Thematic Study 01

Deprivation of liberty linked to journalism and human rights advocacy

Presented by

Security Studies and Rule of Law Association
(SRL Swiss)

Security Studies and Rule of Law Association (SRL Swiss) is a Geneva-based, non-profit and non-political civil society organisation established under Articles 60–79 of the Swiss Civil Code. The Association works to protect human rights, strengthen the rule of law and assess the compatibility of security policies with fundamental rights.

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Introduction

Journalists uncover information withheld from the public. Human rights defenders document violations, amplify victims' voices and seek accountability. These activities expose the decisions of those exercising public power to scrutiny. Depriving journalists and defenders of their liberty directly interferes with their work and lives while also affecting society's access to information.

SRL Swiss complements its weekly human rights monitoring with monthly thematic studies that examine a particular rights issue in detail. These studies bring together events from different places to explain how violations arise, make the methods used visible and set out the organisation's position on human rights.

This first study concerns deprivation of liberty linked to journalism and human rights advocacy. It examines nine cases, ranging from the arrest of employees of a fact-checking platform in Egypt and the prosecution of public-interest journalists in Türkiye to the immigration detention of a journalist covering a protest in the United States. European examples and cases involving human rights defenders also form part of this discussion.

For each case, the study explains what the person did, the accusations they faced and the basis of the decision restricting their liberty. Court judgments and other sources are considered in relation to these events. Throughout the text, the central question is how journalism and advocacy activities are used in criminal proceedings.

SRL Swiss opposes the silencing of journalists and human rights defenders for political purposes. Through this study, we make their experiences visible and defend their rights. The conclusion presents the common findings and our organisation's assessment.

Scope of the study

The study covers nine cases whose connection to journalism or human rights advocacy is explained in the sources. The selection illustrates how similar forms of pressure operate in different countries. In some cases, a published news story lies at the heart of the accusations; in others, it is access to documents, contact with a source or civil society activity.

The cases do not follow the same legal path. They involve different restrictions on liberty, from arrest and pre-trial detention to extradition proceedings and immigration detention. Each case is therefore explained in its own procedural context. Court judgments, UN opinions and information reported by civil society organisations are used with attribution.

The arrest of a newsroom in Egypt

Matsadaash is an independent Egyptian platform that checks news reports and official statements. Six of its employees were arrested on 28–29 September 2026. A team brought together to produce news faced accusations of joining an organisation, providing funding and spreading false news. [1, 12–14] The collective arrest of a newsroom's staff may cause other journalists and sources to fear similar measures. The chilling effect discussed by

Schauer and Kendrick describes how the threat of punishment can lead people to withhold information they would otherwise disclose. [24–25]

EIPR's statement of 4 October reported a 15-day detention order against Mohamed Ashraf Abu Emeira. Information about the questioning of the other journalists was published the following day. On 13 October, the detention of all six was extended for a further 15 days. These statements do not identify a single initial detention date for all the journalists. [1, 13–14]

As reported by EIPR, the prosecution's statement referred to reporting that highlighted shortcomings in state institutions, payments in foreign currency and employees' online communications. EIPR said these were part of the newsroom's everyday work: the payments were journalists' salaries and the correspondence concerned their work. EIPR also reported that no specific news item alleged to be false was identified during questioning. [12]

Some journalists said they had been ill-treated and forced to give statements on camera. The prosecution stated that no visible injuries had been found and that three people had been referred for forensic examination. This information appears in EIPR's response to the prosecution's statement. The complete original prosecution statement was not obtained for this study. [12–14]

Cumhuriyet newspaper in Türkiye

The newspaper's reporting and editorial stance were used in the accusations against Cumhuriyet employees and executives. The European Court of Human Rights (ECtHR) held that these activities did not provide reasonable suspicion justifying detention on charges of assisting an organisation. Its examination of freedom of expression covered eight applicants. The issue was that reporting made available to the public had become a justification for keeping journalists in prison. [4] Bilge Yesil explains pressure on the media in Türkiye through the relationships between the state, media ownership and judicial proceedings. The use of Cumhuriyet's editorial stance and Baransu's acquisition and reporting of documents in criminal cases provides concrete examples of this discussion. [26]

