

# Annual Report 2019

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*“Media Defence’s constant support has been essential to continue my fight for justice over the years. Thanks to them, I have been able to confront new challenges, renewed threats, mocking and severe persecution that have even generated more criminal proceedings, multiplying my case in many. Media Defence’s financial aid has made me stronger to keep fighting this unbalanced battle that seems not to have an end.”*

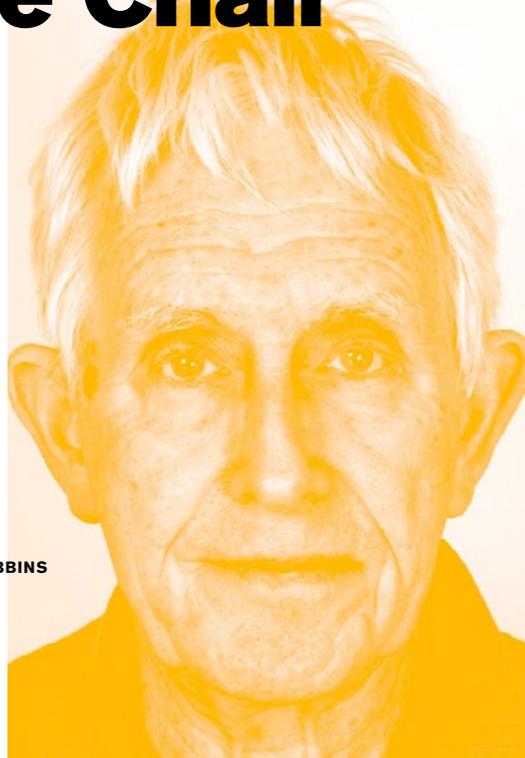
**- Claudia Duque, Journalist**

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# View from the Chair



ROBERT JOBBINS

One of the consequences of the polarisation of political life in the main Western democracies, the United States, Britain, Italy and so on, has been the development of a rejection of the distinction between fact and opinion. To an extent this is a reflection of the mass migration of public debate and discussion to social media, and the documented trend of like-minded communities growing up around particular, strongly-held points of view.

However, the extent to which political parties, and often those in power, exploit this development to denigrate both the opinions of those with whom they disagree, and those facts that they find inconvenient, seems to me a serious and growing threat to the freedom of expression.

Differences of opinion are a valid, even welcome, aspect of political life: but to challenge the reporting of facts which might embarrass those in power, to label such reporting as “fake news” or to denigrate the work of journalists as the product of “enemies of the people” are characteristic of dictators and authoritarian governments. To threaten individuals with physical harm or legal sanction is a denial of the values that liberal societies have promoted as fundamental.

Such behaviour has consequences which go beyond national boundaries. By normalising the incitement of attacks on the media or on individual journalists, politicians and their supporters provide moral comfort to those in power in countries that make little or no pretence of adhering to democratic practices. Worse, their words and actions contribute to making life more difficult and dangerous for those working in the media in countries where these threats are routinely carried out. Media workers are frequent targets of extreme violence, including murder. They face legal action which can prevent them from working in their chosen profession, and in some cases can result in heavy financial penalties or lengthy terms of imprisonment. It is wrong to suggest that this is acceptable.

The work of Media Defence is to provide practical and effective legal support to those facing such threats, in order that they may continue to report and comment, and to hold to account those in power. We recently began to extend help to that new and necessary branch of journalism, the fact-checkers. Underlying our efforts is the belief that freedom of expression matters, that truth counts for something. Our funders, supporters, as well as the staff and trustees of Media Defence work together with the aim of making our practical help contribute to positive change.

In the year under review I have been once again struck by the significance of the achievements of those that we help. Their stories individually and collectively are heroic. They take personal and professional risks, they persist when it would be easier to give up, and they fight for the right to speak truth to power. Their struggle is truly inspiring – they are also a reproach to those politicians and commentators living and working in safer environments whose words and actions suggest that they do not think the struggle is worthwhile.

# Words from our acting CEO



ALINDA VERMEER

In 2019 we came to a very successful end of our 2015-2020 strategy period. We supported the highest number of cases since we were founded in 2008, including 45 cases that have the potential to improve the climate in which the media operate, in over 65 countries.

We started 2019 with a win in a case at the European Court of Human Rights on behalf of award-winning Azerbaijani journalist Khadija Ismayilova, who was the target of a systematic smear campaign comprising threats, intimidations and gross violations of her privacy designed to prevent her from pursuing her journalistic work. Egyptian photojournalist Mahmoud Abou Zeid, known as “Shawkan”, was released on 4 March 2019, after spending more than five and half years in prison on anti-state charges, and we won another landmark case at the East African Court of Justice, where we supported lawyers who successfully challenged Tanzania’s problematic Media Services Act.

