

Thematic factsheet¹
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CUSTODY, DETENTION AND IMPRISONMENT OF JOURNALISTS



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Protection granted by Article 5 of the European Convention of Human Rights

The right to liberty and security enshrined in Article 5 of the Convention, as interpreted by the European Court of Human Rights, lays down an obligation on the State not only to refrain from infringing the rights at issue, but also to take positive measures providing effective protection, including reasonable steps to prevent a deprivation of liberty of which the authorities knew or ought to have known.

Key purpose of Article 5 is to prevent arbitrary or unjustified deprivations of liberty. The domestic law must be in conformity with the general principles expressed or implied in the Convention, namely the rule of law, legal certainty, proportionality, and protection against arbitrariness. It is therefore essential that the conditions for

¹ This document presents a non-exhaustive selection of relevant provisions of the European Convention on Human Rights, related case-law of the European Court of Human Rights (source: [HUDOC](#) database), and other relevant Council of Europe instruments. Its aim is to improve the awareness of the acts or omissions of the national authorities likely to impair relevant provisions of the Convention and applicable instruments. It is not a legal assessment of Platform alerts and should not be treated or used as such.

any deprivation of liberty be clearly defined in domestic law and that the law itself be foreseeable in its application. The standard of "lawfulness" set by the Convention requires that all law be sufficiently precise to allow the person – if need be, with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which its action may entail.

Everyone who is arrested shall be:

- informed promptly, in a language which he or she understands, of the reasons for his arrest and of any charge against him;
- brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial;
- entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

Everyone who has been the victim of arrest or detention in contravention of the provisions of Article 5 shall have an enforceable right to compensation.

Failure to notify within the prescribed time-limit an order for the detention of a journalist with a view to compelling him to disclose his source

Voskuil v. the Netherlands, application No. [64752/01](#), judgment of 22.11.2007

The applicant, a journalist, published an article which contained quotations of an unnamed policeman compromising the methods used in a criminal investigation. The court of appeal ordered the applicant to reveal the identity of his source in the interest of the accused and the integrity of the police and judicial authorities. As the applicant failed to comply, the court ordered his detention. Later, given the results of an internal police investigation, the court considered the applicant's statements implausible and lifted the order for his detention.

The European Court on Human Rights recalled that the protection of journalistic sources was one of the basic conditions for freedom of the press. Without such protection, sources might be deterred from assisting the press in informing the public on matters of public interest and, as a result, the vital public-watchdog role of the press might be undermined.

The Court took the view that, in a democratic state governed by the rule of law, the use of improper methods by a public authority was precisely the kind of issue about which the public had the right to be informed. The lengths to which the authorities had been prepared to go to learn the identity of the source could but discourage those who had true and accurate information relating to wrongdoing from coming forward in the future and sharing their knowledge with the press. The Government's interest in knowing the identity of the applicant's source had not been sufficient to override the applicant's interest in concealing it.

Moreover, despite provisions in domestic law for notification in writing of the detention order within twenty-four hours, the applicant had not been notified of the order until some three days later. His detention had therefore not complied with "a procedure prescribed by law".

Conclusion: violation of Article 5 § 1 (lawfulness of detention) and Article 10 (freedom of expression) of the Convention

Police power to stop and search persons – including journalists – without reasonable suspicion of wrongdoing

Gillan and Quinton v. the United Kingdom, application No. [4158/05](#), judgment of 12.01.2010

The applicants were stopped and searched by the police while on their way to a demonstration. Gillan was riding a bicycle and carrying a rucksack. Quinton, a journalist, was stopped and searched despite showing her press cards.

The European Court of Human Rights noted that the stop and search powers under the Terrorism Act were not sufficiently circumscribed or subject to adequate legal safeguards against abuse. It observed that although the length of time during which each applicant was stopped and search did not in either case exceed 30 minutes, during this period the applicants were entirely deprived of any freedom of movement. They were obliged to remain where they were and submit to the search and, if they had refused, they would have been liable to arrest, detention at a police station and criminal charges. This element of coercion is indicative of a deprivation of liberty within the meaning of Article 5 § 1 of the Convention.

