AVIM WEBINAR VIDEO REMOVED FROM A SOCIAL MEDIA PLATFORM HAS BEEN REINSTATED

AVİM

In our commentary titled "Cyberbullying Against AVİM with Alleged Hate Speech," dated March 23, 2022, information was provided about a webinar organized by AVİM on July 8, 2021, titled "Assessment of the Punishment of Denial of Armenian Claims in the Context of Freedom of Expression" at which Turkish Constitutional Court Rapporteur Ceren Sedef Eren participated as a speaker. It was reported to our readers that the video of the said webinar meeting that we put on the YouTube platform was removed by YouTube on the grounds of hate speech. We underlined in the commentary that Ms. Eren, in her presentation, explained the process that started with the punishment of the denial of the Holocaust, elaborated the punishment of all crimes against humanity within the scope of combating hate speech in Europe, examined the conflicts created by this process in the framework of the principle of freedom of expression. In such a context, Ms. Eren touched upon the danger posed to European democracies by punishing the rejection and criticism (often referred to as "denial") of the Armenian genocide allegations and made evaluations within the framework of the Perinçek v. Switzerland judgement of the European Court of Human Rights (ECHR). We stressed in our commentary that there was no element that evoked hate speech in the said webinar video. The explanations were made entirely on the relevant international legal norms. Hence, the removal of the video was based on an unjustified and arbitrary practice, which also needs to be looked into. We further stated that we would first appeal to YouTube regarding the video's takedown, and if our objection was not accepted, we would be following up our objection within the instances of the legal system.

Subsequently, an online objection was made concerning the removal of the video in March 2022. As we did not receive a response to our objection for some time, our next objection was conveyed to the Istanbul office of the parent company (Google) of the said social media platform with a letter dated June 8, 2022. In our letter, the following points were stated:

- The speaker did not include any "discriminatory or racist" discourse in her relevant comments. On the contrary, she emphasized the principles stated by the ECHR.

- The foremost among these principles is the principle of protecting all kinds of expressions that convey academic views and opinions within the scope of freedom of expression, provided that they are not discriminatory or constitute incitement to spread hatred.
- Any non-violent expression is protected under the First Amendment to the Constitution of the United States of America, under which the company in question operates and is subject to its laws.
- The speaker explained the technical details of a judgement made by the ECHR, the world's foremost international human rights court, and explained in this context why the rejection and criticism ("denial") of the Armenian genocide allegations could not technically be defined as a crime.
- The justification that the video was "removed because it violates YouTube's policy on hate speech" cannot be true. For this reason, we objected on March 23, 2022. However, we received automated responses such as, "We are reviewing your appeal. We are carefully review your content again. We will send you an e-mail when the process is complete." However, no email was sent to us, and the blocked status of the video continued.
- Unfortunately, the addressee did not show the level of haste while examining our appeal as it did when removing the video. This situation has the potential of damaging the credibility and image of the company. Moreover, an approach in this direction was likely to pose a problem to the relevant Turkish representation of the company in the context of the pertinent articles of the Turkish Penal Code.
- Above all, the removal of the relevant video, which does not contradict the laws and court decisions of the USA, the ECHR, the Republic of Turkey, and also the policies of the social media platform in question, is a violation of freedom of expression. The prompt approach shown to removing the video was not shown in the review of this obvious error, making the goodwill factor questionable.
- In the light of this information and without prejudice to our legal rights, we respectfully requested that YouTube immediately revoke the decision to remove the webinar video.

YouTube has recently informed us that after one more check of the content, they confirmed that it "does not violate the provisions of the community rules" and that the video has been republished. We express our satisfaction with this decision, albeit late, and provide the link address of the video below:

https://www.youtube.com/watch?v=6cNzffHplOk

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