Despite these wins, the context in which we operate is worsening. Independent journalism is under threat like never before. Increasing control of the media sought by governments and other powerful actors has seen a surge in the persecution of independent media, with abusive legal actions, violence and an array of restrictive laws. In 2019, at least 250 journalists were in prison around the world, while countless others faced legal action for doing their job of informing the public. More and more journalists often face these threats alone, without the protection of resourced media houses or effective legal representation.

As journalism has moved increasingly online, new online threats have emerged. Responding to these threats in innovative ways has been a priority in 2019. We have for instance extended our support to include fact-checkers facing legal threats as a result of their work, we are supporting ongoing litigation challenging DDoS attacks against Philippines news outlet Bulatlat.com, and we are at the forefront of challenging internet shutdowns at regional courts. Governments around the world increasingly resort to internet shutdowns in times of crisis, often under the guise of protecting national security, combating misinformation or even preventing cheating during exams. In 2019 governments in Bangladesh, the Democratic Republic of Congo, Egypt, India, Indonesia, Iran, Iraq, Sudan, Myanmar, and Zimbabwe shut down the internet. These shutdowns have far reaching economic and human rights consequences. They make it impossible for the media to do their job and severely limit people’s ability to access the news or communicate with friends and family. Our ongoing cases against Togo at the ECOWAS Court of Justice and against Cameroon at the African Commission on Human and Peoples’ Rights have the potential to send a strong signal to governments intent on copying these disproportional practices.

All of this was made possible by the inspirational journalists, lawyers and activists we have worked with, the generous support of our donors and pro bono lawyers, and the continued dedication of our UK and US trustees, patrons and staff, who have all worked tirelessly to ensure that journalists can carry out their work uncensored and unhindered. Finally, we wish our CEO Lucy all the best during her maternity leave and look forward to welcoming her back in 2021.

# About Media Defence



*At Media Defence, we provide legal help to journalists, citizen journalists and independent media across the world, in the belief that a free press is essential in realising the right to freedom of expression.*

We support journalists who hold power to account by working to ensure the legal protection and defence of journalists and independent media so they can report on issues of public interest.

We do this by providing direct legal assistance to journalists, citizen journalists and independent media through an emergency defence fund, by taking strategic cases to challenge unjust laws and protect freedom of expression, and through developing a world-wide network of partners and specialists to provide legal defence, which we support through grant-making, training and information sharing.

We are unique in what we do. To date, we are the only organisation in the world solely focused on providing this crucial help to journalists.



*“Faced with being accused of a crime I did not commit, Media Defence came to my rescue. I’m grateful for the legal support provided by Media Defence and its partners. Freedom cannot exist without free speech and a free press.”*

