

MEDIA
DEFENCE

Annual Report 2020

Gado (Kenya) - Cartooning for Peace



Cartooning for Peace was created in 2006 at the initiative of Kofi Annan, Nobel Peace Prize winner and former Secretary General of the United Nations, and press cartoonist Plantu. Now chaired by the French press cartoonist Kak, Cartooning for Peace is an international network of cartoonists committed to the promotion of freedom of expression. Through the universal language of press cartoons, the network promotes mutual respect among people of different cultures and beliefs.

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“Achieving justice carries great importance to me, yet, unfortunately, it does not seem possible to find it in the local courts. Appealing to the ECtHR is the only chance I have to reach it and I am happy that the lawyers of Media Defence did not leave me alone on this path”.

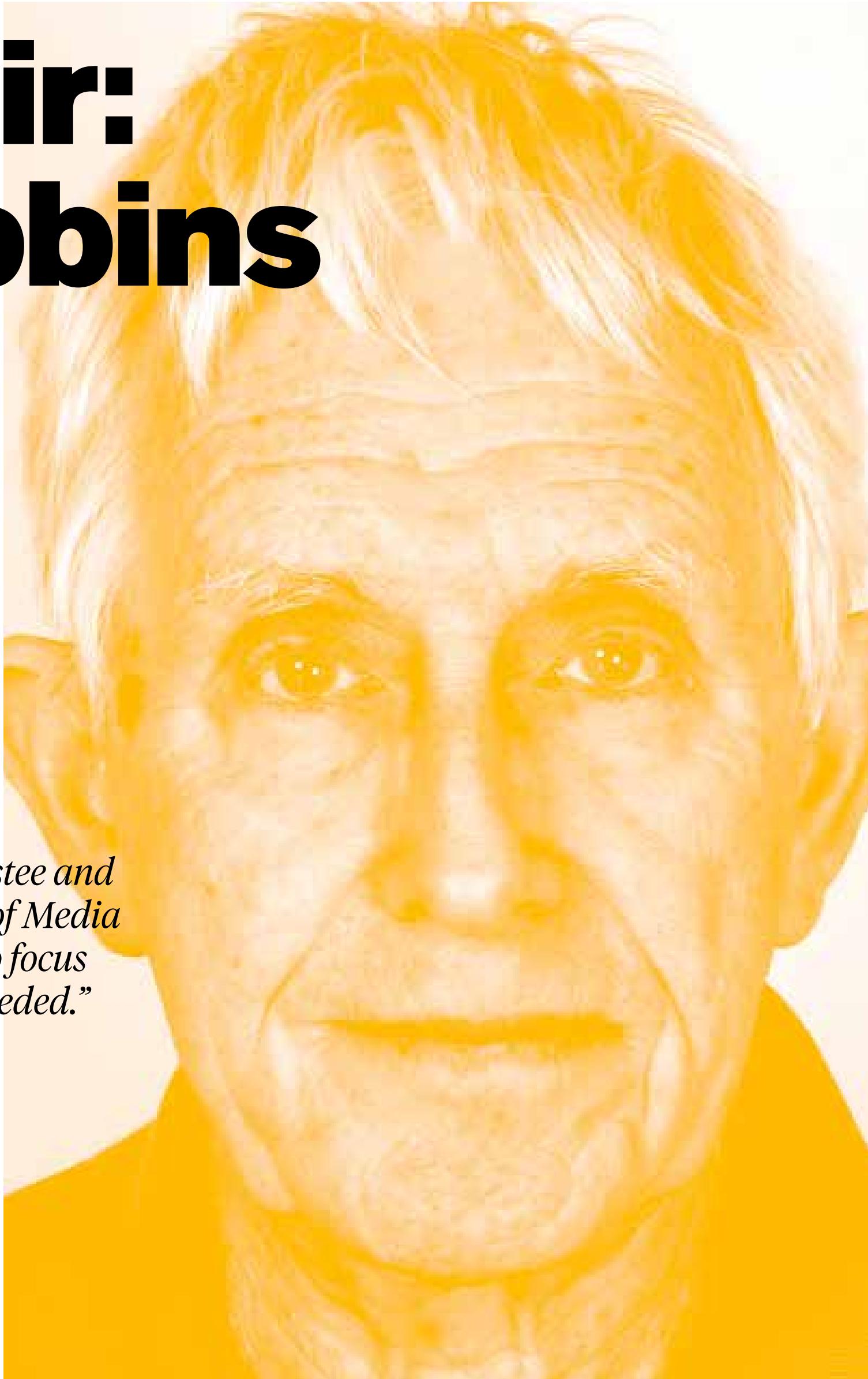
Gulnara Mehdiyeva, feminist activist, Azerbaijan
Gulnara is a well known women's rights defender. As a result of her activism, she has become the victim of online violence.



From our chair: Bob Jobbins

"In the eight years I have been a trustee and then Chair, the critical importance of Media Defence has come more sharply into focus for me: it exists because it is truly needed."

Robert Jobbins
Chair



The world in 2020 faced a number of serious crises: the climate emergency, the COVID-19 pandemic, and continuing conflicts in many regions. All are linked by the determination of governments, and in particular authoritarian governments, to prevent the media from questioning their actions and holding them to account.

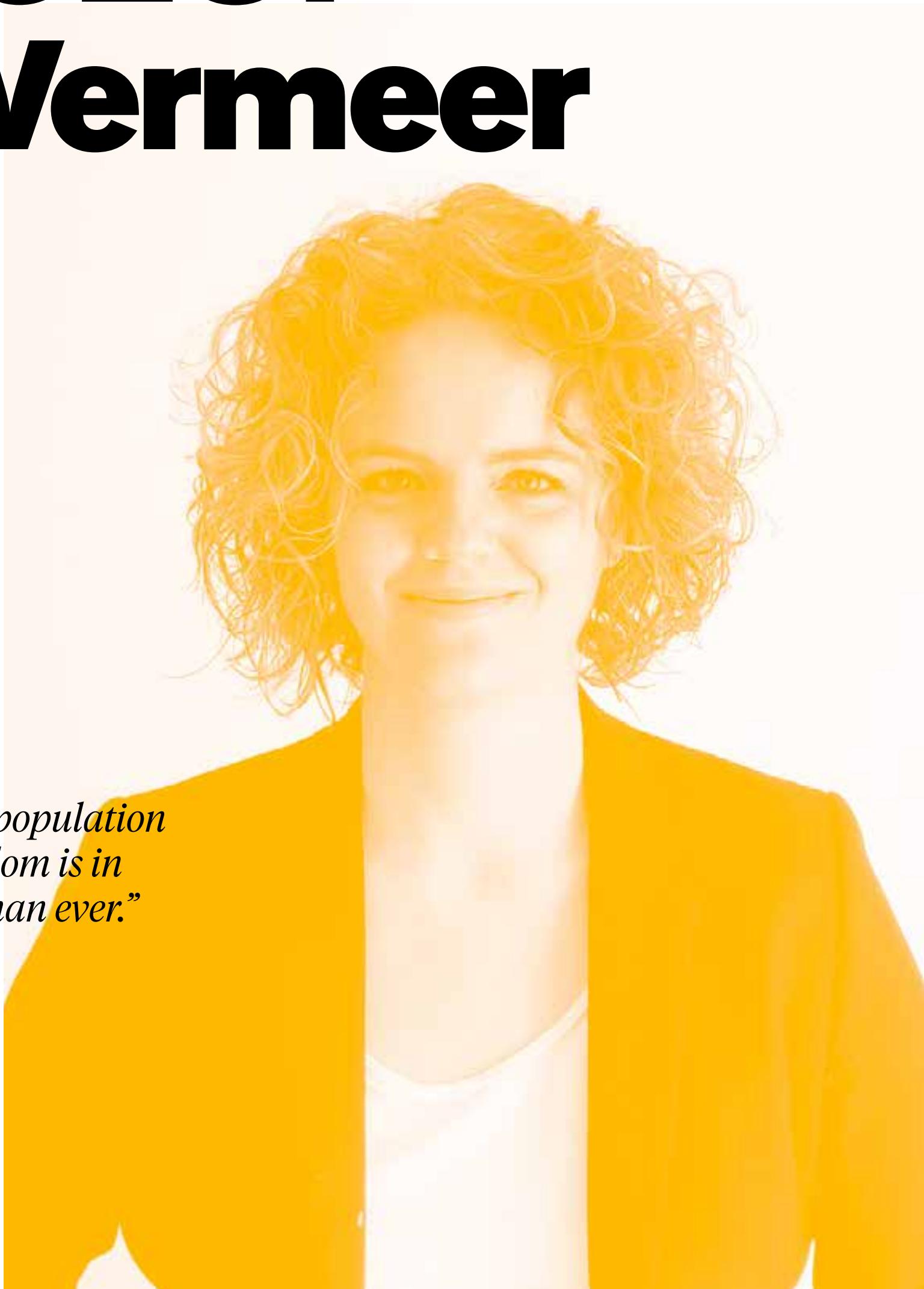
These crises are further exacerbated by the attempts by state actors to spread confusion and false information – attempts too often abetted by the weak regulation of the major international tech companies, which provide platforms to disseminate a toxic but seductive mixture of conspiracy theories, fake news and plain lies.

