KEY THEME[1]
Article 10
Protection of journalists and journalistic activities

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Introduction

According to the Court's case-law, genuine and effective exercise of freedom of expression does not depend merely on the State's duty not to interfere, but may require positive measures of protection, even in the sphere of relations between individuals (*Palomo Sánchez and Others v. Spain* [GC], 2011, § 59; see also *Appleby and Others v. the United Kingdom*, 2003, § 39; *Özgür Gündem v. Turkey*, 2000, § 43; *Dink v. Turkey*, 2010, § 106; *Huseynova v. Azerbaijan*, 2017, § 120; *Tagiyeva v. Azerbaijan*, 2022, § 78; *Gaši and Others v. Serbia*, 2022, § 77).

In cases of crimes committed against journalists, it is of utmost importance for the authorities to check a possible connection between the crime and the journalist's professional activity. Referring to Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors the Court has examined this requirement in light of the positive obligations stemming from Article 10 of the Convention (*Khadija Ismayilova v. Azerbaijan*, 2019, §§ 159 and 164), or in light of the State's obligations under other relevant Articles of the Convention (see below).

The protection of journalists in the context of their journalistic activities under Article 10 and/or other Articles of the Convention

Article 2 of the Convention:

In cases where the victim of a killing is a journalist, it is of utmost importance to check a possible connection of the crime to the journalist's professional activity (*Mazepa and Others v. Russia*, 2018, § 73; see also *Adalı v. Turkey*, 2005, § 231 and *Huseynova v. Azerbaijan*, 2017, § 115). The investigation into the motives behind the crime requires particular diligence as the killing of a journalist could have a chilling effect on the work of other journalists in the country (*ibid.*, § 115).

The victim's identity as a journalist is also significant under the substantive limb of Article 2, while determining whether the authorities knew or ought to have known at the time of the existence of a real and immediate risk to life and hence whether they have failed to comply with their positive obligation to protect. The Court takes into account that the authorities ought to be aware of the vulnerable position of a journalist who covers politically sensitive topics (*Gongadze v. Ukraine*, 2005, § 168). Article 2 under its substantive limb is also violated when state authorities fail to take necessary measures to protect the life of a journalist following threats of assassination (*Dink v. Turkey*, 2010, § 74) or in case of a risk arising as part of a concerted campaign against those involved in the publication and distribution of a particular newspaper (*Kılıç v. Turkey*, 2000, §§ 66-76; compare and contrast with *Tepe v. Turkey*, 2003, §§ 173-174; for the procedural limb see also *Yaşa v. Turkey*, 1998, §§ 106-107).

[1] Prepared by the Registry. It does not bind the Court.

In cases concerning the killing of journalists, the Court has examined positive obligations (substantive and procedural) under Article 2 alone, and in conjunction with Article 10 of the Convention[2].