**– Kelly Duda, Journalist/Filmmaker**

# World Overview

116

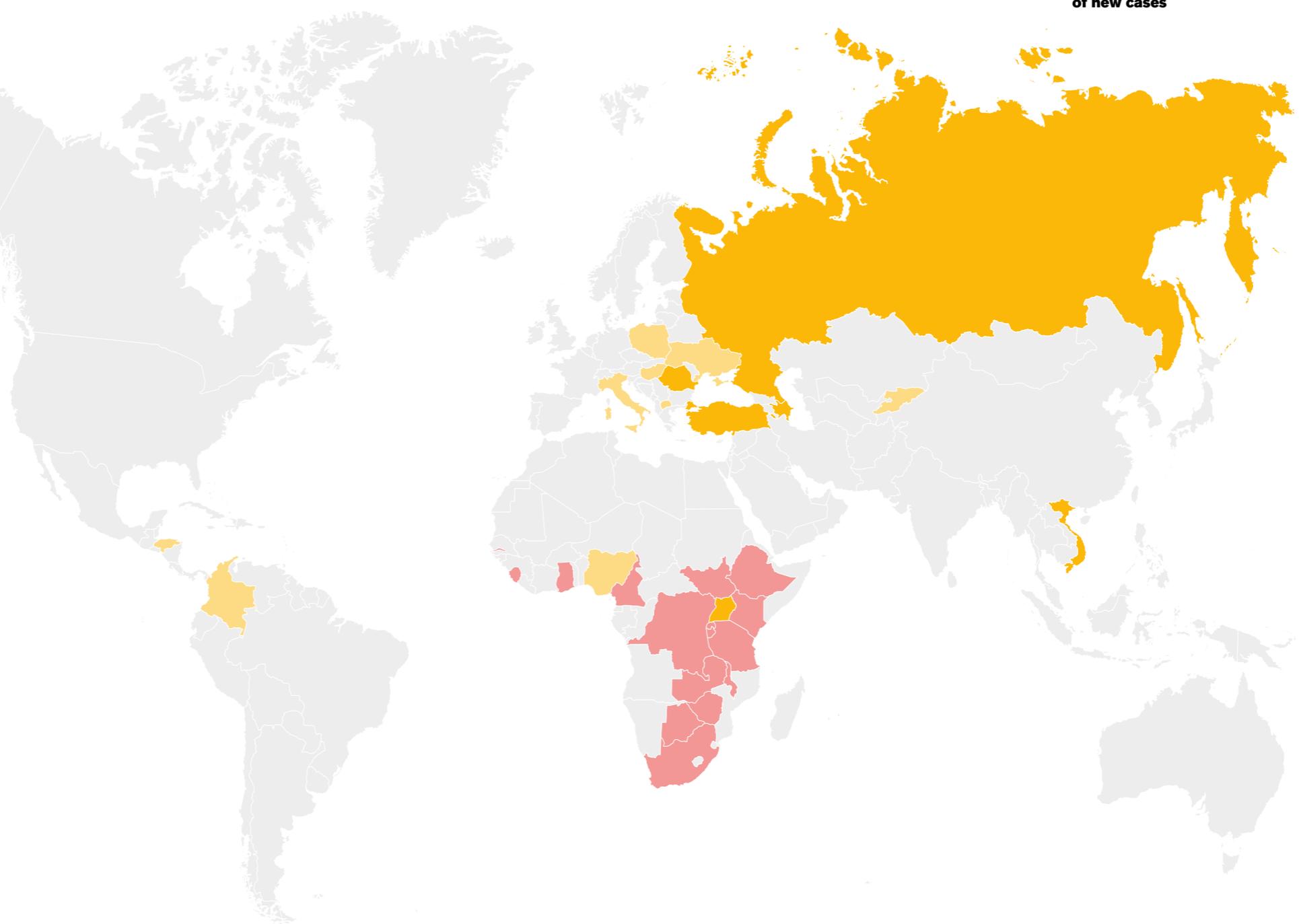
Overall number of new cases

*Media Defence was created in 2008 in the context of a sharply deteriorating environment for freedom of expression.*

A number of countries that had transitioned to democracy at the end of the last century were re-asserting aspects of authoritarian rule. Others introduced disproportionately repressive new laws and regulations under the cloak of the 'War on Terror'.

Today, freedom of expression is deeply contested around the world. Increasing control of the media sought by governments and other powerful actors has seen a surge in the persecution of independent media, with abusive legal actions, violence and an array of restrictive laws.

Over the next four years, the context in which we operate is forecast to worsen as insecurity and populism spread, while governments copy restrictive and abusive practices from others. More and more journalists often face the threats alone, without the protection of resourced media houses or effective legal representation.



**Countries with highest number of cases**

- Azerbaijan (39)
- Russia (9)
- Turkey (7)
- Uganda (5)
- Vietnam (5)
- Romania (5)

**Countries with partners**

- Turkey (2)
- Poland
- Colombia
- Hungary
- Italy
- Uganda
- Nigeria
- Kyrgyzstan
- North Macedonia
- Ukraine
- Honduras

+ two partners in the MENA and South Asia regions

**Countries DRL-trained lawyers work in**

- Uganda
- South Sudan
- Kenya
- Tanzania
- Ethiopia
- Rwanda
- Burundi
- South Africa
- Botswana
- Malawi
- Zambia
- Zimbabwe
- DRC
- Cameroon
- Nigeria
- The Gambia
- Ghana
- Sierra Leone

# Highlights of the Year

*2019 was a highly successful year for Media Defence.*

**116**

**New cases supported in 2019, our highest ever number**

**45**

**New strategic cases supported (38% of all new cases)**

**329**

**Supported cases in 65 countries (new and ongoing cases)**

**13**

**Partners supported in Europe, Americas, Africa, Central Asia and Russia regions of the world**

**16**

**Pro-bono cases**

**73%**

**Case success rate or closed cases**

**74%**

**Of journalists continuing to report following conclusion of their case**

**4**

**Litigation surgeries completed in East, West and southern Africa training 48 lawyers on digital rights**

We reached the end of our 2015-2020 strategy period and conducted an external evaluation of our progress in meeting our organisational objectives. We have increased our caseload on a yearly basis, we have expanded our geographical reach and we have tackled new issues such as challenging overly broad cybercrimes and digital legislation and internet shutdowns.