In this environment, the work of the media is more important than ever, and more in need of protection than ever. Media Defence and its partners are dedicated to helping to provide this protection, offering legal support to those attempting to exercise their right to the freedom of expression.

A further aspect of this cluster of global challenges is the worsening world economic situation, which as ever presses hardest on the poor. Most countries are increasingly burdened by huge debt as their governments struggle to provide unprecedented levels of financial and medical support to their citizens while their economies falter. The pandemic has shifted priorities, perhaps for the next three to five years.

I strongly believe that in these difficult circumstances the role of the media becomes even more important. It is essential that governments everywhere, whatever their political orientation, should be challenged and held to account on behalf of their citizens. And this should be as true in the large, rich, world powers as in the smaller, poorer and more disadvantaged countries. In the eight years I have been a trustee and then Chair, the critical importance of Media Defence has come more sharply into focus for me: it exists because it is truly needed.

From our Acting CEO: Alinda Vermeer



“With more than half of the world’s population living in a country where press freedom is in crisis, our work is more important than ever.”

Alinda Vermeer
Acting CEO

2020 has been an incredibly challenging year for independent media. Independent, fact-checked news was more important than ever, and news outlets saw their readership increase during the COVID-19 pandemic, but the media's work also became a lot more difficult. Journalists risked their health to inform the public. The slump in advertising revenue added to the financial pressures the media were already under. Authoritarian governments cracked down on independent media reporting truthfully on the pandemic and legal threats increased.

We were shocked by the violence against journalists, both amid the Black Lives Matter protests in the United States and during the Nagorno-Karabakh conflict. Levels of hostility and violence against journalists also escalated online, in particular against women journalists who faced an exponential increase in online abuse as a result of their work.

With more than half of the world’s population living in a country where press freedom is in crisis, our work is more needed than ever.

We were fortunate to be able to transition smoothly to remote work and continue supporting the media during this difficult time. Court closures notwithstanding, we have taken on cases of journalists who were subjected to legal attacks because of their reporting on the pandemic. We have intervened in cases relating to police brutality against journalists covering protests, and we are representing journalists who were injured by Azeri forces while covering the conflict in Nagorno-Karabakh.

While it was a challenging year, we also achieved successes. We were at the forefront of litigating internet shutdowns with a win in the first internet shutdown case at a regional court, against Togo. This crucial judgment sends a strong signal to governments contemplating cutting their citizens off from the internet, putting their lives at risk during the COVID-19 pandemic and preventing them from exercising their fundamental rights.

Despite the challenges posed by the pandemic, we successfully laid the groundwork for delivering on our 2020 - 2024 strategy. We made a conscious decision to continue strengthening our team. We made our support more accessible through a new website and rebrand to Media Defence. We are ready to respond to the ever-increasing demand for our support and ensure journalists can carry out their critical work unhindered and uncensored.

We are more grateful than ever for your continued support and engagement, without which none of this would have been possible.



About 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 worldwide network of partners and specialists to provide legal defence, which we support through grantmaking, 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.



Our 2020 – 2024 Strategy

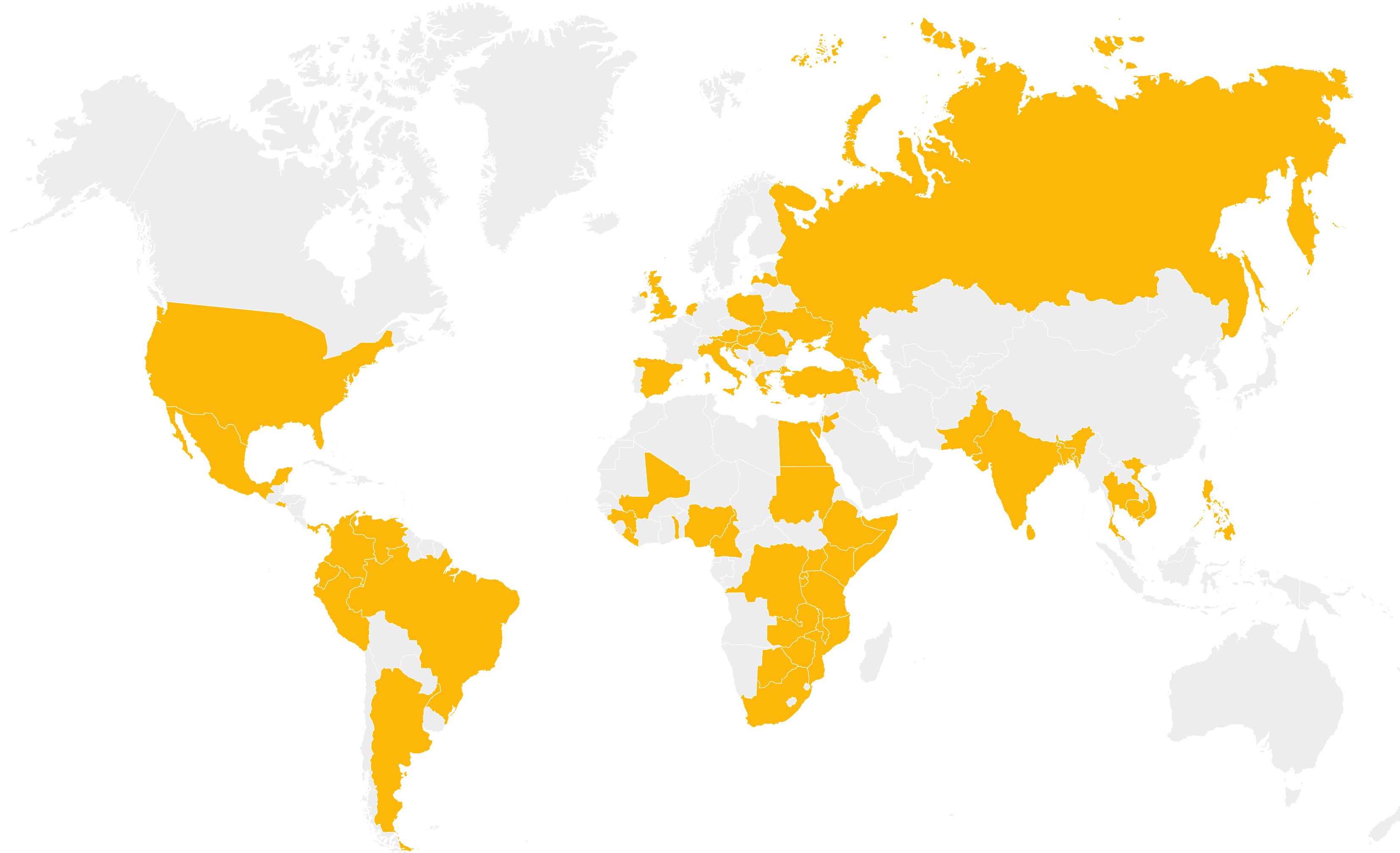
Media Defence was founded in 2008 in the context of a sharply deteriorating environment for freedom of expression. A number of countries that had transitioned to democracy at the end of the last century were reasserting aspects of authoritarian rule. Others introduced disproportionately repressive new 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. The COVID-19 pandemic has accelerated this decline in media freedom.

