

# **REPORT: THE LAST EXIT BEFORE ILLEGAL LEGALITY : SNAP ELECTIONS IN TURKEY AS THE FINAL STEP ON THE ROAD TO AUTHORITARIANISM**

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## Introduction

Following months of speculation about possible early elections, on April 16, 2018, the anniversary of the controversial 2017 referendum, Devlet Bahçeli, the leader of the Nationalist Action Party (MHP), called for early elections to be held on August 26, the national holiday. On April 18, the State of Emergency was extended for the seventh time. A few hours later, Bahçeli and President Recep Tayyip Erdoğan met and announced that snap elections would be held on June 24.

On April 29, 39 representatives of the opposition People's Democratic Party (HDP) were detained in Istanbul; 29 were released, while ten were detained for seven days.<sup>1</sup> Following a meeting with Hulusi Akar, Chief of Staff in Turkish Military, representing Erdoğan, former President Abdullah Gül announced that he would not run in the election.<sup>2</sup> On April 30, Prime Minister Binali Yıldırım announced a supplemental 24 billion lira budget that will include dismissing taxes, erasing debts, allowing dismissed students to return to university, and giving extra payments to retirees for the upcoming Eid Celebrations.<sup>3</sup>

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Early elections aimed to disqualify Meral Akşener, the Leader of the Good Party (İYİ Parti); however, after 15 Members of Parliament (MPs) decided to transfer from the Republican People's Party to the Good Party, Akşener could legally join the elections. However, her party will not receive any public funds from the treasury.<sup>4</sup> AKP will receive the highest election

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<sup>1</sup> Ayşe Acar Başaran, Assistant of the HDP Co-Leader and an MP from the city of Batman, "İktidar kontrollü yargının HDP'ye yönelik gözaltı furyası devam ediyor," April 29, 2018, *HDP website*: <http://www.hdp.org.tr/tr/basin/basin-aciklamalari/iktidar-kontrollu-yarginin-hdp-ye-yonelik-gozalti-furyasi-devam-ediyor/11944>

<sup>2</sup> Cagan Koc, and Constantine Courcoulas, "Turkey's Gul Says He Won't Run Against Erdoğan in June Election," April 28, 2018, <https://www.bloomberg.com/news/articles/2018-04-28/turkey-s-gul-say-he-won-t-run-against-erdogan-in-june-election>; and Saygı Öztürk, "Akar'ın Gül'e gitmesi korkunun eseridir," *Sozcu*, April 30, 2018, <https://www.sozcu.com.tr/2018/gundem/akarin-gule-gitmesi-korkunun-eseridir-2378249/>

<sup>3</sup> "Son Dakika... Başbakan açıkladı: O borçlara af geliyor," *Sozcu*, April 30, 2018, <https://www.sozcu.com.tr/2018/gundem/gozler-bu-toplantida-aciklama-basbakandan-gelecek-2380038/>

<sup>4</sup> "İYİ Parti'ye hazine yardımı yok," *İyi Parti Website*, April 24, 2018. <http://iyiparti.org.tr/haber/iyi-partiye-hazine-yardimi-yok>

budget<sup>5</sup> and Erdogan has no limit for his personal election campaign. Besides legal and political manipulation, brutal force is being employed to silence the opposition. On Sunday evening, May 6<sup>th</sup>, almost 100 men at the National Action Party Propaganda Stand, attacked Good Party stand with knives in Bağcılar, Istanbul.<sup>6</sup>

One of the main reasons for early elections is to ensure they take place before the upcoming economic depression. “Despite posting an impressive 7.4% growth rate last year, thanks largely to a credit boom and a series of stimulus measures, Turkey’s economy has begun to run out of steam,” *The Economist* reported on April 21.<sup>7</sup> In 2018, two people are reportedly set themselves on fire for economic reasons, one in front of the municipal building after asking for a job<sup>8</sup> and the other in front of the National Assembly in Ankara.<sup>9</sup>

There are concerns that the ruling Justice and Development Party (AKP) will commit electoral fraud. Some argue that the AKP will steal five million votes and argue the participation rates to the elections dramatically increased. On April 20, the Head of the Ankara Bar Association, Hakan Canduran, told *Deutsche Welle* that 550 million ballots were printed, although there are only 57 million voters.<sup>10</sup> Another claim is that deceased people who have the same name as their descendants are shown as alive in the official records, and will have extra ballots registered in their names. Turkey recently opened an online family tree archive; many people have reported that their ancestors are recorded as alive in this archive. Nevertheless, the Head of Turkey’s Election Commission decided “to discuss the election security before the elections is inappropriate.”<sup>11</sup>

<sup>5</sup> “Hazine’den 2018’de hangi parti kaç lira yardım alacak?.” October 23, 2017.

