

North-South Solidarity and Human Rights NGOs denounce the new SLAPP suits of the agro-industrial group SOCFIN

From 2 to 5 December, 4 NGOs and 7 of their employees were called to appear before an investigating judge in Luxembourg following a defamation complaint initiated by the agro-industrial multinational SOCFIN.

SOCFIN is an agro-industrial group specialising in the cultivation of oil palm and rubber. The group is controlled by the Belgian businessman Hubert Fabri (54.2% of the shares) and by the Frenchman Vincent Bolloré (39% of the shares). For several years, SOCFIN has been expanding its plantations in several African and Asian countries. In total, the multinational controls more than 400,000 ha of land (which is more than 1.5 times the territory of Luxembourg) and its plantations increased from 129,658 ha to 194,300 ha between 2009 and 2018.

This expansion is detrimental to small farmers and is often accompanied by violations of the rights of local communities, land conflicts, risks of deforestation, pollution, poor working conditions, criminalization of human rights defenders, etc.

These impacts have been documented in numerous NGO reports and press articles but also by UN bodies. In an attempt to silence critics, the SOCFIN and Bolloré groups regularly take legal action. Over the past ten years, nearly [thirty defamation proceedings have been launched against NGOs and journalists](#). The systematism of these procedures demonstrates a real strategy of SLAPPs*. Although almost never successful, these procedures aim to intimidate NGOs and journalists, silence them and make them financially vulnerable.

New complaints of slander, insults and violation of privacy are brought by the SOCFIN group and Hubert Fabri. They are related to a [report by the human rights NGO FIAN Belgium in Sierra Leone](#), as well as a series of press releases from the NGOs concerned (11.11.11, CNCD-11.11.11, FIAN Belgium, SOS Faim Belgium and SOS Faim Luxembourg) and an awareness-raising campaign conducted during the SOCFIN General Assembly in Luxembourg in May 2019. These actions, carried out in a totally peaceful manner, aimed to raise public awareness of the situation in the affected communities and to challenge the company's leaders. In parallel to these proceedings, NGOs were informed that a defamation case has also been launched by SOCFIN in Sierra Leone against a Human Rights defender from the NGO Green Scenery. The prosecuted NGOs denounce these attempts of intimidation, especially since they personally target their employees.

NGO lawyers Jacques Englebort (Belgium) and Pierre Hurt (G.-D. of Luxembourg) also deplore these practices and insist: *"The NGOs under attack play an essential role as defenders of fundamental rights. As such, they are "watchdogs of democracy" and their expressions therefore benefit from special protection, in particular under the European Convention on Human Rights. Their freedom of expression must be protected at all costs. Indeed, it constitutes one of the essential foundations of a democratic society and one of the essential conditions for its progress and the fulfillment of each individual."*

The NGOs concerned strongly contest SOCFIN's accusations and claim to have taken the necessary steps to ensure that the facts reported in the reports and press releases published are accurate and in the public interest. They state that they are determined to continue to defend the rights of the affected local communities and are in line with the campaign initiated in France under the slogan #OnNeSeTairaPas.

Signatories :

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Note to the editors:

Definition of “SLAPPs” :

A strategic lawsuit against public participation (SLAPP) is a lawsuit that is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition. Such lawsuits have been made illegal in many jurisdictions on the grounds that they impede freedom of speech.

In the typical SLAPP, the plaintiff does not normally expect to win the lawsuit. The plaintiff's goals are accomplished if the defendant succumbs to fear, intimidation, mounting legal costs, or simple exhaustion and abandons the criticism. In some cases, repeated frivolous litigation against a defendant may raise the cost of directors and officers liability insurance for that party, interfering with an organization's ability to operate. A SLAPP may also intimidate others from participating in the debate. A SLAPP is often preceded by a legal threat. (definition from Wikipedia: https://en.wikipedia.org/wiki/Strategic_lawsuit_against_public_participation)

Natural and legal persons accused :

NGOs and employees accused are: FIAN Belgium (and 3 employees), SOS Faim Belgique (and one employee), SOS Faim Luxembourg, CNCD-11.11.11 (and 2 employees), as well as the director of 11.11.11.