

# AC&R

**Court North-Netherlands Location  
Leeuwarden**

Van Cann c.s. / [REDACTED] c.s.

**Case: C/17/190788**

Roll seat d.d. Wednesday 11 June  
2025,  
at 10.00 AM

**CONCLUSION OF REPLAY ALSO  
RESPONSE TO CLAIM INCREASE  
ON BEHALF OF CANN AND  
JANSEN**

Regarding:

1. Mrs. **Giselle Jacqueline Marie-Thérèse van Cann**, defendant sub 12, hereinafter referred to as: "**Van Cann**",
- II. Mr. **Paul Edwin Jansen**, defendant sub 13, hereinafter referred to as: "**Jansen**",

attorneys handling the case: L. Broers and R.H.W. Lamme

against:

1. Mr. [REDACTED] plaintiff sub 1,
2. Mrs. [REDACTED], plaintiff sub
3. Mr. [REDACTED] **ies**, plaintiff sub 3,
4. Mrs. [REDACTED], plaintiff sub 4,
5. Mr. [REDACTED], plaintiff sub 5
6. Mr. [REDACTED], plaintiff sub 7,

Plaintiffs 1 through 5 and 7 hereinafter jointly referred to as  
"[REDACTED] et al."

attorneys handling the case: P.W.J. Stassen and A.G.W. van  
Kessel

# AC&R

## A. INTRODUCTION

1. In response to Van Cann and Jansen's statement of defense dated February 21, 2024, █████ et al. contrasted the concept of "Truth" (which is not further defined in the documents) with the concept of "preferred reality." Jansen and Van Cann allegedly paid insufficient attention to "Truth" in De Telegraaf and NOS, on the basis of which they acted unlawfully towards █████ et al. According to █████ et al., Jansen and Van Cann are also personally liable because suing media entities would be "pointless."
2. Van Cann and Jansen dispute the alleged unlawful conduct and continue to maintain that █████ et al. have insufficient interest in their claims against Van Cann and Jansen personally.

## B. NO INTEREST/ABUSE OF RIGHT

3. For brevity's sake, Van Cann and Jansen refer to the primary defense as set out in Chapter C of the statement of defense. The following is added here in response to the statement of reply by █████ et al.

### *No interest*

4. It is reiterated that █████ et al. have insufficient legal standing in their claims against Van Cann and Jansen personally. Van Cann and Jansen are employed by NOS and De Telegraaf, respectively. █████ et al. object generally to the reporting on the coronavirus pandemic by NOS and De Telegraaf; no objection is raised to specific statements made by Jansen and/or Van Cann in this reporting. Nor does the documents indicate any personal involvement of Van Cann and/or Jansen in the aforementioned reporting.
5. Reporting on the coronavirus pandemic has always been the responsibility of the legal entities NOS and De Telegraaf.<sup>1</sup> NOS and De Telegraaf are also liable, as employers, for the actions of editors-in-chief and journalists employed by them.<sup>2</sup> Reference is made in this regard to the provisions of Articles 7:661, paragraph 1, and 6:170 of the Dutch Civil Code. █████ et al. should therefore have directed their claims against the employers of Van Cann and Jansen, and not against Van Cann and Jansen personally.
6. Finally, it should be noted that Van Cann and Jansen are not subject to qualitative liability in their capacity as editor-in-chief (as is the case for NOS and De Telegraaf as legal entities). It was therefore up to █████ et al. to substantiate their argument on the basis of which the actions of Jansen and/or Van Cann led to would have resulted in unlawfulness.<sup>3</sup> █████ et al.

---

<sup>11</sup> Vgl. HR 10 november 1989, NJ 1990,113 (*Kardinaal Simonis*), Rb. Amsterdam 13 juli 2011, LJN BR1603 (*Lakeman / Prometheus*), Rb. Amsterdam (vzr.) 15 mei 2008, LJN B01630; *Mediaforum* 2008/24, m.nt. M. Kaaks (*De Roy van Zuydewijn/Het Paroon* en Rb. Amsterdam 24 januari 2024, ECLI:NL:RBAMS:2024:319 (X. /FO).