<https://www.sozcu.com.tr/2017/gundem/hazineden-2018de-hangi-parti-kac-lira-yardim-alacak-2059770/>

<sup>6</sup> “Son dakika: İYİ Parti standına saldırı.” May 6, 2018. <https://www.sozcu.com.tr/2018/gundem/son-dakika-iyi-parti-standina-saldiri-2391313/>

<sup>7</sup> “The Economist Explains: Why has Turkey’s President called Early Elections?.” *The Economist*, April 21, 2018, <https://www.economist.com/blogs/economist-explains/2018/04/economist-explains-15>

<sup>8</sup> “İş isteyen adam kendini yaktı, AKP’li başkan ‘Kurgu mu bilemiyorum’ dedi,” *Diken*, January 29, 2018, <http://www.diken.com.tr/isteyen-adam-kendini-yakti-akpli-baskan-kurgu-mu-bilemiyorum-dedi/>

<sup>9</sup> “Kılıçdaroğlu: Adam TBMM önünde kendini yaktı, gazeteler korkudan yayınlayamadı,” *Cumhuriyet*, January 13, 2018.

[http://www.cumhuriyet.com.tr/video/video/904262/Kilicdaroglu\\_\\_Adam\\_TBMM\\_onunde\\_kendini\\_yakti\\_\\_gazeteler\\_korkudan\\_yayinlayamadi.html#](http://www.cumhuriyet.com.tr/video/video/904262/Kilicdaroglu__Adam_TBMM_onunde_kendini_yakti__gazeteler_korkudan_yayinlayamadi.html#)

<sup>10</sup> Aslı Işık, “Ankara Barosu Başkanı Canduran: 550 milyon oy pusulası basıldı.” April 20, 2018, <http://www.dw.com/tr/ankara-barosu-baskani-canduran-550-milyon-oy-pusulası-basıldı/a-43475043>

<sup>11</sup> Irem Koker, “YSK Başkanı Sadi Güven: Seçim başlamadan güvenliğini tartışmak doğru değil.” *BBT Türkçe*, April 30, 2018, [http://www.bbc.com/turkce/live/haberler-turkiye-43947519?ns\\_mchannel=social&ns\\_source=twitter&ns\\_campaign=bbc\\_live&ns\\_linkname=5ae6ca3de60e5d067b75250f%26YSK+Ba%C5%9Fkan%C4%B1+Sadi+G%C3%BCven%3A+Se%C3%A7im+ba%C5%9Flamadan+g%C3%BCvenli%C4%9Fini+tart%C4%B1%C5%9Fmak+do%C4%9Fru+de%C4%9Fil%26&ns\\_fee=0&ocid=socialflow\\_twitter#post\\_5ae6ca3de60e5d067b75250f](http://www.bbc.com/turkce/live/haberler-turkiye-43947519?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=5ae6ca3de60e5d067b75250f%26YSK+Ba%C5%9Fkan%C4%B1+Sadi+G%C3%BCven%3A+Se%C3%A7im+ba%C5%9Flamadan+g%C3%BCvenli%C4%9Fini+tart%C4%B1%C5%9Fmak+do%C4%9Fru+de%C4%9Fil%26&ns_fee=0&ocid=socialflow_twitter#post_5ae6ca3de60e5d067b75250f)

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Following the April 18 announcement of the decision to hold early elections, on April 24 the Monitoring Committee of the Council of Europe's Parliamentary Assembly (PACE) recommended that Turkey postpone the elections.<sup>12</sup> PACE argued that 'the legitimacy of the elections was at stake' for many reasons. First, the election laws were changed only a month prior to the announcement. "Changing the election rules three months before Election Day is contrary to the recommendations of the Venice Commission." They noted that political parties would not have time to adapt to the new legislation and run campaigns. Second, the ten percent electoral threshold—the highest in Europe—was maintained, thereby putting pluralism in the Parliament at risk. Third, the Committee reiterated that holding genuinely democratic elections is impossible under the state of emergency and on-going security operations in south-east Turkey.

The ongoing state of emergency has "led to disproportional measures and unacceptable restrictions on fundamental freedoms - in particular freedom of expression, the media, and assembly." The committee saw no progress in respecting human rights and stated that a number of people remain imprisoned: "A significant number of parliamentarians from the opposition (10), journalists (about 150) and human rights defenders remain in detention, while many other face legal cases on terror-related charges." The committee observed that a number of NGOs and numerous media outlets have been closed since July 2016, while pro-government individuals have bought other media. Most recently, a pro-government conglomerate purchased one of the biggest media companies, Dogan Media, which publishes Hurriyet daily. The Committee also noted that online broadcasting is controlled via new laws. In such an environment, they found that there was not much space for democratic discussions for the elections, "which requires access to full and accurate information so as to ensure the voters' ability to make informed choices between candidates."<sup>13</sup>

The committee "is notably worried by the possible presence of police forces in polling stations, which could have a deterrent effect on voters. It is also concerned that the decision to accept non-stamped ballot papers invalidates the use of stamped ballot papers as a major security measure. In addition, the committee also regrets that previous and repeated recommendations made by the

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<sup>12</sup> "Turkey: an adverse context 'will impede the conduct of genuinely democratic elections,'" Parliamentary Assembly of the Council of Europe, April 24, 2018, <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7036&cat=3>

<sup>13</sup> Ibid.