More and more journalists are facing legal threats alone, without the protection of resourced media houses. They will not be able to continue their critical work of informing the public without access to effective legal representation. That is why we need to scale up our support and magnify our impact.

Over the strategy period, we will increase and deepen the support we offer to our partners, enhancing the availability of quality legal defence for journalists at the local level in the highest need countries around the world. We will also continue to grow our emergency legal defence. Through our strategic litigation we will clarify or change laws, bringing them in-line with international standards on freedom of expression. This will be achieved by strengthening our own internal capacity, and through the strategic communication of our work, sharing our expertise in the legal defence of press freedom.

In 2020, we have built strong foundations for the next few years. We rebranded to Media Defence and launched a new website. ‘Media Defence’ neatly sums up what we do, and our website is clear and simple to use, helping those under threat to understand the nature of our support and access it quickly. We also welcomed six new members of staff, and created a development cluster to support this growth in the long term. Finally, we invested in our role as a capacity builder, supporting 14 partners, over half of which are in countries with a very serious and difficult situation relating to press freedom.

World Overview



● Countries we have worked in

Media Defence is headquartered in London, but works with a worldwide network of lawyers to deliver high quality legal support to the media.

In 2020, we supported the media in 63 countries.

Throughout the year we worked with 17 partner organisations to deliver in-country legal support in 15 countries where the need for media legal defence was the highest.

We also trained lawyers from Ethiopia, Tanzania, Kenya, Rwanda, Burundi, Zambia, Democratic Republic of the Congo, Botswana, Malawi and South Africa.

Highlights of the Year

2020 was both a challenging and successful year for Media Defence.

We began our 2020 – 2024 strategy period with the aim of increasing and broadening our support for journalists and media workers. The COVID-19 pandemic amplified the need for high quality legal support to enable independent media to focus on their critical work of informing the public.

In response, we expanded our geographical reach and supported more cases than ever before, in particular due to an increase in legal harassment against journalists. Out of the 241 cases we took on, **131 cases** were initiated against one journalist as part of a coordinated campaign. Despite court closures and delays to proceedings, we identified 51 cases that provided an opportunity for improving the climate within which the media operate in the long term, and we obtained judgments that set strong precedents for media freedom around the world.

As press freedom around the world deteriorated, the need for strong local legal defence capacity only grew. We responded by streamlining our grantmaking process and expanding our network of partner organisations around the world. We provided grants to 14 partner organisations, including five new partners, and supported two further partners to navigate the challenges of supporting the media during a global health crisis. We nimbly moved our training programme for lawyers online and bolstered its sustainability by making our training materials accessible through an eReader platform. As international conferences took place online, we were able to provide more lawyers with a platform for advocacy on their cases.

We strengthened our team and rebranded to Media Defence, launching our new visual identity and website. This has made our support and resources all the more accessible to those who need them, at a time when that access is crucial.



241

New cases in 2020

51

New strategic cases in 2020 (21% of all cases)

443

Total number of cases supported in 2020

14

New grants awarded to partners

Europe & Central Asia (6)
Sub-Saharan Africa (4)
Latin America (2)
MENA (1)
South Asia (1)

22

Pro bono cases

65%

Case success rate

23

Lawyers trained during two litigation surgeries

49

Sponsored participants in international networking events

Emergency Defence

We provide emergency defence to journalists and media outlets facing complex and costly lawsuits and other forms of legal intimidation as a result of their reporting. Through grants and legal support, we ensure that journalists are able to fight back against efforts to silence them.

190

Total number of new
emergency defence cases

Most represented countries:

Brazil	141
<small>(131 of these cases were initiated as part of a coordinated campaign against one journalist)</small>	
Cameroon	8
Tanzania	8
Azerbaijan	7
Russia	7
Nigeria	6
Turkey	5

Most cases by type:

Other civil	134
Civil defamation/libel	12
Other criminal	9
Counter-terrorism	8
False news	4
Media regulation	4
Endangering national security	3
Constitutional Challenge	3



Emergency Defence: Case Studies



Svetlana Prokopyeva

In 2020, we provided emergency defence to journalists facing a variety of challenges arising from the misuse of both civil and criminal laws. In Russia, for example, we supported journalist Svetlana Prokopyeva – convicted of terrorism offences after she reported on the case of a 17-year-old suicide bomber, who had blown himself up in an office of Russia's Federal Security Service.

Having referred to the case in a radio broadcast, Prokopyeva was charged with "justifying terrorism", with prosecutors requesting a term of six years imprisonment and a ban on her working as a journalist. In July 2020, Prokopyeva was convicted of the offence and while she escaped a custodial sentence, she was subject to a large fine and her laptop and phone remain confiscated.

Prokopyeva's case exemplifies the "legal" tactics regularly used by Russian authorities to suppress controversial coverage. Applying terrorism legislation as an instrument of state censorship and control, authorities persecute journalists, bloggers and human rights defenders in high profile trials that chill journalistic practice more broadly. Media Defence provided funding to Prokopyeva's lawyers and worked directly with her lawyers on her legal defence.



João Paulo Cuenca

Last year the number of emergency defence cases in which we provided support was double that of 2019. This is in large part due to our support of 131 cases in Brazil, all relating to the same journalist and the same set of facts.

Following a tweet criticizing president Bolsonaro and the "Universal Church", novelist and journalist João Paulo Cuenca faced death threats and a torrent of litigation. Over 130 different Universal Church pastors have filed lawsuits against him, claiming "moral injury". To make matters worse, these pastors are leveraging a legal mechanism that requires the defendant to appear in person to mount a defence. By requiring him to appear before courts, often simultaneously and in completely different corners of the vast country, his critics hope to drive Cuenca to ruin.

