

European Vexatious Legal Threats/Actions Research Project

Questionnaire

Introduction

Index on Censorship is a London-based nonprofit organisation that campaigns for and defends freedom of expression worldwide. Alongside academic, digital, and artistic freedoms, media freedom is one of Index on Censorship's primary areas of focus.

This research project seeks to identify the scale and nature of the phenomenon of vexatious legal threats/actions against journalists in Europe. Vexatious actions, which may include letters threatening libel and defamation, come from private parties (often corporations or wealthy individuals) with the intent to silence journalists and media outlets and prevent them from investigating or publishing their work.

In order to conduct this research, we are asking journalists and media outlets who might be able to provide insight into how common this phenomenon is, to fill out the following questionnaire. Some interviews will also be conducted as part of the research. **You can securely return this questionnaire to media-questionnaire@protonmail.com by 24 February 2020.**

****Please only complete this if you or your organisation has been a target/victim of vexatious legal threats or actions.***

Defendant(s):

- a. Were you individually targeted? If so, were you targeted in relation to your freelance journalism or as a member of an organization? If the latter, how are you involved with that organization?
- b. Was the organisation you work for targeted?
- c. Were any other groups or individuals targeted? If the latter, were they associated with any organisation or were they sued in an individual capacity?

3. Defendant representation:

- Were you or your organisation represented by a lawyer? If so, could we contact the lawyer to ask any questions about the nature of the legal action? If so, could you provide us their contact details?

1. Plaintiff(s)/Potential Plaintiff(s):

- Who issued the legal action against you? Was it a company, group of people, or one individual?
- If the latter, are they affiliated with any association?
- If a group, what is the legal status (e.g. corporation) and mission/focus of that group?
- Does the plaintiff(s) have any past record or reputation for legal intimidation?

1. Background to legal action:

- What was the history of interaction between the plaintiffs and defendants?

- Did you / your organisation speak out in public against the plaintiff (e.g. publish an article etc.)?
- Have you / your organisation / your affiliates communicated with the plaintiff outside of a legal action?

1. Targeted speech/activity

- What do you think was the journalism that provoked the legal action itself?
- What was the purpose of the speech/activity in question?
- What were the means used to communicate/convey the speech (print, broadcast, social media)?

1. Legal grounds of complaint:

- What are the legal grounds of the legal action? E.g. defamation, tortious interference, conspiracy.

2. Remedy/damages requested or awarded

- What remedy is / was the plaintiff(s) seeking (money, order to stop your work, etc.)?
- If money, how much is / was the plaintiff(s) requesting?

1. Current status of proceedings

- Has the legal action been filed with the court? If so, when (month/year)?
- If so, at what stage is the legal action in the litigation process (e.g. preliminary hearing, pre-trial)?
- Have you received any offers to settle? If so, what was the content and the conditions of the offers? Did the offers include a provision precluding you from further commenting on the topic?
 - If so, what were the content and conditions of the offer (such as keeping the details of the settlement confidential or preventing you from suing them in the future)?
 - If so, did the offer include a provision preventing you from further commenting on the topic (i.e. did it say that you would have to promise to stop protesting / commenting on the issue in return for a settlement)?
- Did you file a legal action against the plaintiff in response to their action against you / your organisation?
 - If so, is the legal action currently ongoing? If not, when was it resolved / dropped (month, year)?

1. Any notable intimidation/bully tactics

- Has the plaintiff(s) acted in any way or resorted to any tactics that aim to bully or intimidate the defendant(s) into silence/submission?
- Have they used the legal action as a basis for a broader PR offensive against the defendant(s)?
- Have they made demands to hand over information, delete blogs, or otherwise retract the criticism in question?
- If pleadings were filed, have they attempted to prolong or otherwise increase the burden of the litigation process on the defendant(s)?

- Have they used the process to involve or otherwise intimidate third parties (e.g. through the use of subpoenas)?

10. Possible submission of any media coverage/legal documents

- If there has been any media coverage/news article(s) relating to your legal action, would you mind sharing this with us?