Parliamentary Assembly, the Group of States against Corruption (GRECO) and the OSCE/ODIHR related to media coverage and funding of electoral campaigns and political parties have remained unaddressed.”<sup>14</sup> Despite these arguments, Turkey regarded the call of PACE to postpone the elections as politically motivated.<sup>15</sup>

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*From 2016 to 2018, Turkey dropped two slots down, scoring 101st among 113 countries ranked in the justice index of The World Justice Project.<sup>1</sup> According to Amnesty International, more than 100,000 people in Turkey are facing criminal charges; while more than 50,000 are detained and have pending an appearance in court. In addition, more than 180 media outlets have been closed and 265 academics prosecuted for signing the Academics for Peace petition. According to Freedom for Academia's 2017 report, 8,500 academics (6% percent of academics in the country) have been dismissed since the 2016 coup attempt.*

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From 2016 to 2018, Turkey dropped two slots down, scoring 101st among 113 countries ranked in the justice index of The World Justice Project.<sup>16</sup> According to Amnesty International, more than 100,000 people in Turkey are facing criminal charges; while more than 50,000 are detained and have pending an appearance in court. In addition, more than 180 media outlets have been closed and 265 academics prosecuted for signing the Academics for Peace petition. According to Freedom for Academia's 2017 report, 8,500 academics (6% percent of academics in the country) have been dismissed since the 2016 coup attempt.<sup>17</sup> The U.S. State Department's 2017 country report on human rights practices in Turkey noted that 1,500 associations and NGOs have been closed, “224,878 prisoners [are] in government-operated detention facilities with a capacity of 202,676 inmates. At least 22,000 arrestees or convicts were in prisons and had to sleep on the floor or in

rotation...”. In addition, “...69,301 formally registered students were imprisoned as of the end of 2016, the highest number of jailed students in the country's history. As of August 1, the General Directorate of Prisons and Detention Houses stated that of the 2,767 children between the ages of 12 and 18 in prison, 197 were in prison on terror-related charges.” The report notes that, “according to Ministry of Justice statistics made public by CHP Member of Parliament Ali Haydar Hakverdi, as of March 2016, only 11 doctors were serving in prisons, equating to one doctor for every 33 prisons and 16,830 inmates. [...] The [Human Rights Association] HRA reported that in the first 10 months of the year, 1,037 inmates were sick, including 361 in critical condition. The number of inmates released for health reasons during the year was

<sup>14</sup> Ibid.

<sup>15</sup> <https://aa.com.tr/en/europe/turkey-slams-politically-motivated-pace-statement-/1127351>

<sup>16</sup> [https://worldjusticeproject.org/sites/default/files/documents/WJP\\_ROLI\\_2017-18\\_Online-Edition.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP_ROLI_2017-18_Online-Edition.pdf), p. 3.

<sup>17</sup> [www.freedomforacademia.org/wp-content/uploads/2018/02/FfA-Annual-Report-2017.pdf](http://www.freedomforacademia.org/wp-content/uploads/2018/02/FfA-Annual-Report-2017.pdf)



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unavailable.”<sup>18</sup> The report also notes that, “according to the Arrested Lawyers Initiative ..., more than 570 lawyers have been arrested in the country since the attempted coup and another 1,400 were under prosecution as of December 22 [2017].”<sup>19</sup>

### **Elections, Hoax?**

Many international commentators believe that the early election is the last phase of electoral dictatorship and that Erdogan will win as he owns the media, has suppressed the opposition, and uses police force, legal maneuvers, religion, and fear politics.<sup>20</sup>

In March 2018, the Parliament passed a new election law, moreover some other recent regulations and decrees made gun ownership easier for pro-government citizens, while excluded anyone who has been dismissed from their jobs for terrorism.<sup>21</sup> 20 million people own gun in Turkey<sup>22</sup>, which makes more than one third of voting population.

Erdogan said early elections will complete the process that was begun with the referendum. This goal is believed to be the new regime where he is the head of state as a ‘Chief’ (in Turkish, *Reis*).<sup>23</sup>

<sup>18</sup> <https://www.state.gov/documents/organization/277471.pdf>, 7

<sup>19</sup> Ibid., 12

<sup>20</sup> Cengiz Candar, “Is Erdogan’s re-election a foregone conclusion?,” April 26, 2018, <http://www.al-monitor.com/pulse/originals/2018/04/turkey-elections-kurds-will-vote-for-abdullah-gul.html#ixzz5Dzda6fg9> and Howard Eissenstat, “Turkey’s president will win the country’s snap elections. Here’s why they still matter,” April 20, 2018, [https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/20/turkeys-president-will-win-the-countrys-snap-elections-heres-why-they-still-matter/?utm\\_term=.ba544b6842bb](https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/20/turkeys-president-will-win-the-countrys-snap-elections-heres-why-they-still-matter/?utm_term=.ba544b6842bb)

<sup>21</sup> KANUN HUKMUNDE KARARNAME 696, December 24, 2017. <http://www.resmigazete.gov.tr/eskiler/2017/12/20171224-22.htm>

<sup>22</sup> Selin Girit, “‘Cezasızlık’ KHK’sıyla alevlenen tartışma: Bireysel silahlanma artıyor mu?,” January 12, 2018. <https://www.bbc.com/turkce/haberler-turkiye-42657539>.