The Court was struck by the extent to which police officers resorted to the stop and search powers. Noting the large number of searches involved and the reports by an independent reviewer, it found that there was a clear risk of arbitrariness in granting such broad discretion to police officers, and there was a risk that

such a widely framed power could be misused against protestors. Similarly, judicial review or an action in damages to challenge the exercise of the stop and search powers were unlikely to succeed, as the absence of any obligation to show reasonable suspicion made it almost impossible to prove that the powers had been improperly exercised.

Conclusion: violation of Article 8 (right to respect for private life) of the Convention

Length and reasonableness of pre-trial detention of investigative journalists accused of aiding and abetting a criminal organisation

Sik v. Turkey, application No. [53413/11](#), judgment of 08.07.2014

Nedim Sener v. Turkey, application No. [38270/11](#), judgment of 08.07.2014

The applicants were two investigative journalists. In March 2011 the police searched their homes and took them into police custody, before accusing them of having participated in the production of publications criticising the government and serving as propaganda for the criminal organisation "Ergenekon", whose members were convicted of fomenting a coup d'Etat. The applicants were not released until March 2012.

The European Court of Human Rights held that, in accusing the applicants from the outset of the investigation of "serious terrorist offences" and in presuming a need to keep them in pre-trial detention, the authorities had based that detention on reasons that were neither "relevant" nor "sufficient" to justify its length. In its view, it was doubtful whether it was necessary to remand the accused in custody for over a year in the context of a preliminary investigation. The reasons given for refusing the applicants' requests for release on bail during the first year of the criminal investigation had not been substantiated and lack of detailed reasons meant that there had been no specific evidence demonstrating the need to keep the applicants in pre-trial detention. A stereotyped list of general reasons was not sufficient to compensate for this deficiency.

The Court further noted that both applicants had been accused of using "black propaganda" methods to insidiously undermine public confidence in the judiciary. It observed that this act as such was not punishable under the Turkish Criminal Code. Even if the books in question had contained assertions that were untrue, the offences of defamation or bringing pressure to bear on the judiciary were less serious in nature than the crimes of belonging to or assisting a terrorist organisation, and did not warrant such a long period of pre-trial detention.

The Court also found that proceedings concerning an appeal against detention had to be adversarial and to guarantee equality of arms between the prosecution and the person in detention. The method chosen by the domestic legislation had to guarantee that each party was made aware of any observations submitted and had a genuine opportunity of commenting on them. The Court noted that, whereas the prosecution's accusations against the applicants had been based mainly on documents and computer files seized on the premises of third parties rather than those of the applicants, the prosecution had refused the applicants permission to examine these items of evidence. The Court thus considered that neither the applicants nor their lawyer had had sufficient knowledge of the content of the documents, which were of crucial importance for challenging the lawfulness of their detention.

The Court then considered that, in detaining the applicants for such a long period without relevant or sufficient reasons, the judicial authorities had a chilling effect on the applicants' willingness to express their views on matters of public interest. Applying a custodial measure in this manner was liable to create a climate of self-censorship for any investigative journalist planning to carry out research and comment on the conduct and actions of State bodies. The applicants' placement in pre-trial detention and their continued detention for over a year had not met a pressing social need. The measures at issue had not been proportionate to the legitimate aims pursued and thus had not been "necessary" in a democratic society.

Conclusion: violation of Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial), Article 5 § 4 (speedy decision over the lawfulness of detention) and Article 10 (freedom of expression) of the Convention

Requirement that safeguards against arbitrariness be embedded in domestic law and procedure

Mehmet Hasan Altan v. Turkey, application No. [13237/17](#), judgment of 20.03.2018

Ahmet Hüsrev Altan v. Turkey, application No. [13252/17](#), judgment of 20.03.2018

Sahin Alpay v. Turkey, application No. [16538/17](#), judgment of 20.03.2018

Prior to the attempted coup d'Etat of 15 July 2016, the applicants were journalists and anchors with media that were shut down following the adoption of Legislative Decree no. 668. Mehmet Hasan Altan was arrested on 10 September 2016 on suspicion of having links to the FETÖ/PDY affiliated to Gülen. The Istanbul 10th Magistrate's Court remanded him on 22 September 2016. He repeatedly applied without success to be released pending trial. On 14 April 2017, the prosecution filed an indictment with the Istanbul

26th Assize Court accusing the applicants of attempting to overthrow the constitutional order, the Turkish Grand National Assembly and the government by force and violence, and of committing offences on behalf of a terrorist organisation without being members of it. On 11 January 2018, the Constitutional Court found a violation of the Altan's right to liberty and security and right to freedom of expression and of the press. Despite the Constitutional Court's judgment, the Istanbul 26th Assize Court rejected his subsequent application for release, and on 16 February 2018, sentenced him to aggravated life imprisonment.

