

MOSA

ANNUAL REPORT 2021



ABOUT MLSA

At a time when crackdown on fundamental rights and freedoms in Turkey had reached an alarming peak, the Media and Law Studies Association (MLSA) was founded as a non-profit in December 2017. With our work, we aim to respond to an urgent yet growing need for defending freedom of expression, freedom of the press and the right to information. We provide a holistic response to threats to media freedoms by combining legal support and advocacy work for mainly journalists but also academics, activists, lawyers and other professional groups, regardless of their popularity level or ideology.

Our core activities are combined with the following specific projects:

- judicial monitoring programme focused on freedom of expression trials
- human rights training for lawyers
- professional journalism workshops
- creating of writing opportunities for independent and jobless journalists
- monitoring of internet censorship and speaking up for internet freedoms

All these serve the long-term goal of securing a professionally endowed and free media for an informed citizenry.

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We would like to thank our previous colleagues **Aslı Ece Koçak**, **Zelal Pelin Doğan**, **Zeynep Sıla Sarıkaya** and **Hasan Uçar**, who continue their professional journey in other organizations, countries or fields. They deserve a large part of the credit for MLSA's work in 2021 and their efforts will always be appreciated.

ABOUT THE COVER PHOTO

The cover photo shows journalists Nazan Sala, Şehriban Abi, Cemi Uğur, who are represented by MLSA, and Adnan Bilen, on the day of their release from pre-trial detention on April 2, 2021. Details on their case can be found on page 9.

Photo credits: Aslı Ece Koçak

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MLSA

Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği



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MLSA CONTRIBUTORS AND PARTNERS IN 2021

CORE SUPPORT



PROJECT SUPPORT



MLSA PARTNERS



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ABBREVIATIONS

Anti-Terror Law	TMK
Civil society organization	CSO
Committee of Ministers	CM
Council of Europe	COE
Democratic Regions Party	DBP
European Convention on Human Rights	ECHR
European Court of Human Rights	ECTHR
European Implementation Network	EIN
European Union	EU
Friedrich Naumann Foundation	FNF
Human Rights Association	İHD
Journalists' Union of Turkey	TGS
National Endowment For Democracy	NED
Non-Governmental Organization	NGO
Peoples' Democratic Party	HDP
Security General Directorate	EGM
Solidarity Network for Human Rights Defenders	İHSDA
Turkish Constitutional Court	AYM
Turkish Criminal Code	TCK
United Nations	UN
United States	US

2021 - A YEAR OF FEAR AND COURAGE

2021 was a dark year, starting out with new concerns - and new fears - for Turkey's journalists and civil society. The year showed the first real impact of the anti-civil society legislation adopted by the government just when the previous year was coming to a close, with many nonprofit organizations being targeted with audits, seemingly financial on the outside but turning out to be very much political in nature, targeting first and foremost LGBTI+, freedom of speech and Kurdish organizations.

The year also saw further crack down on journalism: a directive that was adopted in late April practically banned journalists from shooting images or any form of footage of police and security forces during public events such as protests and demonstrations. The directive, which was appealed by MLSA, was suspended in December 2021 with a stay of execution, but it had already emboldened security officers. We expect that the increased police brutality against journalists reporting during public events witnessed in 2021 will continue in the years to come. Other than the state, more attacks from civilians instigated by authorities were observed this year, especially during the heroic coverage of the 2021 Forest Fires by independent journalists.

When they were not following the news, journalists continued to appear before courts for their reports. In 2021, 34 journalists were convicted in 22 separate trials, which amounted to a total of 98 years 3 months and 43 days in prison.

Other parts of civil life were constantly under attack. The year started with the appointment of a government-affiliated rector to head the Boğaziçi University, starting the country's longest lasting student protests, resulting in the dismissal, trial and even imprisonment of dozens of students. In mid-March, Turkey's presidency announced to take the country of the Istanbul Convention against domestic violence, disregarding harsh criticism even from its own supporters, in a country where on average 250 women are killed per year by husbands, intimate partners or male family members, and almost as many die in suspicious circumstances.

2021 has also been a year of courage and resilience. Journalists continued to report fearlessly, uncovering stories that have significant impact on public good. Despite the continued imprisonment of philanthropist and civil society supporter Osman Kavala, civil society organizations - including MLSA - continued to expand their networks, reach out to their target groups and support one another through the worst rights violations. As MLSA, we continued defending journalists in courts, taking autocratic government decrees to administrative courts, meticulously and systematically reporting on journalism trials, bringing early career journalists together with seasoned veterans of the profession and supporting human rights lawyers through training, professional support and advocacy.

The continued determination and courage that defined 2021 will be a strong agent of change in 2022. Feeling the strong presence of our fellow civil society organizations, partners, supporters, friends, allies, strong networks of journalists and lawyers not just in Turkey but across the world is giving us a lot of confidence for that change to come.

For we know, we are not alone.

LEGAL WORK

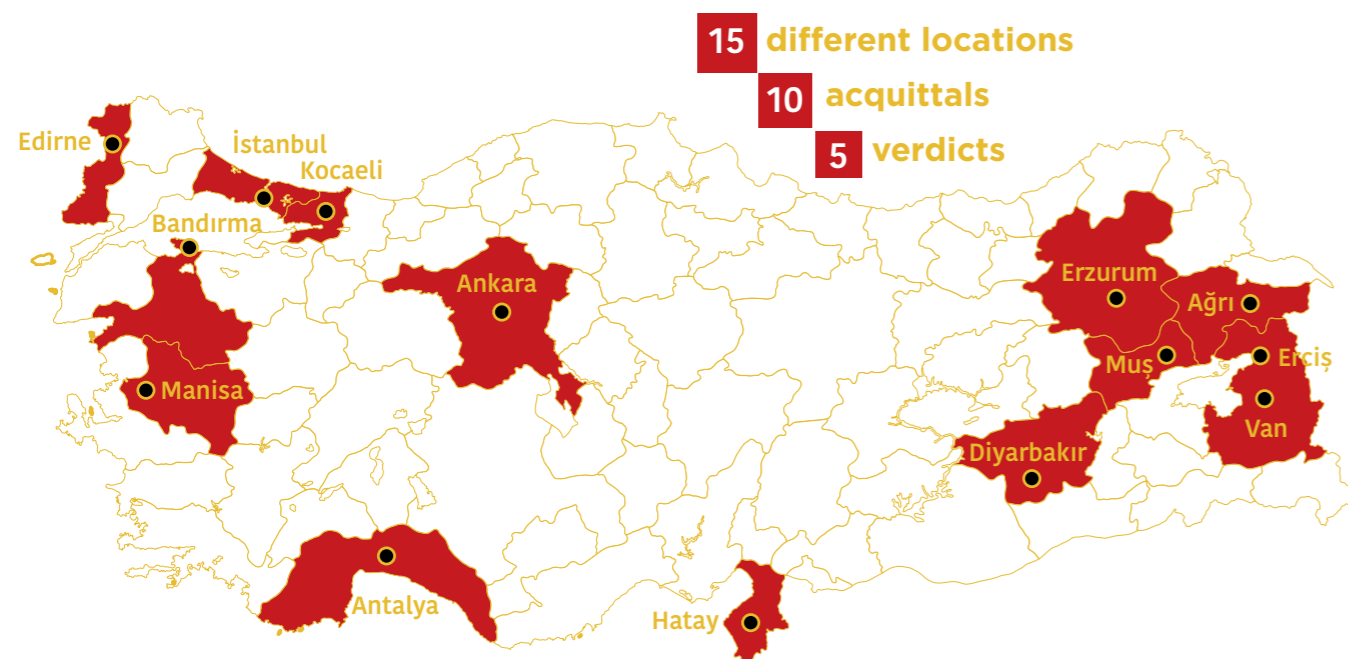
MLSA's legal unit offers legal consultancy and support to persons who are subject to legal prosecution or threats on the grounds of their legitimate exercise of freedom of expression and the press.

LEGAL DEFENSE

In 2021, we took up the representation of **23 new clients**. Currently, we provide legal support to a total of **104 clients**, most of whom are journalists. Among our clients are also civil society workers, activists, artists, lawyers, academics and writers.

In the last year, our legal unit defended clients in **105 hearings** that took place in **15 different locations**, namely Ağrı, Ankara, Antalya, Bandırma, Diyarbakır, Edirne, Erçiş, Erzurum, Hatay, İstanbul, İzmir, Kocaeli, Manisa, Muş and Van. In the trials against our clients, courts rendered 15 decisions, including **10 acquittals** and **5 verdicts**. Among the acquittals, three clients were acquitted from charges of "membership in a terrorist organisation", one from charges of "terrorist propaganda", two from charges of "insulting the president", three from charges of "trespassing a military zone", and one from charges of "defying the capital markets law". Among the verdicts, three clients were sentenced on charges of "terrorist propaganda", whereby one person was sentenced to 4 years in prison, one to 1 year and 6 months in prison, and one person to 1 year 6 months and 22 days in prison. Further, one client was sentenced in two cases to a judicial fine of 41 666 TL each for not having published a refutation. MLSA appealed to all conviction decisions and, where applicable, took the sentences to higher courts. MLSA would like to emphasize that in all the 15 decisions, the charges were based on the professional activities of our clients and evidence presented included social media news posts, articles, conversations with sources etc.

One compensation case against a client sued for reparations on the grounds of an article was dropped. MLSA won one compensation case filed on behalf of a client who was insulted.