<sup>23</sup> “A new election victory is set for Erdoğan - Washington’s Turkey analyst,” *Ahval*, April 20, 2018, <https://ahvalnews.com/turkish-elections/new-election-victory-set-erdogan-washingtons-turkey-analyst> and “Turkey

The Chief,<sup>24</sup> whose symbol is a shroud,<sup>25</sup> did not hesitate to watch armed conflict that killed even civilians in Eastern Anatolia<sup>26</sup> after losing the June 2015 elections or more recently in Afrin, Syria.<sup>27</sup> He also threatened Europe with annulment of the refugee agreement between the EU and Turkey when Germany and the Netherlands did not allow Turkish MPs to address European Turks in a campaign for their votes for the April 2017 referendum.<sup>28</sup>

### Erdogan Threatens with Violence if They Lose the Elections

On April 27, 2018, after learning that he may lose the upcoming elections in Istanbul, Erdogan recalled what happened in 2015 and said: “There was a minor indecisiveness in the 7 June elections and we saw what happened afterwards.”<sup>29</sup> AKP lost the June 7, 2015 elections, and The People’s Democratic Party, HDP, won 13 percent of the votes. Erdogan did not grant the right of forming the government to the winning parties. Devlet Bahçeli, leader of the MHP, refused to take part in a joint government and called for early elections in 2015, thereby helping Erdogan to buy time.

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Heads to the Polls on June 24,” *Center for Strategic and International Studies*, April 19, 2018. , <https://www.csis.org/analysis/turkey-heads-polls-june-24>

<sup>24</sup> Steven A. Cook, “General Erdogan’s First War,” *Foreign Policy*, February 7, 2018, <http://foreignpolicy.com/2018/02/07/general-erdogans-first-war/>

<sup>25</sup> Boris Kálnoky, Christoph B. Schiltz, and Daniel Friedrich Sturm, “Das Leichentuch ist zu Erdogans Symbol geworden,” *Welt*, January 26, 2015, <https://www.welt.de/politik/ausland/article136755744/Das-Leichentuch-ist-zu-Erdogans-Symbol-geworden.html>

<sup>26</sup> Constanze Letsch, “Kurdish civilians hit by snipers as Turkey cracks down on militants,” *The Guardian*, September 8, 2015. <https://www.theguardian.com/world/2015/sep/08/kurdish-civilians-killed-snipers-turkey-cracks-down-militants>

<sup>27</sup> “Syria war: Turkey ‘indiscriminately shelling civilians in Afrin’,” *BBC*, February 28, 2018. <http://www.bbc.co.uk/news/world-middle-east-43228472>

<sup>28</sup> Sean Adl-Tabatabai, “Erdogan Vows More Terror Attacks Unless Europe Respects Turkey,” *Your News Wire*, March 23, 2017, <https://yournewswire.com/erdogan-terror-europe-respect-turkey/>

<sup>29</sup> “Erdogan: 7 Haziran’da faturayı gördük,” *Arti Gerçek*, April 27, 2018. <https://www.artigercek.com/erdogan-7-haziran-da-faturayi-gorduk>

<sup>30</sup> “Violence in Turkey threatens election, says pro-Kurdish party,” *The Guardian* reported from *Reuters* in Diyarbakir, September 9, 2015. <https://www.theguardian.com/world/2015/sep/09/violence-in-turkey-threatens-election-says-pro-kurdish-party>

Kurdish politics from peace to terrorism, prompting headlines about martyrs, and imposing the idea that the nation needs a savior against the enemy and the threat to come. Terrorism and suicide bomb attacks increased in the country in 2015,<sup>31</sup> especially after the AKP lost its majority to form a government following the June 7 elections.

The U.S. State Department's Country Reports on Terrorism 2015 reported the terrorism in Turkey after the June 7 election as follows:

- “On July 20, 32 civilians were killed and 104 were injured in a suicide bombing at the Amara Culture Center in the Suruc district of Sanliurfa province. Victims were mostly members of the Socialist Party of the Oppressed (ESP) youth wing and the Socialist Youth Associations Federation (SGDF). The assailant, an ethnic Kurd from Adiyaman, was tied to ISIL.
- On July 23, ISIL opened fire on Turkish border elements in Kilis, which killed one noncommissioned officer. The incident prompted Turkey to launch “Operation Martyr Yalcin,” a series of airstrikes against ISIL positions in Northern Syria. Four Turkish security personnel died as a result of ISIL attacks since July 20.
- On August 10, two individuals fired weapons at the U.S. Consulate in Istanbul. One assailant escaped, and the other was captured and subsequently identified as a member of the DHKP/C.
- On October 10, 102 people died and more than 400 were injured in twin suicide bombings outside Ankara's central railway station. The bombs targeted a "Labor, Peace and Democracy" rally organized by the\_Peoples' Democratic Party, the Confederation of Progressive Trade Unions of Turkey, the Union of Chambers of Turkish Engineers and Architects, the Turkish Medical Association and the Confederation of Public Workers' Unions.”<sup>32</sup>