Investigative journalists in Kyrgyzstan

The work of independent media employees in Kyrgyzstan became the subject of a criminal investigation alleging calls for mass disorder. Opinion No. 57/2024 of the UN Working Group on Arbitrary Detention describes how some journalists in the same investigation remained in prison while others were placed under house arrest. They thus faced different restrictions on liberty that directly affected their ability to continue working. [5]

Mehmet Baransu and public-interest reporting

Mehmet Baransu's criminal proceedings involve more than one case. His detention in March 2015 concerned documents relating to the Balyoz case. The GMO trial in Mersin

developed around reporting on imported paddy rice and public health. Both proceedings raise the fundamental question of a journalist's access to information and reporting based on documents obtained. [2–3, 15]

On 2 March 2015, Istanbul's 5th Criminal Judgeship of Peace ordered Baransu's detention on charges of obtaining confidential information and other document-related offences. The judgeship found no strong suspicion of establishing an organisation. It rejected the request concerning disclosure of information because of the time limit under press legislation. On 17 May 2016, the Constitutional Court found no violation in relation to the detention and the associated freedom-of-expression complaints. This was the domestic court's assessment. [15]

The Mersin GMO case directly concerns the public's right to information about the products it consumes. Mersin's 2nd Assize Court sentenced Baransu to 13 years and 6 months for membership of an organisation, 2 years for breaching confidentiality and 4 years for disclosing information whose disclosure was prohibited. These were separate first-instance sentences for different offences. [27]

At SRL Swiss, we reject the injustice inflicted on Baransu. We oppose the punishment of a journalist who reports on public health for obtaining documents and informing the public. Such pressure affects both the journalist and the society entitled to receive that information.

Julian Assange and the publication of classified documents

The case of WikiLeaks founder Julian Assange also concerns obtaining and disclosing classified documents. However, the legal basis for his imprisonment changed over time. On 1 May 2019, he received a 50-week prison sentence in the United Kingdom for failing to surrender. His detention in connection with the United States' extradition request was a separate process. [16–17]

In 2024, Assange pleaded guilty in the United States to a conspiracy charge concerning the acquisition and disclosure of classified defence information. His time in Belmarsh awaiting extradition was credited towards his sentence. The Baransu and Assange cases show how a journalist's access to a confidential document is treated in criminal proceedings, although the charges and decisions are specific to each case. [6, 16–17]

Arrest while covering a protest

Mario Guevara is a Spanish-language journalist in the United States who covers immigration. He was arrested on 14 June 2025 while livestreaming a protest near Atlanta. The local charges were dropped, but he was not released. He was subsequently held by federal immigration authorities and deported to El Salvador on 3 October. CPJ described the process as retaliation for his journalism. [7]

Finnish photojournalist Markus Pentikäinen was also arrested while covering a demonstration. He was held for approximately 17.5 hours after remaining at the scene

despite a police dispersal order. The ECtHR examined the circumstances and the public-order justification and found no violation of freedom of expression. [8]

Both cases began with reporting from the scene. Guevara's deprivation of liberty subsequently continued through immigration proceedings. Pentikäinen's case concerned brief police custody and the intervention at the demonstration. How events unfold matters as much as the name of the charge when assessing a journalist's experience. [7–8]

Silencing human rights defenders

Osman Kavala's civil society work and activities connected to the Gezi protests became the subject of serious criminal accusations. In 2019, the ECtHR found that his initial and continued detention lacked reasonable suspicion and pursued the aim of silencing him. Its 2022 judgment established that Türkiye had failed to fulfil its obligation to comply with that judgment. [18–19]

The 2026 Kavala No. 2 judgment examined his subsequent detention and conviction. The Grand Chamber found that the predominant purpose of the proceedings was to punish and silence Kavala for his role in Gezi and the views he expressed as a human rights defender. SRL Swiss condemns the targeting of human rights work in this way. [9]

Azerbaijani human rights defender Rasul Jafarov was detained on charges concerning the financial and administrative aspects of his civil society activities. The ECtHR held that the facts cited did not establish reasonable suspicion. It also found that the purpose was to silence and punish him for his human rights work. Kavala's and Jafarov's experiences are concrete examples of the suppression of advocacy through criminal proceedings. [10]