On March 18, İstanbul 22nd Civil Court ordered two defendants who had insulted and targeted journalist **Bülent Mumay** in a TV program broadcasted on TV 24 in April 2020, to pay 5.000 Turkish Liras non-pecuniary damages.

The decision sets important precedent not only for Mumay but for the protection of all independent journalists, as it is the first one in a long time that punishes attacks on the part of government-close media against independent journalists.

In ongoing trials, **4** clients were released from pre-trial detention, while **2** further clients were released following the completion of their prison sentence.

During 2021, MLSA's legal unit filed **12 higher court applications** on behalf of its clients. 9 were made to the Turkish Constitutional Court, and 3, after exhaustion of all domestic remedies, to the European Court of Human Rights. The higher court applications were filed in cases where our clients "right to liberty and security", "freedom of expression", and/or "right to a fair trial" were violated. This pertained among others to unjustified arrest warrants, pre-trial detentions, and prison sentences.

MLSA in-house lawyers and lawyers we cooperate with conducted **17 prison visits** during which **27 prisoners** in 6 different prison complexes - Edirne, İstanbul Maltepe, İstanbul Silivri, Van, Diyarbakır, Sincan - were visited. While MLSA conducts regular prison visits to its clients to check upon their health and general situation, and, where applicable, discuss further legal proceedings, a large part of the prison visits conducted in 2021 were to non-clients. With regards to the ongoing COVID-19 pandemic, MLSA used these visits to learn whether and how prisoners' access to health and justice was ensured during the pandemic. The results of the talks to prisoners were published in a research report that drew attention to major deficits in the pandemic management in prisons (see page 33).



client) and journalist **Nazan Sala** (MLSA client); who were arrested on October 9, 2020. The journalists had been held in pre-trial detention and faced "membership in a terrorist organization" charges due to their reporting on two citizens who were tortured by security officials in Van in October 2020. The fifth defendant in the case, MA reporter **Zeynep Durgut** was tried without pre-trial detention. Although occurring already in 2022, it is noteworthy that the defendants later were all acquitted from "membership in a terrorist organization" charges on January 6, 2022. Sala was given a deferred prison sentence of 1 year, 3 months for "terrorist propaganda."

On April 2, Van 5th High Criminal Court ruled for the release of Mesopotamia News Agency (MA) reporters **Adnan Bilen** and **Cemil Uğur** (MLSA client), Jinnews reporter **Şehriban Abi** (MLSA

EMERGENCY LEGAL SUPPORT

In addition to regular legal work - following-up of cases, preparing court applications and defenses, conducting prison visits - MLSA's legal unit also provides **emergency legal support** in cases involving detentions, deportations and attacks of/against journalists.

To provide some examples, on February 2, MLSA's legal unit went to the Istanbul Police station to support **students** whose statements were taken after they were detained for participating in the protests against the appointment of Prof. Melih Bulu to **Boğaziçi University**.



On September 27, journalists **Olaf Koens** and **Pepijn Nagtzaam** were detained in Edirne, while covering the journey of refugees pushed back from Greece to Turkey, on the grounds that they trespassed a military zone. Their vehicle and equipment were confiscated. MLSA provided timely legal support when they submitted their statements. The journalists were released after they spent around 12 hours in custody.

On September 29, MLSA provided support at Istanbul airport to **L.C.**, a freelance journalist from Great Britain who is based in Turkey. Upon arrival with a flight from Baku in Azerbaijan, Turkish border police wanted to deport L.C. back to Baku, as an interpol N-99 restriction code had been issued in her name. Although the deportation could not be prevented, MLSA achieved that she was not deported to Azerbaijan but to Great Britain.

One of the main concerns of MLSA's legal unit in 2021 was online and offline **violence against journalists** both by law enforcement personnel and private persons.



© Bülent Kılıç

On June 26, Agence France-Presse photojournalist **Bülent Kılıç** was detained violently by the police during the Pride March in Istanbul (which authorities had banned for the 7th year in a row). Photos show how policemen pinned Kılıç to the ground and put their knees on his back and throat. Kılıç was detained on grounds of "resisting the police" although he had identified himself as a journalist. MLSA went to the police station where Kılıç was detained to give his statement. Being released after the statement, MLSA filed a criminal complaint against the police in the name of Kılıç and a compensation case.



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On July 30, MLSA joined several press and freedom of expression organizations including Confederation of Progressive Unions of Turkey (DİSK) Basın-İş and Journalists' Union of Turkey (TGS) that came together at the Istanbul Courthouse in Çağlayan and filed criminal complaints against police brutality towards journalists **Emre Orman**, **Fatoş Erdoğan** and **Yasin Akgül**.

On August 1, at least six journalists, among them pro-Kurdish biweekly Özgür Gelecek reporter **T.Ö.** and Mesopotamia Agency reporter **E.S.** were attacked by a mob when they followed the news of a protest against the racist killing of a Kurdish family in Konya. While none of the alleged attackers were detained, police detained the journalists E.S. and T.Ö.; both stated that they were punched by the police in a dark room. MLSA went to the police station to provide legal support during their statement. The journalists were released after their statement with an international travel ban.

On November 25, journalist **Bilal Meyveci** was injured as a result of disproportionate intervention of the police during the protest organized at the occasion of the Day for the Elimination of Violence Against Women in Taksim, İstanbul, which he followed for journalistic purposes. MLSA filed a criminal complaint against those responsible and applied to the relevant administration with a petition for compensation for the material and immaterial damages.

Along with these individual interventions, MLSA filed three compensation cases for journalists whose equipment was damaged due to police violence and took the necessary legal steps for two journalists whose digital materials were confiscated.

During the year, MLSA further filed three criminal complaints against social media users who threatened journalists with violence and death on social media.

STRATEGIC LEGAL WORK

On April 27, a **circular by the General Directorate of Security** gave law enforcement legal authority to ban citizens and journalists from audio-visual recording during public demonstrations. On May 5, MLSA filed a lawsuit against this circular and demanded the Council of State to repeal it on the grounds that it lacks legal basis. MLSA's petition noted that the circular is a blow to freedom of expression and press while aiming to further censor journalists' right to inform and the public's right to information, which are both secured under the constitution. In the petition, MLSA lawyers pointed out that fundamental rights and liberties can only be restricted by foreseeable and proper legal procedures. In its decision served on December 15, the Council of State determined that the circular imposes restrictions on freedoms of information and press. The Council stated that restrictions upon fundamental freedoms can only be imposed in cases that are predictable by law and by the legislative body. Consequently, the court ruled for the suspension of execution of the circular, on the grounds that it violates articles 7 and 13 of the Turkish Constitution.

EVENTS

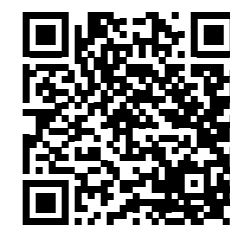
CHASING THE NEWS: MENTORING PROGRAM FOR INDEPENDENT AND EARLY-CAREER JOURNALISTS

With the support of the U.S. Department of State, we conducted an extensive journalists' mentoring program including three 'News Workshop' sessions. The main objective of this program was to create a platform for independent and early-career journalists that enables them to receive mentoring and work closely with veteran journalists. In a time where few independent news outlets remain, unemployment rates among journalists are high and reporting shifts more and more online, real-life newsroom experience becomes harder and harder to acquire throughout one's career. In an attempt to remedy this situation, the program offers journalists the opportunity to receive invaluable training, gain practical experience and work together on a joint newspaper.

Participants and trainers met for the first time on February 17, in the opening session.

On March 20 and 21, the first in-depth workshop was held on Zoom, where experienced journalists **Gökçer Tahincioğlu, Banu Tuna, Ömür Ünver, Tolga Şardan, Fikret Bila** and **Serpil Çevikcan** trained the participants on various topics such as language and terminology in news-writing, local journalism techniques, police reporting and political reporting.

Following the first workshop, project staff and participants held several editorial meetings in preparation of a joint newspaper under the moderation of Program Coordinators **Gökçer Tahincioğlu** and **Banu Tuna**. The editorial meetings, where participants pitched stories, discussed their reporting progress and evaluated draft articles, were an invaluable experience for them, as the majority of them had not worked in a newsroom before. The ultimate outcome of these editorial meetings was the publication of the first issue of **gazeteMLSA**, featuring quality news reports penned by 17 journalists. The newspaper included news from all corners of Turkey, and covered diverse topics ranging from minority, gender and worker rights issues over environment pollution, changing work models, urban and demographic changes, up to discrimination in sports.



With the necessary precautions in place, we held our second workshop physically in Kilyos between September 17 and 19. Throughout this workshop 15 participants were provided with training on indispensable concepts and techniques of the profession. Apart from news research and news writing techniques, the interactive sessions led by journalists **Gökçer Tahincioğlu, Banu Tuna, Tuğrul Eryılmaz, Caner Eler, Sedat Yılmaz** and **Elif İnce** focused on judicial, sports, human rights and data journalism.



The third workshop of the program took place in Bolu between November 11 and 14, with the support of the Friedrich Naumann Foundation (FNF) Turkey Office. Trainers were journalists **Gökçer Tahincioğlu, Banu Tuna, Şebnem Turhan, Can Ertuna,** and lawyer **Veysel Ok**. In their practice-focused sessions, the topics legal literacy, advanced judicial reporting, economic journalism, digital journalism, and ethical problems of journalism in conflict zones were covered. Apart from writing several short news articles during the sessions, the participants in groups competed in a news writing contest. The workshop concluded with an editorial meeting for the second issue of gazeteMLSA, in which participants shared the information they collected for the preparation of their news stories and received feedback regarding their research and writing process.



