

# McCUE JURY & PARTNERS

-- For Immediate Release --

## YEVGENIY PRIGOZHIN'S SLAPP ACTION AGAINST BELLINGCAT FOUNDER IS STRUCK OUT

London, UK, 18 May 2022

- **Defamation proceedings** brought against Eliot Higgins of *Bellingcat* by Yevgeniy Prigozhin, a Russian national closely associated with *Wagner Group* and President **Putin**, have been struck out by the **High Court** in London.
- This case was a demonstrable example of 'Strategic Litigation Against Public Participation' (**SLAPP**). Instead of seeking a legitimate remedy, Prigozhin brought the case against Higgins in his personal capacity, rather than *Bellingcat*, with the clear intent to cause him maximum personal distress; thereby stifling genuine public debate.
- Both Prigozhin and *Wagner Group* have been repeatedly subject to financial sanctions by multiple governments (including that of the UK). Prigozhin was made subject to financial sanctions in the UK and EU for his association with *Wagner Group's* activities in breach of the arms embargo in Libya. *Wagner Group* has been accused of gross human rights violations in Ukraine, Syria, Libya, and Mali.
- The proceedings were struck out due to Prigozhin's repeated failure to comply with simple Court orders. This followed his legal representatives, *Discreet Law*, withdrawing due – according to Prigozhin<sup>1</sup> -- the increased negative attention representing Prigozhin would attract following **Russia's invasion of Ukraine**. Regrettably, before they did so, *Discreet Law* did not see through the request to HM Treasury for a licence for payment on account of costs that would have enabled Higgins to be enforce any costs order issued by the Court against Prigozhin.
- While it is a positive step that these proceedings have now been dismissed, enabling Higgins (the award-winning investigator) to focus on the important public interest work of *Bellingcat*, it is a failure of our current legal system (as well as the lawyers involved) that such a case was brought at all, and it is unarguably unjust that Higgins is the only party to have suffered as a result.
- A complaint concerning *Discreet Law* has been issued to the *Solicitors' Regulation Authority*. A copy is enclosed at Annex 2.

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<sup>1</sup> Statement made in press release from Prigozhin's company, *Concord Management and Consulting* here: [https://vk.com/concordgroup\\_official?w=wall-177427428\\_918](https://vk.com/concordgroup_official?w=wall-177427428_918), and with an English Google-translated version at Annex 1

84 Brook Street, Mayfair, London, W1K 5EH, UK

+44 (0) 207 096 3767 | [enquiries@mccue-law.com](mailto:enquiries@mccue-law.com) | [mccue-law.com](http://mccue-law.com)

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## Notes to Editor:

- Yevgeniy PRIGOZHIN is a Russian national subject to international sanctions by the US, UK, and EU. He has been widely reported as being closely associated with the *Wagner Group*, a mercenary group often described as Vladimir Putin's private army. *Wagner Group* is alleged to have committed war crimes and crimes against humanity in Ukraine, Syria, Libya, and Mali. Prigozhin denies any association with *Wagner Group*.
- Eliot Higgins is the Founder and Creative Director of *Bellingcat*, otherwise known as The People's Intelligence Agency. *Bellingcat* has been instrumental in investigating and documenting war crimes carried out by Russian forces, including *Wagner Group*, in Ukraine and elsewhere.
- Free Speech NGOS, such as *Index on Censorship*, recognise Prigozhin's case against Mr. Higgins as a Strategic Litigation Against Public Participation (**SLAPP**). SLAPPs are generally recognised to be lawsuits intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defence until they abandon their criticism or opposition. Recently, the UK Government has pledged to introduce legislation to bring an end to SLAPPs and the *Solicitors Regulation Authority* has issued guidelines warning solicitors that accepting SLAPP instructions may be a breach of their professional obligations.

