



## **Call for Applications: South Asia Freedom of Expression Litigation Surgery**

*19-22 July 2022, Kathmandu, Nepal*

---

In partnership with the [International Center for Non-Profit Law](#), [Media Defence](#) is calling for applications from lawyers based in Bangladesh, India, Maldives, Nepal and Sri Lanka to participate in a forthcoming litigation surgery on the right to freedom of expression. The litigation surgery will take place in Kathmandu, Nepal, on 18-22 July 2022.

Participants will become active members of a press freedom legal network through which there will be opportunity for engagement regionally and internationally. All applicants are required to submit for discussion a current or potential case relating to freedom of expression. If applicants do not have a case, they may submit a relevant law, practice or policy relating to freedom of expression that they would like to challenge in court.

### **Litigation surgery objectives**

Media Defence provides legal support to journalists, bloggers and independent media. In recent years, Media Defence has supported a significant number of cases involving online media. These have included criminal and civil defamation, challenging social media blocking and Internet shutdowns, contesting cybercrimes legislation, 'false news', as well as calling for greater protections for privacy and source protection.

Specifically, the objectives of the litigation surgery are:

- To equip participants with skills and knowledge to litigate using national and international laws as well as international mechanisms relevant to freedom of expression;
- To build a press freedom network and help facilitate its engagement with international legal mechanisms and global civil society initiatives; and
- To assist and develop working relationships amongst lawyers undertaking such cases.

### **Criteria for eligibility**

Participants will be selected on the following criteria:

- The surgery is open to lawyers who work and reside countries in Bangladesh, India, Maldives, Nepal and Sri Lanka;
- Applicants can either be working in private practice or be working for or be affiliated with NGOs promoting the right to freedom of expression in South Asia through litigation. Exceptionally strong applications from lawyers who have not yet undertaken freedom of expression work, but have experience litigating other human rights cases and have a strong interest in undertaking freedom of expression cases will be considered as well.
- A maximum of 10 participants will be selected;
- Applicants must be proficient in English;

- They must have a demonstrated interest in and/or knowledge of the right to freedom of expression and/or related issues;
- The lawyers must have a demonstrated interest in and/or knowledge of international and regional human rights law;
- With their application, applicants are requested to submit a case study of a case that they are litigating or intend to litigate and that could be discussed during the litigation surgery. The cases submitted must involve a violation of the fundamental right to freedom of expression. As set out above, it will suffice for participants who do not have a case that is pending to have identified a relevant law, practice or policy relating to freedom of expression that they would like to challenge in court. However, such participants must demonstrate their ability and willingness to pursue the case after the surgery;
- The following non-exhaustive list of themes are a guide for the type of cases that could be submitted with the application:
  - Defamation (criminal or civil);
  - Violence against journalists, including physical attacks and online violence;
  - Restriction of online or print media;
  - Online privacy; and
  - National security.

Media Defence is committed to advancing equality and diversity and will therefore consider gender, age and country of origin in its selection of participants.

### **How to apply**

Please complete the attached application form and submit it to Hannah Stoate at [hannah.stoate@mediadefence.org](mailto:hannah.stoate@mediadefence.org). The deadline is 8 May 2022.

Shortlisted applicants will be notified soon after the closing date.

For information about how Media Defence will use and protect your data, please see our [privacy policy](#).

**Deadline for applications: 8 May 2022**

## **Frequently Asked Questions**

### **Q: What is a litigation surgery?**

A litigation surgery is a focused seminar where participants are able to present a case they are working on to peers and experts and have a discussion about the case. The surgery's focus is on preliminary problem identification, framing of violations, formulation of human rights arguments and remedies. The surgeries also provide an in-depth understanding of strategic litigation and litigating before international human rights bodies.

### **Q: I am not a lawyer but I am interested, can I apply?**

Litigation surgeries are only open to practicing lawyers. Very rare exceptions will be made for lawyers who are not in practice or other people providing legal assistance to civil society organisations that work on the right to freedom of expression.

### **Q: What is the purpose of a litigation surgery?**

Litigation surgeries are intended to be a space for litigators to receive technical legal expertise on the relevant thematic issues. It is also a space for litigators to network and find out what other litigators in South Asia are working on.

### **Q: Where must surgery participants be from?**

This call for applications relates to Bangladesh, India, Maldives, Nepal and Sri Lanka. Only lawyers who reside and practice in this region are eligible to apply. Legal advisors based in the global north who provide assistance to lawyers working in domestic courts are not eligible to apply; their local partners should apply.

### **Q: How many participants will be at the litigation surgery?**

10 participants will be selected for the litigation surgery. There will also be two members of Media Defence's Legal Team, the Training Manager and an external facilitator.

### **Q: Who pays for the costs of participation?**

Media Defence will cover airfare, accommodation, travel expenses and a modest per diem.

### **Q: Is there any follow-up?**

Media Defence plans to help facilitate a network of lawyers who are interested and active in defending freedom of expression cases. Further details will be provided during the litigation surgery.

In addition, Media Defence's lawyers will discuss with participants how Media Defence can assist with their cases and provide follow-up. Media Defence will also discuss the possibility of providing further assistance to the freedom of expression cases participants work on after the surgery, either by way of providing ad hoc legal support or by way of partnerships. As Media Defence is a non-governmental organisation dedicated to providing legal defence to journalists, bloggers and independent media across the world through its networks, it is always interested in following up on participants' cases and working with participants on cases in the future.