- *Yaşa v. Turkey*, 1998: Lack of effective investigations into the death of a journalist (§§ 106-107: violation of Article 2 under its procedural limb);
- *Kılıç v. Turkey*, 2000: State authorities' failure to take necessary measures to protect the right to life of a journalist during a concerted campaign against those involved in the publication and distribution of a particular newspaper (§§ 66, 76: violation of Article 2 under its substantive limb); lack of any inquiry as to the possible targeting of the victim due to his job as a journalist and lack of an effective investigation (§§ 82-83: violation of Article 2 under its procedural limb);
- *Tepe v. Turkey*, 2003: Lack of material to conclude beyond reasonable doubt that the journalist was abducted and killed by a State agent or person acting on behalf of the State authorities, although the applicant's son working for a pro-Kurdish newspaper militated in favour of the applicant's allegations (§§ 173-174: no violation of Article 2 under its substantive limb); lack of an adequate and effective investigation (§§ 178-181: violation of Article 2 under its procedural limb);
- *Dink v. Turkey*, 2010: the Court found a violation of Article 2 (substantive and procedural limbs) and a violation of Article 10 (positive obligations) in view of the authorities' failure to protect the journalist against an attack by members of an extreme nationalist group and of his conviction in criminal proceeding where members of that group were admitted as a third party, in the absence of a pressing social need (§ 107, §§ 137-139);
- *Gongadzé v. Ukraine*, 2005, while finding a violation of the substantive limb of Article 2, one of the decisive factors for the Court was the fact that the authorities, primarily prosecutors, ought to have been aware of the vulnerability of the journalist covering politically sensitive topics vis-à-vis those in power at the material time. It referred, in that regard, to the death of eighteen journalists in Ukraine during the last decade (§ 168);
- *Mazepa and Others v. Russia*, 2018: inadequate and protracted investigation into the contract killing of an investigative journalist (§§ 73-78, 82: violation of Article 2 under its procedural limb);
- In other cases, such as *Huseynova v. Azerbaijan*, 2017 (§ 124), or *Adalı v. Turkey*, 2005 (§ 260) concerning the killing of journalists[3], and having found a breach of the procedural limb of Article 2, the Court did not consider is necessary to consider separately the complaints under Article 10 which arose out of the same facts. The Court adopted the same approach in *Kılıç v. Turkey*, 2000: not necessary to examine the Article 10 complaint (§ 87) while finding violations of Article 2 (substantive and procedural limbs);
- When considering the procedural obligation under Article 2 in *Adalı v. Turkey*, 2005 (§ 231), the Court considered the applicant's allegation - that her husband's murder was related to his activities as a journalist – was not implausible and found that the authorities had failed to inquire sufficiently into the motives behind the killing (for a similar approach in an Article 3 context, see *Uzeyir Jafarov v. Azerbaijan*, 2015, § 52, and below). By contrast, in *Tagiyeva v. Azerbaijan*, 2022, where the applicant's husband, a well-known writer and columnist had been fatally stabbed by an unknown person, the Court considered that a religious fatwa calling for his death, which had been issued in Iran several years before the

[2] In some such cases, Article 10 had not been invoked (*Gongadzé v. Ukraine*, 2005 and *Mazepa and Others v. Russia*, 2018).

[3] See also *Yasa v. Turkey*, 1998, concerning the killing of a person who was selling a pro-Kurdish newspaper, as part of a campaign against persons involved in the distribution of certain newspapers.

fatal incident in connection with his anti-clerical publication, had been insufficient to trigger the State's positive obligation to protect him in the absence of any other elements which would make the authorities aware of the existence of a real and immediate risk to his life. The Court thus found no violation of Article 2 under its substantive limb (§§ 58-67). It however found a violation of the procedural limb of Article 2 on account of the lack of access of the applicant to the materials of the investigation file despite her victim status, and thus her insufficient involvement in the investigation (§§ 70-74).

Article 3 of the Convention:

While assessing whether the use of force against the applicant was necessary during a demonstration, the Court takes into account the role of the applicant, clearly wearing his press vest, as a journalist covering the demonstration (*Rizvanov v. Azerbaijan*, 2012, §§ 50-51, 58-60).

Similar to Article 2 (see above), State authorities are obliged under the procedural limb of Article 3 to take adequate steps to investigate the possibility that ill-treatment could have been linked to the applicant's work as a journalist (*Uzeyir Jafarov v. Azerbaijan*, 2015, § 52).