The second issue of **gazeteMLSA**, comprising 16 pages of quality news reports written by 16 journalists, was published in January 2022. Many of the articles gathered, from all across Turkey, touch upon fundamental rights and freedoms, including experiences of minorities with regards to housing and language rights, the right to privacy and data protection, inferences with freedom of expression and the press, threats against LGBTI+ members, gender-based discrimination and violence, and animal rights.



ECTHR TRAINING SERIES

One of MLSA's priorities as a member of Turkey's rights-focused civil society is to ensure that violations of fundamental rights and freedoms are properly brought to justice. One tool to do so are individual applications to the European Court of Human Rights (ECtHR) after domestic remedies have been exhausted. In that respect, MLSA, with the support of Freedom House, regularly offers lawyer trainings on individual applications to the ECtHR. This year, we trained more than 200 lawyers in total in three separate workshops, respectively in March, June and November.

Our trainings cover topics such as individual applications invoking the Court's right to an effective remedy and to a fair trial, jurisdiction of the Court, important points regarding the exhaustion of domestic remedies, admissibility criteria and the execution of ECtHR decisions. The sessions were led by **Levent Yalçın**, lawyer at the ECtHR, **Vincent Berger**, former judge of the ECtHR, **Şerif Yılmaz**, ECtHR lawyer, **Mehmet Rifat Tınç**, Professor of Law at the University of La Réunion, our then-in-house lawyer **Zelal Pelin Doğan**, and finally lawyer **Ümit Kılınc**, who specializes in European Convention on Human Rights (ECHR) law.



TURKEY'S DEMOCRATIC DOWNFALL: CHALLENGES AND

IDEAS FOR THE EU AND US

Turkey's respect for human rights and democracy has declined precipitously over the last decade, and the 2016 coup attempt has exacerbated the situation. Pressure on academics, journalists, lawyers and civil society is increasingly mounting, most of the democratic institutions have been undermined and judicial independence has eroded, with courts increasingly ignoring case law and concrete judgments of the European Court of Human Rights. Outside human rights and democracy, other challenges stem from Turkey's foreign policy. In the light of these developments MLSA, in cooperation with Freedom House and the Heinrich Böll Foundation, invited experts to discuss the potential leverage of the EU and the US in bringing Turkey back to a democratic path. As Turkey has been ignoring legal instruments used by the international community (e.g. ECtHR decisions), speakers emphasized that legal instruments need to be followed-up by strong political means. They called on international stakeholders to nourish relations to Turkey's civil society. The panelists further highlighted the importance of the approach of the US administration.

The panel, which was held on April 29 under Chatham House rules.

WORLD PRESS FREEDOM DAY PANEL

We hosted our annual World Press Freedom Day panel in collaboration with the German Consulate General on May 3, Monday. The panel was moderated by journalist **Banu Güven** and held online due to the COVID-19 pandemic. The keynote speech was delivered by Die Welt Senior Foreign Policy Editor **Daniel-Dylan Böhmer**, while Consul General **Johannes Regenbrecht** and our Co-director **Veysel Ok** made the opening remarks. The Economist Turkey correspondent **Piotr Zalewski**, Duvar English then Editor-in-Chief **Cansu Çamlıbel** and Deutsche Welle Turkey correspondent **Julia Hahn** discussed the challenges of reporting at a time of struggling democracies.



PROMOTING ACADEMIC FREEDOM: MLSA'S "OUTER ACADEMY"

The pandemic drastically changed our lives, especially those of the youth, as their academic experiences were fundamentally altered due to the transition from campus to digital space. Although this transition was the very reason we lacked those moments of inspiration that occurred via physical encounters, it could also be utilized to facilitate the construction of grounds for leading fruitful theoretical and political discussions. In parallel, attacks on academic freedom became a more pressing issue in early 2021, with the unprecedented appointment of Melih Bulu as the rector of Boğaziçi University per presidential decree.

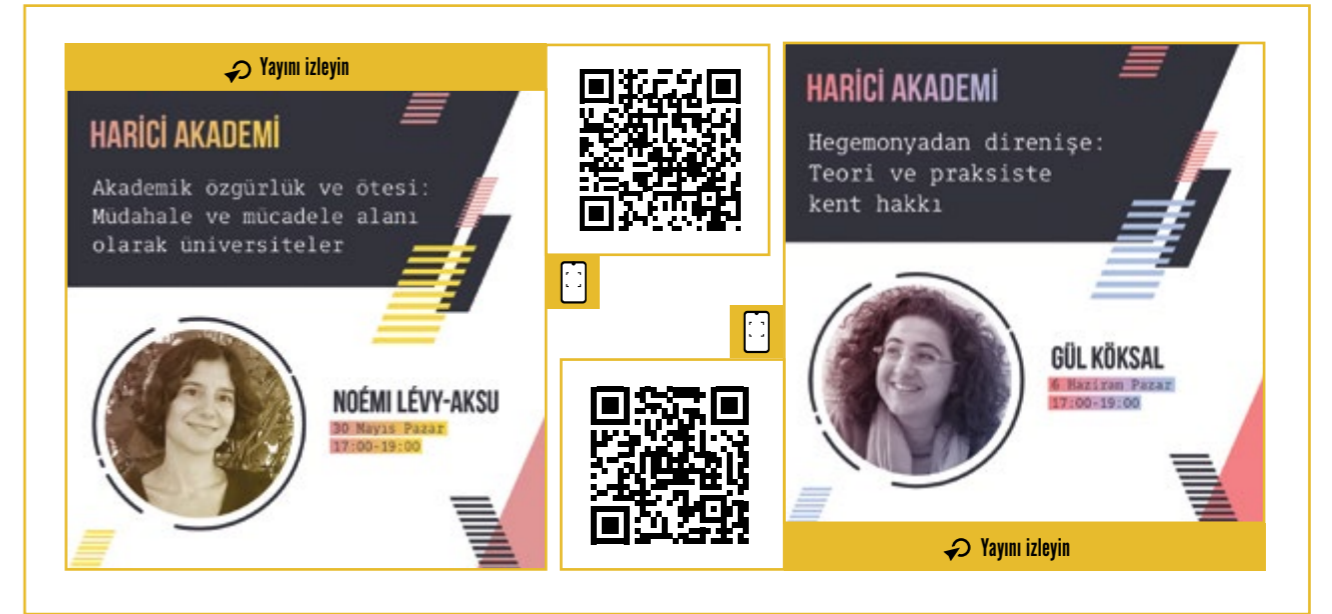
In this light, we launched the Outer Academy, with the support of the National Endowment for Democracy (NED) to counter the government's attempts of centralizing knowledge production and circulation, in addition to offering a space for students to express themselves freely, ask critical questions and connect with people from other disciplines.

The program consisted of six sessions led by respected intellectuals, each wrapped up by a discussion among the participants and held every Sunday from May 30 to July 4, during the weekend lockdowns imposed due to the pandemic.

The program began with the course titled "Academic freedom and beyond: Universities as a field of intervention and struggle" led by historian **Noémi Lévy-Aksu** in which she stressed the interconnectedness of academic freedoms with other freedoms.



In the second week, we continued with architect **Gül Köksal's** course, "From hegemony to resistance: The right to the city in theory and practice" in which she laid out social inequalities fostered by the city and constant damages of urban fabric. In addition, she touched upon historical examples of knowledge-producing, constitutive and transformative movements of urban activism.



In the third week, sociologist and feminist **Demet Bolat** addressed the question "How is anti-genderism reflected in academia?" by analyzing the dynamic relationship between science and gender. **Kivılcım Turanlı**, a legist who focuses on topics such as right to peace and law in relation to gender and literature, taught a course titled "Human rights beyond the norm: Struggles, possibilities."



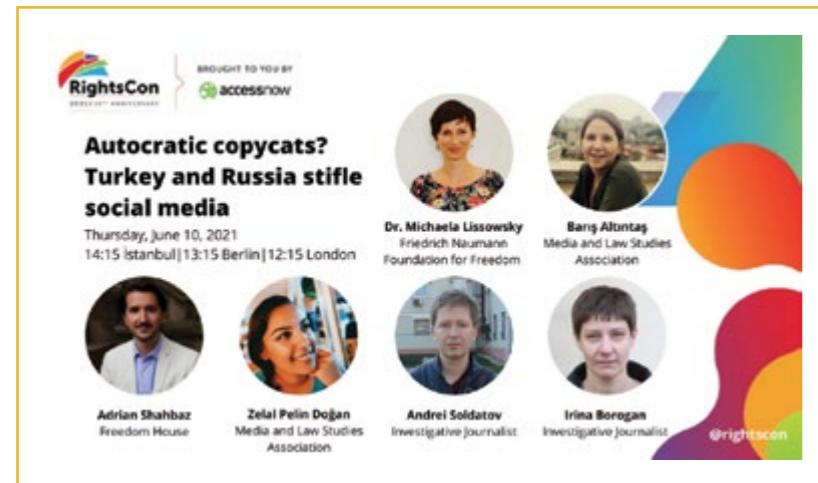
Economist **Özgür Müftüoğlu** led the fifth session titled “Pandemic turned into an opportunity and the ‘new work regime:’ Are we ready to fight?” in which he discussed the more despotic, flexible and precarious forms of work imposed under the pretense of the pandemic. The last course titled “Art: Do we keep learning?” was delivered by artist and translator **Nazım Dikbaş**. He laid out the conditions under which the training, production and presentation of art face significant challenges, existing positions and what might be changed.