Under Article 5 § 1 of the Convention, the European Court of Human Rights held that the applicant's continued pre-trial detention, after the Constitutional Court's judgment of 11 January 2018 finding a violation of the Constitution, could not be regarded as "lawful" and "in accordance with a procedure prescribed by law". The Court observed that the reasons given by the Istanbul 26th Assize Court in rejecting Altan's application for release, following a "final" and "binding" judgment delivered by the supreme constitutional judicial authority, could not be regarded as satisfying the requirements of Article 5 § 1. It held that for another court to call into question the powers conferred on a constitutional court to give final and binding judgments on individual applications ran counter to the fundamental principles of the rule of law and legal certainty, which were inherent in the protection afforded by Article 5 and were the cornerstones of the guarantees against arbitrariness.

Under Article 10 of the Convention, the Court found that there was no reason to reach a different conclusion from that of the Constitutional Court, which had found that Altan's initial and continued pre-trial detention, following his expression of his opinions, constituted a severe measure that could not be regarded as a necessary and proportionate interference in a democratic society. In that regard, it pointed out 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.

Under Article 5 § 4 of the Convention, the Court found that the length of proceedings in the Constitutional Court (14 months and three days) was exceptional in the present case, especially on account of the complexity of the case and the Constitutional Court's current caseload.

Conclusion: violation of Article 5 § 1 (lawfulness of detention) and Article 10 (freedom of expression) of the Convention; no violation of Article 5 § 4 (speedy decision over the lawfulness of detention) of the Convention

Pre-trial detention of a journalist without a court order and failure to justify the need for a deprivation of liberty

Haziye v. Azerbaijan, application No. [19842/15](#), judgment of 06.12.2018

The applicant used to write for the newspaper Azadliq and was the presenter of a TV show that was critical of the government. On 29 August 2014, he was allegedly assaulted on his way to work, and he defended himself. The next day, he was charged with criminal hooliganism having caused minor bodily harm by hitting his assailant with a glass water bottle and punching and kicking him. The Absheron District Court ordered his pre-trial detention for a period of two months, referring to the risk of re-offense and obstruction of the investigation. Repeating the previous grounds, the courts dismissed Haziye's appeal, as well as three subsequent applications to be released on bail or put on house arrest. The courts also dismissed his application against his continued detention after his pre-trial detention period had expired. On 29 January 2015, Haziye was convicted of hooliganism and sentenced to 5 years of imprisonment. He was released on 29 August 2019 upon full completion of his sentence.

Under Article 5 § 1 of the Convention, the European Court of Human Rights noted that the applicant had been detained from 29 October (when the first order to detain him had expired) to 11 November 2014 (when the courts dismissed the last of his applications to be released) without any judicial order authorising his detention. Having examined the same complaint in many cases against Azerbaijan, and found that the applicants' detention had not been based on a court order and had therefore been unlawful under Article 5 § 1 of the Convention, the Court saw no reason to reach a different conclusion in the instant case. Under Article 5 § 3 of the Convention, the Court found that, when ordering Mr Haziye's pre-trial detention, the courts had simply repeated that there was a risk of him reoffending and obstructing the investigation, using a standard template. They did not give any reasons why they considered those grounds relevant to the specific circumstances of the case and had failed to give any reasons at all when extending the detention. The Court concluded that the authorities had failed to give "relevant" and "sufficient" reasons to justify the need for pre-trial detention.

Conclusion: violation of Article 5 § 1 (lawfulness of detention) and Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial) of the Convention

Protection granted by Article 6 of the European Convention of Human Rights

According to Article 6 (right to a fair trial) of the Convention, as interpreted by the European Court of Human Rights, everyone charged with a criminal offence (a) is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law; (b) shall be presumed innocent until proved guilty according to law; and (c) has the following minimum rights:

- to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- to have adequate time and the facilities for the preparation of his defence;
- to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

The judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society.

