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Court North-Netherland, location

Leeuwarden

Casenummer: C/17/199273/ HA RK 25/17

Oral hearing of 9 July 2025 at 13:15

PLEADINGS ON BEHALF OF CANN EN JANSEN

Regarding:

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

attorney handling the case: mr. R.H.W. Lamme.

Against:

1. Mr. [REDACTED] living in Leeuwarden
2. Mrs. [REDACTED] [REDACTED] [REDACTED], living in Brunssum,
3. Mr. [REDACTED] [REDACTED] [REDACTED], living in Leeuwarden.

hereinafter referred to as "[REDACTED] c.s."

attorney handling the case: mr. A.G.W. van Kessel and mr. P.W.H. Stassen.

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Your Honor,

A. INTRODUCTION

1. The defense statement of The State et al. has already explained that the present request by █████ et al. constitutes a (late) extension of the proceedings already pending before your court by █████ et al. against the defendants¹. In these proceedings, █████ et al. accuse Van Cann² and Jansen³ of, as editors-in-chief of "the mass media," maximizing public fear with their reporting on the Covid-19 pandemic. Furthermore, they allegedly deliberately withheld reports about the alleged unsafe nature of the Covid-19 vaccines from the public. █████ et al. even go so far as to accuse Van Cann and Jansen personally of complicity in the "genocide" of the Dutch population.⁴
2. Van Cann and Jansen today join the content of the defense statement of The State et al. and the further elaboration of Mr. Bourla's defenses against Mr. Yeadon. UEA has been able to review the grounds set out in the defense statements, which, in short, amount to the inadmissibility or rejection of the request due to (i) abuse of authority or violation of due process⁵ and (ii) the position of the intended "experts" as unskilled, or at least individuals who cannot contribute anything to the substantive case of █████ et al. and █████ et al.⁶
3. As for Van Cann and Jansen, █████ et al., led by the same lawyers and explicitly referring to the main proceedings of █████ et al., are attempting with this request to increase the burden on the defendant private individuals, while there is no legal basis for personal liability in this case.

B. ADDITIONAL VIEWS BY VAN CANN AND JANSEN

4. Van Cann and Jansen believe there are additional reasons to deny █████ et al.'s request. For example, █████ et al. have insufficient interest in requesting the production of evidence (Article 196, paragraph 2, subparagraph b, of the Dutch Code of Civil Procedure), because the claims against Van Cann and Jansen in the case of █████ et al.—in which █████ et al. are attempting to join—are completely pointless. Moreover, the requested productions contribute to a chilling effect on the freedom of the prosecution, which constitutes a compelling reason to deny them pursuant to Article 196, paragraph 2, subparagraph e, of the Dutch Code of Civil Procedure.

1. Statement of Defense, The State c.s., paragraph 1. See also the case pending under the reference C/17/190788 / HA ZA 23-172.

2. Editor-in-chief of NOS.

3. Former editor-in-chief of De Telegraaf.

4. Summons in case C/17/190788 / HA ZA 23-172, marginal number 280.

5. Defence of the State et al., paragraphs 3 and 5.

6. Ibid, paragraphs 4 and 6 and the defence statement on behalf of Bourla, paragraph 3.

B.i. Insufficient interest in requested evidence processing

The underlying claims are doomed to fail from the outset.

5. The summons from █████ et al. shows that the claims are in fact directed against the employers of Van Cann and Jansen: NOS and De Telegraaf. [Nevertheless, █████ et al. have chosen to sue Van Cann and Jansen personally, following a strategy developed by Stichting Recht Oprecht, of which █████ et al. and █████ et al. (and their [lawyers]) are members.⁷
6. █████ et al. – and, by extension, █████ et al. – apparently base the personal liability of Van Cann and Jansen on a qualitative liability that supposedly arises from their positions as editors-in-chief of NOS and De Telegraaf. This is a legally incorrect premise: with regard to press publications, the media outlet – and not the editor in chief – is ultimately responsible and potentially liable for the content of publications. After all, it is the publishing entity that performs the relevant formal legal act to publish a publication or a series of publications.⁸ Established case law confirms that there is no room within media law for qualitative liability of editors-in-chief or a system whereby editors-in-chief are, in principle, always legally liable for what a media outlet publishes:

"The claim, so far 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 their 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."⁹

7. Based on the above, UEA can conclude that the underlying claims of █████ et al. and █████ et al. against Van Cann and Jansen have no chance of success, and that █████ et al. have insufficient interest in the requested evidentiary proceedings.¹⁰

B.ii Allocation has a chilling effect on press freedom

8. One of the reasons why qualitative liability in media law is considered unacceptable is the risk of a chilling effect on press freedom. Establishing personal liability of editors and editors-in-chief can lead to reluctance to investigate or publish social abuses.

7. <https://rechtoprecht.online/rechtszaak>: Each of the defendants is jointly and severally held personally liable by the plaintiffs for their alleged participation in this project. The plaintiffs allege that the defendants, both individually and collectively, have intentionally acted unlawfully, causing the plaintiffs significant harm. The foundation believes that pursuing these civil proceedings serves a significant social interest.

8. Court The Hague (Vzr.) 7 februari 2018, ECLI:NL:RBDHA:2018:1301, r.o. 4.2: Before proceeding to the substantive assessment of the dispute, the interim relief judge notes that he—as well as the Consumentenbond et al.—is surprised that Roompot also summoned [defendant 2]. [Defendant 2] is employed by the Consumentenbond as a researcher and editor of the Consumentengids (Consumer Guide). Legally, it is the Consumentenbond that decides to publish the contested article. It is inconceivable that any unlawful publication can be attributed to [defendant 2] solely on the basis of her employment with the Consumentenbond. This is especially true since concrete/specific accusations that could make her (jointly) liable have neither been asserted nor proven. [.]