RIGHTSCON PANEL:

“AUTOCRATIC COPYCATS? RUSSIA AND TURKEY STIFLE SOCIAL MEDIA”

Since 2019, one of our main focus areas has been internet freedoms and censorship. Within this framework, MLSA, together with the Friedrich Naumann Foundation, organized a panel at the online RightsCon on June 11, 2021 under the title “Autocratic copycats? Russia and Turkey stifle social media”. The panel was opened by FNF Senior Advisor for Human Rights **Michaela Lissowsky** and moderated by our Co-director **Bariş Altıntaş**.



The panel was joined by **Adrian Shahbaz**, Director for Technology and Democracy at Freedom House; Russian investigative journalists **Andrei Soldatov** and **Irina Borogan** whose work has exposed extensive electronic eavesdropping and surveillance in Russia, and freedom of expression lawyer **Zelay Pelin Doğan**. After laying out the impact of harsh social media legislations as recently adopted in Turkey and Russia, the

panelists also discussed the measures with which social media users can protect themselves and continue to reach their audiences.

LAW FOR EVERYONE

Our Law for Everyone program was designed to train early-career lawyers, law students, civil society professionals and journalists on significant human rights legislations. The program was held online between July 5 and August 10 to enable larger audiences across the country to join.



The program began with former ECtHR judge **Rıza Türmen**'s session titled “International human rights law and protection mechanisms.” Türmen introduced the participants to international human rights conventions and institutions overseeing their implementation.

The second session titled “Protection of Basic Rights and Liberties under Turkish

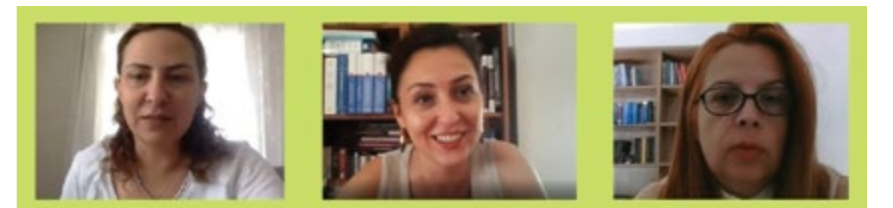
Constitutional Law” was led by **Volkan Aslan** who is an Assistant Professor of Constitutional Law at İstanbul University.

Human rights lawyer **Benan Molu**'s session, “Role of the AYM and the ECtHR in human rights jurisdiction,” provided the participants with examples illustrating the work of the two courts and a discussion of application procedures.

The fourth session was led by **Ulaş Karan**, a researcher and lecturer at İstanbul Bilgi University's Human Rights Law Research Center, and was titled “Freedom of association of civil society and human rights defenders.” Okan University's researcher of feminist theory of law **Ceren Akçabay**'s session titled “Protection of women's and LGBTI+ rights on national and international levels” informed the participants on relevant international conventions and domestic legislation, in addition to providing a discussion on their implementation.



Lawyer **Tuğçe Duygu Köksal** led the “Refugee law and asylum seekers” session where relevant international principles were laid out in detail. “Human rights of persons with disabilities” session was led by **İdil Işıl Gül**, a member of İstanbul Bilgi University's Faculty of Law focusing on anti-discrimination, and laid out the existing relevant legislation.



Engin Arıkan from the Turkish-German University delivered a lecture on “Animal rights” where he presented statistics on the situation of animal keeping and introduced the participants to important ethical questions.

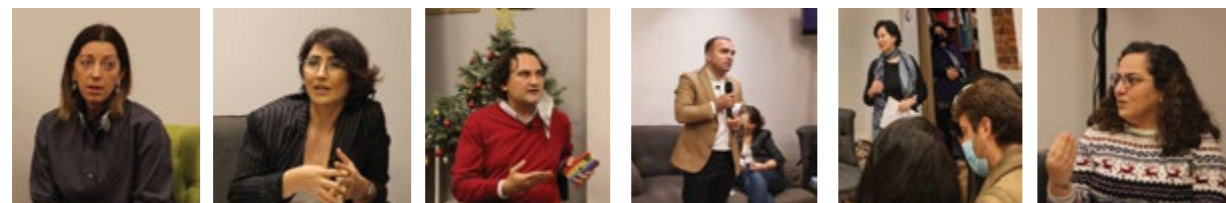


Bahçeşehir University’s **Serkan Köybaşı** led the session on “Environmental law,” where he informed the participants on fundamental concepts in environmental constitutionalism and ecology and law.

Last but not least, our Co-director **Veysel Ok** talked about freedom of expression trials against social media users and journalists during his session titled “Freedom of expression in social media and citizen journalism” where participants were also informed about their rights and the mechanisms available in cases where those rights are violated.

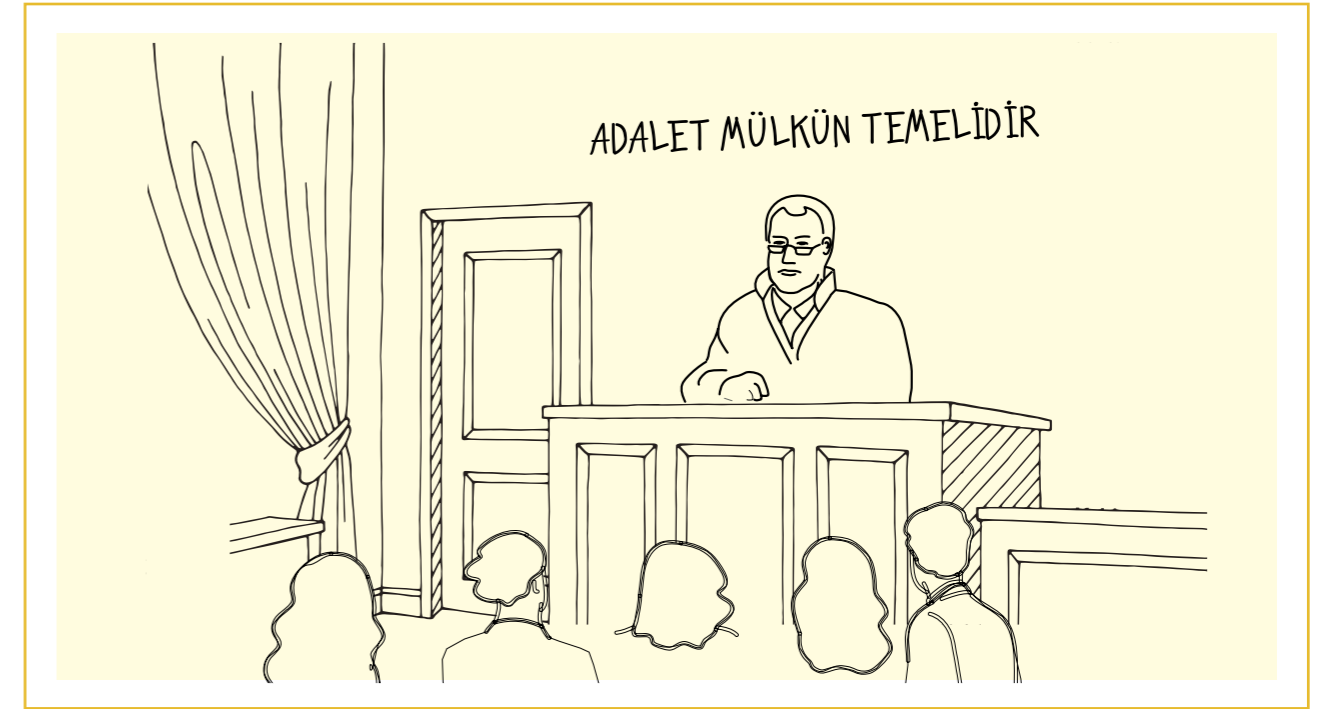
UNSOLVED IV: “WE MUST DULY TAKE ON THE RESPONSIBILITY TO NOT LET THE TRUTH BE FORGOTTEN”

On December 13, we held the fourth of our annual “Unsolved: Fighting impunity” panel series. Taking place at the Yesayan Hall in İstanbul’s Beyoğlu, the panel brought together **Sebla Arcan, Katerina Sergatskova, Ayşe Tepe Doğan, Rümet Serhat** and **Ferhat Parlak**, to draw attention to what can be done to bring the perpetrators of unsolved political murders and enforced disappearances to justice. Among the invitees of the panel, which was moderated by **Burcu Bingöllü**, were former speakers of the 2018 and 2019 panels, **Alaz Erdost, Dicle Anter** and **Matthew Caruana Galizia**.



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TRIAL MONITORING



We have been running the most comprehensive trial monitoring program in Turkey since 2018. Between 2018 and 2021, we monitored **947 hearings** of **276 trials** pertaining to freedom of expression held in **19 cities** with **28 court monitors**. In at least 523 hearings, our court monitors were the only ones monitoring the hearing.

In 2021, we monitored **308 hearings** of **165 trials** in **18 cities** with **19 court monitors**. In at least **154** hearings, our court monitors were the only ones monitoring the hearing. The majority of these hearings were those held in cities other than İstanbul and Ankara. Aside from social media announcements and updates, we publicized these hearings in which individuals stood trial for practicing their freedom of expression through hearing reports we published on our website. In 2021, 283 hearings reports were published the day in which the hearing was held.