Ahmet Davutoglu, then-Prime Minister, said the votes for the AKP increased following the October 10 terrorist attack in Ankara. Serdar Sement, reportedly a pro-AKP researcher and the founder and CEO of S Informatics, argued that violence helped the AKP to win in November 2015.<sup>33</sup> From June 7 to November 1, the AKP gained five million votes and won the elections.<sup>34</sup>

<sup>31</sup> “Terror attacks increased in Turkey in 2015: US Report,” *Hurriyet Daily News*, June 3, 2016, <http://www.hurriyetdailynews.com/terror-attacks-increased-in-turkey-in-2015-us-report-100048>

<sup>32</sup> <https://www.state.gov/j/ct/rls/crt/2015/257516.htm>

<sup>33</sup> Emre Deliveli, “Is Erdoğan warmongering for political power?,” *Hurriyet Daily News*, not dated, <http://www.hurriyetdailynews.com/opinion/emre-deliveli/is-erdogan-warmongering-for-political-power--86198>

<sup>34</sup> “AKP 5 ayda 5 milyon oy artırdı... İşte 7 Haziran-1 Kasım karşılaştırması,” *Cumhuriyet*, November 1, 2015, [http://www.cumhuriyet.com.tr/haber/turkiye/402091/AKP\\_5\\_ayda\\_5\\_milyon\\_oy\\_artirdi...\\_iste\\_7\\_Haziran-1\\_Kasim\\_karsilastirmasi.html#](http://www.cumhuriyet.com.tr/haber/turkiye/402091/AKP_5_ayda_5_milyon_oy_artirdi..._iste_7_Haziran-1_Kasim_karsilastirmasi.html#)



## How Illegality is Legalized for the 2018 Elections in Turkey: From a Constitutional to a Police State

### The New Election Law

After a fistfight in the parliament, a new election law passed in March 2018. The new law enables the merger of local election districts, assignment of police forces to polling stations if any voter calls for police surveillance, and allowing unstamped ballots to be regarded as valid. According to the new law, the High Electoral Board can move polling stations in districts where the majority is in opposition and impede monitoring of the ballot boxes.<sup>35</sup> According to PACE, new election amendments ‘include the possibility to form pre-election alliances which was not possible until now.’<sup>36</sup>

The opposition shared its concern that unstamped ballots could lead to electoral fraud and on the possibility, that security forces could be used to intimidate voters, especially the Kurds in south-east Turkey. On April 20, the bill on early elections was passed at the Parliament.

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The newly-adopted election law will allow security forces to easily enter voting stations. Opposition Party believes that AKP plan to commit electoral fraud.<sup>37</sup> Besides, journalist in Ankara claimed that the security forces will replace 40,000 ballot boxes with ballot boxes containing pre-stamped AKP ballots in AKP-majority voting districts and in the distant villages.<sup>38</sup> The new law also allows individuals who are not appointed by any political party to

<sup>35</sup> Gulsen Solaker, “Brawl erupts after vote law passed in Turkish parliament,” *Reuters*, March 13, 2018, <https://uk.reuters.com/article/uk-turkey-election-regulation/brawl-erupts-after-vote-law-passed-in-turkish-parliament-idUKKCN1GP0KP>

<sup>36</sup> “Turkey: an adverse context ‘will impede the conduct of genuinely democratic elections,’” *Parliamentary Assembly of the Council of Europe website*, April 24, 2018, <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7036&cat=3>

<sup>37</sup> Alex MacDonald, “Turkish opposition accuse government of legalising ‘election fraud’,” *The Middle East Eye*, March 15, 2018, <http://www.middleeasteye.net/news/election-law-turkey-1216816219>

<sup>38</sup> Erman Yalaz, “AKP’NİN 40 BİN SANDIK PLANI.” TR724, APRIL 28, 2018.

count and record the votes in the voting stations. The AKP will decide on the new districts to have voting stations and will appoint whomever they want as election monitors. Allegedly, the plan is to leave the villages without a signed record and to sign the official documents in the city centers. The new tables will be attached to the ballot boxes after they have been replaced during the transportation with the ones containing the ‘prepared’ ballots.

On April 25, parliament passed an adjustment to the electoral bill that *inter alia* makes it easier for Turkish citizens abroad to vote. The new legislation enables Turkish citizens outside of the country to vote on any day predetermined by the High Electoral Board, rather than based on an appointment. In addition, all individuals who apply to be an observer at the voting stations will be accepted. However, this can be manipulated, as anyone whose name is not registered by a political party can be an official election monitor.<sup>39</sup> After all, this will not be the first election where concerns of the EU or opposition parties in Turkey have been dismissed.

