

Vice-President Vera Jourová  
European Commission  
Rue de la Loi / Wetstraat 200  
1049 Brussels  
Belgium

Brussels, 27 January 2020

RE: Including all affected groups in anti-SLAPP legislation

Dear Vice-President Jourová,

We are pleased to hear that you are preparing EU legislation to deter Strategic Lawsuits Against Public Participation (SLAPPs). We believe this is extremely important to safeguard freedom of expression, and advocacy and assembly rights in the EU, and would like to request a meeting with you to discuss our experiences and expectations.

It is our strong view that the legislation must cover *everybody* who is affected by SLAPPs.

Some of the most striking examples include journalists, such as Maltese reporter Daphne Caruana Galizia, who had 47 SLAPPs pending against her at the time of her assassination. The award-winning journalist Carole Cadwalladr, who exposed the Cambridge Analytica data-harvesting scandal, is also facing a SLAPP.

Besides journalists and the media, SLAPPs are also used to target academia, trade unionists, activists, civil society organisations and individual citizens, including human rights defenders. In essence, SLAPPs are used to silence individuals and organisations that play a watchdog role and hold those in positions of power to account.

There are many examples of unjustified legal action against these actors in the EU. These are some examples:

- In Germany, PayPal filed a libel lawsuit against the NGO SumOfUs for a peaceful protest against the company's business relationship with neo-Nazi group Pro Chemnitz<sup>1</sup> outside its Berlin headquarters. Pro Chemnitz used PayPal to raise money to finance the group's activities and hate speech.<sup>2</sup>
- In Portugal, eucalyptus pulp producer Celtejo, part of the Altri group, sued activist Arlindo Marquês, who accused the company of polluting the Tagus River (rio Tejo).<sup>3</sup> Since 2015,

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<sup>1</sup> Spiegel online, *PayPal wickelt keine Spenden an Pro Chemnitz mehr ab*, 2019: <https://www.spiegel.de/netzwelt/web/paypal-stoppt-spenden-an-pro-chemnitz-a-1298187.html> and SumOfUs, *Can you chip in to fight PayPal?*, 2019: <https://actions.sumofus.org/a/can-you-chip-in-to-help-defend-us-against-paypal>

<sup>2</sup> SumOfUs, *PayPal: Stop helping fund Neo-Nazis!*, 2019: <https://actions.sumofus.org/a/paypal-stop-helping-fund-neo-nazis-1>

<sup>3</sup> Civicus Monitor, *Company targets environmentalist in SLAPP lawsuit*, 2018: <https://monitor.civicus.org/updates/2018/03/07/company-targets-activist-SLAPP-lawsuit/>

Marquês had been posting video and photographic evidence of the pollution in the river on social media networks, as well as sending it to the relevant authorities.<sup>4</sup>

- In France, companies Socfin and Socapalm, both affiliated with the Bolloré Group, sued NGOs Sherpa and ReAct for defamation in 2018 for publishing land-grabbing accusations made by villagers and farmers in Cameroon.<sup>5</sup>
- In France, tech giant Apple lost a case against Attac (Association for Taxation of Financial Transactions and Citizen Action) for its peaceful sit-in at an Apple store in Paris in December 2017 and for their role in organising several demonstrations in France against the company's tax evasion.<sup>6</sup>
- In the UK, a number of fracking companies, including INEOS, UK Oil & Gas, Cuadrilla, IGas and Angus Energy, have filed a number of injunctions since 2017 to prevent protests in front of drilling sites. These have been brought against 'persons unknown' and therefore apply to the world at large. As a result, many of the affected citizens only become aware of the injunction after having been sued by one of the companies.<sup>7</sup>
- In Poland, energy company Chevron brought criminal and civil lawsuits against anti-fracking protesters in relation to the establishment of a protest camp at a shale gas site in 2013, using defamation and trespass laws.<sup>8</sup>

At a time when there is no anti-SLAPP legislation in force in any EU member state, strong EU anti-SLAPP measures, including legislation and legal funds for victims, will help protect those most vulnerable to such legal harassment, and send a strong political message that the EU is ready to stand up for its citizens and protect fundamental rights.

Yours sincerely,



Magda Stoczkiewicz  
Deputy Director, Greenpeace European Unit

On behalf of the following organisations:

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<sup>4</sup> PPL, We are all Arlindo Marques, 2018: <https://ppl.pt/en/causas/somos-todos-arlindo-marques> and *Movimiento Pelo Tejo Dossier ProTejo*, 2017: [https://ppl.pt/en/system/files/0\\_dossier\\_protejo.pdf](https://ppl.pt/en/system/files/0_dossier_protejo.pdf), specifically relevant section A12, with relevant photographic evidence on pages 18 and 19.

<sup>5</sup> Grain, *We will not be silenced by Balloré SLAPP lawsuits*, 2018: [https://www.grain.org/bulletin\\_board/entries/5873-we-will-not-be-silenced-by-bollore-s-slapp-lawsuits](https://www.grain.org/bulletin_board/entries/5873-we-will-not-be-silenced-by-bollore-s-slapp-lawsuits) and Sherpa, *Sherpa, React, Mediapart, Le Point & l'Obs facing a defamation suit filed by one of Bolloré's company, Socfin*, 2018: <https://www.asso-sherpa.org/sherpa-react-mediapart-point-lobs-facing-a-defamation-suit-filed-by-one-of-bollores-company-socfin>

<sup>6</sup> Civicus Monitor, *SLAPPs lawsuits silence critical voices in France*, 2018: <https://monitor.civicus.org/updates/2018/03/09/slapp-lawsuits-threaten-critical-voices-france/>

<sup>7</sup> Oswald, M; McGregor, C *Fracking and the right to protest*, 2018: <https://www.lag.org.uk/article/205728/fracking-and-the-right-to-protest>

<sup>8</sup> Reuters, *Chevron files suit against Polish anti-shale gas protesters*, 2013: <https://www.reuters.com/article/us-poland-chevron-shalegas/chevron-files-suit-against-polish-anti-shale-gas-protesters-idUSBRE9A70TD20131108>



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