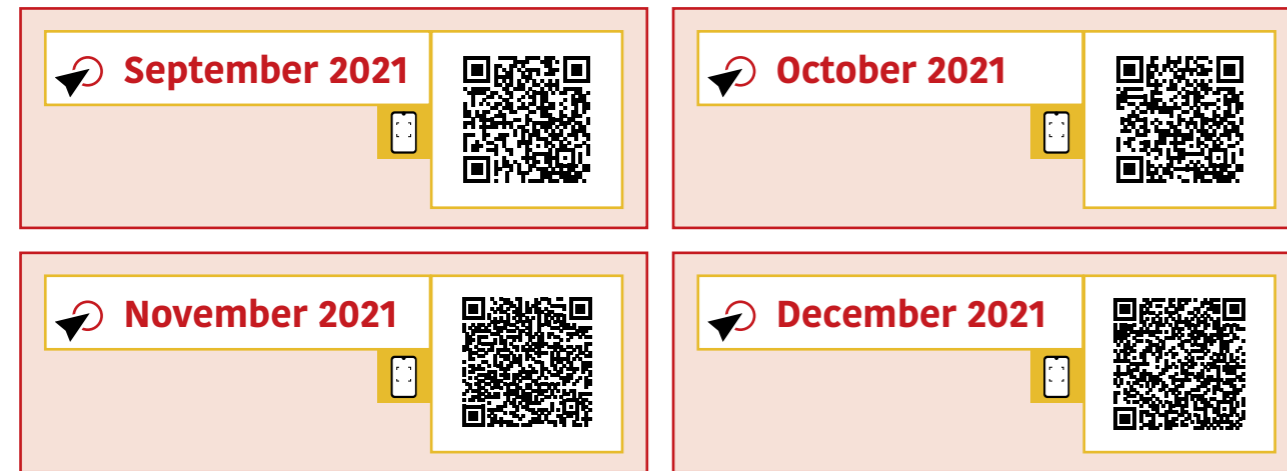
Since July, the Royal Norwegian Ministry of Foreign Affairs has been funding our trial monitoring program. Along with the beginning of the new project period, the program also adapted itself to the expanding limitations on freedom of expression. Now, trials concerning freedom of assembly are also being monitored. Moreover, with the start of the new legal year in September, we began preparing monthly reports consisting of meta-data gathered from the hearings monitored during the previous month.

Our first monthly report was published in October and covered the 36 different trial hearings held in September where 212 defendants stood trial, 52% of whom were journalists.

A total of 51 charges were brought against the defendants, 27% of which was “making terrorist propaganda,” followed by “membership of a terrorist organization” with 25%.

Sixty two pieces of evidence were presented as evidence for crime in these cases; 27% of the evidence consisted of articles, news stories, photographs and/or publications belonging to the defendants.

Here are the rest of our monthly reports:



We will continue to publish lengthier reports involving more detailed analyses and legal commentary penned by our Legal Team, in order to promote the right to freedom of expression and press, and the right to a fair trial, in addition to increasing the pressure on judicial authorities to comply with legal standards.

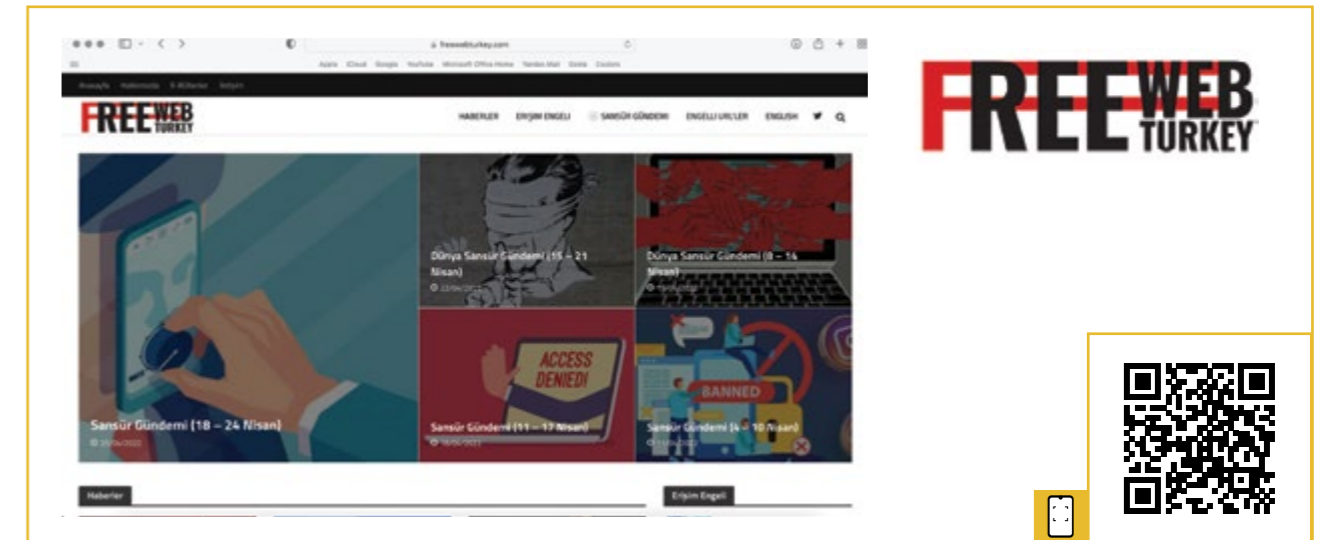


FREE WEB TURKEY

MLSA launched the Free Web Turkey project in late 2019, to respond to censorship and the increase in banning of online content in Turkey in recent years. The project monitors and reports online censorship based on the data gathered from open-source research.

We publish two weekly bulletins on our website, one on access bans in Turkey and one on global digital developments; all weekly bulletins for 2021 are accessible via

freewebturkey.com.



On January 20, 2021, MLSA, under the Free Web Turkey project held a panel to introduce the report “**End of news: Internet censorship in Turkey.**” Panelists Republican People’s Party (CHP) High Disciplinary Board Member, lawyer **Gülşah Deniz Atalar**, Media Freedom Rapid Response Coordinator within the European Center for Press and Media Freedom (ECPMF), journalist **Gürkan Özturan** and MLSA Co-Director **Barış Altıntaş** discussed the findings of the 2020 monitoring period.

In 2021, we continued to compile data on online censorship in Turkey. To summarize the main findings, the Free Web Turkey project identified at least 11050 domain names, news URLs, and social media contents affected by blocking decisions, whereby most of the blocking decisions were targeted at news URLs. Moreover, 49 news sites were banned during the 12-month project period, some even more than once. 21 of the banned news sites were being published in Kurdish. Among the banned news sites were the website of Mezopotamya Agency which was blocked five times and the website of the women’s news agency Jinnews, which was blocked 11 times in 2021.

Contentwise, 838 of the blocked news content pertained to the government and its close circles, namely to information directly related to the Turkish President and Justice and Development Party (AKP) leader Recep Tayyip Erdoğan, his family, and to mayors or officials of the AKP.

Most used justification by the courts for blocked news URLs was “violation of human rights” which was observed to be used for the requesters’ own interests according to the content of the news blocked. The official government institution Access Providers Association (ESB) shares information on the percentage share of certain thematic categories (e.g. “obscenity”) among all blocked contents. However, some categories, such as content blocked on the grounds of “violation of human rights” are missing. ESB does not share absolute numbers on how many contents have been blocked.

Throughout 2021, with the support of FNF, we continued our broadcasts on our Youtube channel, MLSA TV, which was launched during the COVID-19 pandemic. In discussing the latest developments on the agenda of Turkey's civil society, well-versed journalist and programmer **Soner Şimşek** hosted over 20 guests, among whom were journalists, lawyers, activists and members of parliament.

APRIL 17:

DELAYED "JUSTICE" - ECHR'S RULINGS IN JOURNALIST CASES

Prof. Dr. Yaman Akdeniz from Istanbul Bilgi University's Law Faculty and journalist **Murat Aksoy** talked about expectations of journalists' applications to the European Court of Human Rights and critically discussed recent ECtHR decisions in light of these expectations.



APRIL 24:

"TURKEY'S 'CANDIDATE COUNTRY' STATUS BEFORE THE EU HAS ENDED DE FACTO"

Political scientist Professor **Cengiz Aktar** depicted a general framework for Turkey's relations with the EU and the Council of Europe. Aktar emphasized the lack of interest of EU member states for developments in Turkey and in that regard, talked about a process of 'de-westernization'.

MAY 1:

"JOURNALISM AS A PROFESSION NO LONGER PROVIDES A HUMANE LIFE"

At the occasion of the International Workers' Day, Journalists' Union (TGS) Istanbul Chair **Banu Tuna** described challenges journalists in Turkey face, from new regulations impeding journalistic work over precarious economic conditions up to impacts of the pandemic.



MAY 8:

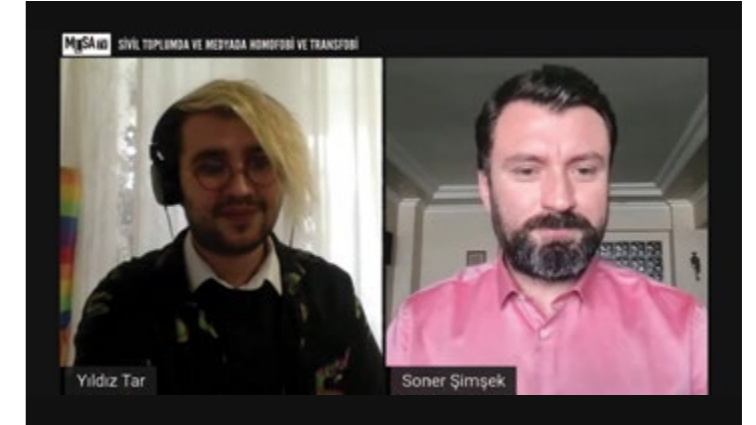
FREEDOM OF EXPRESSION AND THE PRESS AMIDST PRESSURES, PROHIBITIONS, CIRCULARS

Human Rights **Lawyer Veysel Ok** and journalist **Banu Güven** discussed a decision of the ECtHR in which the Court ruled that Turkey had violated Güven's right to freedom of expression with a ban imposed against news on a Parliamentary investigation of four ministers.