Rights protecting journalism

Journalism includes accessing information, speaking to sources and publishing matters of public concern. In Goodwin, the ECtHR explained the importance of source protection to the role of the press. In Ahmet Hüsrev Altan, it found violations of liberty and freedom of expression in relation to detention linked to articles and television statements. [20–21]

The UN Human Rights Committee's General Comment No. 34 explains freedom of expression, while General Comment No. 35 addresses the prohibition of arbitrary detention. The Council of Europe's 2016 recommendation on the protection of journalists also addresses safeguards against pressure targeting journalists. Their common significance is the protection of public-interest reporting and the requirement that interference with liberty rest on concrete grounds. [11, 22–23]

Conclusion

These cases show how criminal investigations and restrictions on liberty can be used to silence journalists and human rights defenders. In Kavala and Jafarov, the aim of silencing was established by judicial decisions. In Cumhuriyet, the ECtHR found that journalistic activity did not create a suspicion of criminal conduct sufficient to justify detention. These

judgments demonstrate the impact of pressure on the press and civil society on the public's right to receive information and scrutinise the exercise of public power.

The consequences differ between cases. A newsroom's work is interrupted, a journalist spends years in prison or a defender's activities become the subject of accusations. Society's common loss is that information in the public interest becomes harder to uncover and human rights violations harder to challenge.

SRL Swiss assessment

At SRL Swiss, we reject the persecution of journalists and human rights defenders for political purposes. We unequivocally condemn the use of criminal investigations, detention and imprisonment to silence people who publish news, criticise public authorities or document human rights violations. These practices deprive the people targeted of liberty while narrowing society's ability to receive information and scrutinise public power.

We reject the injustice inflicted on Mehmet Baransu. We oppose the punishment of public-interest reporting. This position forms part of our defence of the liberty of all journalists and human rights defenders, the protection of sources and society's right of access to information.

The ECtHR identified a purpose of silencing human rights defenders in the Kavala and Jafarov cases. In Cumhuriyet, it held that the detentions were not based on reasonable suspicion. In Matsadaash, the questioning reported by EIPR used news coverage and editorial choices as grounds for accusations. SRL Swiss opposes the criminalisation of journalism in this way.

References

[1] EIPR · Extension of Matsadaash detention · Source link · Sources reviewed 3 November 2026
https://reglibegy.eipr.org/en/press/2026/10/state-security-prosecution-extends-matsadaash-journalists%E2%80%99-detention-15-days-without

[2] SRL Swiss · Mersin GMO investigations · Source link · Sources reviewed 3 November 2026
https://srlswiss.com/tr/mersin-gmo-investigations-political-interference-public-health-and-the-right-to-a-fair-trial-tr/

[3] CPJ · Mehmet Baransu · Source link · Sources reviewed 3 November 2026
https://cpj.org/data/people/mehmet-baransu/

[4] ECtHR, Sabuncu and Others v. Türkiye, 23199/17, 10 November 2020, §§ 20–21 and 49, examination under Article 5 § 1 and Article 10 · Source link · Sources reviewed 3 November 2026
https://hudoc.echr.coe.int/eng?i=001-206212

[5] UN · Kyrgyzstan, WGAD 57/2024 · Source link · Sources reviewed 3 November 2026
https://digitallibrary.un.org/record/4082165

[6] US Department of Justice · Assange plea agreement · Source link · Sources reviewed 3 November 2026
https://www.justice.gov/usdoj-media/opa/media/1358636/dl?inline=

[7] CPJ · Mario Guevara · Source link · Sources reviewed 3 November 2026
https://cpj.org/data/people/mario-guevara/

[8] ECtHR · Pentikäinen · Source link · Sources reviewed 3 November 2026
https://hudoc.echr.coe.int/?i=001-158279

[9] ECtHR Grand Chamber, Kavala v. Türkiye (No. 2), 2170/24, 25 August 2026, §§ 254–257 et seq. · Source link · Sources reviewed 3 November 2026
https://hudoc.echr.coe.int/?i=001-252214