Arbitrary application of anti-terror law to convict a newspaper editor to an imprisonment sentence amounting to grossly disproportionate restrictions on freedom of expression

Fatullayev v. Azerbaijan, application No. [40984/07](#), judgment of 22.04.2010

The applicant, a newspaper editor, was prosecuted in connection with two articles he had published, and subsequently sentenced to a total of eight and a half years of imprisonment for having criticised the government's foreign and domestic political moves.

The European Court of Human Rights held under Article 10 of the Convention that there had been no justification for the imposition of a prison sentence in the applicant's case. The journalist had criticised the government and, in common with a number of other media sources at the time, had suggested that, in the event of a war, Azerbaijan was likely to be involved; he had also speculated about possible targets for Iranian attacks. He had not, however, revealed any State secrets or increased or decreased the chances of an attack, but had sought to convey a dramatic picture of the specific consequences of Azerbaijan's involvement in a possible future war. The opinions he had expressed were about hypothetical scenarios and, as such, were not susceptible of proof.

As to his conviction for threat of terrorism, the applicant, as a journalist and private individual, had clearly not been in a position to influence or exercise any degree of control over any of the hypothetical events discussed in the article. Nor had he voiced any approval or argued in favour of any such attack. It had been his task, as a journalist, to impart information and ideas on the relevant political issues and to express opinions about the possible future consequences of specific decisions taken by the government. The domestic courts' finding that the applicant had threatened the State with terrorist acts had thus been arbitrary.

As to his conviction for inciting ethnic hostility, the issues raised in the applicant's article could be considered a matter of legitimate public concern which he had been entitled to bring to the public's attention. The mere fact that he had discussed the social and economic situation in regions populated by an ethnic minority and voiced an opinion about possible political tension in those regions could not be regarded as incitement to ethnic hostility. Although the relevant passages may have contained certain categorical and acerbic opinions and a certain degree of exaggeration in criticising the central authorities' alleged treatment of the minority group concerned, they contained no hate speech and could not be said to encourage inter-ethnic violence.

The domestic courts had thus failed to provide any relevant reasons for the applicant's conviction on charges of threat of terrorism and incitement to ethnic hostility. The gravity of the interference had, furthermore, been exacerbated by the particularly severe penalty that had been imposed: a heavy prison sentence when none had been justified. There had thus been a grossly disproportionate restriction on the applicant's freedom of expression.

Under Article 6 § 2 of the Convention, the Court noted that the presumption of innocence is violated if a statement by a public official concerning a person charged with a criminal offence reflected an opinion that he was guilty before he had been proved guilty according to law. While the applicant's position as a well-known journalist meant that it had been necessary to keep the public informed of the alleged offence and ensuing proceedings, the Prosecutor General should have exercised particular caution in his choice of words. However, he had unequivocally declared at the start of the investigation that the applicant's article contained a threat of terrorism. Those specific remarks, made without any qualification or reservation, had amounted to a declaration that the applicant had committed the criminal offence of threat of terrorism and

had thus prejudged the assessment by the courts.

Conclusion: violation of Article 6 § 2 (presumption of innocence) and Article 10 (freedom of expression) of the Convention

Arbitrary imprisonment of a journalist following domestic courts' failure to address legitimate concerns about possible "planting" of evidence on him

Sakit Zahidov v. Azerbaijan, application No. [51164/07](#), judgment of 12.11.2015

The applicant, a journalist, satirist and poet working for the newspaper Azadliqas, was arrested and taken to local police premises where a search was conducted and drugs were found in one of his pockets. He was later convicted of illegal possession of drugs. Before the domestic courts, the applicant claimed that the drugs had been planted on him by the police officers.

The European Court of Human Rights noted some concerns regarding the circumstances in which the physical evidence had been obtained. Firstly, the search of the applicant had not been carried out immediately following the arrest, but twenty minutes later, nowhere near the place of arrest. The time lapse between the arrest and search raised legitimate concerns about possible "planting" of the evidence, because the applicant was completely under the police's control during that time. Secondly, the domestic courts had declined to examine a copy of the video-recording of the search. Thirdly, the applicant's arrest was not immediately documented by the police and the applicant was not represented by a lawyer during his arrest or the search.