MAY 22:

HOMOPHOBIA AND TRANSPHOBIA IN CIVIL SOCIETY AND THE MEDIA

On the eve of Pride month, journalist and LGBTI+ activist **Yıldız Tar** provided a clear depiction of homophobia and transphobia existing in civil society and media. He shared some surprising findings from a 2020 media monitoring report and criticized opposing media outlets not reporting sufficiently on LGBTI+ issues.



MAY 29:

OLD TRADITIONS, NEW ACCOUNTS: STATE, MAFIA AND POLITICS

Based on the 'confessions' of mafia boss Sedat Peker, writer and journalist **İrfan Aktan** talked about the potential impact of the revealed scandals and discussed perspectives for democratization in Turkey.



JUNE 6:

“LOST JUSTICE”: IMPUNITY AND PROTECTED PERPETRATORS

Journalist **Gökçer Tahincioğlu** introduced his new book “Lost Justice - Impunity and Protected Perpetrators”, which features eight cases of impunity for crimes involving public officials.

JUNE 13:

POLITICS, MAFIA, CAPITAL AND MEDIA: ANOTHER JOURNALISM

IS POSSIBLE!

Against the background of mafia boss Sedat Peker’s revelations that were not previously revealed by journalists, Soner Şimşek discussed with Medya Koridoru Chief Editor **Canan Kaya** the responsibility of journalists, relations between media and politics, and the need for brave journalists to provide independent reporting.

JUNE 20:

“THE GOVERNMENT WILL NOT BE ABLE TO SPREAD FEAR”

Following the June 18 attack against the Peoples’ Democratic Party’s (HDP) provincial headquarters in İzmir, where party member Deniz Poyraz was murdered, HDP Group Deputy Chair **Meral Daniş Beştaş** evaluated the process that paved the way for this massacre, spoke of the closure case reopened against the HDP and evaluated in general the threats faced by the opposition in Turkey.



JULY 8:

CONTROVERSIES AROUND THE ANIMAL PROTECTION BILL

Lawyer and CHP Denizli Deputy **Gülizar Biçer Karaca** discussed the new Animal Protection Law Proposal, which has caused much controversy in the country, and criticized the proposal for not sufficiently taking into account the demands of animal rights defenders.

JULY 30:

ECHR REQUESTS A DEFENSE FROM TURKEY ON EXPELLED

ACADEMICS FOR PEACE

Rights defender and lawyer **Ayşe Bingöl Demir** evaluated the defense request of the ECtHR towards Turkey regarding the expulsion of Academics for Peace. Demir highlighted the significance of the process not only for the academics but thousands of people expelled from their jobs via statutory decrees.



JULY 31:

IS IT A CRIME TO RECEIVE FUNDS? CRITICAL MEDIA BENEFITING

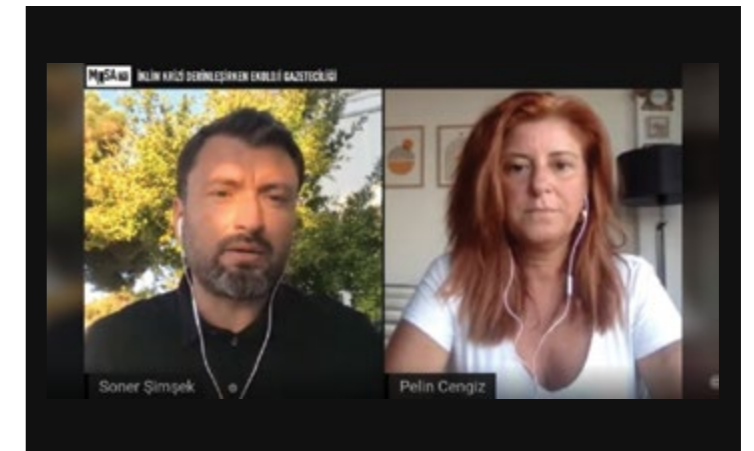
FROM FUNDS OPEN TO EVERYONE HAVE BECOME A TARGET

In light of discussions targeting independent media outlets benefiting from public funds, journalist and media ombudsman **Faruk Bildirici** outlined why receiving funding is not unethical for media outlets, particularly in an environment where the majority of mainstream media is linked to political power and independent news outlets are under pressure.

AUGUST 8:

ECOLOGICAL JOURNALISM IN TIMES OF DEEPENING CLIMATE CRISIS

Against the background of the devastating forest fires in Turkey, journalist **Pelin Cengiz** discussed how easily disasters tend to be forgotten in the public mind and how conspiracy theories denying the climate crisis spread. She particularly highlighted the need for stepping up ecological journalism to create public knowledge and awareness.



AUGUST 10:

THE LONG ROUTE OF AFGHAN REFUGEES: NOTES FROM THE BORDER

Journalist **Ruşen Takva** shared his personal encounters with the refugees arriving at the Iranian-Turkish border. He talked about the humane wish for security of the refugees, explained the realities of the long and difficult journey that refugees are going through and criticized widespread racist rhetoric in Turkey.



SEPTEMBER 25:

1 TWEET, 7.5 YEARS PRISON: DECISION AWAITED IN A FREEDOM OF EXPRESSION TRIAL

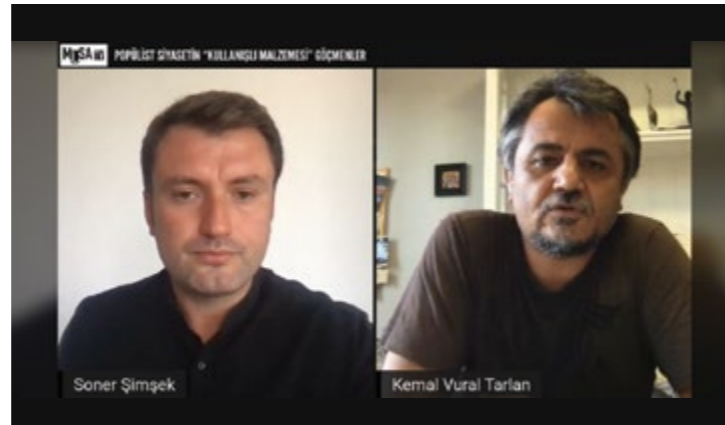
Two days before the final hearing, human rights defender and lawyer **Nurcan Kaya** reviewed the Kafkaesque trial against her on the grounds of a single tweet in which she criticized Foreign Minister Mevlüt Çavuşoğlu for remarks on the Operation Peace Spring. The prosecutor requested 7.5 years of prison for “successive terror propaganda.”



AUGUST 19:

REFUGEES AS A 'TOOL' IN POPULIST POLITICS

Journalist **Kemal Vural Tarlan** assessed Turkey's migration policy. Noting that the opposition has to produce a discourse that will facilitate living together, Tarlan explained how the existing system creates problems for both migrants and Turkish citizens, which are exploited by populist politics.



SEPTEMBER 27:

TURKEY'S INTERNET FREEDOM RECORD

With regards to Turkey's increasingly restricting internet and social media legislation, ECPMF Coordinator **Gürkan Özturan** talked about how 'social media has been declared the enemy' by Turkish officials and highlighted rights violations against individuals when access to contents is blocked, users are investigated for their posts or private data is accessed.

AUGUST 26:

THE COVID-19 PANDEMIC IN PRISONS

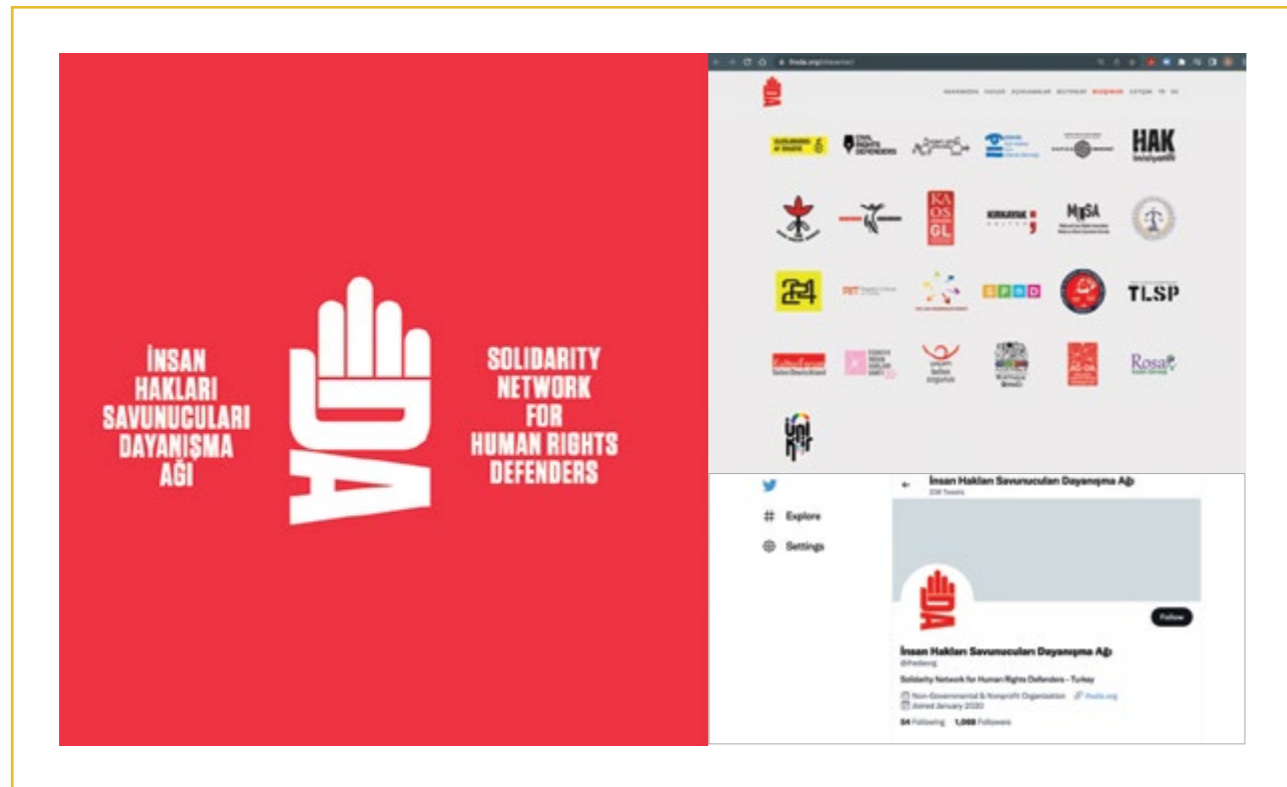
MLSA representative **Zelal Pelin Doğan** and CISST representative **Berivan Emine Korkut** reported on the situation in prisons during the COVID-19 pandemic. In addition to challenges such as 'prison poverty', they pointed out deficits in access to health and justice of prisoners, such as for example the lack of hygiene materials and the abuse of quarantine procedures.