[10] ECtHR · Rasul Jafarov · Source link · Sources reviewed 3 November 2026
https://hudoc.echr.coe.int/eng?i=001-161416

[11] UN · General Comment No. 35 · Source link · Sources reviewed 3 November 2026
https://docs.un.org/CCPR/C/GC/35

[12] EIPR, Response to the prosecution statement, 7 October 2026, points 1–8 · Source link · Sources reviewed 3 November 2026
https://smtp.eipr.org/en/press/2026/10/eipr-statement-response-public-prosecution-statement-detention-matsadaash%E2%80%99s-entire

[13] EIPR, 15-day detention order concerning Abu Emeira, 4 October 2026 · Source link · Sources reviewed 3 November 2026
https://smtp.eipr.org/en/press/2026/10/matsadaash-journalist-mohamed-ashraf-abu-emeira-detained-15-days-after-10-hour

[14] EIPR, Questioning of journalists and allegations of ill-treatment, 5 October 2026 · Source link · Sources reviewed 3 November 2026 https://smtp.eipr.org/en/press/2026/10/matsadaash-journalists-tell-prosecutors-they-were-tortured-forced-record-fabricated-

[15] Constitutional Court of Türkiye, Mehmet Baransu (2), 2015/7231, 17 May 2016, judgment · Source link · Sources reviewed 3 November 2026 https://kararlarbilgibankasi.anayasa.gov.tr/BB/2015/7231

[16] Southwark Crown Court, R v Assange, sentencing remarks, 1 May 2019 · Source link · Sources reviewed 3 November 2026 https://www.judiciary.uk/wp-content/uploads/2019/05/sentencing-remarks-assange-010519.pdf

[17] Westminster Magistrates' Court, USA v Assange, 4 January 2021, procedural history · Source link · Sources reviewed 3 November 2026 https://www.judiciary.uk/wp-content/uploads/2022/07/USA-v-Assange-judgment-040121.pdf

[18] ECtHR, Kavala v. Türkiye, 28749/18, 10 December 2019, §§ 220–232 · Source link · Sources reviewed 3 November 2026 https://hudoc.echr.coe.int/eng?i=001-199515

[19] ECtHR Grand Chamber, Kavala v. Türkiye, infringement proceedings, 28749/18, 11 July 2022 · Source link · Sources reviewed 3 November 2026 https://hudoc.echr.coe.int/eng?i=001-218516

[20] ECtHR, Ahmet Hüsrev Altan v. Türkiye, 13252/17, 13 April 2021, Turkish translation · Source link · Sources reviewed 3 November 2026 https://hudoc.echr.coe.int/eng?i=001-211626

[21] ECtHR Grand Chamber, Goodwin v. United Kingdom, 17488/90, 27 March 1996, §§ 39–46 · Source link · Sources reviewed 3 November 2026 https://hudoc.echr.coe.int/eng?i=001-57974

[22] UN Human Rights Committee, General Comment 34, CCPR/C/GC/34, 2011, §§ 30, 44–45 · Source link · Sources reviewed 3 November 2026 https://docs.un.org/CCPR/C/GC/34

[23] Council of Europe Committee of Ministers, CM/Rec(2016)4, 13 April 2016 · Source link · Sources reviewed 3 November 2026 https://search.coe.int/cm?i=09000016806415d9

[24] Schauer, F. (1978). Fear, Risk and the First Amendment. Boston University Law Review, 58, 685–732. · Source link · Sources reviewed 3 November 2026 https://scholarship.law.wm.edu/facpubs/879/

[25] Kendrick, L. (2013). Speech, Intent, and the Chilling Effect. William & Mary Law Review, 54, 1633–1691. · Source link · Sources reviewed 3 November 2026 https://scholarship.law.wm.edu/wmlr/vol54/iss5/4/

[26] Yesil, B. (2016). Media in New Turkey: The Origins of an Authoritarian Neoliberal State. University of Illinois Press. · Source link · Sources reviewed 3 November 2026 https://academic.oup.com/illinois-scholarship-online/book/23561

[27] Mersin 2nd Assize Court, first-instance judgment against Mehmet Baransu in the GMO case, UYAP.