The evaluation informed the development of our 2020-2024 strategic plan. In the next four years, we will aim to dedicate additional resources to build local legal capacity to defend freedom of expression by funding more partners globally, developing our resources, communicating our work and that of our partners more effectively and continuing to amplify the impact of our strategic litigation digital cases, violence against journalists and criminal restrictions.

**Chambers and Partners Diversity and Inclusion Awards – Charity Partner**

In September 2019, Media Defence was announced as the charity partner of the Chambers and Partners Diversity and Inclusion Awards. The Chambers Diversity and Inclusion Awards aim to recognize and celebrate law firms' pro-bono achievements and contributions to diversity within the legal profession. The partnership provides opportunities for fundraising and expansion of our pro bono network.

# Emergency Defence

*Around the world we see journalists facing judicial harassment on account of their independent reporting.*

**72**

**Total number of new emergency defence cases**

**Most represented countries:**

Azerbaijan	<b>23</b>
Russia	<b>7</b>
Romania	<b>5</b>
Venezuela	<b>4</b>

**Most cases:**

Criminal cases	<b>19</b>
Civil defamation	<b>13</b>
Physical reporting restrictions	<b>8</b>
Civil cases	<b>8</b>
Administrative measures	<b>5</b>

We have provided emergency defence to financially support cases where journalists face costly and complex litigation in an attempt to silence them. Authorities use multiple lawsuits to threaten critical media reporting and harass prominent media professionals. They also obtain judicial orders to forcibly close critical media and newspaper outlets. Some journalists have been subjected to travel bans, gag orders, detention and physical abuse. Defamation laws are regularly abused to intimidate the media and stifle legitimate criticism of public figures and institutions. The threat of harsh criminal sanctions, expensive litigation and high civil damage awards exerts a powerful chilling effect on freedom of expression.

**The Church of Scientology (Italy):**

In Italy, litigation is often brought against critical reporters who cover stories about public figures or institutions. In September 2017, the Church of Scientology initiated a civil suit against Italian journalists Giuseppe Borella and Andrea Sceresini, who infiltrated the Church in order to make an investigative documentary exposing problematic internal practices such as labour exploitation and severe psychological and commercial pressures. Ourselves and our Italian partner Ossigeno per l'informazione provided support. In January 2019, the case was dismissed. The victory is a major example of why it's important to protect investigative journalism and the ability of the press to work as a "public watchdog".

**Challenge to criminal defamation provisions (Singapore):**

In 2019, we provided ongoing support and emergency funding for the defence of Terry Xu, Editor of The Online Citizen in Singapore. Xu was charged with criminal defamation after publishing an article alleging corruption among some of the highest office holders in Singapore's government. As part of that defence, Xu is also challenging the constitutionality of the criminal defamation provision itself – on the basis that it infringes the right to freedom of expression protected in Singapore's constitution.

# Strategic Litigation: Highlights

*We work to challenge unjust laws around the world so that journalists are protected rather than persecuted.*

We litigate strategic cases in national, regional and international courts which challenge problematic laws and regulations and bring them into line with international standards on freedom of expression. One focus area of our strategic work is the myriad of threats and opportunities associated with digital journalism, online surveillance, social media and the Internet. By winning these landmark cases, we are able to set precedents that will assist journalists throughout an entire region and have a wider impact on the legal climate in which the media operates.

### Detention of journalists

Authoritarian regimes use criminal laws to arrest, detain and convict journalists for carrying out their work. Many journalists are given disproportionate terms of imprisonment in order to serve as an example and act as a deterrent to others who may also consider reporting unfavourably on the government. In Vietnam, we filed a petition on behalf of 24-year-old video journalist and blogger, Nguyen Van Hoa, who was sentenced to seven years in prison for reporting on the Formosa environmental disaster. In September 2019, the UNWGAD observed that Van Hoa’s case followed a “familiar pattern of arrest that does not comply with international norms” and indicated a “systemic problem with arbitrary detention in Vietnam”.

### Protecting news gathering

In March 2019, we partnered with Russian organisation Mass Media Defence Centre (MMDC) and the Ukraine based Human Rights Platform (HRP) to intervene in two cases pending before the European Court of Human Rights (ECtHR) on protection of newsgathering and news sources. In the first case, Andrey Kalikh v. Russia, the applicant was arrested and detained at a public rally in Russia. We argued that the imposition of a penalty or sanction against journalists for observing at a protest will rarely be justified under article 10 of the European Convention on Human Rights. In the case of Ukrainian investigative journalist Natalia Sedletska, who had her mobile phone data accessed by authorities putting one of her sources at risk, we and HRP argued before the ECtHR that information and materials received by journalists in the course of newsgathering, in traditional and non-traditional media settings, should be protected.

