



## **The Report of the HDP on Local Election on 31 March 2019**

Turkey has entered a period in which people faced with limitation of rights a bit more day by day. After the lifting of the immunities of the parliamentarians, Co-chairs of the HDP, deputies, party members and executives have been arrested. 95 municipalities including 3 metropolitan municipalities and 8 city municipalities that were run by the Democratic Regions Party (DBP) have been seized by the Government. 94 elected co-mayors of the DBP were arrested.

In the meanwhile, it has been claimed that fair and democratic elections took place in Turkey and current government has been ruling the country as a result of these elections. However, it is an argument in order to mislead both national and international public opinion.

The elections and election safety in Turkey have been always a problematic issue. However, the latest experiences in the General Elections on 24 June 2018 clearly show that there is no election safety at all. All elections are designed by the ruling party AKP and the President Erdoğan and the opposition parties cannot prevent the irregularities that are practiced during election period and on the election day.

The election safety does not mean only to organize the election day or ensure the safety of polling stations, but it also means to ensure all political parties run in the elections fairly and equally. In this respect, similar to previous elections, in these upcoming elections all opportunities and resources are being used in favor of AKP-MHP alliance, but bans and restrictions are against the opposition parties. An election can only be called a fair election, if its procedures from beginning to end are fair. There are many essential components to conducting a free election such as: campaigning opportunities to usage of media, neutrality of state institutions and freedom of jurisdiction. Organizing ballots, collecting election results and the declaration of those results, follow these essentials.

### **For a fair election:**

**Independence of Judiciary:** In Turkey, especially after the State of Emergency, the pressure on the opposition has escalated, but the independence of judiciary has further diminished. Particularly, unfair detentions and arrests of our party members, HDP and long drawn out court cases, along with HDP members being in prison and punishment of all social opposition by the judiciary have also an effect on the elections. According to the Constitution of the Republic of Turkey, the Supreme Election Council (SEC) is responsible to ensure that elections are conducted on equal and safe terms. The fact that there is no objection to the decisions of the SEC also means that all decisions made by it shall be final, and this in turn makes it difficult for the SEC, which is already a partial institution, to decide in favor of the opposition.

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**Fair Use of Public Resources:** In the election race, where all parties enter, the ruling party prepares for elections in an unfair competition both in terms of budget and other resources. On the one hand, all means and budget of the presidency and ministries and all the facilities in the municipalities assigned to the trustees were mobilized for elections. On the other hand, the opposition parties only have a state's budget aid to run in the elections.

**Freedom of Media:** There is no freedom of media, especially after the closure of dissident media outlets by the governmental decrees, the detentions of journalists and the grave pressure on the media. Many people have been detained and arrested even for their social media sharing. The state channel, TRT broadcasts every day in favor of the government and against the opposition and disseminates the AKP's propaganda. Our party HDP, unlike other opposition parties, is completely blocked in the national media. All of the news about it is made without any exception for the purpose of anti-propaganda; it has become the subject of severe insults and threats every day. In the June 24 elections, the ruling party had made propaganda for 181 hours in TRT and our party was only able to take part in the news for half an hour. Ahead of the local elections on March 31st, there has not been any HDP executives on television channels or on widespread printed media.

**The intervention of the Ministers and in particular of the Ministry of Interior in Elections:** The ruling party AKP, makes continuous statements on electoral security. Especially the statements made by the Ministry of the Interior on civil registries and on the assigned police forces put pressure on the elections and damage the impartiality of the elections. The government party and its ministers are elected by people just as other parties. The duty of the Ministry of Interior is to ensure the security of elections. However, the statements show that our party was targeted in elections, discrimination was made to some provinces and public facilities were used and will be used in favor of the government.