ADVOCACY AND SOLIDARITY

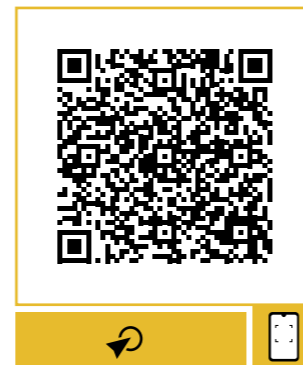
LEARNING FROM AND LEANING ON EACH OTHER:

SOLIDARITY NETWORK FOR HUMAN RIGHTS DEFENDERS

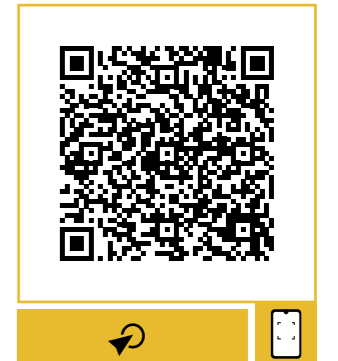
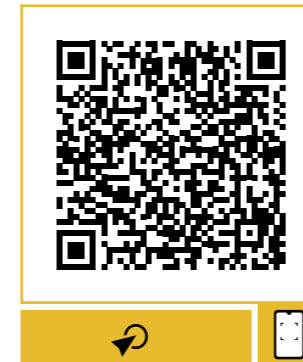
In late February 2019, a group of human rights organizations came together to launch the Solidarity Network for Human Rights Defenders (İHSDA) in order to address the need to provide better protection for human rights defenders in Turkey. Currently, the Network consists of 25 member organizations. As one of the founding members of the Network, MLSA took a leading role by becoming a member of the Steering Committee, which was formed in January 2021, together with four other member organizations. While not all Network activities can be included in this report, we would like to mention some highlights.



In the first weeks of this year, threats against human rights defenders in Turkey mounted, as illustrated by Interior Minister Süleyman Soylu's verbal attacks against the Human Rights Association (İHD), the conviction of a number of prominent human rights defenders, and the targeting of several MPs who play a significant role in bringing up rights violations to the agenda of the Parliament. In light of these developments, the network called for an immediate end to the repression, intimidation, criminalization of and discriminatory speech against human rights defenders.



On March 22, the Network published an “Information Note on Recent Developments Concerning Civil Society” after having observed a mounting of oppression on civil society organizations (CSO) at an alarming rate. In this note, the Network provided information about the stipulations and impact of the Law on “Preventing the Financing of the Proliferation of Weapons of Mass Destruction” which entered into force on December 31, 2020. The note underlined the uncertainties created by the law and thematized the intransparent audits which CSOs became subject to. The information note called on the government to terminate implementations restraining civil society activities, to take into account CSOs in all decision making that affects them and to protect CSOs instead of making them a target of the judiciary.



Prior to the meeting of the Council of Europe's Committee of Ministers on September 14-16, during which potential measures against Turkey's failure to implement the ECtHR's Kavala judgment were on the agenda, 10 associations of the Network, including MLSA, published a joint statement on September 13. The undersigned organizations demanded the ECtHR's ruling to be implemented and Osman Kavala to be released immediately. Otherwise, they called on the Committee of Ministers to take all necessary measures to ensure the implementation of the judgment.



In addition, the Solidarity Network had sent a letter with the same request to eight human rights ambassadors who are members of the Committee on September 6.



On November 8, the Network held a special panel and discussion meeting. Moderated by MLSA's Barış Altıntaş, four representatives of different NGOs talked about their experiences with the impacts of the NGO law from December 2020 and lately increased pressures on civil society work. Experts shed light on legal changes and points that need to be considered in the management of NGOs. Panelists and participants exchanged know-how and strategies to deal with pressures in the daily administrative and management work.

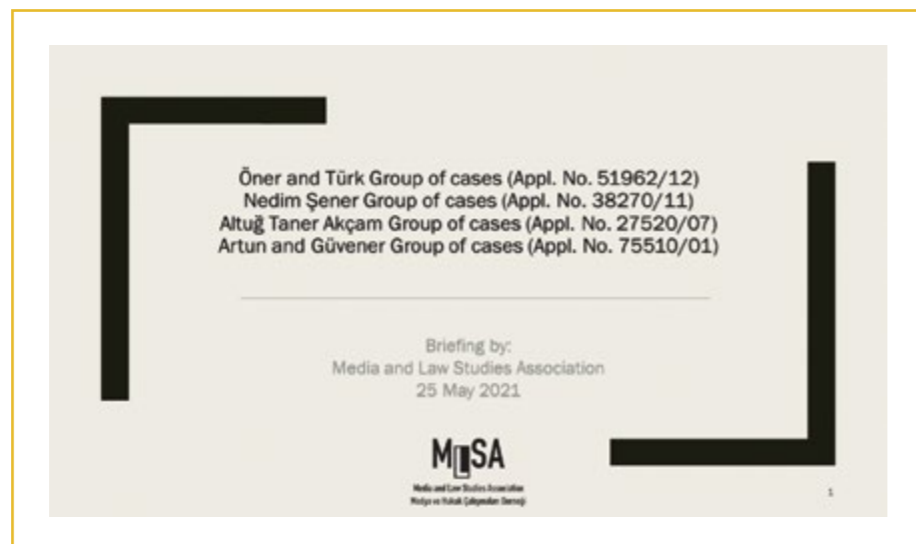
On December 10, the Steering Committee met to launch a new research project on the difficulties and challenges for the work of NGOs in the field of migration resulting from rising polarization and racism against refugees in Turkey. The Truth Justice Memory Center, Association for Monitoring Equal Rights, AĞ-DA Gender Equality Solidarity Network, and MLSA will conduct this project together under the roof of the Solidarity Network.

RULE 9.2 SUBMISSION

MLSA handed in a **Rule 9.2 Submission for the 1406th meeting of the Council of Europe's (COE) Committee of Ministers (CM)** in the Öner and Türk, Nedim Şener, Altuğ Taner Akçam, Artun and Güvener groups of cases on April 28. Through Rule 9.2 submissions, NGOs can submit information to the CM and thus contribute to the dialogue on the execution of judgments of the European Court of Human Rights between the CM and the respondent state. The aforementioned groups of cases to which MLSA's submission pertained concern unjustified interference with freedom of expression, the pre-trial detention of journalists in absence of relevant evidence and prosecutions not meeting the quality of law requirements.

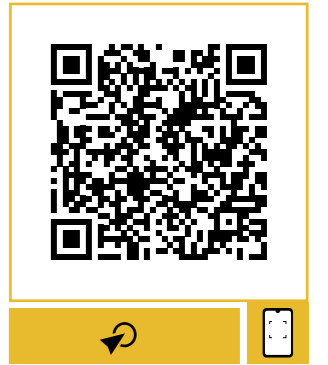
While Turkish authorities invited the CM to close the cases, MLSA highlighted in detail that Turkey does not fulfill its obligations to respect human rights, has no effective remedies in place against rights violations, and shows no commitment to implementing ECtHR judgements. Consequently, MLSA called on the CM to continue the supervision on the execution of the judgment of the cases.

Turkish authorities responded to our submission on May 20, claiming that the legal conditions in the country provide a safeguard of freedom, and that our submission contained "speculations on issues which are not subject to a supervision process" such as ungrounded statistics and exaggerated comments. However, MLSA had included as annex to its submission findings of its trial monitoring, consisting of reliable and transparent data gathered by court monitors in 319 hearings.



On May 25, upon the invitation of the European Implementation Network (EIN), MLSA presented its opinion on the mentioned groups of cases during a briefing for the delegates of Permanent Representations to the COE.

In its human rights meeting on June 9, the CM decided on an interim solution in which it urged the authorities to take several measures to ensure the implementation of the ECtHR judgments in the respective groups of cases and the protection of freedom of expression in Turkey. The CM further decided to continue the supervision of the aforementioned cases.



