

**District Court of the Northern
Netherlands
Leeuwarden**
Van Cann et al. v Minks et al.
Case No.: C/17/190788

Hearing on Wednesday 11
June 2025,
at 10.00 am
**STATEMENT OF REPLY
ALSO RESPONSE TO THE
INCREASE IN THE CLAIM ON
BEHALF OF
CANN AND JANSEN**

Re:

- I. Ms **Giselle Jacqueline Marie-Thérèse van Cann**, defendant No. 12, hereinafter referred to as: "**Van Cann**",
- II. Mr **Paul Edwin Jansen**, defendant No. 13, hereinafter referred to as '**Jansen**',

representing them: Messrs L. Broers and R.H.W. Lamme

against:

- I. Mr [REDACTED] claimant No. 1,
- II. Ms [REDACTED], claimant No. 2,
- III. Mr [REDACTED] claimant No. 3,
- IV. Ms [REDACTED] claimant 4,
- V. Mr [REDACTED] claimant No. 5
- VI. M [REDACTED], claimant No. 7,

claimants 1 to 5 and 7, hereinafter collectively referred to as '**Minks et al.**'

Lawyers acting for the claimants: P.W.J. Stassen and A.G.W. van Kessel

A. INTRODUCTION

1. In response to the statement of defence submitted by Van Cann and Jansen dated 21 February 2024, Minks et al. contrast the concept of 'Truth' (a concept not further defined in the documents) with the concept of 'preferential reality'. Jansen and Van Cann are alleged to have paid insufficient attention to the 'Truth' in *De Telegraaf* and on the NOS, on the basis of which they are said to have acted unlawfully towards Minks et al. According to Minks et al., Jansen and Van Cann are furthermore personally liable because taking legal action against media legal entities would be 'completely pointless'.
2. Van Cann and Jansen dispute the alleged unlawful conduct and maintain that Minks et al. have no sufficient interest in their claims against Van Cann and Jansen in their personal capacities.

B. LACK OF INTEREST / ABUSE OF RIGHTS

3. For the sake of brevity, Van Cann and Jansen refer to the primary defence as set out in Chapter C of the statement of defence. In response to the statement of rejoinder by Minks et al., the following is added here.

No interest

4. It is reiterated that Minks et al. have no sufficient interest in their claims against Van Cann and Jansen in their personal capacities. Van Cann and Jansen are employed by NOS and De Telegraaf respectively. Minks et al. object, in general terms, to the reporting on the COVID-19 pandemic by NOS and De Telegraaf; no objection is raised to specific statements made by Jansen and/or Van Cann in this reporting. Nor do the documents reveal any personal involvement of Van Cann and/or Jansen in the reporting in question.
5. The reporting on the COVID-19 pandemic has at all times been the responsibility of the legal entities NOS and De Telegraaf.¹ Furthermore, as employers, NOS and De Telegraaf are liable for the conduct of their employed editors-in-chief and journalists.² Reference is made in this context to the provisions of Articles 7:661(1) and 6:170 of the Dutch Civil Code. Minks 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, in their capacity as editors-in-chief, are not subject to strict liability (as is the case for NOS and De Telegraaf as legal entities). It would therefore have been incumbent upon Minks et al. to put forward a reasoned argument as to why the actions of Jansen and/or Van Cann led to

¹¹ Cf. Supreme Court 10 November 1989, NJ 1990, 113 (*Cardinal Simonis*), Amsterdam District Court 13 July 2011, LJN BR1603 (*Lakeman v Prometheus*), Amsterdam District Court (presiding judge) 15 May 2008, LJN BD1630; *Mediaforum* 2008/24, with a note by M. Kaaks (*De Roy van Zuydewijn v Het Parool*) and Amsterdam District Court, 24 January 2024, ECLI:NL:RBAMS:2024:319 (*X. v FD*).

² Cf. Amsterdam District Court, 24 January 2024, ECLI:NL:RBAMS:2024:319 (*X. v. FD*).

would have led to unlawfulness.³ Minks et al. do not provide such substantiation in the writ of summons or in their reply. On this basis, the claims must be dismissed; or, at the very least, Minks et al. must be declared to have no standing in their claims against Van Cann and Jansen due to lack of interest.

Abuse of power

7. In their reply, Minks et al. give the following reason for their decision not to bring the NOS and/or De Telegraaf before the court, but rather to sue Van Cann and Jansen in their personal capacities (paragraph 130 of the reply):

“Taking legal action against media legal entities makes no sense whatsoever in a case of such great social and historical significance as this. It may be noted that De Telegraaf, as a legal entity, was banned for many years after the Second World War from publishing a newspaper due to its Nazi propaganda during the Second World War, and yet it still exists today. Nazi propaganda, too, is a preferred reality. Taking legal action against a media legal entity in a case such as this is therefore – as history teaches us – clearly utterly pointless.”