Vgl. Rb. Amsterdam 24 januari 2024, ECLI:NL:RBAMS:2024:319 (X. / FD)

do not provide such substantiation in the summons or in their reply. Therefore, the claims must be dismissed, or at the very least, █████ et al. should be declared inadmissible in their claims against Van Cann and Jansen due to a lack of interest..

## ***Abuse of authority***

7. In their reply, █████ et al. give the following reason for their decision not to involve NOS and/or De Telegraaf in legal proceedings, but rather Van Cann and Jansen in person (paragraph 130 of the reply):

*"Taking legal action against media entities in a case of great social and historical significance like this is pointless. It should be noted that De Telegraaf, as a legal entity, was banned from publishing a newspaper for years after the Second World War because of its Nazi propaganda during the Second World War, and yet it still exists. Nazi propaganda is also a preferred reality. Taking legal action against a media entity in a case like this is therefore evidently—as history shows—completely pointless."*

8. Aside from the fact that this argument contains several fallacies<sup>4</sup> and errors of reasoning<sup>5</sup>, it provides absolutely no grounds to hold Van Cann and Jansen personally liable. Moreover, it demonstrates that █████ et al. intend to maximize the impact of the proceedings, namely that journalists and editors-in-chief, after the conviction of Jansen and Van Cann, will feel obligated to appropriate █████ et al.'s "Truth." It goes without saying that this constitutes a disproportionate restriction of freedom of expression and violates one of the cornerstones of our democratic society: freedom of the press.
9. This is also one of the reasons why qualitative liability does not apply to editors-in-chief. This possibility would contribute to the risk of a chilling effect on press freedom. Holding journalists, editors, and editors-in-chief personally liable could lead to reluctance to investigate and publishing social abuses.<sup>6</sup> It is established case law that

---

Vgl. Rb. Amsterdam 14 februari 2018, ECLI:NL:RBAMS:2018:763 (*Advocaat/Telegraaf c.s.*), r.o. 4.43: *The claim, insofar as it is directed against [defendant 3] as editor-in-chief of De Telegraaf, will, however, be dismissed. An editor-in-chief is not automatically personally liable for every unlawful publication that appears in his newspaper; in that respect, no form of qualitative liability applies either. In light of this, it has not been sufficiently explained what the unlawful act committed by {defendant 3} allegedly lies in.* En Rb. Amsterdam 24 januari 2024, ECLI:NL:RBAMS:2024:319 (X. / FD), r.o. 4.1: *[Plaintiff] has not sufficiently presented facts and circumstances from which, in addition to the liability of the FD as employer, personal liability of [Defendant 2] can be inferred. This would have been his responsibility.*

<sup>4</sup> Thus, a historical event is used as an analogy to discredit a contemporary situation. It is not substantiated (Urdian or factually), but is based on an assumption and only appeals to emotion. This makes it a false analogy.

<sup>5</sup> The "meaninglessness" is repeated and assumed with a single anecdotal reference to another situation, without any logical connection. It's treated as if the proposition has already been proven. This is therefore circular reasoning, or a hasty generalization.

the possibility of a chilling effect on free journalism can already be undesirable.<sup>7</sup>

10. Based on the foregoing, it must be assumed that the claims against Van Cann and Jansen are clearly unfounded. The claims were not filed because Van Cann and Jansen can actually be blamed personally, but for the spurious reason that suing the parties who can actually be held liable for their reporting would not achieve the desired result for █████ et al. This constitutes an abuse of rights, and the claims against Van Cann and Jansen must be dismissed.