- In *Najafli v. Azerbaijan,* 2012, a journalist was beaten with truncheons by the police while reporting on an unauthorised political demonstration. The Court noted that, despite having made clear efforts to identify himself as a journalist and who was simply doing his work and observing a demonstration, the applicant had been subjected to an unnecessary and excessive use of force. The Court dismissed the Government's argument that there had been no intention to interfere with the applicant's journalistic activity as such: whether there had been such intention or not, there had been an interference with his rights under Article 10 so that there had been a violation of Article 10, as well as of Article 3 (§§ 68-70; and, for a different outcome in comparable circumstances, *Rizvanov v. Azerbaijan,* 2012, §§ 50 and 73).
- In *Uzeyir Jafarov v. Azerbaijan*, 2015, the applicant journalist was subjected to a violent attack by two men. Although the Court had found a violation of Article 3 (procedural limb), it was not possible to establish that the applicant had been subjected to the use of force by a State agent or that a State agent had been behind the attack on the applicant with the aim of interfering with his journalistic work (§§ 69-70). Since the applicant's allegations under Article 10 were based on the same facts as those already examined under Article 3, the Court considered that it was not necessary also to examine that complaint under Article 10 of the Convention.
- In *Emin Huseynov v. Azerbaijan*, 2015, §§ 65-66, 74-75 concerned Ill-treatment by the police of a journalist taken into custody at a gathering (violation of Article 3 under its substantive and procedural limbs; see also violation of Articles 5 § 1 and 11).
- In *D v. Bulgaria*, 2021, concerning the return to Turkey of a journalist who had expressed his fear of ill-treatment in the context of the *coup d'état*, the Court found a violation of Article 3. It considered that the applicant's explanations, despite not mentioning the word "asylum", read in the context of the state of emergency introduced in Turkey and measures targeting journalists, had made the authorities sufficiently aware of his fears of being subjected to ill-treatment in breach of Article 3 if returned to Turkey (§§ 125-128). Although aware of such fears, the authorities had removed the applicant without adequately examining his situation and the risks he faced from the standpoint of Article 3 (§§ 129-135).
- In *Mukhtarli v. Azerbaijan and Georgia*, 2024, the Court found that the Georgian authorities had failed in their obligation to investigate effectively allegations of the applicant, a well-known Azerbaijani journalist, that he had been abducted from Georgia,

ill-treated and forcibly transferred to Azerbaijan (§§ 157-169). The Court considered that the applicant's allegations as well as his assertion that the incident in question had been related to his activities as a journalist had been plausible, and noted that the Georgian authorities had been expected to act with particular diligence and promptness in investigating those allegations (§ 167).

- In *Gevorgyan v. Armenia*, 2025, the recourse by the police to physical force to seize the applicant journalist's camera at a public event causing her some minor injury (pea-size bruise) was found not to have reached the threshold of ill-treatment proscribed by Article 3 (§§ 52-55).

Article 5 of the Convention[4]*:*

- In cases concerning pre-trial detention of investigative journalists accused of aiding and abetting a criminal organisation, the Court stressed that the pre-trial detention of anyone expressing critical views produces a range of adverse effects, both for the detainees themselves and for society as a whole, since the imposition of a measure entailing deprivation of liberty will inevitably have a chilling effect on freedom of expression by intimidating civil society and silencing dissenting voices, even when the detainee is later acquitted (*Şahin Alpay v. Turkey*, 2018, § 182; see also *Şık v. Turkey*, 2014, § 83 and § 111; *Mehmet Hasan Altan v. Turkey*, 2018, § 212).
- In this context, the Court considers that criticism of governments and publication of information regarded by a country's leaders as endangering national interests should not attract criminal charges for particularly serious offences such as belonging to or assisting a terrorist organisation, attempting to overthrow the government or the constitutional order or disseminating terrorist propaganda. Moreover, even where such serious charges have been brought, pre-trial detention should only be used as an exceptional measure of last resort when all other measures have proved incapable of fully guaranteeing the proper conduct of proceedings. Should this not be the case, the national courts' interpretation cannot be regarded as acceptable (*Şahin Alpay v. Turkey*, 2018, § 181).
- Furthermore, while it is not inconceivable that a person may be suspected of assisting an illegal organisation which he or she has previously criticised, such suspicions should be grounded on convincing and objectively verifiable evidence. The Court has considered that, in the normal course of professional journalism, the rights and duties of an investigative journalist include conveying information to the public that is relevant to debates on matters of public interest. The fact that the alleged members of an illegal organisation, like other opponents of the government, used the same type of information in their criticism of the government, does not alter the fact that such information had journalistic value and contributed to the public debate (*Şık v. Turkey (no. 2)*, 2020, §§ 125-126).
- Where a State has reasonable suspicion that a journalist's activities are not based on facts or reliable information and are conducted with the bad faith intent to cause harm to the rights of others, and that such activities in so doing violate national criminal law, pre-trial detention may be justified. Invoking the need to balance competing interests, the Court found that the placement in pre-trial detention of a journalist, whose TV broadcast was believed to be part of a broader organised effort to slander, target and detain members of a particular religious group upon unfounded accusations of terrorism, had been compatible with Article 5 § 1 (*Karaca v. Türkiye*, 2023, §§ 101-02, 157-58).