The rule that ministers of Interior, Justice and Communications shall be impartial persons has been abolished in the Constitution which was amended by a referendum on 16 April 2017. It is clear that a minister who acts as a party's militant and blames everyone who is not on their side as terrorists cannot be relied on with respect to the elections. Therefore, the Ministry of Interior, which is responsible for securing the election, is in fact the most important actor threatening electoral security. The duty of the Ministry of Interior is to ensure the security of elections. However, the statements indicate that a party is targeted at elections, some are discriminated against, and public facilities are used and will be used in favor of the party that holds the majority of parliament.

As illustrated in the section on the objections of our Party, the Ministry of Interior has made law enforcement forces impartial in places where our party is powerful, organized them both as a means of pressure on the electorates and as voters who will vote for the AKP at ballot boxes. This step was carried out consciously and strategically during voter lists.

**The 10% Election Threshold:** Although the abolition of the electoral threshold in Turkey has been discussed for many years, it continues to be practiced in local elections. Although

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the HDP has not a problem with passing the threshold, it will lack deficiencies in the monitoring of municipalities where it is less powerful.

**Extension of SEC members' term of office:** Especially during the June 24 elections, SEC members who caused an intense debate on election irregularities have lost the confidence of the public due to their pro-government attitudes and decisions. In the economically and democratically developed countries, voting rates are not high as compared Turkey, electoral frauds and irregularities are not on the agenda of public. In the event of such a rumor, it has become a tradition for the officials to resign or to be dismissed from their duties.

## **WHAT DID THE HDP DO IN THE PROCESS OF OBJECTION TO THE VOTER LIST?**

According to the election calendar announced by the Supreme Election Council, between January 4-17th 2019, the official neighborhood voter lists were published for updating. Between January 23-24th 2019, the list of voters including amendments related to the ballot box voter lists was published.

As a party, in the review on voter mobility by considering these two mentioned voter lists, it has been observed that a systematic vote shift was made against our party in many provinces and district centers where our party gets ahead with votes, such as center of Şırnak province, Beytüşşebap, Güçlükönak and Uludere districts of Şırnak, Çukurca district of Hakkari and central district of Siirt.

This shifting has been made by methods such as;

- Relocation of law enforcement officers from other districts and provinces to these certain districts and provinces
- Registration of law enforcement officers, working in village police stations connected to these provinces and districts, as voters in the provincial and district centers (As known; voters who reside in the village in local elections do not vote for mayor in district centers)
- Transferring voter records of persons who are presumed to be voters of other parties to these districts and provinces where the HDP gets the majority of votes.

Accordingly, our party has made objections to the DEBs on this issues. By these objections, a total of about 33.000 voters in 44 districts were asked to be investigated and frozen the registration of voters. As a result of the objection, the voter registrations of 12,499 people in 16 districts were not changed, and the voter registrations of 1,286 people/ law enforcement officers were frozen. In 28 districts, the voter registrations of 19,421 people were rejected without any adequate investigation. The justifications for the rejections are as follows: the addresses in question are collective settlements such as police headquarters, Turkey's Intelligence Service's (MIT) regional directorates, hostels, hotels, army houses and institutional housings, and there is no evidence and justification; the law enforcement officers in question were assigned in these districts and provinces by the General Directorate of

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Security for election security in 31 March 2019 elections; and, there is inadequate information in the application documents to prove the allegations. In addition to the electorate registration irregularities identified, voters who had records were delated collectively were also found and again objections were made to investigate the voter records. A total of approximately 4,000 voters in 13 districts were requested to be investigated. As a result, not enough review and amendments were made for voter registration of 4,242 people in 13 districts, the registration of 24 voters was frozen and the voter registration of 41 voters was activated. The justifications for the rejections in this application are: there are no concrete evidences; it has been found that individuals reside in their addresses as in the voter lists; no unlawful irregularities are observed in the relevant voter records; the investigations carried out by the law enforcement officers are impartial and reflect the truth.