### Stealing the 2017 Referendum

It has been alleged that for the April 2017 constitutional referendum, approximately two million votes were falsified; for the upcoming elections, it is argued that five million votes will be replaced with pre-stamped ballots.<sup>40</sup>

Of the two million votes allegedly falsified during the referendum, an estimated 1.5 million of them were unstamped ballots. The Supreme Electoral Council of Turkey decided to accept these votes as valid. This illegal decision helped the referendum on the presidential system and the new constitutional amendments to pass with only 51 percent of the votes, a “narrow victory”.<sup>41</sup>

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<sup>39</sup> “Cumhurbaşkanı Erdoğan, 10 maddelik uyum yasasını onayladı,” *Vatan*, 25 Nisan 2018, <http://www.gazetevatan.com/cumhurbaskani-erdogan-10-maddelik-uyum-yasasini-onayladi-1161228-gundem/>

<sup>40</sup> Erman Yalaz, “AKP’nin 40 bin sandık planı,” *Tr724*, April 28, 2018, <http://www.tr724.com/akpnin-40-bin-sandik-plani/>

<sup>41</sup> Kareem Shaheen, “Erdoğan clinches victory in Turkish constitutional referendum,” *The Guardian*, 16 April, 2017, <https://www.theguardian.com/world/2017/apr/16/erdogan-claims-victory-in-turkish-constitutional-referendum>

The EU called for an investigation of the referendum as international observers reported serious allegations of irregularities.<sup>42</sup> On the evening of the referendum, President of the European Commission Jean-Claude Juncker, High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission Federica Mogherini and Commissioner for European Neighborhood Policy and Enlargement Negotiations Johannes Hahn expressed their concern about the validity of the referendum results and asked Turkey to address the allegations.

PM Binali Yildirim, rather than responding to the allegations, said, “They should mind their own business.” However, in November 2017, Yildirim, while in London, struck a different tone, asking the EU to re-examine its vision for enlargement, and to accept Turkey as a member.<sup>43</sup>

### One third is Armed: New Gun and Security Laws in Turkey

Some journalists believe Erdogan can trigger a civil war if he loses the upcoming elections. The AKP refuses to investigate tens of thousands of missing guns. According to CHP MP Mehmet Tüm, the number of missing guns increased 720% in the last three years, from 14,000 in 2014 to more than 106,000 in 2017. Nevertheless, AKP MPs in the Parliament rejected Tüm’s appeal to investigate the missing guns. Besides, in 2017 it was reported that on the night of the 2016 coup, the Ankara Police Office distributed special guns belonging to deceased police officers to the public without any registration or record.<sup>44</sup>

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On July 17, 2017, a new regulation on owning a gun was issued.<sup>45</sup> The Regulation 6236 gave the Ministry of Interior Affairs the right to issue gun license to people who feel threatened. The

<sup>42</sup> Kareem Shaheen, “Turkey vote curtailed fundamental freedoms, say European observers,” *The Guardian*, April 17, 2017, <https://www.theguardian.com/world/2017/apr/17/turkey-vote-referendum-curtailed-fundamental-freedoms-european-observers> and Daniel Boffey, “Turkey should investigate referendum vote 'irregularities', says EU commission,” *The Guardian*, April 18, 2018, <https://www.theguardian.com/world/2017/apr/18/turkey-should-investigate-referendum-vote-irregularities-says-eu-commission>

<sup>43</sup> “Başbakan Yıldırım Londra’da AB’ye seslendi,” November 27, 2017, <https://www.avrupagazete.co.uk/turkiye-siyaset/basbakan-yildirim-londra-da-ab-ye-seslendi-h256277.html>

<sup>44</sup> “Ankara Valiliği: 15 Temmuz’da kayıt tutulmaksızın silah-mühimmat dağıtıldı,” *PolitikYol*, June 10, 2017, <https://www.politikyol.com/ankara-valiligi-15-temmuzda-kayit-tutulmaksizin-silah-muhimmat-dagitildi/>

convicts who were sentenced for more than a year will be allowed to own a gun if the crime is not related to terrorism. The owners of companies with high turnover or taxation will be allowed to own guns. The right to own 200 bullets will be increased up to 1,000. This regulation extended the gun license of many officials as lifelong and other officials including the period of their retirement. Officials from the top state institutes to the smallest units in local government such as Assistants to the General Secretary of the President to the District (Mahalle) and Bazaar Watchmen (Bekçi) are allowed to own guns.<sup>46</sup>

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October 26, 2017, Decree number 676 (KHK) on owning a gun was approved by the parliament, enabling anyone to possess a gun without providing a specific reason, and renew their ownership by paying 3,000 liras. Additionally, in Article 74 of Village Law, village guards (korucu) are allowed to own guns without payment of the license fee. The Decree number 676 also stipulates that anyone who is dismissed from his or her position being accused of supporting terrorism will not be allowed to own a gun.<sup>47</sup> This

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*Combining the number of civilians, judiciary, officials who have the guns, with the increasing presence of al-Qaida related terrorist in Turkey, the private army of the President, unceasing increase in gun violence, the culture of using guns to celebrate important occasions portray an alarming case for violence before or after the elections. As mentioned above, violence in eastern Turkey followed by an increase in pro-AKP votes in 2015.*

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means that the lives of the thousands who have been dismissed from their positions without any evidence of terrorism are at risk. Since 2010, the authority of the police has been legally

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<sup>45</sup> “6136 sayılı ateşli silahlar ve bıçaklar ile diğer aletler hakkında yönetmelikte değişiklik yapılmasına dair yönetmelik.” *Resmî Gazete*, July 17, 2017. <http://www.resmigazete.gov.tr/eskiler/2017/07/20170728-28.pdf>