**45**  
New strategic cases in 2019

**Countries with the most new strategic cases:**

Azerbaijan	16
Turkey	6
Vietnam	5

**Most common case types:**

Criminal/civil cases	13
Constitutional challenge	7
Endangering national security	5
Civil defamation	4

**125**  
Total live strategic cases

**57%**  
Success rate for closed strategic cases

# Spotlight: Internet Shutdowns

In December 2018, Media Defence and Amnesty International filed a case on behalf of seven civil society organisations and a journalist (“the applicants”) to the Economic Community of West African States (ECOWAS) Court. The case was filed against the Togolese government following their decision to shut down the Internet in September 2017. The shutdowns took place from 5 to 10 September 2017 and then again from 19 to 21 September 2017.

The applicants’ case is that the Internet shutdowns interfered with their right to freedom of expression, and were unlawful under international human rights law. They came about as part of a reaction to protests and demonstrations against the government that began in August 2017. The government reacted to these protests using excessive force, firing tear gas and live bullets at protestors and beating and arresting scores of journalists, human rights defenders and opposition members.

Internet shutdowns are becoming increasingly common around the world where governments look to suppress dissent or protest. There has been a proliferation of Internet shutdowns in ECOWAS member states, and elsewhere in Africa. In addition to the case filed against Togo at the ECOWAS Court, we also filed a communication to the African Commission against Cameroon over its decision to shut down the Internet in the southwest and northwest Anglophone regions of the country in 2017. Similar to the Togo case, the shutdowns were ordered in response to protests against the government. The shutdown took place after teachers, lawyers and students went on strike in those regions in protest at their exclusion from state jobs due to their limited French language skills.

In both the Togo and Cameroon cases, we argue that the decision to shut down the Internet amounts to an interference with the right to freedom of expression under Article 9 of the African Charter and Article 19 of the ICCPR.

We are expecting judgment in the Togo case in June 2020. The communication at the African Commission is pending.

# Strategic Litigation: Citizen Journalist Elena Popa

*In many respects, Elena Popa is a typical Romanian domestic carer working in Austria. She's a caregiver of an 87-year-old grandmother, a mother of three, and a former cook.*

Yet to tens of thousands of domestic carers across Austria and Germany, she is also a symbol of justice: an inspirational community leader and citizen journalist who dares to speak out against the system of rampant abuse and exploitation in their rapidly growing – and under-regulated – industry.

In Austria, there are more than 65,000 people, mostly women and migrants from Romania and Slovakia, working as caregivers. Often providing 24-hour and live-in care, they play a pivotal role in supporting an increasingly ageing population with shifting family structures but remain vulnerable to a range of exploitative practices including poor working conditions, inadequate training and illegal operations. To tackle these challenges, Popa set up a Facebook group; “Beware of dishonest intermediaries” in 2015 to create a platform for workers to share information on unlawful activities and warn one another about organisations and individuals. The group exploded and gained more than 24,000 caregiver members – before Popa was forced to shut it down.



In the past two years, Popa has been subjected to a barrage of civil lawsuits in Romania by recruitment companies suing her for defamation as a result of posts made in the Facebook group she administered. Those bringing the defamation suits accuse her of facilitating discourse that tarnishes their reputations, with some citing several conversations and posts that Popa herself did not post but allowed to remain on the forum. In 2019, Media Defence filed third party interventions in three domestic cases brought by these recruitment companies against Popa. We provided the domestic courts with an

analysis of international legal standards on public interest journalism and intermediary liability on social media platforms. With our help, Popa was successful in defending one of the defamation suits with the intervention referenced in the court's finding.

In a fourth case, Popa was ordered to pay 5,000 Romanian Leu and ordered to stop posting defamatory comments. Ourselves and Romanian human rights lawyer Constantin Cojocariu filed an application to the European Court of Human Rights in December 2019 challenging that finding. One of the arguments made is that Popa was engaged in public interest journalism and is therefore entitled to heightened protection under Article 10, the right to freedom of expression in the European Convention on Human Rights.

Popa's case is one among a growing trend not just in Europe but across the world of strategic litigation being used in order to crackdown on journalists, bloggers, academics and activists engaged in public interest journalism – lawsuits that are commonly referred to in the US and elsewhere as ‘SLAPP’ (Strategic Litigation against Public Participation) lawsuits. These lawsuits are designed not only to intimidate and silence individuals conducting investigations and exposing malpractice in sectors like domestic care, but to impose a chilling effect on freedom of expression and advocacy rights that constrain civil society.