## **OBJECTIONS MADE TO THE SUPREME ELECTION COUNCIL**

Following the resolutions of the DEBs within all of these voter lists' processes, appeals were filed by our Headquarters to the SEC. As a result of our objection for Iğdır Central District, 774 of illegally registered security guards' registrations were frozen. A total of 953 illegally registered voters were registered in their former residence, and voter registrations of 9 people were activated. As a result of the objections made by both our provincial-district organizations and our Headquarters, 1349 people's voter registrations have changed as a result of the decisions of PEBs and DEBS and 962 people's voter registrations have changed as a result of SEC decisions.

## **EVALUATION**

Article 122 of Law No. 298 states ; "The headquarters officials may file complaints and objections on the electoral rolls to the Supreme Election Council and citizens who are qualified as voters may file complaints and objections to the chairs of district election committees." and also Article 124 states; "The headquarters officials of the political parties and the General Directorate of the Voter Registers may request that the final decisions on the complaints and objections set out in Articles 122 and 123, be examined and resolved once in the Supreme Election Council."

As known, the voting of the security forces in the elections depends on the procedure of issuing 142 documents. Accordingly, these people's voter registrations shall be frozen in accordance with the general provisions of the Electoral Law, if they do not reside in the settlements declared in the mukhtar neighborhood voter lists of 4-17 January and also they will not be able to vote in the previous settlements if they not change their registration in actual settlements during the published period.

We can indicate that at the 184 addresses, there are 19,700 registered voters for the March 31 election. But at these addresses, there are only 5,406 voter records in the June 24 election. Therefore, it was determined that 14.294 voter registration was made to influence the distribution of votes in the 31 March local election.

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It is known through District Election Committees that the authorities such as the General Directorate of Security and the Gendarmerie Command generally respond the questions on the objections saying that “these law enforcement forces, who have been enlisted collective as voters, have been assigned to take necessary security measures in the district center in the 31 March 2019 local election.” However, assignment on the election day does not make a person a voter. If the residence address of these people is not the election constituency, they cannot vote in the elections there on March 31. Even for the assignment purpose, these people may only vote for the provincial council; may not vote for provincial or district mayorship. These “temporarily assigned” law enforcement officers who can vote for the provincial council, can only vote if they are registered to the voter list of that specific area and present “Sample 142 document”.

In addition to all these, it has been photographed and documented by our deputies and provincial and district organizations that these aforementioned voters have not been only registered in “residential places”, but also registered in abandoned, unused, under construction buildings and even in animal shelters.

Our Headquarters has applied to the Supreme Election Council within its legal period upon the rejection of the objections by the relevant Election Committees on the grounds that “these law enforcement officers have been assigned to take necessary security measures to endure the safety of public in the district center in the March 31st, 2019 local election”. Therewith the Supreme Election Council has reversed the judgements of DEBs in Central District of Iğdır, Ercis District of Van and Erüh District of Siirt in accordance with our demand, on the grounds that about these people, there is no concrete evidence that they are assigned in those regions on 31 March.

In respect of the subject, the Interior Minister Soylu made a statement that 6.680 law enforcement officers were tasked on election day in risky 11-12 districts at “Regional Meeting on Election Safety” on January 19, 2019 in Mardin. Minister Soylu has indicated in his statement that “Our policemen, soldiers who are currently serving as advisory forces in Afrin, Jarablus, will ensure the safety of the region, then they will not vote in Hatay. No way. These guys will protect the honor of the country, but 300 - 500 votes will become a matter of debate”. Thus, he confessed that 6680 law enforcement officers’ voter registrations were illegal by saying they would be on duty on 31 March.

First of all, on what legal bases and procedures will the members of the security forces in Afrin or Jarablus vote in Hatay? With this statement, it is understood that the voter records of the security forces in these region have been transferred illegally and collectively after 4-17 January and made to vote out of their residential addresses. The transfer of voter registrations of the military officers and law enforcement officers who do not reside in Hatay is a clear violation of election safety.

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For all these reasons, it has been understood that the related provincial and district election boards have responded to the objections made by our Party Headquarters without conducting any adequate investigation and examination.

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