## Quote

*"While I welcome the conclusion of this case it is yet another reminder of how the UK legal system is abused by wealthy individuals, both at home and abroad, to stifle legitimate investigative reporting into their activities. It is absurd that an individual sanctioned not only in the UK, but US and EU as well, for his connections to Wagner can sue a UK citizen for reporting on those same connections. I have no reasonable expectation that the costs incurred to me and Bellingcat as part of this case can ever be recovered, nor the hours lost to responding to this abuse of the UK legal system, resources that would otherwise be spent on investigating the atrocities committed by Mr. Prigozhin's government in Ukraine".* **Eliot Higgins**, Founder and Creative Director, *Bellingcat*

*"We welcome the striking out of this blatant SLAPP brought against our Client for the clear purpose of causing him personal distress and interfering with Bellingcat's vital work. This is a clear defeat for Prigozhin; but it is a hollow victory for our Client who should never have been the subject to these abusive and meritless proceedings. The current war in Ukraine highlights the immense importance of the work of organisations like Bellingcat and we cannot continue to allow the UK Courts and lawyers to be used to stifle genuine public debate and criticism of those in power."* **Matthew Jury**, Managing Partner, *McCue Jury & Partners LLP*.

## For further information please contact:

**Matthew Jury. Managing Partner, *McCue Jury & Partners LLP* at [matthew.jury@mccue-law.com](mailto:matthew.jury@mccue-law.com).**

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## ANNEX 1

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**Google Translation of Media Release from Concord Management  
and Consulting LLC**

#589

Information message from the legal department of *Concord Management and Consulting LCC*:

In 2021, Yevgeny Prigozhin filed a lawsuit with the High Court of England against the founder of the *Bellingcat* resource (recognized as a foreign agent in the Russian Federation) Eliot Higgins in connection with the publication of false and discrediting the honour and dignity of the plaintiff statements.

After the start of Russia's special operation in Ukraine, which has no connection with either Yevgeny Prigozhin or Mr. Higgins, on March 4 2022, Higgins' lawyers sent a letter to Yevgeny Prigozhin's English lawyers with a provocative, threatening question: "Please also confirm whether, in light of recent world events and reports of several UK law firms refusing to represent those connected to the Russian Government, your firm are continuing to act for Yevgeniy Prigozhin in this matter."

Higgins' lawyers' letter, with its blatant threat overtones, picks up on a topic raised at the highest levels by UK officials and legislators.

In fact, in the UK, the entire legal system is being destroyed through an attack on English lawyers who work with Russian clients. For example, on February 25 2022, Labour MP Ben Bradshaw suggested that the UK government compile a list of English law firms that help Russians with applications to challenge sanctions. After that, on March 1 2022, a spokesman for Prime Minister Boris Johnson said that such firms could also fall under the sanctions of their own country if they help Russia with their actions. And finally, on March 4 2022, the Lord Chancellor, Deputy Prime Minister and Secretary of State for Justice Dominic Raab, who has the authority to regulate the activities of English law firms, said with an open allusion to Yevgeny Prigozhin's lawyers that some Russians "dared" win cases in British courts, and even in accordance with British law. This, in his opinion, is an abuse and must be stopped.

After such a series of raids and threats from British officials, Yevgeny Prigozhin's English lawyers were forced to withdraw from the court case. Moreover, at the request of the plaintiff's lawyers to suspend the process while searching for an alternative legal representative, Higgins' lawyers refused.

Apparently, Higgins does not particularly want to participate in the first hearing on the case and generally prefers that the case be closed for political reasons.

In any case, it is already objectively impossible to find another English legal representative. According to one English law firm contacted by Yevgeny Prigozhin's assistants: "Despite the fact that we believe that any person has the right to legal assistance, if we agree to participate in your case on the part of the plaintiff, then in light of the existing political pressure there will be nothing left of our firm."

Of course, such pressure on British lawyers will cause Russian citizens to de facto be deprived of the opportunity to receive professional assistance in an English court. All this

testifies to the death of the fundamental principles of law in Britain, they were killed by the extreme Russophobia that freely roams the country.

## ANNEX 2

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# McCUE JURY & PARTNERS

Solicitors Regulation Authority (SRA)  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

From: McCue Jury & Partners LLP  
17-18 Berkeley Square  
Clifton  
Bristol  
BS8 1HB  
(Address for Service)

Date: 10 May 2022

Our Ref: BEL.00548.PRI.COR.SRA.