This case - or rather, series of cases - is the latest development in the war that powerful actors in Brazil are increasingly waging against journalists and critics. This type of campaign is becoming more and more common, with figures in positions of authority and their supporters exploiting the legal system to silence scrutiny and dissent. Media Defence provided funding to Cuenca's lawyers to support his defence.

Emergency Defence: Trends

Our emergency defence work is demand driven: when a journalist or media outlet is in legal trouble as a result of their work, we provide support where we can, regardless of the type of case they are facing.

This puts us in a unique position to identify press freedom trends and build in-house legal expertise in each of these areas.

Combating Impunity for Online Violence

Online violence against journalists is increasing exponentially. Women journalists are particularly likely to become targets: preliminary findings of a recent global study highlight that 73% of women journalist respondents reported that they had experienced online violence as a result of their journalistic work, including threats of physical and sexual violence, along with digital security attacks. Online violence comes in many forms. It can result in significant psychological harm and spill offline,

yet most perpetrators go unpunished. A climate of impunity emboldens perpetrators and perpetuates a cycle of violence against the media.

Media Defence combats impunity for online violence. We help journalists fight back through the courts by providing grants to cover legal fees and providing pro bono legal assistance to their lawyers.

Threats Against Journalists Covering Environmental Stories

Environmental journalism has become one of the most dangerous areas of journalism, with at least ten environmental journalists murdered in the past five years. Those who expose the truth about the environmental impact of destructive practices by states and companies also face legal threats, ranging from defamation suits that may bankrupt them to criminal prosecution that may result in lengthy prison sentences. Media Defence supports environmental journalists who are confronted with litigation as a result of their reporting with the aim of improving the global legal environment in which they work.

Strategic Lawsuits Against Public Participation (SLAPPs)

SLAPPs pose a serious threat to journalists and public watchdogs that report critically on the wealthy and powerful. SLAPPs are aimed at intimidating and silencing public watchdogs by subjecting them to lengthy and expensive litigation, which drains vital resources and chills critical speech. A defining characteristic of many SLAPP suits is a clear imbalance of power and resources between the claimant and the defendant, often an individual or small organisation.

Media Defence helps restore balance by providing financial support to help cover legal fees and pro bono legal assistance to journalists targeted in SLAPPs, ensuring they are able to resist these abusive tactics and continue reporting.

Fact-Checkers Legal Support Initiative

Fact-checkers are operating in an increasingly hostile environment. At a time when the term 'fake news' has been weaponised, fact-checkers themselves are being targeted with online harassment and legal action. When responding to these threats, many do not have the resources to defend themselves. Though some fact-checkers are housed in large media companies, the majority are small, independent not-for-profit organisations, operating on shoestring budgets. This makes them especially vulnerable to legal threats.

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

Strategic Litigation

We litigate strategic cases in courts around the world to challenge unjust laws and defend freedom of expression and press freedom.

We undertake strategic litigation to improve the legal environment in which the media operates. We focus on cases that have the potential to have a meaningful impact, covering a range of issues including online speech, privacy and surveillance, the misuse of criminal laws, arbitrary detention, and violence and impunity.

Litigating against violence and harassment

Journalists around the world continue to be subject to harassment, violence, even murder, as a result of their work. Media Defence has made combating violence – and the culture of impunity that fuels it – a strategic priority.

We have noticed an increase in violent attacks on journalists in 2020. Throughout the year, we worked with partners in Cameroon seeking to compel an investigation into the disappearance and death of journalist Samuel Wazizi. Wazizi, who had reported critically of the government's handling of the crisis in Cameroon's Anglophone regions, was detained in August 2019. For months, authorities refused to provide any information as to his whereabouts – finally revealing in June 2020 that he had died in detention just days after his arrest.

177
Total number of live
strategic litigation cases

55%
Successful or partially
successful strategic
litigation cases
11 cases closed

Countries with the most new strategic litigation cases

Azerbaijan	7
Russia	6
Colombia	4
Nigeria	4
Vietnam	3
Tanzania	3

Most common case types

Constitutional Challenge	7
Endangering National Security	6
Other Criminal	6
Other Civil	5
Civil Defamation/Libel	4
Physical Reporting Restrictions	3

The 51 new strategic cases originated from 23 countries

Argentina
Azerbaijan
Bangladesh
Cameroon
Colombia
Ecuador
Egypt
India
Indonesia
Italy
Kenya
Mexico
Nigeria
Pakistan
Poland
Russia
Rwanda
Singapore
Slovakia
Tanzania
United Kingdom
United States
Vietnam

Together with local counsel, we are pursuing legal challenges to ensure that an independent and impartial investigation is undertaken into his death and that those responsible are held to account.

We also continue to work to secure the safety of journalists reporting on armed conflicts. The renewed conflict between Armenia and Azerbaijan late last year over the disputed region of Nagorno-Karabakh saw direct attacks on media personnel covering the hostilities, resulting in serious injuries and, in one case, death. We are pursuing legal action on behalf of those journalists injured as a result of an attack in Nagorno Karabakh, as well as on behalf of the brother of a journalist 'fixer' who was killed in the attack.

Safeguarding digital journalism

Media Defence continues to litigate a wide variety of complex and challenging cases relating to journalism, privacy and surveillance in the digital age.

Through 2020, Media Defence, along with Article 19, led a coalition of NGOs to file a third-party intervention in *Biancardi v Italy*, an important case which offers the European Court of Human Rights the opportunity to clarify how the "right to be forgotten" should be applied in the context of online media and digital archives. The intervention argues that the right to be forgotten is being applied well beyond its intended scope – forcing newspapers to delete articles from their digital archives, with serious implications for freedom of expression online. It sets out factors that courts should have regard to when considering removal requests to ensure that public interest information stays online.

Strategic Litigation: Internet Shutdowns

“This judgment should act as a warning to other governments considering using internet shutdowns as a tool to silence dissent”

**Pádraig Hughes,
Legal Director**



Internet shutdowns are becoming increasingly common worldwide. In February 2021, Myanmar disrupted its internet following a military takeover. Ahead of a contested election in January 2021, Uganda blocked access to Facebook, after the social media firm took down fake accounts connected to the government and suspected of manipulating public debate. In its October 2020 elections, Tanzania also disrupted its internet and social media. During 2020, India reportedly imposed 83 shutdowns, according to the Software Freedom Law Centre.

While governments frequently justify shutdowns on the grounds of security, digital blackouts have become an effective tool for throttling dissent. As well as limiting people's ability to organise and comment during politically contentious periods, shutdowns also disrupt daily life and essential services, causing broader ramifications.

As blackouts become more frequent, lawyers, journalists and activists have pushed back in various ways – including suing the governments responsible. One recent lawsuit saw a significant victory: a challenge launched by Media Defence, in partnership with Amnesty International, against the West African nation of Togo.

In a landmark judgment last June, the Economic Community of West African States Community Court of Justice (the ECOWAS Court) ruled that Togo violated the rights of seven NGOs and a journalist when it shut down the internet in 2017 for several days. The blackout took place amid mass protests, when tens of thousands took to the streets calling for institutional reform and demanding an end to the Gnassingbé family's five-decade rule.