8. Quite apart from the fact that this argument contains several fallacies⁴ and errors of reasoning⁵, it provides absolutely no grounds for holding Van Cann and Jansen personally liable. Moreover, it demonstrates that Minks et al. aim to use the proceedings to create the greatest possible impact, namely that, following the conviction of Jansen and Van Cann, journalists and editors-in-chief will feel obliged to adopt Minks et al.’s ‘Truth’ as their own. It goes without saying that this constitutes a disproportionate restriction on freedom of expression and is contrary to one of the cornerstones of our democratic society: freedom of the press.
9. Moreover, this is one of the reasons why strict liability does not apply to editors-in-chief. After all, such a possibility would contribute to the risk of a *chilling effect* on freedom of the press. Holding journalists, editors and editors-in-chief personally liable may lead to reluctance to investigate and

³ See Amsterdam District Court, 14 February 2018, ECLI:NL:RBAMS:2018:763 (Lawyer v De Telegraaf et al.), para. 4.43: “The claim, in 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 his newspaper; to that extent, no form of strict liability applies either. In this light, it has not been sufficiently explained in what way the unlawfulness committed by [Defendant 3] is alleged to have occurred.” And Amsterdam District Court, 24 January 2024, ECLI:NL:RBAMS:2024:319 (X. v. FD), para. 4.1: “[the claimant] has not put forward sufficient facts and circumstances from which, in addition to the liability of the FD as employer, personal liability on the part of [Defendant 2] can be inferred. It would have been incumbent upon him to do so.”

⁴ Thus, a historical event is used as an analogy to dismiss a contemporary situation. It is not substantiated (either legally or factually), but is based on an assumption and merely appeals to emotion. This makes it a false analogy.

⁵ The ‘pointlessness’ is repeated and assumed on the basis of a single anecdotal reference to another situation, without any logical connection. It is presented as though the assertion has already been proven. It therefore constitutes circular reasoning, or a hasty generalisation.

reporting on social injustices.⁶ It is established case law that the mere possibility of a *chilling effect* on press freedom may already be undesirable.⁷

10. In light of the foregoing, it must be concluded that the claims against Van Cann and Jansen are manifestly unfounded. The claims have not been brought because Van Cann and Jansen can actually be held personally liable, but for the improper reason that taking legal action against the parties who can actually be held liable for their reporting will not produce the effect desired by Minks et al. This constitutes an abuse of rights, and the claims against Van Cann and Jansen must therefore be dismissed.

C. JOURNALISTIC AND EDITORIAL FREEDOM

11. In their reply, Minks et al. argue that Van Cann and Jansen should have ensured that NOS and De Telegraaf covered topics which Minks et al. consider important (the so-called 'Truth'). This is a mistaken assumption.⁸ Freedom of the press entails, amongst other things, that media organisations 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 remains the case even if the content is shocking or offensive (*offend, shock and disturb*). This is established case law of the European Court of Human Rights.⁹
12. The media fulfil an essential function in a democratic society, and their freedom of expression must not be subject to restrictions lightly. In carrying out their work, the media enjoy considerable journalistic and editorial freedom. NOS and De Telegraaf are therefore entitled to a wide degree of freedom with regard to the topics they wish to cover and the manner in which they wish to do so. This is established case law.¹⁰

6 See ECtHR 4 December 2018, no. 11257/16 (*Magyar Jeti ZRT v. Hungary*), para. 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 Amsterdam District Court, 24 January 2024, ECLI:NL:RBAMS:2024:319 (*X. v. FD*)

⁷ Cf. ECHR 27 March 1996, no. 17488/90 (*Goodwin v. the United Kingdom*), para. 39, ECHR 4 December 2018, no. 11257/16 (*Magyar Jeti ZRT v. Hungary*), para. 83, and ECtHR 11 May 2021, no. 44561/11 (*Gazeta v. Russia*), para. 62.

8 See, inter alia, ECHR 27 June 2017, no. 931/13 (*Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland*), para. 127 et seq.: "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 freedom of the press." Standard case law since: ECHR 23 September 1994, No. 15890/89, (*Jersild v. Denmark*), para. 31.

⁹ ECHR 7 December 1976, NJ 1978/283 (*Handyside*); ECHR 8 July 1986, NJ 1987/901 (*Lingens*) and ECHR 6 May 2003, Mediaforum 2003/6 (*Perna v. Italy*); ECHR 7 February 2012, LJN: BW0603 (*Axel Springer*); ECHR 14 June 2016, no. 53421/10 (*Jiménez Losantos v. Spain*), ECHR 17 January 2017, no. 31566/13 (*Tavares de Almeida Fernandes and Almeida Fernandes v. Portugal*).