## C. JOURNALISTIC AND EDITORIAL FREEDOM

11. █████ et al. argue in their reply that Van Cann and Jansen should have ensured that NOS and De Telegraaf covered topics that █████ et al. considered important (the so-called "Truth"). This is an incorrect assumption.<sup>8</sup> Freedom of the press means, among other things, that press outlets such as NOS and De Telegraaf (and their journalists and editors-in-chief) are free to publish both opinions and facts in any conceivable form. This also applies if the content is shocking or insulting ("offend, shock, and disturb"). This is standard case law of the ECtHR.<sup>9</sup>
12. The media perform an essential function in a democratic society, and their freedom of expression should not be lightly restricted. In carrying out their duties, the media enjoy considerable journalistic and editorial freedom. NOS and De Telegraaf are thus entitled to a considerable degree of discretion regarding the topics they choose to cover and how they choose to do so. This is established case law.<sup>10</sup>

---

Vgl. EHRM 4 december 2018, no 11257/16 (*Magyar Jeti ZRT / Hongarije*), r.o. 83: "In the Court's view, such objective liability may have foreseeable negative consequences on the flow of information on the Internet, impelling article authors and publishers to refrain altogether from hyperlinking to material over whose changeable content they have no control. This may have, directly or indirectly, a chilling effect on freedom of expression on the Internet." See also Rb. Amsterdam 24 januari 2024, ECLI:NL:RBAMS:2024:319 (*X. IFD*)

Vgl. EHRM 27 maart 1996, no 17488/90 (*Goodwin / Verenigd Koninkrijk*), r.o. 39, EHRM 4 december 2018, no 11257/16 (*Magyar Jeti ZRT / Hongarije*), r.o. 83 en EHRM 11 mei 2021, no 44561/11 (*Gazeta / Rusland*), r.o. 62.

Zie o.a. EHRM 27 juni 2017, nr. 931/13 (*Satakunnan Markkinapörssi Oy and Satamedia Oy / Finland*), r.o. 127 e.v.: "Furthermore, the Court has consistently held that it is not for it, any more than it is for the national courts, to substitute its own views for those of the press as to what techniques of reporting should be adopted in a particular case. (...) Finally, it is well-established that the gathering of information is an essential/ preparatory step in journalism and an inherent, protected part of press freedom." Standaard jurisprudentie sinds: EHRM 23 september 1994, no. 15890/89, (*Jersild / Denemarken*), r.o. 31.

EHRM 7 december 1976, NJ 1978/283 (*Handyside*); EHRM 8 juli 1986, NJ 1987/901 (*Lingens*) en EHRM 6 mei 2003, Mediaforum 2003/6 (*Pernalltalië*); EHRM 7 februari 2012, LJN: BW0603 (*Axel Springer*); EHRM 14 juni 2016, nr. 53421/10 (*Jiménez Losantos/ Spanje*), EHRM 17 januari 2017, nr. 31566/13 (*Tavares de Almeida Fernandes and Almeida Fernandes/Portugal*).

<sup>10</sup> Zie o.a. EHRM 23 september 1994, no. 15890/89, (*Jersild / Denemarken*), Hoge Raad 26 maart 1999, LJN: ZC0040, Hoge Raad 28 september 2012, NJ 2012, 556 (*Tros/Pretium*), Vزر. Rechtbank Amsterdam 28 februari 2011, LJN: BP6121 (*Partij voor de Dieren/NOS*), Court North-Netherlands 25 november

13. Finally, it is established case law that the mere fact that a communication offends third parties is insufficient to deprive it of the protection of Article 10 of the ECHR. Freedom of expression may only be restricted if this is necessary in a democratic society.<sup>11</sup>
14. In their response, Van Cann and Jansen already provided reasoned explanations that such a necessary restriction is not the case and that █████ et al. have also failed to sufficiently substantiate this claim. NOS and De Telegraaf based their reporting on official sources, and their reporting is therefore (more than) sufficiently supported by the facts.<sup>12</sup> The mere fact that █████ et al. take a different position than these official sources does not alter the foregoing. This different position by █████ et al., in any case, does not constitute a compelling reason to compel journalists or news media to publish the positions and theories of █████ et al.<sup>13</sup>