[4] In certain cases, the Court examines the deprivation of liberty of journalists under Article 10 of the Convention. See, for example, *Pentikäinen v. Finland* [GC], 2015, where a journalist was apprehended, detained and convicted for not obeying police orders during a demonstration. See also, *Mukhin v. Russia*, 2021, where a newspaper editor was convicted under anti-extremism laws.

Articles 5 and 18 of the Convention:

- *Rasul Jafarov v. Azerbaijan*, 2016 (violation of Articles 5 § 1 and 5 § 4 and Article 18 in conjunction with Article 5);
- *Şahin Alpay v. Turkey*, 2018 (violation of Articles 10 and 5 § 1);
- *Khadija Ismayilova v. Azerbaijan (no. 2)*, 2020 (violation of Articles 5 § 1, 5 § 4, 6 § 2 and Article 18 in conjunction with Article 5);
- *Sabuncu and Others v. Turkey*, 2020 (violation of Articles 5 § 1 and 10; no violation of Articles 5 § 4 and 18).

Article 8 of the Convention[5]*:*

- The case of *Khadija Ismayilova v. Azerbaijan*, 2019, concerned the failure to effectively investigate serious intrusions into the private life of a well-known investigative journalist who had been highly critical of the Government. The Court found that Article 10 required the State to take positive measures to protect her journalistic freedom of expression, in addition to its positive obligation under Article 8 to protect her from intrusion into her private life (§ 164).
- The Court noted, in particular, that acts of a criminal nature committed against the applicant were apparently linked to her journalistic activity: no other plausible motive for the harassment she faced had been advanced or could be discerned (§ 162). It also noted that the applicant had repeatedly brought her concerns and fears, that she was the victim of a concerted campaign orchestrated in retaliation for her journalistic work, to the attention of the authorities (§ 163).
- Having regard to the reports on the general situation concerning freedom of expression in Azerbaijan and the particular circumstances of the applicant's case, the Court considered that the threat of public humiliation and the acts resulting in the flagrant and unjustified invasion of the applicant's privacy were either linked to her journalistic activity or should have been treated by the authorities when investigating as if they might have been so linked (§ 164).
- In the case of *Mirgadirov v. Azerbaijan and Turkey*, 2020, the applicant, a well-known journalist, was subjected to a *de facto* outright ban from having any contact (meetings, telephone calls or correspondence) with the outside world, save for his lawyers, while in detention. In the absence of relevant and sufficient reasons for such interference, the Court found a violation of Article 8 (§§ 122-125). In addition, it found that the restrictions imposed on the applicant's right to receive and subscribe to socio-political newspapers or magazines had not been in accordance with the law within the meaning of paragraph 2 of Article 8 (§ 118).
- *Emin Huseynov v. Azerbaijan (no. 2)*, 2023, concerned termination of the Azerbaijani citizenship of the applicant, an independent journalist and a chairperson of an NGO specialising in the protection of journalists' rights. Although the parties disagreed as to whether the applicant's renunciation of his citizenship was forced or voluntary, the Court left that question opened, noting that the measure in question had resulted in the applicant becoming a stateless person, which was in breach of the authorities' relevant international obligations. This fact as well as the absence of a possibility for the applicant to contest the impugned measure before the domestic courts rendered that measure arbitrary. The Court thus found a violation of Article 8.

[5] For specific aspects related to the protection of journalistic sources, see chapter VI of the Case-law Guide on Article 10.