¹⁰ See, inter alia, ECHR 23 September 1994, No. 15890/89, (*Jersild v. Denmark*), Supreme Court 26 March 1999, LJN: ZC0040, Supreme Court 28 September 2012, NJ 2012, 556 (*Tros v. Pretium*), Vزر. Amsterdam District Court, 28 February 2011, LJN: BP6121 (*Party for the Animals v. NOS*), District Court of Northern Netherlands, 25 November

13. Finally, it is settled case-law that the mere fact that a statement offends third parties is insufficient to deprive that statement of the protection afforded by Article 10 of the ECHR. Freedom of expression may only be restricted if this is necessary in a democratic society.¹¹
14. In their statement of defence, Van Cann and Jansen have already explained, with reasons, that no such necessary restriction applies and that Minks et al. have failed to provide sufficient grounds for this. NOS and De Telegraaf based their reporting on official sources, and the reporting is therefore (more than) sufficiently supported by the facts.¹² The mere fact that Minks et al. take a different view from these official sources does not alter the foregoing. In any event, this differing view held by Minks et al. does not constitute a compelling reason to oblige journalists or news media to publish the views and theories of Minks et al.¹³

D. THE CLAIMS MADE BY MINKS ET AL. LACK SUFFICIENT FACTUAL SUPPORT

15. The Dutch legal system is based on the assessment of concrete facts and legal rules. Theories that fall outside this assessment and for which no evidence is provided cannot play a role in these proceedings. The theories cited by Minks et al. concerning 'The Great Reset', the 'preferred reality', the claim that the COVID-19 vaccines are biological weapons, that genocide is taking place, and that Van Cann and Jansen are being directed by NATO, the WHO or other international organisations, are all based on speculation and find no support in any verifiable or independent evidence. Consequently, no legal significance can be attached to them.
16. For the record, it should be noted that the exhibits submitted by Minks et al. do not support the aforementioned positions or theories. These are largely their own interpretations of the documents, which go beyond what can actually be inferred from the documents submitted (this applies, inter alia, to exhibits 134, 135 and 136 in the reply). Minks et al. further refer to an 'organisational chart' which is said to illustrate the 'New World Order' (paragraph 133 et seq. of the reply). This organisational chart cannot be verified. NOS, De Telegraaf, Van Cann and/or Jansen are unfamiliar with the organisational chart and the assertions made regarding it. They therefore limit themselves to expressly disputing the accuracy of the organisational chart and the assertions put forward by Minks et al. in paragraphs 127 to 142 of the reply. Van Cann, Jansen and/or their employers are not part of a criminal organisational structure or a PsyOp organisation and have not followed any military instructions.

2015, ECLI:NL:RBNNE:2015:5428 (X/EO) and Preliminary Ruling of the Amsterdam District Court 28 February 2017, ECLI:NL:RBAMS:2017:1151 (*Forum for Democracy v NOS*).

¹¹ ECHR 26 April 1979, NJ 1980, 146 (*Sunday Times*).

¹² Cf. ECHR 16 November 2004, No. 56767/00, (*Selisto v. Finland*), para. 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 effectiveness of Article 10 of the Convention would, to a large extent, be lost."

¹³ See ECtHR 5 July 2011, No. 18990/05 (*Wizerkaniuk v. Poland*), para. 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 dispute – also for the sake of completeness – that they deliberately misled the public about the COVID-19 pandemic or that the reporting by NOS and/or De Telegraaf encouraged people to get the COVID-19 vaccines, let alone that Jansen and Van Cann knew or ought to have known that these vaccines would (or could) be harmful to the health, fertility and mental wellbeing of Minks et al. and/or the Dutch people. Minks et al. have not produced any evidence whatsoever to make these serious allegations even remotely plausible.
18. The arguments put forward by Minks et al. are far-fetched, irrelevant and lack any factual basis. The offer of evidence made by Minks et al. in paragraph 142 and Chapter IX of the reply must therefore be rejected. The same applies to the request for a pre-trial conference.
19. On the basis of the foregoing, it is concluded that Van Cann and Jansen did not act unlawfully towards Minks et al. The claims (including those following the amendment of the claim) must therefore be dismissed.

E. IN CONCLUSION

20. To dismiss the claims of Minks et al., either by declaring Minks et al.'s claims inadmissible or by denying Minks et al.'s claims;
21. To order Minks et al. jointly and severally to pay the costs of the proceedings, plus any subsequent costs, to be paid within fourteen days of the date of the judgment, and – in the event that payment of the (subsequent) costs is not made within the specified period – to add statutory interest on the (subsequent) costs, calculated from the said period for payment.



Solicitor