RESEARCH: MEASURES TAKEN AGAINST THE COVID-19 PANDEMIC IN PRISONS

During the COVID-19 pandemic, prisons have been high-risk areas given the difficulty of social distancing and frequent in and out movements. In that sense, prisoners belong to the most vulnerable groups in terms of infection risks. Since detailed and transparent data on the access to health and justice of prisoners during the pandemic has been lacking, MLSA decided to gather data on its own.

With the help of external lawyers, MLSA conducted structured interviews with 25 political prisoners between February and March in five different prisons: Edirne F-Type Closed Prison, Silivri L-Type Closed Prison No. 5, Ankara Sincan Closed Prison, Diyarbakır Closed Prison and Van High Security T-Type Closed Prison. The aim of the survey was to learn how prisoners' rights to access hygiene products, medical care, and justice, as well as their rights of visitation and communication, have been affected in addition to the overall conditions of prison.

The interviewees, of whom 11 were female and 14 male, answered 62 questions about their general conditions and the measures taken against the pandemic in prison. Our data revealed grave rights violations as more than half of the prisoners lacked necessary cleaning and hygiene supplies during the pandemic. Most of them faced major restrictions regarding cultural and sports activities.



According to the findings of our research, 44% of the prisoners were not properly informed about the COVID-19 pandemic by prison administrations. 56% indicated that they were deprived of the necessary and sufficient materials for cleaning and ensuring personal hygiene. Moreover, 76% of prisoners claimed to be malnourished. All 25 interviewees indicated that at least one sports or cultural activity has been completely banned.

BRIEFING THE EUROPEAN PARLIAMENT RAPPOREUR ON JOURNALISTS'

PLIGHT IN THE FIELD

Upon the invitation of Human Rights Watch, MLSA on September 6 participated in the EU-Turkey CSO platform meeting with European Parliament member and rapporteur for Turkey Nacho Sanchez Amor during which multiple topics on the current EU-Turkey agenda were discussed.

In the meeting, MLSA provided a briefing on attacks against journalists by law enforcement and civilians, a pressing issue as impunity further encourages these attacks that have been on the rise since the issuing of a circular banning audio-visual recordings of public demonstrations by the Interior Ministry in late April. Nacho Sanchez-Amor welcomed MLSA's presentation because it provided a new perspective in addition to legal discussions, illustrating the impact of legislative changes on the realities of the field.

EDITORIAL WORK



On our website mlsaturkey.com, we offer publishing opportunities for freelance journalists on rights-related topics. The commissioned articles shed light on topics regarding freedom of expression, press freedom, journalists who face prosecution or investigation, rule of law, and the right to information. In 2021, MLSA diversified its pool of writers. With new contributors, also the scope of topics on which we published articles has expanded and includes more input on LGBTI+ rights, women's rights, the problem of impunity, and serious human rights violations such as torture.

Apart from conveying information about issues that are relevant for the public in the field of rights, MLSA's editorial work also promotes the staying of journalists in the profession through offering them a publication platform in a period where unemployment among journalists and (self-)censorship are high. In 2021, 31 different journalists published 125 articles on MLSA's website.

MLSA PRESS COVERAGE

20.01.2021 / BIANET

42 percent of blocked news related to AKP, pro-government people



09.02.2021 / DEUTSCHE WELLE TÜRKÇE

Lawyer Veysel Ok: 'Article 216 of the Turkish Penal Code is being applied 'irrationally' in Turkey'



21.03.2021 / SÜDDEUTSCHE ZEITUNG

Demonstrations after Erdoğan's withdrawal from the Istanbul Convention



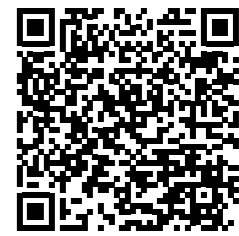
30.03.2021 / FRIEDRICH NAUMANN FOUNDATION FOR FREEDOM

“A time of dark forebodings” - Erdogan’s human rights agenda between claim and reality



30.04.2021 / MEDIA4DEMOCRACY

Interview with MLSA Co-Director Barış Altıntaş



15.04.2021 / FINANCIAL TIMES

Veysel Ok on the release of journalist and novelist Ahmet Altan



14.05.2021 / FRANKFURTER ALLGEMEINE ZEITUNG

A new trial against Deniz Yücel



30.04.2021 / ARTI GERÇEK GAZETE

The General Directorate of Security banned video and audio recordings



17.06.2021 / INDEPENDENT TÜRKÇE

MLSA’s Zela Pelin Doğan: This decision is an interference with the public use of Kurdish



28.06.2021 / WELT

Erdoğan's Deputy Minister of Justice sees himself as a victim of Deniz Yücel



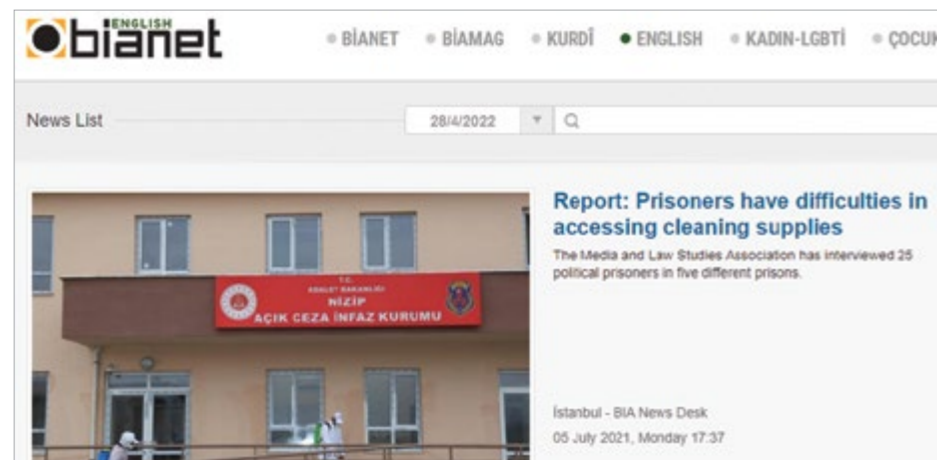
15.07.2021 / VOICE OF AMERICA

Under Siege: How Failed Coup Gave Way to Major Media Crackdown in Turkey



05.07.2021 / BIANET

Report: Prisoners have difficulties in accessing cleaning supplies



30.07.2021 / GAZETE DUVAR

Journalist battered by the police filed a criminal complaint



07.07.2021 / FRIEDRICH NAUMANN FOUNDATION

Interview with MLSA Co-Director Veysel Ok on the report 'A Moment to Reflect: Creating Euro-Mediterranean Bonds that Deliver'



24.09.2021 / T24

A workshop in Kilyos



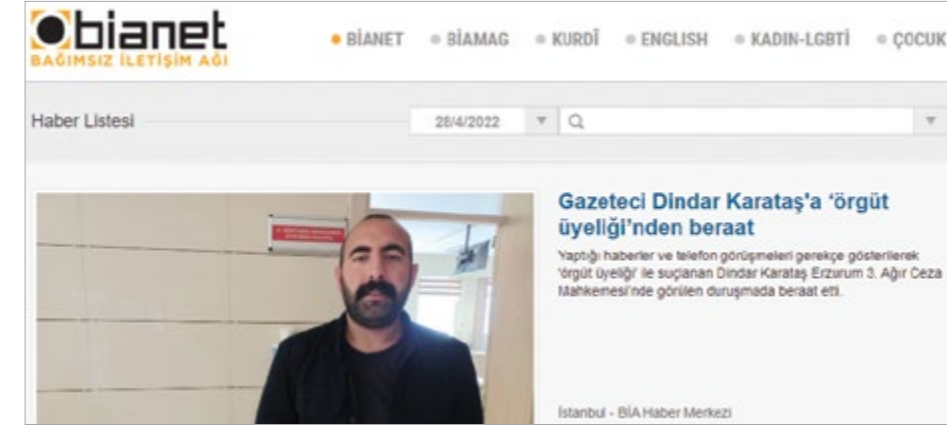
06.10.2021 / GAZETE DUVAR

MLSA: Adherence to international legal standards is continuously weakening



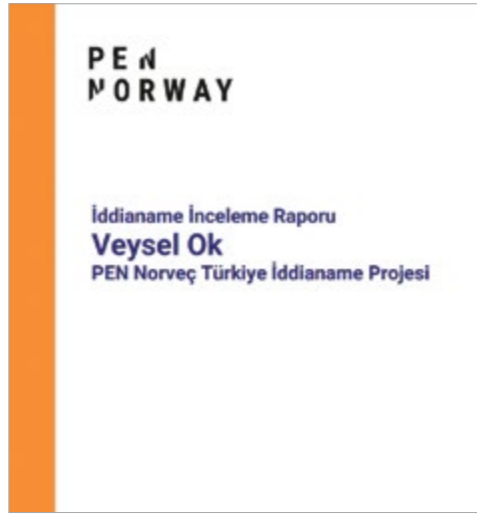
17.11.2021 / BIANET

Journalist Dindar Karataş acquitted of "membership of a terrorist organization"



07.10.2021 / PEN NORWAY

PEN Norway Turkey Indictment Project: Legal report on the indictment against Veysel Ok



03.11.2021 / COMMITTEE TO PROTECT JOURNALISTS

CPJ, other groups call on Turkey to release imprisoned journalist Nedim Türfent



M_LSA

Media and Law Studies Association
Medya ve Hukuk alıřmaları Derneđi