Overall, the quality of the physical evidence on which the domestic courts' guilty verdict was based was questionable because the manner in which it had been obtained cast doubt on its reliability.

Conclusion: violation of Article 6 (right to a fair trial) of the Convention

Protection granted by Article 10 of the European Convention of Human Rights

Under Article 10 (freedom of expression) of the Convention, as interpreted by the European Court of Human Rights, sentencing remains in principle a matter for the national courts. However, the imposition of a prison sentence for a press offence will be compatible with journalists' freedom of expression only in exceptional circumstances, notably where other fundamental rights have been seriously impaired, as, for example, in the case of hate speech or incitement to violence.

Although the States are permitted, even obliged, to regulate the exercise of freedom of expression so as to ensure adequate protection by law of individuals' reputations, they must not do so in a manner that unduly deters the media from fulfilling their role of alerting the public to apparent or suspected misuse of public power. Investigative journalists may be inhibited from reporting on matters of general public interest if they run the risk of being sentenced to imprisonment or to a prohibition on the exercise of their profession. The fear of such sanctions has a chilling effect on the exercise of journalistic freedom of expression, which works to the detriment of society as a whole.

Chilling effect of an imprisonment sentence imposed on journalists and lack of justification for such a sentence in a classic defamation case

Cumpăna and Mazare v. Romania, application No. [33348/96](#), judgment of 17.12.2004

The applicants, who were journalists, complained that their freedom of expression had been infringed on account of their criminal conviction to a prison sentence following the publication of an article about presumed misappropriation on the part of local elected representatives and public officials.

The European Court of Human Rights observed that the sanctions imposed on the applicants had been very severe. It recalled that the imposition of a prison sentence for a press offence was compatible with journalists' freedom of expression only in exceptional circumstances, notably where other fundamental rights had been seriously impaired, as, for example, in the case of hate speech or incitement to violence. In a classic case of defamation, such as the present case, imposing a prison sentence inevitably had a chilling effect.

The Court accordingly held that, although the interference with the applicants' right to freedom of expression might have been justified, the criminal sanction and the accompanying prohibitions imposed by the domestic courts had been manifestly disproportionate in their nature and severity to the legitimate aim pursued by the applicants' conviction for insult and defamation.

Conclusion: violation of Article 10 (freedom of expression) of the Convention

Reporter's apprehension and detention for disobeying the police while covering a demonstration

Pentikäinen v. Finland [GC], application No. [11882/10](#), judgment of 20.10.2015

The applicant, a photographer and journalist employed by the weekly Suomen Kuvalehti, was sent by his employer to take photos of a protest. As the protest turned violent, the police cordoned off the area and ordered the crowd to disperse; the applicant remained in the area, where a small group of demonstrators was still gathered, to cover the events. Together with them he was apprehended and held in police custody from around 9:30 p.m. until his release the next day at 3 p.m. The Helsinki District Court convicted the applicant of disobeying the police, the judgment being upheld on appeal and by the Supreme Court. The courts did not impose any penalty, finding that the offence was excusable since as a journalist, he had been faced with contradictory obligations imposed on the one hand by the police and on the other by his employer.

The European Court of Human Rights noted that the applicant's apprehension had taken place in the cordoned-off area where he had remained with a core group of demonstrators. From the video recordings of the event in the case file, it appeared that he had not been wearing any distinct signs which would have identified him as a journalist, nor had his press badge been visible. The Court held that, while the police had been informed of his journalist status at the latest at the police station, when a police officer had taken his press card, Pentikäinen had failed to make it sufficiently clear during the events that he was a journalist. By not obeying the orders given by the police, Pentikäinen had knowingly taken the risk of being apprehended. The domestic courts had found it established that he had been aware of the police orders to leave the scene but that he had decided to ignore them. Nothing suggested that he could not have continued to exercise his professional assignment in the vicinity of the cordoned-off area.

As to his detention, the Court noted that the journalist had been one of the first of the people apprehended to be interrogated by the police and shortly after he had been released. The camera equipment and the photographic material had been returned to him entirely and unaltered.

As to his conviction, the Court noted that the journalist had been found guilty of disobeying the police, but that no penalty had been imposed. His conviction had had no adverse consequences for him, as in accordance with domestic law, it had not been entered in his criminal record.