At the time of the ruling, Pádraig Hughes, Legal Director at Media Defence said: “This judgment should act as a warning to other governments considering using internet shutdowns as a tool to silence dissent.”



The decision sets a crucial precedent in the region by recognising the right to internet access as an important element of freedom of expression. The number of shutdowns in Africa grew by nearly half from about 17 in 2018 to at least 25 in 2019, according to independent monitoring group Access Now.

The court not only ordered Togo to pay damages to the plaintiffs, but also required the government to prevent future shutdowns and implement a legal framework protecting freedom of expression in line with international standards.

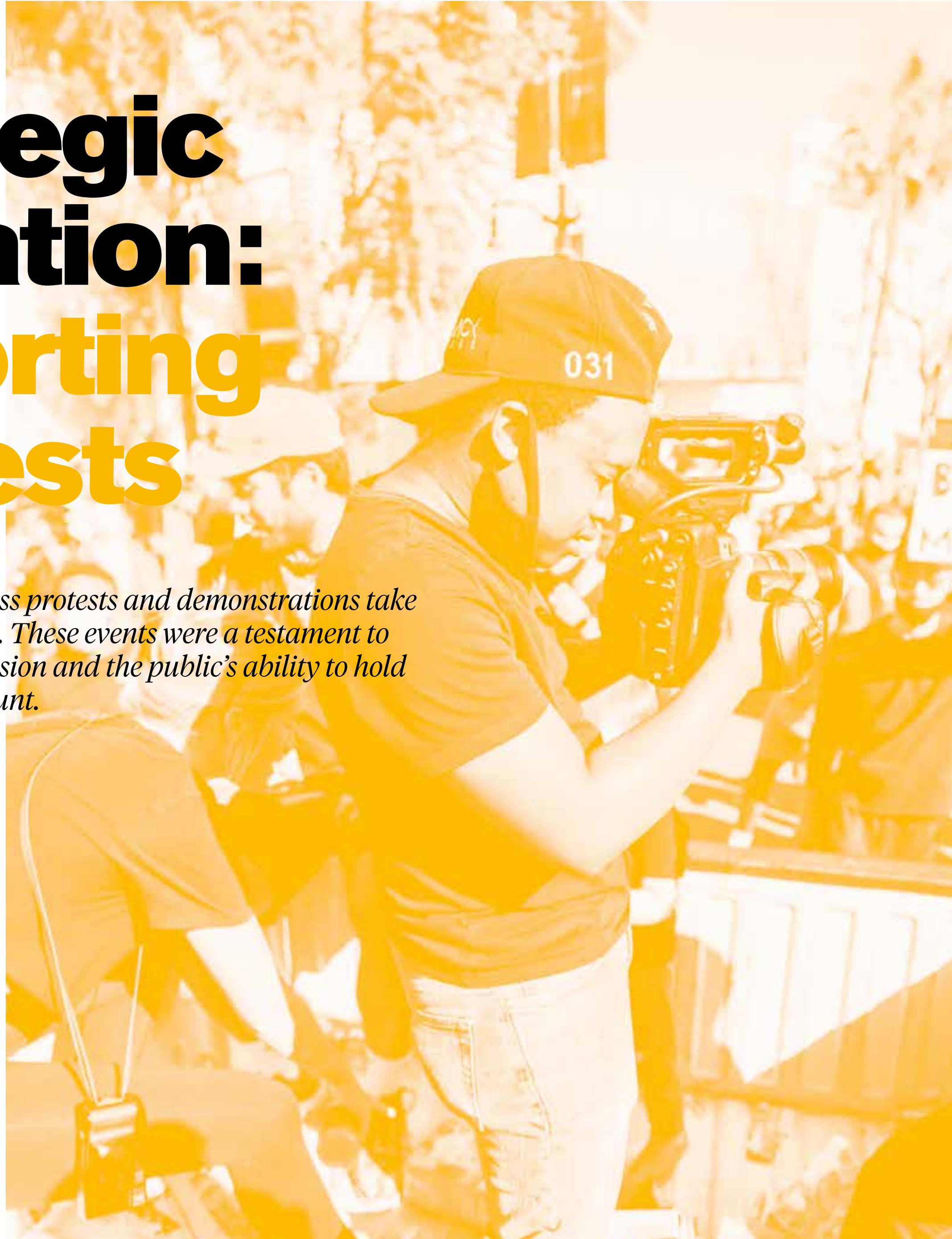
Of course, using the law to challenge digital blackouts has its limitations. Authoritarian states typically have little judicial independence, making it difficult to launch successful lawsuits. Even when cases are successful, there is also the challenge of ensuring that governments comply with the ruling.

Nevertheless, lawsuits will likely become an important strategy for putting pressure on authoritarian regimes and fostering transparency on internet shutdowns. Legal challenges of this type are becoming more common worldwide, with 19 cases recorded in 12 countries in 2019, according to Access Now.

Moving forward, Media Defence has brought a case to the African Commission on Human and Peoples' Rights over months-long internet shutdown in Cameroon that began in January 2017. It has also brought a case to the ECOWAS Court challenging Guinea's internet shutdowns in March and October 2020.

Strategic Litigation: Reporting Protests

2020 saw a wave of mass protests and demonstrations take place around the world. These events were a testament to the power of free expression and the public's ability to hold powerful actors to account.



However, far too often, journalists reporting at protests and demonstrations have been subject to harassment, arrest and physical violence. They can be caught up in police action or targeted deliberately in an effort to suppress coverage of the event.

In 2020, Media Defence was involved in two legal cases both aimed at safeguarding the right of the press to attend and report at protests and public events. In September, we filed an amicus brief before Mexico's Supreme Court of Justice in a case challenging the country's controversial Law on the Use of Force, which authorises security forces to use force including in the context of peaceful gatherings. Our brief, filed together with Article 19 (Office for Mexico and Central America), examined international legal standards governing the use of force, in light of a state's obligation to safeguard freedom of expression, the free press and the right to protest.

In May 2020, we submitted an amicus brief to the Supreme Court of Colombia in a constitutional challenge to the violent repression of anti-government protests by authorities in November 2019. Our brief focussed on the scope of authorities' obligations to protect journalists reporting at protests, including in the context of the use of force. In September 2020, the Supreme Court handed down judgment. It strongly condemned the violent actions of the security forces and, notably, ordered that a series of measures be implemented in order to ensure systemic reform.

Local Legal Capacity Building

We build local legal capacity to defend journalists through training of lawyers and by supporting local legal centres. With our funding and practical support, our partners can help journalists more quickly and with the benefit of local expertise in countries where the need for our support is very high.

14

Partners funded

2

Litigation surgeries

23

Lawyers trained

242

Cases litigated by partners

Working with Partners

Throughout 2020, we worked in partnership with 16 local organisations operating in Europe, Latin America, Asia and Africa. With our financial and practical support, these organisations are able to respond quickly and with the benefit of local expertise to the high need for legal support in their countries.

The COVID-19 pandemic caused challenges to all our partners to some degree, including obstacles to visiting beneficiaries in prison or attending court hearings, as well as legal issues tied to the pandemic.

We supported the Media Policy Institute in Kyrgyzstan, Helsinki Foundation for Human Rights in Poland, Human Rights Platform in Ukraine and Ossigeno per L'Informazione in Italy on vexatious civil defamation lawsuits that kept coming during the pandemic.

We also supported the Hungarian Civil Liberties Union on a case where businesspersons are using data protection law to censor journalism.