*This case is pivotal because it's likely to have a significant impact on both the function and safety of citizen journalists – as well as the audiences that rely on the information and forums they provide.*

This is particularly true in countries where press freedom may be restricted and the internet plays an important role in communicating, receiving and disseminating information of public interest. For vulnerable populations such as domestic caregivers, the internet and social media platforms often serve as the primary and principle means for them to exercise their right to freedom of expression.

# Press Freedom Guardians: Journalist Impact Survey

100%

Journalists who would recommend our support to a journalist facing legal action

100%

Journalists who continued to report and practise journalism following the conclusion of their case

73%

Case success rate of closed cases

68%

Respondents who believe their case will have a positive impact on freedom of expression in their country

50%

Respondents who were satisfied or extremely satisfied with the outcome of their case

*“Without Media Defence’s support, I would have remained in jail or faced even longer sentences.”*

- Mohamed Yusuf, Somalian journalist

Every year, we send a survey out to the journalists we have supported through our emergency defence fund and partner-funded defence projects. We do this to make sure that the people we support have a voice in how that support works.

We had responses from 22 journalists around the world who received support from us in 2019. Out of those 22 journalists, who described us as “Press freedom guardians” and “Credible, supportive, accessible” among other positive comments, multiple journalists said that they believed the outcomes of their cases would have been negative if not for the help they received.

# Local Capacity Building

13

Partners funded

286

Cases litigated by partners

4

Litigation surgeries

48

Lawyers trained

## Digital Rights Advocates

Throughout 2019, we continued our Digital Rights Advocates Project which aims to strengthen the capacity of lawyers in East, West and Southern Africa. The project is funded by the US State Department’s Bureau of Democracy, Human Rights and Labor. Starting in 2017, it was renewed for another two years in 2019.

We facilitated four litigation surgeries, bringing together local lawyers to develop their skills in litigating cases related to freedom of expression online. To successfully deliver these surgeries, we have developed training manuals which are publicly available on our website.

We also organised attendance of three networking events this year for our alumni: RightsCon, the Internet Governance Forum, and a session of the African Commission on Human and Peoples’ Rights. The Surgeries and networking events have provided opportunities for networking at the regional and international levels as well as for non-legal advocacy on cases.

Between 2017 and 2019, we supported 45 cases litigated by Media Defence-trained lawyers across the region. We also partnered with local organisations in Nigeria and Uganda to provide legal support in the form of emergency advice and to draft case studies of successful digital rights litigation.

## Working with Partners

Throughout 2019, we worked in partnership with 15 local organisations operating in Europe, Latin America, Asia and Africa. Without these organisations, reaching countries with strong need for legal support would not be possible. We supported the Media Policy Institute in Kyrgyzstan and Ossigeno per L’informazione in Italy on civil defamation lawsuits. We also helped the Human Rights Platform in Ukraine, the Hungarian Civil Liberties Union in Hungary and the Helsinki Foundation for Human Rights in Poland, to counter the growth of restrictive media legislation in central and east Europe. On the other side of the Atlantic, our support has helped Fundación para la Libertad de Prensa in Colombia to seek justice in cases like the one of Jineth Bedoya, who when reporting on arms trafficking by state officials and paramilitary groups, was abducted and subjected to sexual violence in 2000, then abducted again in 2003 when covering the FARC.

# Digital Rights Advocates: Interview with Alumni, **Tonny Kirabira**

Tonny Kirabira is a Ugandan lawyer and researcher who attended Media Defence's 2018 East Africa Litigation Surgery as part of our Digital Rights Advocates Project. We were lucky enough to have Tonny pay us a visit at our London office for a quick chat about the training he attended and what he's been up to since.

## **Can we recap on your experience with Media Defence?**

My journey with Media Defence started in 2015, when I was working at Vision Group - Uganda's largest media organisation. I was doing a bit of litigation so I applied for Media Defence's East Africa Litigation Surgery and met colleagues from Kenya, Tanzania etc. I got good materials and strategies for my work. I was following Media Defence's cases and research and I still do.

## **How important was the training for you and why?**

The training introduced me to defending journalists beyond the courts I was used to. Knowing that I was able to advocate for them regionally and internationally gave me confidence, which I didn't have a lot of before because I was mostly working by myself and not many people are interested in these kinds of cases (especially as journalists don't have the money to hire lawyers). Now I know there are colleagues I can work with, for example the Human Rights Network for Journalists in Uganda. They've helped with some of my cases and research. Having confidence meant I was motivated to work more and I was actually twice nominated for a Human Rights Defender Award in 2016 and 2017.



