

## **CASE response to verdict in Energy Transfer's SLAPP suit against Greenpeace**

The Coalition Against SLAPPs in Europe (CASE) expresses its unwavering solidarity with Greenpeace International and Greenpeace USA following the recent jury verdict in North Dakota, which found Greenpeace International and Greenpeace entities in the US liable for over \$660 million in damages related to their involvement in protests against the Dakota Access Pipeline.

The lawsuit that was brought against Greenpeace is a stark example of a Strategic Lawsuit Against Public Participation (SLAPP), designed to intimidate and silence public watchdogs. The final verdict is a severe attack on freedom of expression and the right to protest, posing a serious risk to free speech and the fundamental right to peaceful protest—both of which are cornerstones of democratic societies. CASE is highly concerned that more than half of the jurors that came to this verdict had ties to the fossil fuel industry.

“The Energy Transfer case against Greenpeace International is among the most absurd, shameless, and transparently abusive SLAPPs we have encountered. The case has seen a glut of the most egregious tactics, arguments, and features we associate with SLAPPs: farcical claims for damages; attempts to treat peaceful protest and advocacy as criminal activities; factual arguments built upon little more than conspiracy theory and hyperbole,” says **Charlie Holt, European Lead at Global Climate Legal Defense (CliDef) and member of CASE’s Steering Committee.**

This is not the first time a large corporation has attempted to silence Greenpeace’s right to protest through abusive and baseless legal action. In 2023, after seven years of legal battles, a federal court in California dismissed a lawsuit brought by Resolute Forest Products, which had demanded 100 million Canadian dollars in defamation damages from Greenpeace International and Greenpeace USA—clearly intending to silence and bankrupt them.

Greenpeace has been a vocal supporter of the Standing Rock Sioux Tribe’s opposition to the Dakota Access Pipeline, highlighting concerns about environmental risks and violations of Indigenous sovereignty. These recent actions against Greenpeace are part of a global trend of fossil fuel companies suing SLAPPs to suppress dissent and stifle environmental activism. This case also serves to highlight the international dimensions of SLAPPs, with Greenpeace International being a Dutch organisation.

That this case was able to succeed is a devastating indictment of the North Dakotan judicial system, and a cautionary tale of the damage SLAPP can do in the absence of effective anti-SLAPP laws. The European Union is now faced with the first major test of its commitment, codified in Chapter V of the new Anti-SLAPP Directive, to protect its public watchdogs from third-country SLAPP litigants. CASE will be monitoring the use of this provision by Greenpeace

International in the Netherlands closely. In the meantime, we will continue to work to ensure such efforts to bully civil society into silence will not succeed.

CASE once again emphasises the importance of protecting those who champion freedom of expression, as well as environmental and human rights causes. We stand in unity with Greenpeace unjustly targeted by such lawsuits. We call upon governments and judicial systems worldwide to acknowledge and address the misuse of legal frameworks that threaten civil liberties.