By email only [report@sra.org.uk]

Dear SRA,

## RE: Reporting SLAPP in the case of Yevgeniy Prigozhin v Eliot Higgins

### Context

1. The purpose of this letter is to comply with our professional obligations under the SRA Code of Conduct (the **SRA Code**), especially considering the recent guidance titled '*Conduct in disputes*' published on 4 March 2022 (the **SRA Guidance**)<sup>1</sup>, by formally reporting what appears to be an obvious case of strategic litigation against public participation (**SLAPP**).
2. SLAPP is defined by the UK Government as "*an abuse of the legal process, where the primary objective is to harass, intimidate and financially and psychologically exhaust one's opponent via improper means*"<sup>2</sup>.
3. The SRA Guidance highlights, with reference to SLAPPs, the fact that solicitors and their firms must, to "*ensure compliance [with the SRA Code], always be vigilant in scrutinising [their] own and others' conduct in disputes [they] are involved in*" (emphasis added) and report such where it appears to be in breach of the SRA Code.

### The Proceedings

4. The SLAPP litigation in question regards the defamation proceedings (the **Proceedings**) in the High Court of England & Wales initially brought by *Discreet Law LLP* (**Discreet Law**) on behalf of Yevgeniy PRIGOZHIN a Russian Oligarch believed to have close ties to President Putin and widely described as 'Putin's Chef', against Eliot HIGGINS, founder of *Bellingcat*, the award-winning investigations and reporting organisation.

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<sup>1</sup> <https://www.sra.org.uk/solicitors/guidance/conduct-disputes/>

<sup>2</sup> <https://www.gov.uk/government/consultations/strategic-lawsuits-against-public-participation-slapps>

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5. We, *McCue Jury & Partners LLP*, represent the HIGGINS, the defendant.
6. The proceedings concerned several tweets from the HIGGINS' personal *Twitter* account (the **Tweets**) which link to articles published on respected news websites including the *Bellingcat* website, *CNN* and *Der Spiegel* (the **Articles**). It was claimed by PRIGOZHIN that the Tweets and the Articles they linked to contained defamatory allegations that had caused, or were likely to cause, "serious harm to [his] reputation for the purposes of s.1 of the Defamation Act 2013". No evidence was given as to what harm was suffered by PRIGOZHIN or his reputation because of the Tweets.
7. It is worth noting that the Tweets did not contain any information or allegations that had not been widely reported on in the international media including in the Articles.
8. However, the Proceedings were issued against HIGGINS in his personal capacity. Of course, HIGGINS has: (i) significantly less media reach than the relevant media outlets (for example, *CNN* has 55 million *Twitter* followers while, at the time of the Tweets, HIGGINS had less than 145,000); and (ii) significantly fewer financial resources available than said media outlets to pay any damages award that may be awarded. It is therefore indisputable that HIGGINS would not have been the most appropriate defendant in this claim if it had been genuinely intended to protect PRIGOZHIN's reputation and/or to obtain adequate compensation for damage to such.
9. As such it is apparent that these Proceedings were designed precisely to cause the maximum personal distress to HIGGINS and to deter him from publishing further content which legitimately criticises individuals such as PRIGOZHIN. As such, the Proceedings seem to be a textbook example of SLAPP and are, as such actions are defined in the SRA Guidance, a "misuse of the legal system...in order to discourage public criticism or action".

#### ***Hallmarks of SLAPP***

10. We respectfully contend that it cannot reasonably be believed, including by *Discreet Law* when they issued and served the Proceedings, that the Tweets caused any harm to PRIGOZHIN's reputation.
11. PRIGOZHIN is subject to numerous international sanctions (including from the UK, US, and EU) due to his alleged illegal activities including interfering in foreign elections, acting in defiance of other international sanctions, and funding the *Wagner Group* (the Russian mercenary paramilitary group who have committed numerous war crimes and human rights violations in conflicts including during the current war in Ukraine).
12. All these sanctions were in place and publicised before the Proceedings were issued. It is therefore, at best, fanciful to suggest that the Tweets from an individual reporter (which were almost entirely focused on the same activities for which he was sanctioned) had any significant effect on PRIGOZHIN's reputation.
13. We understand that PRIGOZHIN is also bringing defamation proceedings against *Bellingcat* in Russia on materially similar grounds as those in the Proceedings. While we are not involved in this Russian case (and nor, do we believe, are *Discreet Law*) we note this fact to highlight that multiple defamation cases are being brought in separate jurisdictions due to the same or similar

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actions by the defendant (or related defendants), which is a classic sign of a SLAPP campaign designed to exhaust a defendant's resources and energies.