- In *Milashina and Others v. Russia*, 2025, the applicants, journalists and the publishing house where they had been employed, complained about a concerted campaign of public threats and intimidation pursued by the Chechen senior officials and religious leaders after their coverage of a large-scale violent campaign reportedly run by the Chechen authorities against people perceived to be homosexual. The relevant statements were broadcast on State-controlled television channels or posted and reposted on social media. The Court considered that the threats had clearly aimed at repressing the journalist applicants' intellectual personality, inspiring in them feelings of fear, anguish and vulnerability capable of humiliating and debasing them and of breaking their will to pursue freely their journalistic work; they clearly had intended to make the journalist applicants feel fearful for their safety (§ 77). Moreover, the repeated statements made against the applicants had sought to dehumanise them and condoned violent actions against them thus exposing them to potentially serious acts of violence or intimidation by a multitude of persons over an extended period of time. Nevertheless, no steps had been taken by the national authorities to investigate those threats despite the applicants' complaints. The Court thus found a violation of Article 8.

Article 10 of the Convention:

- The Court considers that the positive obligations under Article 10 of the Convention require States to create, while establishing an effective system for the protection of journalists, a favourable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without fear, even if they run counter to those defended by the official authorities or by a significant part of public opinion, or even if irritating or shocking to the latter (*Dink v. Turkey*, 2010, § 137; *Khadija Ismayilova v. Azerbaijan*, 2019, § 158; *Huseynova v. Azerbaijan*, 2017, § 120; *Tagiyeva v. Azerbaijan*, 2022, § 78; *Gaši and Others v. Serbia*, 2022, § 78; *Milashina and Others v. Russia*, 2025, § 52).
- In *Özgür Gündem v. Turkey*[6], 2000: the owner/editor-in-chief of the Özgür Gündem newspaper complained that publication of the newspaper stopped because of a campaign of attacks on journalists/others associated with the newspaper and due to legal steps taken against the newspaper and its staff. The Court found a breach of Article 10 of the Convention (§ 71).
- In the case of *Gaši and Others v. Serbia*, 2022, the applicants, journalists and civil-sector activists who often criticised the authorities, complained about the State's failure to protect them against threats and intimidating media campaign against them, since their criminal complaint for discrimination and a breach of the right to equality against several private individuals had been rejected by the relevant authorities with reference to the absence of any grounds to believe that anyone had committed any of the alleged criminal offences, or that any other criminal offence subject to public prosecution had been committed. The Court was satisfied that the prosecutor's findings had not been arbitrary or manifestly unreasonable, nor had they relied on an unacceptable assessment of the relevant facts. Also, the national legislation provided for a number of other effective means offering the applicants protection of their freedom of expression, but they had not made use of those remedies. The Court therefore found that, in the specific circumstances of the case, the State had not failed in its positive obligation to protect the applicants' freedom of expression (§§ 79-84).
- In *Milashina and Others v. Russia*, 2025, concerning a public intimidation campaign launched by Chechen high-ranking officials and religious leaders against the applicants in

[6] Article 2 was not invoked in this case.

connection with their journalistic activities, the Court observed that whilst governmental officials retained the right to respond publicly to media allegations, even in vigorous terms, in doing so they should not cross the line into illegal threats and intimidation of journalists. It also had regard to the fact that the campaign had occurred in a context of prior deadly violence against journalists of that publishing house, when five of them had been killed within several years in connection with their professional activity. The Court considered that the relevant statements and threats had been imputable to the State and had directly interfered with the applicants' professional journalistic activity, had disrupted the work of the publishing house and had been capable of having a serious chilling effect on their exercise of the right to freedom of expression. Furthermore, no reasonable steps had been taken to investigate those threats despite the applicants' numerous complaints. The Court found that the State interfered disproportionately with the applicants' right to freedom of expression and failed to take measures to enable the exercise of that freedom in conditions conducive to public debate (§ 58).

- In *Gevorgyan v. Armenia*, 2025, the use of force by the police against the applicant, a journalist, when she was performing her professional duties at a public event, her arrest and seizure, inspection and damaging of her journalistic equipment during her time in police custody were found to have constituted an unjustified interference with her Article 10 rights (§§ 72-74).