Conclusion: no violation of Article 10 (freedom of expression) of the Convention

Lack of justification for a prison sentence imposed to journalists for a classic defamation case

Sallusti v. Italy, application No. [22350/13](#), judgment of 07.03.2019

The applicant was editor-in-chief of the Libero newspaper that had published two articles stating that a 13-year-old girl had been forced to have an abortion by her parents and a guardianship judge, despite the clarification disseminated the previous day by other media, which had ultimately reported that she had not been forced. Upon a defamation complaint by the guardianship judge, Sallusti was convicted of "failure to control the content of a defamatory article" in relation to one of the articles and of aggravated defamation with regard to the other. He was fined €5,000, ordered to pay €10,000 in damages and costs, and to publish the court's judgment. On appeal, the penalty was increased to one year and two months' imprisonment, and the damages were tripled. The Court of Cassation upheld the custodial sentence, arguing that there were exceptional circumstances in the case, such as "imputing a specific fact"; the applicant's personality; his criminal record; and the fact that the publication of false information had affected the reputation of a member of the judiciary. The court executing the sentence let Sallusti serve his sentence under house arrest. The President of the Republic later commuted the sentence into a fine.

According to the European Court of Human Rights, it was undisputed that the conviction had constituted an interference with the applicant's right to freedom of expression and that it had been prescribed by law, namely Articles 57 and 595 of the Criminal Code and section 13 of the Press Act.

The Court also accepted that such interference had been intended to protect the reputation and rights of the 13-year old girl and her parents as well as those of the guardianship judge. It further agreed with the domestic courts' findings that the articles at issue had given false information, despite the clarifications reported the day before. He had thus seriously tarnished the honour and privacy rights of all those involved. It found, however, that imposing a criminal sanction had been manifestly disproportionate. Even though the prison sentence had been commuted into a fine, that measure had been subject to the discretion of the President of the Republic. In addition, even if Sallusti had been dispensed from serving his sentence, his conviction had not been expunged. The courts had thus gone beyond what would have amounted to a "necessary" restriction on freedom of expression.

Conclusion: violation of Article 10 (freedom of expression) of the Convention

Other relevant Council of Europe instruments

Committee of Ministers

[Declaration](#) on the desirability of international standards dealing with forum shopping in respect of defamation, “libel tourism”, to ensure freedom of expression (4 July 2019)

Recommendation [Rec\(2016\)4](#) to Member States on the protection of journalism and safety of journalists and other media actors (13 April 2016)

[Declaration](#) on the protection of journalism and safety of journalists and other media actors (30 April 2014)

[Guidelines](#) on eradicating impunity for serious human rights violations (30 March 2011)

[Rec\(2007\)11](#) to Member States on promoting freedom of expression and information in the new information and communications environment (including Guidelines on protecting freedom of expression and information in times of crisis)(26 September 2007)

[Declaration](#) on the protection and promotion of investigative journalism (26 September 2007)

Recommendation [Rec\(2006\)13](#) to Member States on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse (27 September 2006)

Recommendation [Rec\(2006\)8](#) to Member States on assistance to crime victims (14 June 2006)

Recommendation [Rec\(2006\)2](#) to Member States on the European Prison Rules (11 January 2006)

Recommendation [Rec\(2005\)10](#) to Member States on “special investigation techniques” in relation to serious crimes including acts of terrorism (20 April 2005)

[Declaration](#) on freedom of expression and information in the media in the context of the fight against terrorism (2 March 2005)

Recommendation [Rec\(2003\)13](#) to Member States on the provision of information through the media in relation to criminal proceedings (10 July 2003)

Recommendation [Rec\(2002\)2](#) to Member States on access to official documents (21 February 2002)

Recommendation [Rec\(2001\)10](#) to Member States on the European Code of Police Ethics (19 September 2001)

Recommendation [Rec\(2000\)7](#) to Member States on the right of journalists not to disclose their sources of information (8 March 2000)

Recommendation [R\(96\)4](#) to Member States on the protection of journalists in situations of conflict and tension (3 May 1996)

Parliamentary Assembly

Resolution [2212\(2018\)](#) “The protection of editorial integrity” (25 April 2018)

Parliamentary Assembly: Protection of editorial integrity, [Report 14526](#) by Volodymyr Arieu (9 April 2018)