In Turkey, we supported the Foundation for Society and Legal Studies and the Media and Law Studies Association, who represented journalists detained on trumped up charges or for publishing information critical of the government.

In Latin America, we continued our support to Fundación para la Libertad de Prensa in Colombia, who help journalists suffering all kinds of physical violence and bring judicial challenges to rectify or to remove online legitimate content.

Training of Lawyers: Digital Rights Advocates

In 2020, we continued our work on the Digital Rights Advocates Project, which aims to strengthen the capacity of lawyers in East, West and Southern Africa. The project began in 2017 and is funded by the Bureau of Democracy, Human Rights and Labor Affairs (DRL), a bureau within the United States Department of State.

Despite challenges around international travel, we facilitated two successful online advanced litigation surgeries, one in East Africa and the other in Southern Africa. The advanced surgeries build on Media Defence's litigation surgery programme by discussing emerging threats to freedom of expression online in the region and invites participants to share their experiences of litigation since they attended Media Defence's initial surgery.

Making our training materials available to lawyers around the world, including those who are unable to attend our trainings, was a major focus in 2020. We expanded our training materials by launching new Advanced Modules on Digital Rights and Freedom of Expression Online which are hosted on our recently developed eReader. These modules form the basis of the discussions in the advanced surgeries and are a useful resource for lawyers in sub-Saharan Africa litigating digital rights cases.

We organised attendance at two networking events for litigation surgery alumni, Access Now's RightsCon in June 2020 (34 participants) and CIPESA's Forum on Internet Freedom in Africa in September 2020 (15 participants). At each of these conferences, Media Defence facilitated a panel with alumni to share their litigation experiences.

Working with Partners: Defending Journalists in Turkey



“This is a regime problem, not just for journalists, but for all those who want freedom.”

The Media and Law Studies Association (MLSA) is a Turkish nonprofit founded in 2017 by Barış Altıntaş and Veysel Ok, as a response to the urgent and growing need for legal defence of journalists in Turkey. Defending press freedom in Turkey carries several risks, an example of this is that Veysel has faced physical and legal harassment, including charges for “insulting the Turkish judiciary” for criticizing the lack of independence of the judiciary in Turkey. To date, MLSA has been working on more than 70 cases. After supporting Turkish journalists alongside MLSA on a case-by-case basis, MLSA is now a funded partner of Media Defence. In this interview, Media Defence speaks with Barış and Veysel about their work and the status of freedom of expression in Turkey.

What motivated you to start your organisation?

Barış: I have a journalism background and Veysel has been a press lawyer for a long time. We worked at another civil society organisation previously. Starting our own organisation was an idea in the making, something we had been wanting to do for around 1.5 – 2 years before we started in 2017.

Veysel: I have been a lawyer since 2006 and have worked in press freedom at one of the larger organisations in Turkey. Together, we worked for journalists, but we wanted to change something because the media, European organisations, they know only famous journalists. If journalists are released, people think that the problems with journalism in Turkey are over. We wanted to change this idea and support those who cannot get legal help in Turkey.

How has the COVID-19 pandemic affected censorship in Turkey?

Barış: The government said it would empty prisons but then in April 2020, a law was passed that excluded political prisoners, including journalists (who are often faced with terrorism charges) from leaving. Last year, in late March/early April there were a lot of journalists in detention for things like tweets, for example. A lot of smaller enterprises haven't been helped by the government – the government in fact shared an IBAN number and asked for people to donate. A journalist commented on this via a tweet and was imprisoned. For a long time, Turkey also didn't announce the correct statistics around COVID – which nobody does – but ours were really falsified. We could only follow what the Turkish Medical Association were saying because journalists couldn't report on COVID. As a result, nurses and doctors who spoke out were also detained. The pandemic has given the government an immense opportunity to crack down on all forms of dissent.

Veysel: We haven't closed our offices since March 2020. We've been working the whole time. We've actually started a new project where we go to prisons in Turkey and ask journalists about which prison rights they've lost, e.g. access to a lawyer, family visits, social events, books, courtrooms, etc. When we publish our research, we will be able to highlight more clearly exactly how the pandemic has affected rights.

Turkey is known to be one of the world's biggest jailers of journalists. Can you explain a bit about this?

Barış: We're no longer first in the world but maybe second or third. Just kidding! I'll say one thing: so many people are in prison, not just for journalism but even for tweeting. It shows Turkey still has a dynamic. People will still tweet and journalists will still question while ready to face the consequences. I think in a way it's a positive thing that the government can still find people to jail – we're still fighting.

Veysel: Turkey isn't just one of the top jailers of journalists but also of lawyers, political activists, civil activists, politicians – this is the problem of the regime. We have 400+ lawyers in jail, hundreds of politicians in jail, but like Barış said, we still have the ability to change something, we're still fighting even though every day someone is arrested. People are out protesting, making news and getting arrested. The view should be that this is a regime problem, not just for journalists, but for all those who want freedom.

What kind of support have you received from Media Defence and how has it helped you?

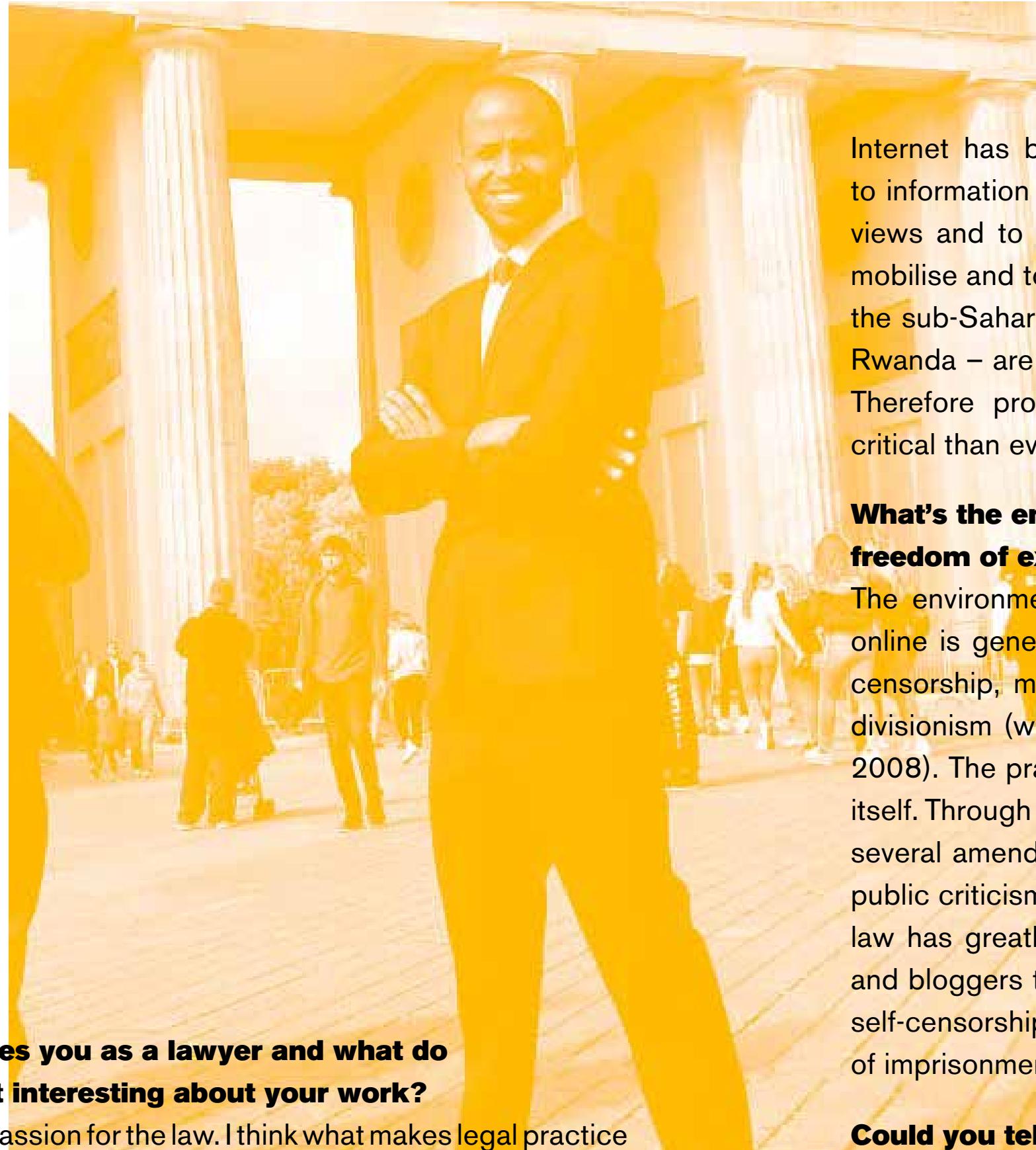
Barış: The first application we have made jointly with Media Defence to the European Court of Human Rights hasn't concluded yet, but our client is out of prison. Following this application, the local court really changed its approach towards the defendant. We think it was important for the European Court to see Media Defence was behind our application. It added credibility. It's also been hugely important in terms of advocacy, not just in terms of applications or consultations, but whenever we've had a panel Media Defence has attended as speakers. Media Defence has been really approachable as a donor and whenever we ask questions, Media Defence is happy to help. Media Defence's contributions towards our legal unit have also been immensely valuable as this has added to our sustainability – we're able to say yes to helping more people. Overall, Media Defence is a strong ally.