## D. █████ ET AL'S STATEMENTS FIND INSUFFICIENT SUPPORT IN THE FACTS

15. The Dutch legal system is based on the assessment of concrete facts and legal rules. Theories that fall outside that assessment and for which no evidence is provided cannot be considered in these proceedings. The theories cited by █████ et al. regarding "The Great Refuge," the "preferred reality," that the COVID-19 vaccines are bioweapons, that nocide is taking place, and that Van Cann and Jansen are instructed by NATO, the WHO, or other international organizations, are all based on speculation and are unsupported by any verifiable or independent evidence. Therefore, they cannot be considered legally relevant.
16. For the record, it should be noted that the exhibits submitted by █████ et al. do not support the aforementioned positions or theories. They often represent their own interpretation of documents, which goes beyond what can actually be deduced from the submitted documents (this applies, among others, to exhibits 134, 135, and 136 in the reply). █████ et al. also invoke an "organizational chart" that supposedly provides insight into the "New World Order" (paragraphs 133 et seq. of the reply). This organizational chart is unverifiable. NOS, De Telegraaf, Van Cann, and/or Jansen are unfamiliar with the organizational chart and the positions taken regarding it. They therefore confine themselves to explicitly disputing the accuracy of the organizational chart and the assertions made by █████ et al. in paragraphs 127 through 142 of the reply. Van Cann, Jansen, and/or their employers are not part of a criminal organization or PsyOp organization and did not follow military instructions.

---

2015, ECLI:NL:RBNNE:2015:5428 (X/EO) en Vzr. Court Amsterdam 28 februari 2017, ECLI:NL:RBAMS:2017:1151 (*Forum voor Democratie/NOS*).

<sup>11</sup> EHRM 26 april 1979, *NJ* 1980, 146 (*Sunday Times*).

<sup>12</sup> Vgl. EHRM 16 november 2004, nr. 56767/00, (*Se/isto/Finland*), r.o. 60: "In the Court's opinion no general duty to verify the veracity of statements contained in such documents can be imposed on reporters and other members of the media, who must be free to report on events based on information gathered from official sources. If this were not the case the efficacy of Article 10 of the Convention would to a large degree be lost."

<sup>13</sup> Vgl. EHRM 5 juli 2011, nr. 18990/05 (*Wizerkaniuk v. Po/and*), r.o. 81: "Consequently, a journalist cannot in principle be required to defer publishing information on a subject of general interest without compelling reasons relating to the public interest or the protection of the rights of others."

# AC&R

17. Finally, Jansen and Van Cann, also for the record, deny that they deliberately misled the public about the coronavirus pandemic or that reporting by NOS and/or De Telegraaf encouraged people to get the COVID-19 vaccines, let alone that Jansen and Van Cann knew or should have known that these vaccines could be harmful to the health, fertility, and psychological well-being of █████ et al. and/or the Dutch population. █████ et al. have not submitted any evidence that makes these serious accusations even remotely plausible.
18. The arguments of █████ et al. are far-fetched, irrelevant, and lack any factual basis. The offer of proof made by █████ et al. in paragraph 142 and Chapter IX of the reply must therefore be rejected. The same applies to the request for a preliminary hearing.
19. Based on the foregoing, it is concluded that Van Cann and Jansen did not act unlawfully towards █████ et al. The claims (even after the amendment) must therefore be dismissed.

## **E. IN CONCLUSION**

20. To dismiss the claims of █████ et al., either by declaring █████ et al. inadmissible in their claims or by denying █████ et al. their claims;
21. To order █████ et al. jointly and severally to pay the costs of the proceedings, to be increased by the additional costs, all of which to be paid within fourteen days after the date of the judgment, and - in the event that payment of the (additional) costs does not take place within the set period, to be increased by the statutory interest on the (additional) costs to be calculated from the said period for payment.

Advocaat