Noteworthy examples

- *Yaşa v. Turkey*, 1998 – lack of effective investigation into the killing of a person who was selling a pro-Kurdish newspaper, as part of a campaign against persons involved in the distribution of certain newspapers – violation of Article 2;
- *Özgür Gündem v. Turkey*, 2000 – systematic campaign against newspaper involving killings, disappearances, arson, harassment and intimidation of journalists and distributors and detention of the former, as well as unjustified legal proceedings, including the seizure of issues – violation of Article 10;
- *Kiliç v. Turkey*, 2000 – killing of a journalist and failure of the authorities to protect his life – violation of Article 2;
- *Adalı v. Turkey*, 2005 – murder of journalist in the "TRNC" by unidentified perpetrators and failure of the national authorities to carry out an adequate and effective investigation into the circumstances surrounding the killing – violation of Article 2;
- *Gongadze v. Ukraine*, 2005 – death of a journalist, allegedly as a result of a forced disappearance and failure of the authorities to protect his life – violation of Article 2;
- *Dink v. Turkey*, 2010 – positive obligations to protect the life of a journalist following death threats and to create an enabling environment for freedom of expression – violation of Articles 2 and 10;
- *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, 2012 – inadequate safeguards regarding surveillance of journalists with a view to discovering their sources – violation of Articles 8 and 10;
- *Rizvanov v. Azerbaijan*, 2012 – procedural obligation to carry out an effective investigation following police use of force against a journalist covering an authorised demonstration – violation of Article 3;
- *Najafli v. Azerbaijan*, 2012 – procedural obligation to carry out an effective investigation following police use of force against a journalist covering an unauthorised demonstration – violation of Article 3;

- *Nagla v. Latvia*, 2013 – insufficient reasons given for search of a journalist's home and seizure of data therein in connection with a criminal investigation against one of her suspected sources – violation of Article 10;
- *Şık v. Turkey*, 2014 – insufficient reasons given for detention of a journalist for his alleged connection to a terrorist group – violation of Articles 5 and 10;
- *Emin Huseynov v. Azerbaijan*, 2015 – procedural obligation to carry out an effective investigation into the police detention and mistreatment of a journalist which resulted in his hospitalisation - violation of Articles 3 and 5;
- *Şahin Alpay v. Turkey*, 2018 – detention of a journalist for suspected ties to a terrorist organisation despite finding of Constitutional Court that there was no sufficient evidence to this effect – violation of Articles 5 and 10;
- *Mazepa and Others v. Russia*, 2018 – inadequate and protracted investigation into contract killing of an investigative journalist – violation of Article 2;
- *Mehmet Hasan Altan v. Turkey*, 2018 – detention of a journalist for suspected ties to a terrorist organisation despite finding of Constitutional Court that there was no sufficient evidence to this effect – violation of Articles 5 and 10;
- *Khadija Ismayilova v. Azerbaijan,* 2019 – the disclosure of information regarding the private life of a journalist and the domestic authorities' failure to comply with their positive obligation to investigate effectively this very serious intrusion – violation of Articles 8 and 10;
- *Mirgadirov v. Azerbaijan and Turkey*, 2020 – detention of a journalist, imposition of restrictions on his right to receive and subscribe to socio-political newspapers or magazines and a *de facto* ban on having any contact (meetings, telephone calls or correspondence) with the outside world– violation of Articles 5 §§ 1 and 4, 6 § 2 and 8;
- *Sabuncu and Others v. Turkey*, 2020 – detention of a journalist owing to unreasonable equation of their editorial stance with propaganda in favour of terrorist organisations – violation of Articles 5 § 1 and 10;
- *Şık v. Turkey (no. 2)*, 2020 – detention of a journalist following publications allegedly supporting the use of violence and terror for political ends – violation of Articles 5 § 1 and 10;
- *Atilla Taş v. Turkey*, 2021 – detention of a singer and columnist for suspected ties to a terrorist organisation based on Articles and tweets commenting on the attempted coup – violation of Article 5 § 1 and 10;
- *D v. Bulgaria*, 2021 – return to Turkey of a journalist who had expressed his fear of ill-treatment in the context of the *coup d'état* to the border police, without prior assessment of the risks incurred by him – violation of Articles 3 and 13;
- *Mukhin v. Russia*, 2021 – conviction and sentencing of a newspaper editor under anti-extremism laws – violation of Article 10;
- *Tagiyeva v. Azerbaijan*, 2022 – killing of the applicant's husband, a well-known writer and columnist, against whom a religious fatwa calling for his death had been issued in Iran in connection with his anti-clerical publication, and who had been fatally stabbed by an unknown person several years after – no violation of Article 2 (substantive limb), violation of Article 2 (procedural limb), no separate issues under Articles 10 and 13;
- *Gaši and Others v. Serbia*, 2022 – positive obligation to protect the applicants, journalists and civil-sector activists who often criticised the authorities, against threats and intimidating media campaign against them – no violation of Article 10;