Digital Rights Advocates: Louis Gitinywa

Louis Gitinywa is a Rwandan advocate and senior partner at Kigali Attorneys Chamber, a Rwandan law firm based in Kigali.

Louis is also a member of the East African Law Society (EALS) as well as an associate lecturer at Rwanda Institute of Legal Practice and Development. His legal practice focuses on issues related to constitutional law, media law, fintech, tech law and digital rights.

Louis has more than eight years' experience as a lawyer and previously served as a public prosecutor, setting up Kigali Attorneys Chamber with a colleague in 2016.



What motivates you as a lawyer and what do you find most interesting about your work?

I always had a passion for the law. I think what makes legal practice interesting is the human aspect, because as an advocate, every day you interact with people coming from different social and cultural backgrounds. This requires a lot of humility. It means putting enough time [in] to listen and to understand your different counterparts, because at the end of the day there's no monopoly of knowledge. You can always learn from others.

Why is freedom of expression online important to you?

Personally, I think freedom of expression is one of the most fundamental human rights, [and] one of the inalienable rights to human beings. The rise of Internet-enabled mobile phone and smartphones has dramatically changed the media landscape. It gives us access to diverse sources of independent and critical information rather than relying on the domestic media which most of time only reflect the official narrative line. The

Internet has become the greatest medium for global access to information but also a formidable tool for many to raise their views and to exercise their right to free speech, to organise, mobilise and to document protests in real time, especially given the sub-Saharan context where many governments – including Rwanda – are reluctant to tolerate criticism and public dissent. Therefore protecting freedom of expression online is more critical than ever.

What's the environment for digital rights and freedom of expression in Rwanda?

The environment for digital rights and freedom of expression online is generally characterised by a climate of fear and self-censorship, mostly due to the law on genocide ideology and divisionism (which is a kind of hate speech law enacted since 2008). The practice contradicts the primary function of the law itself. Through the broad and sweeping nature of the law (despite several amendments), it has often been misused to criminalise public criticism or shut down any legitimate public dissent. This law has greatly undermined the ability of Rwandan journalists and bloggers to inform the general public due to the climate of self-censorship it has created, as most journalists see the threat of imprisonment as a key constraint to their work.

Could you tell us about the Litigation Surgery you attended with Media Defence?

Honestly, I am quite lucky to have participated at three Media Defence surgeries here in East Africa. I must confess that these surgeries not only built my capacity in how to handle digital rights litigation or strategic litigation, but have also boosted my ability to document the situation of digital rights and freedom of expression online in my home country and across the region through research papers and articles.

Anything else you would like to add?

My journey with Media Defence has shaped me in so many ways: empowering me by understanding the changing nature of legal practice and the infusion of technology into law, as well as immersive learning from others as I am always looking for opportunities to collaborate and my colleagues are really inspiring.



Impact Monitoring

Despite the challenges posed by the ongoing pandemic, we were able to respond to the ever increasing demand for support in 2020.

2020 Learning Report

We undertake a variety of internal and external evaluations each year in order to understand the effectiveness and relevance of our programmes. We also do this to explore the impact of legal defence for journalists, in an increasingly contracting space for media freedom globally.

We carried out the following programme and project evaluations in 2020:

- 1. Review of our Strategic Output and Outcome Indicators**
- 2. Journalist Impact Survey**
- 3. Strategic Litigation Impact Assessment: *Naser Selmani and Others v FYROM***
- 4. Most Significant Change Case Study: The Human Rights Platform in Ukraine**
- 5. Evaluation of our Advanced Litigation Surgery in East Africa: Six Months On**

Further details can be found in our [Learning Report](#).

2020 Journalist Impact Survey

“I haven’t changed a millimetre, I’m writing even more freely, and I’m even more convinced that I shouldn’t stop.”

**Journalist supported by
Media Defence in 2020**

In 2020, we carried out our fourth annual Journalist Impact Survey to look at the longer-term impact of our support on our primary beneficiaries, journalists. Our Journalist Impact Survey is designed to understand the quality of our legal and financial support to journalists in addition to gaining a greater appreciation of the role of legal defence in ensuring journalists can continue to report, which informs Media Defence's future casework. The survey allows us to test our theory of change: access to legal defence enables journalists to continue reporting and hold governments and authorities to account for the benefit of the public.

While the ongoing pandemic meant that fewer cases progressed to judgment in 2020 than in previous years, changes in the way we obtain responses from journalists we have supported increased the response rate from 32% in 2019 to 54%. This means that the findings set out below are based on a similar number of responses than last year (21 responses compared to 22 last year).

Satisfaction with the impact of our support continues to be at a high level. Many respondents felt that their case had a positive impact by increasing public support of/respect for journalism and encouraged other journalists to seek justice.



90%

Continue to report on issues of public interest.

90%

Satisfied with their legal representation by Media Defence or the lawyer we engaged on their behalf

95%

Would recommend our support to other journalists who are in legal trouble

67%

Made no changes to their journalistic practice.