9. Court Amsterdam 14 februari 2018, ECU:NL:RBAMS:2018:763, r.o. 4.43.

¹⁰ Vergl. HR 21 november 2008, ECLI:NL:HR:2008:BF3938, NJ 2008/608 regarding the preliminary examination of witnesses.

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Even when it concerns authors or editors of specific articles—who can be said to be directly responsible for the content—a judge should exercise restraint in establishing personal liability::

“The liability of employed editors should be applied with restraint, partly because of the “chilling effect.”

In these proceedings, █████ et al. and █████ et al. constitute a legal vehicle for the Recht Oprecht foundation, which, under the leadership of their lawyer, deliberately chooses to personally attack Van Cann and Jansen.¹³ In the eyes of their supporters, the Recht Oprecht foundation portrays Van Cann and Jansen as serious criminals.¹⁴ The intimidating tactics of the Recht Oprecht foundation are fueled, among other things, by the distribution of banners directed against Van Cann and Jansen.¹⁵ Combined with the already known violence against journalists,¹⁶ the warnings from the NCTV about 'conspiracy extremists',¹⁷ the recent arrest of one of the lawyers for █████ et al. and █████ et al. for involvement in a violent anti-institutional group,¹⁸ and in view of the mass protests of the Recht Oprecht foundation,¹⁹ this accusation by █████ et al. and █████ et al. constitutes an extremely threatening and unpleasant situation for Van Cann and Jansen. It can be argued that █████ et al. and █████ et al. are precisely creating the aforementioned chilling effect.

9. Given that it is perfectly clear what the intended "experts" will testify,²⁰ the requested evidence does not seem to be motivated by a genuine need for truth-finding, but rather functions as a means of pressure. Van Cann and Jansen therefore assess the request as a measure aimed at personal disqualification and intimidation. The proposed evidence is, after all, completely disconnected from a promising underlying claim and is presented in a context in which they

¹¹ Court Amsterdam 25 juli 2018, ECLI:NL:RBAMS:2018:5130, r.o. 4.7.3.

¹² <https://www.advocatie.nl/tuchtrechUvoorwaardelijke-schorsing-voor-antivax-advocaat-die-ggd-medewerkers-prikbus-intimideerde/>.

¹³ [https://rechtoprecht.online/rechtszaak: 'Each of the defendants is jointly and severally held personally liable by the plaintiffs for their alleged participation in this project. The plaintiffs allege that the defendants, both individually and collectively, have intentionally acted unlawfully, causing them significant harm. The foundation believes that pursuing these civil proceedings serves a significant social interest.](https://rechtoprecht.online/rechtszaak: 'Each of the defendants is jointly and severally held personally liable by the plaintiffs for their alleged participation in this project. The plaintiffs allege that the defendants, both individually and collectively, have intentionally acted unlawfully, causing them significant harm. The foundation believes that pursuing these civil proceedings serves a significant social interest.')

¹⁴ Summons in the case C/17/190788 / HA ZA 23-172, marginal numbers 274 - 280.

¹⁵ <https://rechtoprecht.online/mediadoeken>.

¹⁶ <https://nos.nl/artikel/2395423-verdachten-van-aanslag-op-groningse-journalist-zijn-corona-ontkenner>.

¹⁷ <https://nos.nl/artikel/2451478-nctv-waarschuwt-voor-complotextremisten>.

¹⁸ <https://nos.nl/artikel/2570909-van-advocaat-tot-wapenhandelaar-aangehouden-soevereinen-vormen-gemengde-groep-en>

¹⁹ [https://rechtoprecht.online/nieuwsbrief-3: On November 22, 2023, many people \(over 150 people\) braved the cold and went to the 'Het Zaailand' square in front of the Leeuwarden courthouse with banners, trucks, and the like to show their support for the seven plaintiffs in these civil proceedings, and for all Covid-19 victims worldwide. All these supporters knew, of course, that there would be no public in court for the hearing on November 22, 2023. The mainstream media \(MSM\) reported, as expected, that all these people were supposedly fools and thought they could enter the courtroom as spectators! Fortunately, the Dutchman in question knows better.](https://rechtoprecht.online/nieuwsbrief-3: 'On November 22, 2023, many people (over 150 people) braved the cold and went to the 'Het Zaailand' square in front of the Leeuwarden courthouse with banners, trucks, and the like to show their support for the seven plaintiffs in these civil proceedings, and for all Covid-19 victims worldwide. All these supporters knew, of course, that there would be no public in court for the hearing on November 22, 2023. The mainstream media (MSM) reported, as expected, that all these people were supposedly fools and thought they could enter the courtroom as spectators! Fortunately, the Dutchman in question knows better.')

²⁰ Statement of Defense The State c.s., paragraph 5.3.

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have already been publicly stigmatized and threatened. Given the combination of a manifestly hopeless legal basis, the chosen personal target, the public framing of those involved as criminals, and the broader societal tensions surrounding journalistic reporting on COVID-19, this request—as an extension of the already pending substantive proceedings—also amounts to an unfair increase in their personal burden, aimed at discouraging further journalistic participation in the societal debate surrounding COVID-19 or forcing publications that █████ et al. and █████ et al. find pleasing. All of this constitutes a compelling reason to reject the requested evidence.

B. CONCLUSION

10. On behalf of Van Cann and Jansen, I request that the requested evidence be declared inadmissible, or at the very least, that it be rejected with an order that █████ et al. pay the (subsequent) costs of the dispute, plus the statutory interest as referred to in Article 6:119 of the Dutch Civil Code.

Lawyer