- *Karaca v. Türkiye*, 2023 – director of media organisation detained for suspected involvement in targeted campaign against members of an opposing religious group, which included broadcasting of unsubstantiated allegations of terrorism – no violation of Article 5 § 1 in respect of initial detention, but violations of Articles 5 §§ 1, 3 and 4 for improper continuation of detention.
- *Milashina and Others v. Russia*, 2025 – a campaign of verbal threats by Chechen senior public officials and religious leaders against a newspaper publisher and journalists after their reporting of a large-scale violence against LGBTI people by the Chechen authorities – violation of Articles 8 and 10.
- *Gevorgyan v. Armenia*, 2025 – use of force by the police against the applicant journalist, her arrest and seizure, inspection and damaging of her journalist equipment during her time in custody – Article 3 manifestly ill-founded, violation of Article 10.

Further references

Other key themes:

- Hate speech
- The right to private life protecting or limiting the role of "public watchdogs"

International key texts:

- Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors
- PACE Recommendation 2062 (2015) and Resolution 2035 (2015) - Protection of the safety of journalists and of media freedom in Europe
- International Covenant on Civil and Political Rights General comment No. 34

Council of Europe publications:

- Journalism at risk – Threats, challenges and perspectives
- A mission to inform – Journalists at risk speak out
- A mission to inform – Daphne Caruana Galizia speaks out
- Freedom of expression in 2021 – Report by the Information Society Department of the Council of Europe

KEY CASE-LAW REFERENCES

- *Yaşa v. Turkey*, 2 September 1998, *Reports of Judgments and Decisions* 1998-VI (no violation of Article 2 (substantive); violation of Article 2 (procedural); violation of Article 13);
- *Özgür Gündem v. Turkey*, no. 23144/93, ECHR 2000-III (violation of Article 10; no violation of Article 14);
- *Kılıç v. Turkey*, no. 38473/02, 28 March 2000 (violation of Article 2 (substantive); violation of Article 2 (procedural); violation of Article 13);
- *Tepe v. Turkey*, no. 27244/95, 9 May 2003 (no violation of Article 2 (substantive); violation of Article 2 (procedural); no violation of Articles 3 and 5; no violation of Article 10; violation of Article 13);
- *Gongadze v. Ukraine*, no. 34056/02, 8 November 2005 (violation of Article 2 (substantive and procedural); violation of Article 3 (substantive); violation of Article 13);
- *Adalı v. Turkey*, no. 38187/97, 31 March 2005 (no violation of Article 2 (substantive); violation of Article 2 (procedural); no violation of Articles 3, 8 and 14; violation of Article 13 in respect of the complaints under Article 2; no violation of Article 13 in respect of the complaints under Articles 3, 8 and 14);
- *Dink v. Turkey*, nos. 2668/07 and 4 others, 14 September 2010 (violation of Article 2 (substantive and procedural); violation of Article 10; violation of Article 13 taken in conjunction with Article 3);
- *Rizvanov v. Azerbaijan*, no. 31805/06, 17 April 2012 (violation of Article 3 (substantive and procedural));
- *Najafli v. Azerbaijan*, no. 2594/07, 2 October 2012 (violation of Articles 3 (substantive and procedural) and 10);
- *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, no. 39315/06, 22 November 2012 (violation of Articles 8 and 10 on account of the use of "special powers" against the second and third applicants; violation of Article 10 as regards the order for the surrender of documents addressed to the first applicant);
- *Nagla v. Latvia*, no. 73469/10, 16 July 2013 (violation of Article 10);
- *Şık v. Turkey*, no. 53413/11, 8 July 2014 (violation of Article 5 §§ 3 and 4; violation of Article 10);
- *Uzeyir Jafarov v. Azerbaijan*, no. 54204/08, 29 January 2015 (violation of Article 3 (procedural); no violation of Article 3 (substantive));
- *Emin Huseynov v. Azerbaijan*, no. 59135/09, 7 May 2015 (violation of Article 3 (substantive and procedural); violation of Article 5 § 1; violation of Article 11);
- *Pentikäinen v. Finland* [GC], no. 11882/10, ECHR 2015 (no violation of Article 10);
- *Rasul Jafarov v. Azerbaijan*, no. 69981/14, 17 March 2016 (violation of Articles 5 §§ 1 and 4; violation of Article 18 in conjunction with Article 5);
- *Huseynova v. Azerbaijan*, no. 10653/10, 13 April 2017 (no violation of Article 2 (substantive); violation of Article 2 (procedural));
- *Şahin Alpay v. Turkey*, no. 16538/17, 20 March 2018 (violation of Articles 5 § 1 and 10; no violation of Article 5 § 4);
- *Mehmet Hasan Altan v. Turkey*, no. 13237/17, 20 March 2018 (violation of Articles 5 § 1 and 10; no violation of Article 5 § 4);