#### ***Discreet Law's Actions***

14. We strongly believe that *Discreet Law* have acted in a manner that amounts to a clear breach of the SRA Code and which has resulted in significant financial hardship to HIGGINS.
15. *Discreet Law* were instructed by PRIGOZHIN to bring these Proceedings from at least August 2021 and served this unmeritorious SLAPP suit in December 2021, despite their client being subject to multiple international sanctions (as detailed above). Further, *Discreet Law* continued to take an active role in the Proceedings including engaging in inter-parties' correspondence and making their own court applications as part of the general case management procedure.
16. Due, in part, to the sanctions (as well as the fact that PRIGOZHIN is domiciled in Russia) *Discreet Law* agreed that security for costs should be provided in the Proceedings and so made an application for a licence for such to be provided from the *Office for Financial Sanctions Implementation* of HM Treasury in, as we understand, late January 2022 (the **Security for Costs Application**).
17. However, despite seemingly having had no issues with doing so prior to this point, *Discreet Law* successfully applied to come off the record and stop representing PRIGOZHIN in the Proceedings at a hearing dated 26 March 2022 (held in private, at the application of *Discreet Law* and in opposition to the general principles of open justice).
18. No alternative legal representatives were appointed and yet the Proceedings remained active (and there are still material issues to be resolved such as costs). This, understandably, has created significant financial and emotional distress for HIGGINS especially as the Security for Costs Application has not, to our knowledge, been determined. We have asked *Discreet Law* on multiple occasions, including most recently on 5 and 6 April 2022, for a status update on this application but have received no reply.
19. Without security for costs being provided, regardless of any adverse costs order made in HIGGINS' favour in such a unmeritorious claim brought against him, it is very likely that no costs will be recoverable from PRIGOZHIN. This is a plainly unjust situation; therefore, it is wholly unreasonable that *Discreet Law* have repeatedly failed to provide any information, which they are free to give, and which could provide comfort and/or assistance to HIGGINS against whom they issued the Proceedings that they have now abandoned.

#### ***Appropriate Action***

20. Any action that may be taken in relation to *Discreet Law's* actions is of course a matter solely to be decided by the SRA.
21. However, we believe that we are professionally obligated to formally report what we believe to be a clear breach by *Discreet Law* of the SRA Code for their issuance of a SLAPP and their subsequent actions which have caused undue and unnecessary hardship on an award-winning journalist working in the public interest.

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22. Further, it appears that *Discreet Law's* behaviour likely amounts to a breach of the SRA Principles<sup>3</sup>. Notably, the Principles require solicitors to act “*with integrity*” (Principle 5) and “*in a way that upholds the constitutional principle of the rule of law and the proper administration of justice*” (Principle 1). By assisting a claimant whose intent seems to be solely to censor independent investigations and stifle legitimate public debate, *Discreet Law's* behaviour appears to fall short of the SRA requirements.
23. We also refer you to *Discreet Law's* refusal to engage with our reasonable questions regarding the outstanding Security for Costs Application which, of course, has a material impact on client.
24. Given PRIGOZHIN's widely reported role in the current war in Ukraine behalf of Russia, and HIGGIN's and *Bellingcat's* efforts to, among other things, counter Russian disinformation, it is especially galling that this SLAPP suit was allowed to be brought in this context.
25. We remain at your disposal to provide any further assistance or clarification that you may require to investigate this further.

Yours faithfully

*McCue Jury & Partners LLP*

MCCUE JURY & PARTNERS LLP

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<sup>3</sup><https://www.sra.org.uk/solicitors/standards-regulations/principles/>

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