Resolution [2141\(2017\)](#) “Attacks against journalists and media freedom in Europe” (24 January 2017)

Attacks against journalists and media freedom in Europe, [Report 14229](#) by Volodymyr Arieu (9 January 2017)

Resolution [2116\(2016\)](#) “Urgent need to prevent human right violations during peaceful protests” (27 May 2016)

Urgent need to prevent human rights violations during peaceful protests, [Report 14060](#) by Mehmeti Devaja (10 May 2016)

Resolution [2077\(2015\)](#) “Abuse of pre-trial detention in States Parties to the European Convention on Human Rights” (1 October 2015)

Abuse of pre-trial detention in States Parties to the European Convention on Human Rights, [Report 13863](#) by Pedro Agramunt (7 September 2015)

Resolution [2066\(2015\)](#) “Media responsibility and ethics in a changing media environment” (24 June 2015)

Media Responsibility and ethics in a changing media environment, [Report 13803](#) by Volodymyr Arieu (8 June 2015)

Resolution [2035\(2015\)](#) “Protection of the safety of journalists and of media freedom in Europe” (29 January 2015)

Protection of media freedom, [Report 13664](#) by Gvozden Flego (12 January 2015)

Resolution [1920\(2013\)](#) "The state of media freedom in Europe" (24 January 2013)

The state of media freedom in Europe, [Report 13078](#) by Mats Johansson (7 December 2012)

Resolution [1838\(2011\)](#) "Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations" (6 October 2011)

Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations, [Report 12714](#) by Dick Marty (19 September 2011)

Respect for media freedom, [Report 12102](#) by Andrew McIntosh (6 January 2010)

Private military and security firms and the erosion of the state monopoly on the use of force, [Report 11787](#) by Wolfgang Wodarg (22 December 2008)

Resolution [1636\(2008\)](#) "Indicators for media in democracy" (3 October 2008)

Indicators for media in democracy, [Report 11683](#) by Wolfgang Wodarg (7 July 2008)

Resolution [1577\(2007\)](#) "Towards decriminalisation of defamation" (4 October 2007)

Towards decriminalisation of defamation, [Report 11305](#) by Bartumeu Cassany (25 June 2007)

Resolution [1551\(2007\)](#) "Fair trial issues in criminal cases concerning espionage or divulging state secrets" (19 April 2007)

Fair trial issues in criminal cases concerning espionage or divulging state secrets, [Report 11031](#) by Christos Pourgourides (25 September 2006)

Media and terrorism, [Report 10557](#) by Josef [Jarab](#) (20 May 2005)

Resolution [1438\(2005\)](#) "Freedom of the press and the working conditions of journalists in conflict zones" (28 April 2005)

Freedom of the press and the working conditions of journalists in conflict zones, [Report 10521](#) by Josef Jarab (26 April 2005)

Commissioner for Human Rights

Positions on counter-terrorism and human rights protection, [CommDH/PositionPaper\(2015\)1](#) (5 June 2015)

Protection of journalists from violence, Issue paper [ComDH\(2011\)3](#) (4 October 2011)

European Commission for Democracy through Law (Venice Commission)

Compilation of opinions and reports concerning freedom of expression and media, [CDL-PI\(2016\)011](#) (19 September 2016)

Rule of Law Checklist, [CDL-AD\(2016\)007](#) (11-12 March 2016)

Report on the democratic oversight of the security services, [CDL-AD\(2015\)010](#) (15 December 2015)

Report on counter-terrorism measures and human rights, [CDL-AD\(2010\)022](#) (5 July 2010)

Report on private military and security firms and erosion of the state monopoly on the use of force, [CDL-AD\(2009\)038-e](#) (29 June 2009)

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Preventing police torture and other forms of ill-treatment, Extract from the 28th General Report on the CPT's Activities, [CPT/Inf\(2019\)9](#)

Remand detention, Extract from the 26th General Report on the CPT's Activities, [CPT/Inf\(2017\)5](#)

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European Convention on Mutual Assistance in Criminal Matters, [ETS No. 30](#) (20 April 1959), with additional Protocols 1 and 2, [ETS No. 99](#) (17 March 1978) and [ETS No. 182](#) (8 November 2001)

European Convention on the Compensation of Victims of Violent Crime, [ETS No. 116](#) (24 November 1983)