TONNY KIRABIRA

## **Congratulations!**

People in my office couldn't believe it! But I was motivated to work on these cases because of Media Defence. It's more than just looking at this or that court, there's a bigger strategy to a case, and I used those strategies. I also used a lot of resources from Media Defence because of the cooperative perspective.

## **That's great. Do you think there's still room for improvement in terms of East African lawyers accessing regional courts?**

Absolutely. There's a big need for that, especially because we have good precedents for litigating human rights in the East Africa Court of Justice. There's also a need for more education. Not just for lawyers like me who already have good information, but the younger lawyers, even the ones who have not yet graduated. Even workshops for the judges would be good, because everyone has a different legal background.

# Our Partners: Freedom of Expression in Eastern Europe

Three journalists, two small tables and a coffee machine tucked away inside a building in downtown Pecs, Hungary. This is the bare-bones set-up of Szabad Pecs, a website that bills itself as the only independent news source in southwest Hungary.

Their newsroom is sparse because it's all they can afford. In recent years, the government has sought to curtail the country's few independent media outlets by restricting their access to information, pouring funding into state media and dominating the advertising space. In the Reporters Without Borders' press-freedom index, Hungary dropped 31 spots since 2013 to rank 87th in 2019. In 2018, the government established the Central European Press and Media Foundation (KESMA), the country's largest media company, consisting of hundreds of outlets receiving state funding—squeezing out independent newsrooms in the process.

In 2019, Szabad Pecs was approached by the Hungarian Civil Liberties Union (HCLU), a human rights NGO that has worked with Media Defence since 2011, with an idea to challenge KESMA in court. HCLU argued on their behalf that the nation's competition authority unlawfully green-lighted KESMA's establishment.

"We're trying to be innovative," said Dalma Dojcsák, director of HCLU's Political Freedoms Project.

Diminishing media pluralism is a trend happening across Eastern Europe. In Poland, newsrooms have been purged of independent voices since the Law and Justice Party came into

*"In many cases when journalists are deprived of information, there are no legal procedures to take."*

DALMA DOJCSÁK



power in 2015 and enacted controversial reforms, including a law enabling the government to appoint the heads of public TV and radio. From 2015 to 2019, the country's ranking in the Reporters Without Borders index dropped by 41 spots to 59.

Journalists who refuse to toe the party-line are being silenced. Dorota Nygren, a journalist with Informacyjna Agencja Radiowa, is one example. When assigned to cover a story about a man attacking a priest from northern Italy, she refused to include the ethnicity of the attacker—who is of Moroccan origin—deeming it irrelevant to the story and potentially stigmatising. The agency then transferred her to an archival department and limited her broadcasting hours, effectively preventing her from reporting and cutting her salary.

In 2018, Nygren sued her employer alleging discrimination on the grounds of nationality with the help of the Helsinki Foundation for Human Rights (HFHR), a human rights NGO that Media Defence has been working with since 2015. HFHR argued that in line with case law of the European Court of Human Rights, Nygren was fulfilling her duties as a journalist serving the public interest, which should come before her duty of loyalty to her employer. In a landmark decision in November, the District Court supported HFHR's claim, which has since been appealed.

The ruling will hopefully encourage others to take a stand, says Dominika Bychawska-Siniarska, a member of HFHR's board. "If the courts become more subjected to the control of the ruling party...we will lose national remedies," she said. "(These cases) will become more and more important."

# The Fact-Checkers Legal Support Initiative



*“Fact-checking has become a vital tool to combat the spread of misinformation, but the non-partisan individuals and organizations who check facts are increasingly facing threats — including lawsuits, online harassment and violence.*”

*The Fact-checkers Legal Support Initiative will continue to help fact-checkers fight these threats against them so they can instead focus on their important work.”*

– Alinda Vermeer, Acting CEO

## Fact-Checkers Legal Support Initiative

Funded by the Facebook Journalism Project, the Fact-checkers Legal Support Initiative (FLSI) is a collaboration between three leading media law and journalism organisations, brought together to support fact-checkers around the world: Media Defence, The International Fact-Checking Network and the Reporters Committee for Freedom of the Press. FLSI provides legal defence for fact-checkers, connecting them with pro bono lawyers, helping to pay legal fees where pro bono support isn't available, and providing technical legal assistance to pro bono lawyers.

