, referred to the case as well, saying:

"The urgency to act is clear to me. SLAPPs occur every day in Europe, in many of our member states, targeting professionals - like recently journalists in France and Greece who are being sued by powerful companies and public institutions - but also young activists who speak out to protect their community or the environment. Like two young environmental activists from Bosnia and Herzegovina who are currently being targeted by several lawsuits brought by a private company for having publicly spoken about the environmental impact of a hydropower plant on the Kasindolska river. Like many other activists and human rights defenders, they have faced pressure for years already, as I mentioned in a Human Rights

Comment of last year. Now the threat of a costly lawsuit further endangers them and the region they want to protect!<sup>2</sup>

Both Sara and Sunčica grew up and spent their childhood on the Kasindolska river which is why they have such a strong emotional attachment to this river. While investor calls them “so-called activist”, Sara Tuševljak was proclaimed the heroine of the Bosnia and Herzegovina in 2021 for her activist contributions<sup>3</sup> and Sunčica Kovačević has received international invitations (e.g. River Summit 2022) to inspire other young people to fight for the interest of their local communities. Sara and Sunčica are not driven to action by distrust of foreigners, as suggested by Green Invest, but by a strong desire to prevent what they see as potentially irreparable damage to the environment caused by small hydropower plants on the river that is an inseparable part of their lives.

Despite the tremendous pressure due to lawsuits, the two activists remain committed to protecting the river and its ecosystem and will continue to pursue all democratic and legal avenues to do so. All of us will stand by them.

Sincerely,

Riverwatch,

EuroNatur,

Foundation Atelier for Community Transformation – ACT,

Save the Blue Heart of Europe,

Stop building small hydropower plants on Kasindolska river

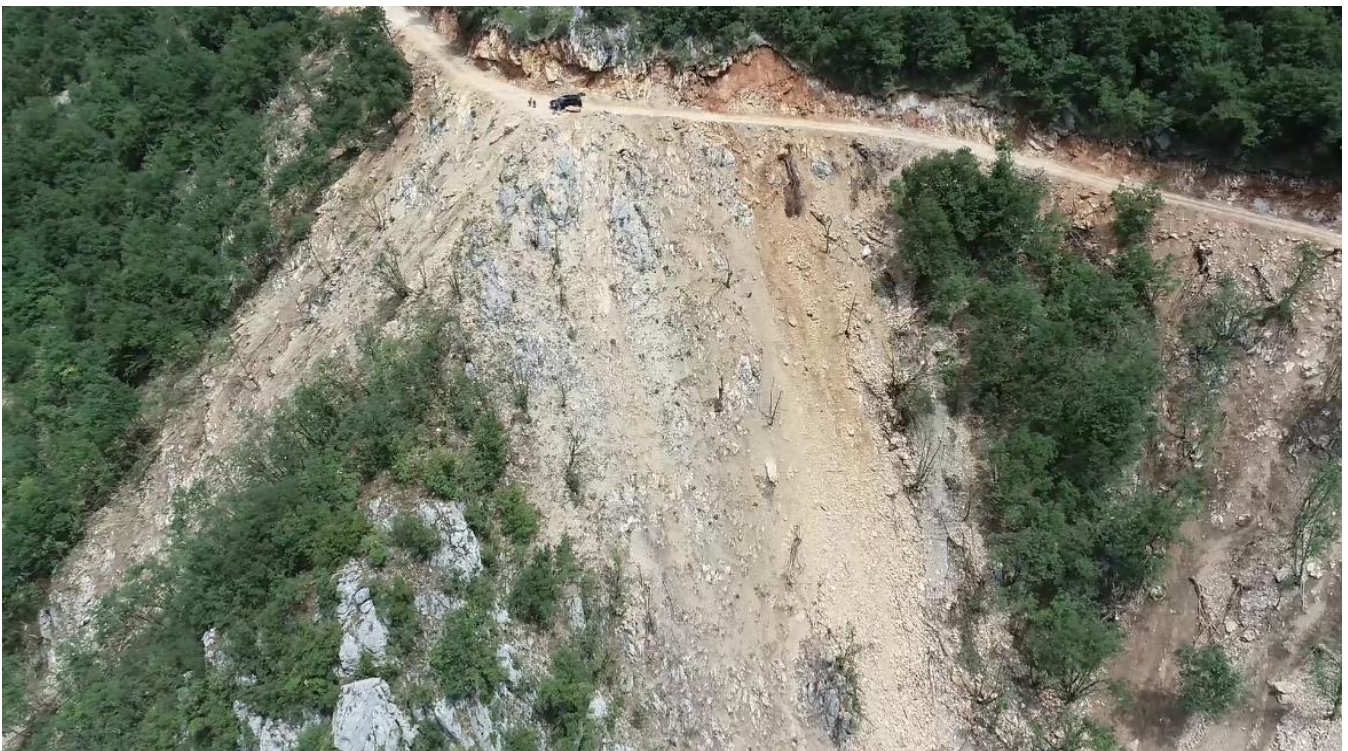
---

<sup>2</sup> [https://www.coe.int/en/web/commissioner/-/speech-at-the-european-anti-slap-conference?fbclid=IwAR0eBLnAIheNd2g5EGR2TLbJOjK88G70H-8jvseJezM77vdUQ5P\\_7GVPPYY0](https://www.coe.int/en/web/commissioner/-/speech-at-the-european-anti-slap-conference?fbclid=IwAR0eBLnAIheNd2g5EGR2TLbJOjK88G70H-8jvseJezM77vdUQ5P_7GVPPYY0)

<sup>3</sup> <https://www.facebook.com/USAIDBIH/posts/pfbid02aMiMLWKVJp4eHPfm5cFL57RTAB4na4PBCAHVAnMb1eR6j7GhE3o1Cgzt5HGndJr2l>



(SHPP Podivič, Robert Oroz)



(Access road for SHPP Samar, Robert Oroz)