- *Mazepa and Others v. Russia*, no. 15086/07, 17 July 2018 (violation of Article 2 (procedural));
- *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, 10 January 2019 (violation of Articles 8 and 10);
- *Mirgadirov v. Azerbaijan and Turkey*, no. 62775/14, 17 September 2020 (violation of Article 5 § 1; violation of Article 5 § 4 on account of the domestic courts' failure to assess the applicant's arguments in favour of his release; violation of Article 6 § 2; violation of Article 8; no violation of Article 18 taken in conjunction with Article 5);
- *Sabuncu and Others v. Turkey*, no. 23199/17, 10 November 2020 (violation of Articles 5 § 1 and 10; no violation of Articles 5 § 4 and 18);
- *Şık v. Turkey (no. 2)*, no. 36493/17, 24 November 2020 (violation of Articles 5 § 1 and 10; no violation of Articles 5 § 4 and 18);
- *Atilla Taş v. Turkey*, no. 72/17, 19 January 2021 (violation of Articles 5 § 1 and 10; no violation of Article 5 § 4);
- *D v. Bulgaria*, no. 29447/17, 20 July 2021 (violation of Articles 3 and 13 (expulsion));
- *Mukhin v. Russia*, no. 3642/10, 14 December 2021 (violation of Article 10 on account of the applicant's criminal conviction and on account of the termination of the newspaper's media-outlet status);
- *Tagiyeva v. Azerbaijan*, no. 72611/14, 7 July 2022 (no violation of Article 2 (substantive); violation of Article 2 (procedural));
- *Gaši and Others v. Serbia*, no. 24738/19, 6 September 2022 (no violation of Article 10);
- *Karaca v. Türkiye*, no. 25285/15, 20 June 2023 (Article 10: inadmissible – manifestly ill-founded; Article 5 § 1: inadmissible – manifestly ill-founded, concerning continuation of provisional detention; no violation of Article 5 § 1 concerning grounds for initial detention; violation of Articles 5 §§ 1 and 4 concerning continued provisional detention; violation of Article 5 § 3 concerning the length of the provisional detention);
- *Emin Huseynov v. Azerbaijan (no. 2)*, no. 1/16, 13 July 2023 (violation of Article 8);
- *Mukhtarli v. Azerbaijan and Georgia*, no. 39503/17, 5 September 2024 (violation of Articles 3 and 5 by Georgia, on account of the failure to carry out an effective investigation into the applicant's allegations of abduction, ill-treatment and unlawful transfer to Azerbaijan; no substantive violation by Georgia of Articles 3 and 5; no violation of Article 5 § 1 by Azerbaijan; violation of Articles 5 § 3 and 8 by Azerbaijan);
- *Milashina and Others v. Russia*, no. 75000/14, 4 March 2025 (violation of Articles 8 and 10 on account of the intimidation campaign orchestrated by regional authorities and tolerated by federal authorities).