<sup>46</sup> “Ateşli silahlar yönetmeliğindeki değişiklik Resmi Gazete’de.” <https://www.aa.com.tr/tr/turkiye/atesli-silahlar-yonetmeligindeki-degisiklik-resmi-gazetede/871707>

<sup>47</sup> “Silah ruhsatı yönetmeliği değişti,” *NTV*, July 28, 2017, <https://www.ntv.com.tr/turkiye/silah-ruhsati-yonetmeligi-degisti,778TTpGU5kiCydwPaYolnQ>

enhanced and has turned the country into a police state.<sup>48</sup> In 2017 the gun sales dramatically increased till the point that “one in three households owns a firearm.”<sup>49</sup>

On February 23, 2018, a new regulation allowed the judges and prosecutors to have guns.<sup>50</sup> The judges and the prosecutors can directly apply either as individuals or collectively to the Administrative and Economic Presidency of Ministry of Justice. The Presidency will directly connect Institute of Machine and Chemistry for the guns they produced. Why 20,000 members of judiciary is given right to have guns,<sup>51</sup> why the procedure is very fast, why they are allowed to apply collectively, and why the lawyers were not included in the same regulation need further attention and inquiry. Combining the number of civilians, judiciary, officials who have the guns, with the increasing presence of al-Qaida related terrorist in Turkey, the private army of the President,<sup>52</sup> unceasing increase in gun violence,<sup>53</sup> the culture of using guns to celebrate important occasions<sup>54</sup> portray an alarming case for violence before or after the elections. As mentioned above, violence in eastern Turkey followed by an increase in pro-AKP votes in 2015.

### **Call for Action: The West Must Not Abandon Turkey**

The upcoming election may be the last chance to bring Turkey closer to Europe. If monitored closely, a democratic election will be realized. The last stage of consolidating authoritarianism at the borders of Europe will be delayed or hopefully prevented before it leads to a possible newborn refugee crisis. If EU thinks its silence on human rights violations in Turkey is necessary to ensure the implementation of the refugee agreement, they better reconsider their understanding of Turkish politics. If not stopped in this election, Erdogan has the potential to become another Putin or Assad.

With Turkey's strategic role between Europe and the Middle East, NATO and Russia, moderate and radical Islam, the upcoming election is more than a domestic issue. The Erdogan era has been described as the Putinization of Turkey. Both Erdogan and Putin attacked the educated and

<sup>48</sup> Kaynar A. Kars, “Withering Constitutional State?: Recent “police State” Discussions in Turkey,” *Research and Policy on Turkey*, 3.1 (2018): 90-102. Print.

<sup>49</sup> Suraj Sharma, “Turkey's gun culture: Sales soar as one in three households owns a firearm.” *Middle East Eye*, November 16, 2017. <http://www.middleeasteye.net/news/turkeys-gun-culture-450180405>

<sup>50</sup> “HÂKİM VE SAVCILARA SİLAH TEDARİKİ HAKKINDA YÖNETMELİK.” *Resmî Gazete*, February 23, 2018. <http://www.resmigazete.gov.tr/eskiler/2018/02/20180223-3.htm>

<sup>51</sup> “20 Bin Hakim ve Savciya Yerli Silah.” *Sputnik News*, February 26, 2018. <https://tr.sputniknews.com/turkiye/201802261032399674-hakim-savci-yerli-silah/>

<sup>52</sup> Leela Jacinto, “Turkey's Post-Coup Purge and Erdogan's Private Army.” *Foreign Policy*, July 13, 2017. <http://foreignpolicy.com/2017/07/13/turkeys-post-coup-purge-and-erdogans-private-army-sadat-perincek-gulen/>

<sup>53</sup> “28 percent increase in personal armed violence in 2017 in Turkey: Report.” January 23, 2018. <http://www.hurriyetdailynews.com/28-percent-increase-in-personal-armed-violence-in-2017-in-turkey-report-126181>; “Over 1,500 Turks killed by individual gun violence in first 8 months of 2017.” September 28, 2017. *Hurriyet Daily News*, <http://www.hurriyetdailynews.com/over-1-500-turks-killed-by-individual-gun-violence-in-first-8-months-of-2017-120089>.

<sup>54</sup> Patricia Alonso, “Turkey's deadly love affair with unlicensed guns.” *Ahval News*, December 9, 2017. <https://ahvalnews.com/gun-ownership/turkeys-deadly-love-affair-unlicensed-guns>



the wealthy, either imprisoning or making them leave the country.<sup>55</sup> At the end of April 2018, Alexander Dugin, the “philosopher who can talk unlike diplomats in geo-politic language”<sup>56</sup> and who allegedly helped Russia’s involvement in Turkey’s Afrin operations that increased tension between Turkey and NATO,<sup>57</sup> proposed using a new currency between Iran, Russia, and Turkey.<sup>58</sup> Besides being NATO’s second biggest armed power, “Turkey matters not just for its size, but also as a bellwether of the political forces shaping the world,” according to *The Economist*. It concluded that Turkey has been “sliding into dictatorship... The West must not abandon Turkey.”<sup>59</sup>

With the mid-May 2018 EU delegation visit to discuss the issue of refugees as well as visa-free deal in Turkey, immigrants will once again become a tool of domestic politics both in Turkey and in the EU. However, by acting on immigration politics based on their domestic political concerns, European Member States are supporting a transition of Turkey to a dictatorship that can end up like Syria in its own context, bringing militant Islamist activism to the borders of Europe.

