



## CHECKLIST FOR AVOIDING DEFAMATION CLAIMS

### Key steps for protecting yourself from defamation claims:

- Thorough research and fact checking to ensure accuracy
- Making serious allegations in a responsible way
- Giving the subject a chance to comment before publication

There are three stages in preparing an article, report or post for publication either online or in print: (1) research, (2) writing and (3) final steps. NGOs and campaigning organisations can get the best protection against defamation claims by acting responsibly at each of these three stages.

### 1. Research

- Before making serious allegations against named individuals/organisations you must be sure of your facts.
- Use privileged sources where possible
- Obtain written evidence wherever possible
- Look critically at your evidence
- Double check critical facts
- Seek corroboration from other sources and avoid relying on a mere assertion from a source
- Hang on to your evidence and be ready to show the steps you took to investigate the allegation
- Get witnesses to sign any account that they give you

### 2. Writing

- Only make allegations you can support with evidence
- For each serious allegation, consider your facts
- Consider whether you need to make a direct allegation of wrongdoing. You could point to the evidence and assert suspicion or call for an inquiry
- Attribute allegations made by specific individuals
- Reference significant factual assertions
- Look at tone

### 3. Final steps

- Seek comment from the subject of an allegation before publication
- Report any response or lack of response from the subject in the publication
- Watch out with press releases
- Be careful with photographs