

# COUNTERING THE USE OF SLAPPS

Division for Cooperation on Freedom of Expression

## MODULE 2 SLAPPS Testimony

*(Training material to be shared with trainers only)*

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# COUNTERING THE USE OF SLAPPS

## Module objective

This session will provide training participants with an interactive and moderated discussion with a SLAPP victim or target (resource person) from the country or region where the training is being held. The aim of the session is to hear firsthand experience on how public watchdogs are targeted with SLAPPs, the impact it has on their professional and personal life, how they managed to deal with abusive litigation, what helped them, and what can be done so others don't experience the same.

## Session techniques and methods

- ▶ Interview with resource person
- ▶ Large group discussion

## Duration

- ▶ 60 - 90 minutes

## TESTIMONY – GUIDING QUESTIONS FOR THE INTERVIEW

### → Resource Person Discussion, Q&A

If no Resource person is available, the discussion may be led by the trainer

#### Guidance for Trainers

The module will be in the format of an interview moderated by one of the international trainers or other competent individuals selected by the training organiser. The person providing his or her testimony can also be someone with relevant international experience on SLAPPs and can be any public watchdog or contributor to public debate and all participants in public affairs, including, but not limited to: journalists, media organisations, media professionals and other media actors, such as citizen journalists; civil society organisations, environmental and anti-corruption associations and activists etc. The interviewer should become thoroughly familiar with the facts of the case well in advance. At the beginning of the discussion, the interviewer introduces the resource person and provides a brief biography. After the introduction by the interviewer, the discussion proceeds based on the below listed questions. If it's not possible to have an in-person testimony, a video testimony can be prepared in advance and played during the training.

Questions to guide the interview with the resource person:

- ▶ Introduce the work you do and what led to this SLAPP case.
- ▶ Did you know it was a SLAPP? How did you identify it, and which elements did you consider?
- ▶ Have you received legal letters before the actual lawsuit? If yes, what type of wording did they contain and what was their content?
- ▶ Do you know if the claimant has a history of using legal tactics against public watchdogs?
- ▶ How did the procedure before the court develop? Did it take national courts a long time to manage the case?
- ▶ How long did the case last, overall?
- ▶ Evidence: Were you asked to provide evidence to the court to support your response? How do you save evidence after you complete an investigation?
- ▶ Did you have any support (financial, legal)?

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- ▶ What was the impact of this case on you personally (emotionally, financially etc.)
- ▶ How much of your time was taken up defending the case, doing additional research required by the court/lawyers, travelling to/from the court (especially if they were sued in a city other than their residence)?
- ▶ Did it mean that you had far less time for your work as a journalist, reporting and investigating?
- ▶ What is the status of the case now?
- ▶ Do you think the new European rules and instruments will help you in the future?

### Q & A WITH PARTICIPANTS AND RESOURCE PERSON

#### → Large group discussion

##### **Guidance for Trainers**

After concluding the interview, participants are given the floor to make comments, ask questions, and engage with the resource person. Depending on the size of the group, sufficient time should be allowed for this interaction. Participants may be asked if they have experience with SLAPPS, as a defendant, or as a lawyer or as a judge dealing with a SLAPP case. If participants are hesitant—an understandable reaction—the interviewer may conclude the session before the 30 minutes allocated for discussion are over and invite participants to an informal follow-up exchange with the resource person.