

Hello,

On behalf of the Municipality of Moravče, I am submitting a complaint and request for the immediate closure of the website Moravce.net, due to defamation of character and honor, thereby violating the fundamental personal rights of individuals who are citizens of Slovenia and the EU, as defined by the Constitution of the Republic of Slovenia and the Criminal Code.

The user of the moravce.net domain, Roman Cerar, the author of the website's content, has been violating the Constitution and the Criminal Code for a long time with his publications and committing criminal offences against honour and reputation, namely slander and insulting a public official the mayor of the Municipality of Moravče, which, according to the Criminal Code, is prosecuted ex officio and punishable by a fine or imprisonment.

Insult
Article 158

- (1) Anyone who insults another person shall be punished with a fine or imprisonment of up to three months.
- (2) If the act referred to in the previous paragraph is committed in print, on radio, television, or other means of public communication, or on websites or at a public gathering, the perpetrator shall be punished with a fine or imprisonment of up to six months.
- (3) No penalty shall be imposed on anyone who makes offensive statements about another person in a scientific, literary, or artistic work, in serious criticism, in the performance of official duties, the journalistic profession, political or other social activities, the defense of any right or the protection of legitimate interests, if it is clear from the manner of expression or other circumstances that this was not done with the intention of causing contempt.
- (4) If the offended party has retaliated, the court may punish both parties or one of them, or may waive the punishment.

Slander
Article 159

- (1) Anyone who asserts or spreads false information about another person that may damage their honor or reputation, even though they know that what they are asserting or spreading is untrue, shall be punished with a fine or imprisonment of up to six months.
- (2) If the act referred to in the previous paragraph is committed in print, on radio, television, or other means of public communication, or on websites or at a public gathering, the perpetrator shall be punished with a fine or imprisonment of up to one year.
- (3) If the false statement or rumor is of such a nature that it has serious consequences for the injured party, the perpetrator shall be punished with imprisonment of up to two years.

Defamatory accusation
Article 160

- (1) Anyone who asserts or disseminates anything about another person that may damage their honor or reputation shall be punished with a fine or imprisonment of up to three months.
- (2) If the act referred to in the previous paragraph is committed in print, on radio, television, or other means of public communication, or on websites or at a public gathering, the perpetrator shall be punished with a fine or imprisonment of up to six months.
- (3) If the nature of the statement or dissemination is such that it has serious consequences for the injured party, the perpetrator shall be punished with a fine or imprisonment of up to one year.
- (4) If the perpetrator proves the truth of his statement or proves that he had reasonable grounds to believe in the truth of what he claimed or disseminated, he shall not be punished for defamation, but may be punished for insult (Article 158) or for accusing someone of a criminal offense with the intent to cause contempt (Article 162).

Dr. Milan Balazic
MAYOR



MUNICIPALITY OF MORAVČE

Yours sincerely,

The case is already pending before the criminal court due to the controversial content of the website and is being prosecuted ex officio. For this reason, we urge you to shut down the website moravce.net within 24 hours due to the commission of multiple criminal offenses and to prohibit its further use. The owner should have their ownership of the domain revoked and transferred or offered for purchase to the Municipality of Moravče, or it should be permanently closed and shut down.

(1) Anyone who, with the intent to defame, accuses another person of having committed a criminal offense or of having been convicted of a criminal offense, or who tells another person this with the same intent, shall be punished with a fine or imprisonment of up to three months.

(2) If the act referred to in the previous paragraph is committed in print, on radio, television, or other means of public communication, or on websites or at a public gathering, the perpetrator shall be punished with a fine or imprisonment of up to six months.

Article 162
Accusation of a criminal offense with the intent to defame

(1) Anyone who asserts or disseminates anything from the personal or family life of a person that may damage their good name shall be punished with a fine or imprisonment of up to three months.

(2) If the act referred to in the previous paragraph is committed in print, on radio, television, or other means of public communication, or on websites or at a public gathering, the perpetrator shall be punished with a fine or imprisonment of up to six months.

(3) If what someone claims or disseminates is of such a nature that it has serious consequences for the injured party, the perpetrator shall be punished with a fine or imprisonment of up to one year.

(4) The truth or falsehood of what is claimed or disseminated about the personal or family life of another person cannot be proven, except in the cases referred to in the fifth paragraph of this article.

(5) Anyone who claims or disseminates something about the personal or family life of another person in the performance of official duties, political or other social activities, in the defense of any right or the protection of legitimate interests, shall not be punished if they prove the truth of their claim or if they prove that they had reasonable grounds to believe in the truth of what they claimed or disseminated.

Article 161
Defamation

(c) If someone claims or disseminates that another person has committed a criminal offense for which the perpetrator is prosecuted ex officio, the truthfulness of the claim that the injured party committed a criminal offense may only be proven by a final judgment, or by other evidence only if prosecution or trial is not possible or not permitted.

(6) If the defamatory accusation that the injured party committed a criminal offense for which the perpetrator is prosecuted ex officio was made in the circumstances referred to in the third paragraph of Article 158 of this Code, the perpetrator shall not be punished for the defamatory accusation, even if there is no final judgment, if he proves that he had reasonable grounds to believe in the truth of what he claimed or disseminated.