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The elections will be held right after the month of Ramadan, which will be turned into a political and religious rally for the AKP. Twitter propaganda portrays voting as a platform to pledge allegiance to “Caliph Erdogan.” Considering how Erdogan collaborates with underdeveloped

<sup>55</sup> Soner Cagaptay, “How President Erdogan Is Turning Turkey into Putin's Russia,” *Times*, April 24, 2018, <http://amp.timeinc.net/time/5252151/erdogan-turning-turkey-into-russia>

<sup>56</sup> Henry Meyer and Onur Ant, “Alexander Dugin - The one Russian linking Donald Trump, Vladimir Putin and Recep Tayyip Erdogan,” *Independent*, February 3, 2017, <https://www.independent.co.uk/news/world/americas/alexander-dugin-russian-academic-linking-us-president-donald-trump-vladimir-putin-turkey-president-a7560611.html>

<sup>57</sup> “Turkey and NATO are growing apart,” *The Economist*, February 1, 2018, <https://www.economist.com/news/europe/21736190-they-will-probably-have-stick-together-turkey-and-nato-are-growing-apart>

<sup>58</sup> “Aleksandr Dugin'den Türkiye, Rusya Ve İran'a Ortak Para Önerisi,” *TR724*, April 30, 2018, <http://www.tr724.com/aleksandr-duginden-turkiye-rusya-ve-irana-ortak-para-onerisi/>

<sup>59</sup> “Turkey’s referendum: Turkey is sliding into dictatorship,” *The Economist*, April 15, 2017, <https://www.economist.com/news/leaders/21720590-recep-tayyip-erdogan-carrying-out-harsh-crackdown-decades-west-must-not-abandon>

Muslim majority countries and uses an educated language to address the educated Muslims in the West as if he is the leader of Muslims, he is creating a version of Islam that does not hesitate to use power and is prevalent not only in Muslim majority countries, but also in the West. To prevent a new wave of terrorist acts in the name of Erdogan and Islam, it is imperative that the international community develop a language that cannot be interpreted as Islamophobic by Erdogan. Thus, it is a must to recall what Islam stands for and how Erdogan's actions are in violation of the teachings of Islam. Otherwise, within the rhetoric of anti-imperialism, Ottomanism, and orientalism vs. occidentalism, a new theology of Islam that welcomes violent reactions may emerge. If this epistemological change happens, then no refugee deal will suffice to solve the problem, as Erdogan has the power to mobilize Turks and other Muslims in Europe and elsewhere.

### **Recommendations for Attaining A Fair and Democratic Election:**

- Negotiations with the government authorities and the parties about the open irregularities that took place in the recent elections should be requested, proposals for solutions should be made and active steps should be taken.
- Suggested recommendations should be announced through media, social media and official organizations so that it can be heard in large sections of the society to create a sense of pressure.
- The OSCE and other international independent organizations should be represented with as large staff as possible and an environment for independent representatives should be established so that they can work and present their work in coordinated manner.
- Possible inequalities, especially during propaganda activities, should be raised from the beginning of the election and help to promote the voices of all political parties and candidates on an equal footing.
- It is important for transparency of the elections to send representatives to the provinces in rural areas, where the number of conscious voters and number of observers are relatively smaller, compared to provinces such as Ankara and Istanbul.
- Likewise, there is a greater likelihood of fraud in regions where the outcome of the election is likely to change significantly. For this reason, it will be appropriate to have an independent auditor in areas where voting rates are close between parties, especially considering previous election results and objective polls.
- Appointment of an independent auditor for votes to be casted abroad shall be appropriate.
- Significant transparency can be achieved with a smartphone application, where photos of the poll results can be shared and entered into a system. In this way, the selection result can be calculated over a second channel and the amount of manipulations while entering the results into the election system will be reduced significantly.
- In order to prevent psychological manipulations, which may be caused by improper announcement of results in favor of certain parties and candidates, the results should be broadcasted instantly through an independent web site. This website should be broadcasted and used as reference.

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## ADVOCATES OF SILENCED TURKEY

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To address all human rights violations in Turkey regarding civil, political, economic, social and cultural as contained in the basic human rights documents.



To prevent genocide, crime against humanity, arbitrary detention, torture and ill treatment, discrimination and to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.



To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be used to protect and promote the human rights of those whose voices are being silenced in Turkey and beyond.



To hold accountable the perpetrators of Human Rights in Turkey and beyond together with the opportunity for victims to obtain justice and reparation, in order to do so, it uses the power of the law to fight the impunity of perpetrators, accomplices and instigators of crimes, defends the interests of victims before national and international courts and brings cases before the appropriate international human rights bodies, in close collaboration with its local partners and the victims and lobbies to get authorities to take firm action against violations.