95%

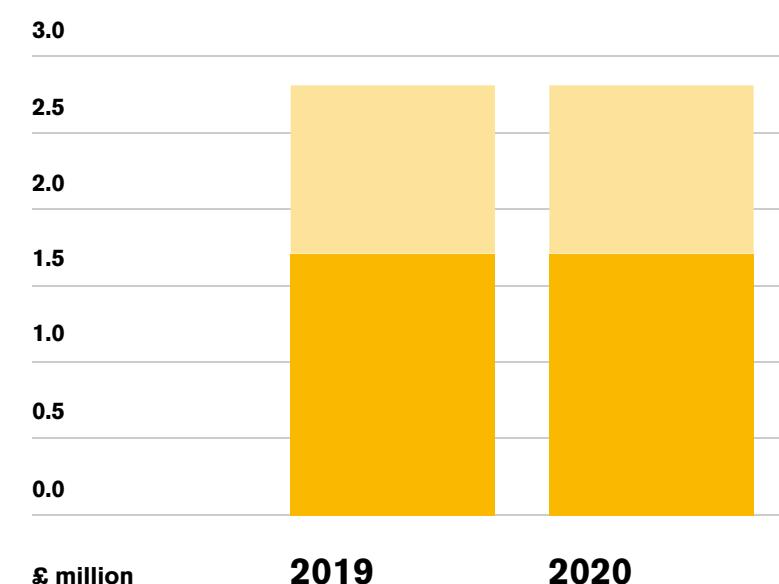
Were satisfied with the outcome of their case.

“I wouldn’t have been able to pay my lawyer so I would have had to go into debt, which would have been highly problematic since freelance incomes are low. Or actually, maybe I would have had to leave journalism to pay for everything.”

**Journalist supported by
Media Defence in 2020**

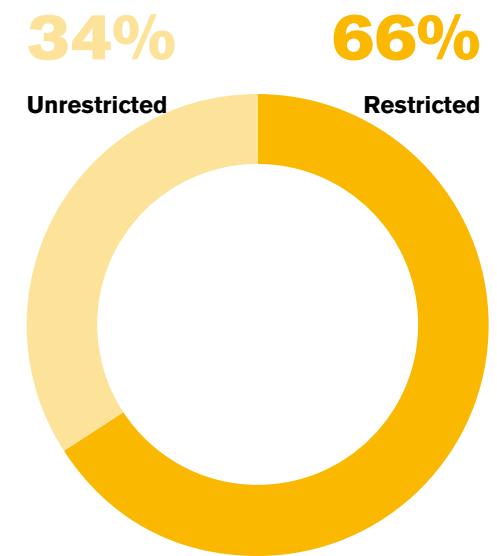
Our Spending

Income

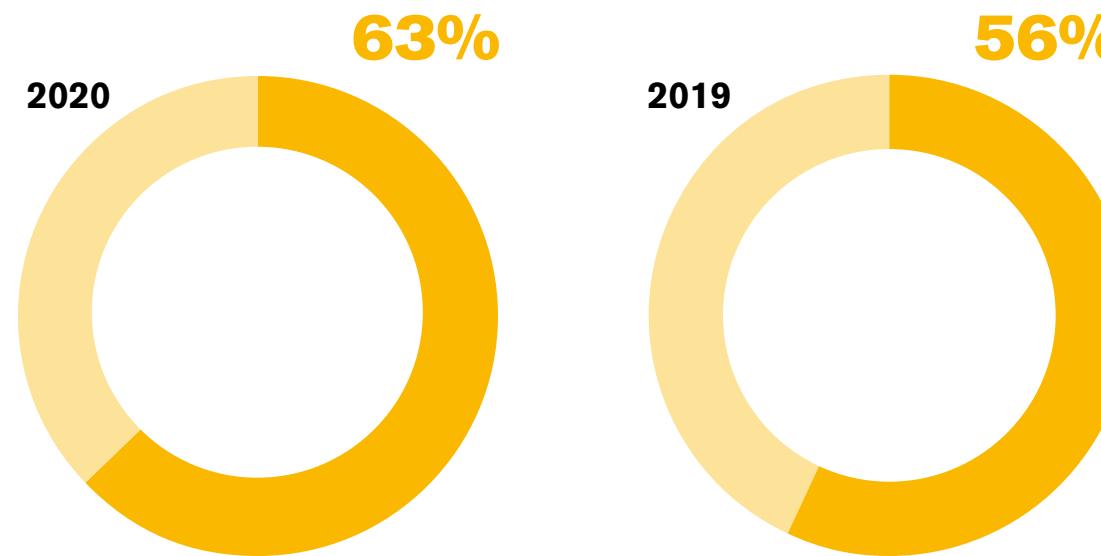


In 2020, we received total incoming resources of **£2.8 million**, of which **£1.1 million** were donated services, thereby maintaining the **same income levels as in 2019** (£2.8 million of which £1.1 million were donated services) in spite of the challenges posed by the pandemic.

Proportion of income restricted to one region or theme



Proportion of donated services



Donated services, such as pro bono legal support, play a significant part in enabling the delivery of activities, while Trusts and Foundations continue to be the main source of our funding. We continue to diversify our funding sources, however.

Overall, **our unrestricted incoming resources during 2020 increased by 15%** as a result of new funding streams generated from our fundraising efforts. Our restricted incoming resources **fell by 8% (compared to a 156% increase in 2019)**.

Expenditure

7%

Increase in expenditure compared to 2019

£2.8m
2020

£2.6m
2019

15%

Increase in funds spent on 'Support to Individuals for Legal Defence'

90%

More cases supported (2020: 190, 2019: 100)

We spent less on "Support to NGOs for Legal Justice" but awarded one more grant than we did in 2019 (**2019: 13 grants awarded and 2020: 14 grants awarded**). Our total support cost in 2020 was **£373,695**, compared to **£324,319 in 2019**, representing **14% of our total expenditure (compared to 13% in 2019)**. Support costs include salary and overhead costs. This increase is a reflection of the increase in headcount. **3% of our total expenditure was spent on raising funds**, which is a reflection of a now fully staffed Development Cluster.

Overall Picture

£839,451

Total funds carried forward at the end of 2020

£224,472
Restricted funds

£614,070
Unrestricted funds

In 2020, we lay the foundation for the next four years, in line with our 2020 – 2024 strategy. In spite of the challenge of a mostly new team, we proved to be resilient, by continuing to successfully increase our impact and delivery on our charitable objectives. **We closed the year with a net surplus of £33,809** and maintain a similar liquidity ratio of 2.8:1 as in 2019.

Our Board and Staff

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Robert Jobbins

(Chair)

Catherine Anite

(appointed November 2020)

Richard Brophy**Sarah Bull****Joshua Castellino****Steven Finizio****Matt Francis****Caroline Frost****David Jones****Maria Teresa Ronderos**

(appointed November 2020)

Smita Shah**Leo Skyner**

(stepped down July 2020)

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(Acting CEO, Head of Legal Cluster)

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(Project Coordinator, Digital Rights Advocates)

Mimi-doo Udendeh

(Finance and Compliance Officer)

Emmanuel Vargas

(Legal and Grants Officer)

Media Defence would like to dedicate this report to our former Trustee, Olexiy Solohubenko, who sadly passed away in December 2020.

Our Funders and Partners

We would like to thank our partners, funders and anonymous donors for their contribution to our work in 2020:

Funders



Craig Newmark Philanthropies



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Together, we can defend independent media across the world. If you would like to make a donation to our work, please contact Dorothée Archambault: dorothee.archambault@mediadefence.org.