Given the spread of misinformation around the world, the role fact-checkers play in ensuring information is accurate and reliable has become increasingly important, but they are being targeted with harassment and legal threats because of their work. In response, the Fact-checkers Legal Support Initiative provides legal defence and support to fact-checkers facing these struggles. The FLSI has also published legal guides providing fact-checkers with information related to legal threats and non-legal challenges, like harassment and physical threats, they may face. Currently, the guides cover the US, Brazil, Philippines and Italy, with versions in English, Portuguese and Italian.

Find out more about the FLSI at  
[factcheckerlegalsupport.org](https://factcheckerlegalsupport.org)  
[@factcheckersLSI](https://twitter.com/factcheckersLSI)



### Case Study

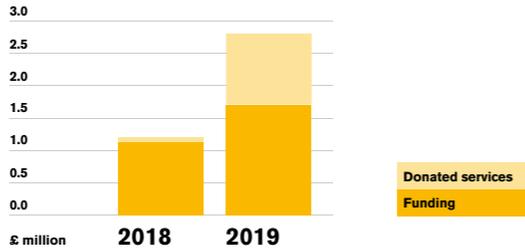
Correctiv are a German fact-checking and investigative reporting newsroom. They have investigated tax evasion, sexual harassment and human rights abuses around the world. In the case brought to FLSI, they were faced with a civil defamation lawsuit brought by a German media outlet, related to an article the outlet published entitled '500 scientists declare: there is no climate emergency.' Correctiv challenged the scientific basis of the article and subsequently were threatened with legal action, which has proceeded at the district court. It is unusual for us to support a case brought by a media outlet, however it is important to protect the investigative fact-checking work undertaken by Correctiv and similar organisations in an era of rife misinformation and 'fake news'.

# Our Spending

## Income

**132%**

**Increase in income compared to 2018**

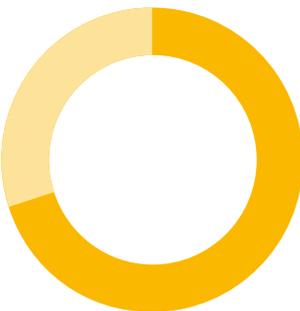


In 2019 we received **£2.8 million**, of which **£1.1 million** was in donated services such as pro bono legal support. Donated services play a significant part in enabling the delivery of our activities, while trusts and foundations continue to be the main source of our funding.

2019's figures show a **132% increase** in income from 2018 when we received **£1.2 million**, with **£80,000** in donated services.

### Proportion of income restricted to one region or theme

**30%** Unrestricted **70%** Restricted



### Proportion of donated services

**2019** **56%** **2018** **10%**



**70% of our income** in 2019 was restricted to either a region or a theme. **30% of funding was unrestricted**. Donated services constituted **56% of the restricted incoming resources, compared to 10% in 2018**.

## Expenditure

**83.8%**

**Increase in expenditure compared to 2018**



2019 saw an **83.8% increase** in expenditure from **£1.4 million** in 2018, to **£2.6 million** mainly as a result of a significant increase in donated services.

**100**

**Individual cases 18 more than last year**

**-21%**

**Spent on cases as their geographical locations in Central Asia and Russia meant they worked out at less than average cost**

We supported **100 individual cases** - 18 more than last year - and spent **21% less** on those cases as their geographical locations in Central Asia and Russia meant they worked out at less than average cost. We spent more on our grants to other organisations, even though the number of grants awarded were **the same as previous year at 13**. This increase is due to our continued support of the crisis situation in Turkey where there has been a greater need for our support.

Our total support cost in 2019 was **£289,568**, compared to **£246,774** in 2018, representing **11% of our total expenditure** (compared to 15% in 2017). Support costs include salary and overhead costs.

## Overall picture

**£805,731**

**Total funds carried forward at the end of 2019**



In 2019, we began to lay the foundation for the next five years with our 2020 – 2024 strategy. We continued to increase our impact and delivery on our charitable objectives. We closed with a net surplus of **£235,506**.

At the end of 2019, we carried forward total funds of **£805,731**, of which **£310,813** were restricted funds (funding with a thematic and/or regional restriction) and **£494,918** were general, unrestricted funds.

# Our Board and Staff

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(Project Coordinator, Digital Rights Advocates)

**Emmanuel Vargas**  
(Legal and Grants Officer)

# Our Partners and Funders

*We would like to thank all of our partners and funders for their contribution to our work during 2019:*

**Funders:**



**Partners:**



*“Thanks to the support, I never felt alone or intimidated during the last three years. It’s fundamental for freelance journalists who are not backed by a media company to get this free legal assistance.”*

**- Raffaella Cosentino, Journalist**





## **Media Defence**

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