



NO and Beyond April 16, 2017 Constitutional Referendum Report

No and Beyond was established as an independent citizen organization, to contribute to the creation of a healthy electoral environment, before and after elections against possible infractions of the rules in the April 16, 2017 referendum.

- No and Beyond received voluntary applications in almost 50 cities and served at the polling place with close to 15,000 volunteers.
- All documents of No and Beyond, related to education and legal legislation, are produced by its volunteering team of lawyers within its own structure. The organization has trained its own trainers and has carried out over 300 Observer Training Meetings in over 30 cities.
- No and Beyond has developed the infrastructure used in field organization, data entry and evaluations, all the programs and applications with the help of its own volunteering software developers.
- No and Beyond volunteers have set up bureaus, mainly in the centers and towns of big cities, have set up booths at hundreds of locations, distributed more than 300.000 informative brochures and materials.
- No and Beyond internal communications and social media accounts are created and managed by the volunteers. Educational kits, brochures, video and visual materials for promotion and information are designed with the collective work of volunteers of No and Beyond.
- No and Beyond worked with close to 15,000 volunteers on April 16th on the field with observers, building supervisors, lawyers, coordination and support teams.
- No and Beyond volunteers recorded 25% of the proceedings belonging to the votes on April 16 Referendum and collected the results on its infrastructure.
- No and Beyond compared the data from the Supreme Electoral Council (will be referred to as YSK hereinafter), with the results gathered from the field and friendly associations on its own electronic infrastructure.
- Beyond data comparison, No and Beyond compiled the pleas and interventions related to the irregularities encountered on the day of the referendum, made by the volunteers and the lawyers. Furthermore, it has reported these above-mentioned compilations, evaluating them along with the cases reflected on the public.

EVALUATIONS REGARDING THE REFERANDUM

Throughout the two months of our movement, we stated that we would secure the ballot boxes. We are bringing this report, which is the product of the intensive and collective work during this period, to the public information.



Regarding the referendum on the constitutional amendment made on Sunday, April 16, 2017; the appeal information that corresponds to approximately 25% of the votes used are already recorded in the No and Beyond data system.

Data entry procedures and data analysis were done with the same meticulousness.

In this context, the appeals with wet-ink signature provided and entered into the data system by the No and Beyond volunteers were examined one by one, in comparison to the data gathered from the YSK; and thus the following determinations were made.

These findings are the preliminary study results and will be presented again to the attention of the public soon after the completion of the detailed and full report.

'YES' BLOCK IN 961 BALLOT BOXES

All votes used in the 961 ballot boxes are 100% YES, with the NO votes' percentages and numbers being ZERO.

Exemplary ballot boxes being;

Muş Merkez ballot box no. 1171	Şanlıurfa Harran ballot box no. 1122
Şanlıurfa Harran ballot box no. 1092	Şanlıurfa Eyyübiye ballot box no. 2087
Şanlıurfa Viranşehir ballot box no. 1262	Şanlıurfa Haliliye ballot box no. 2042
Şanlıurfa Akçakale ballot box no. 1005	Şanlıurfa Akçakale ballot box no. 1129
Şanlıurfa Viranşehir ballot box no. 1023	Şanlıurfa Akçakale ballot box no. 1099
Şanlıurfa Eyyübiye ballot box no. 2161	Şanlıurfa Harran ballot box no. 1107
Şanlıurfa Haliliye ballot box no. 2276	Şanlıurfa Siverek ballot box no. 1321

In the general elections of June 7 and November 1, 2015, these ballot boxes seemed to have its votes in support of the opposition party. Hence, the current results in these ballot boxes can be regarded as contrary to the normal flow of life.

ALL VOTERS SEEM TO HAVE VOTED IN 30% OF THE BALLOT BOXES THAT BLOCKED WITH 'YES' VOTES

In the analyses made, it is understood that in the 30% of the 961 ballots mentioned above, 100% of the voters seems to have voted without any exceptions.

The process of to determining whether all voters have actually voted is currently underway.



IN 7048 BALLOT BOXES, THE NUMBER OF VOTERS IS EQUAL OR HIGHER THAN THE REGISTERED NUMBER OF VOTERS

It was determined that in 7448 ballot boxes, the number of votes is equal to the number of voters in the relevant ballot or higher if the polling clerks are taken into consideration. Moreover, over 2397 of these ballot boxes contained more votes than the registered number of voters.

The sum of the votes found in these ballot boxes is 1 million 672 thousand 249 and 60.7% of these votes were “YES”.

Given the previous findings on the use of block voting, the doubt that there may be voting on behalf of voters should be considered a possibility. These 7048 ballot boxes should not be neglected and need to be investigated in detail.

It is not possible that none of the 1 million 672 thousand 249 people have not lost their lives since March 10, 2017 - which is the date of confirmation of the voters lists, nor there is not any soldiers among them.

As a matter of fact, one of our citizens registered in ballot box no. 2179 in the Eyyubiye municipality of Sanliurfa, has lost her life on 31 March 2017.

This information, which we have reached within a narrow sample, over a very short period of time and under conditions where it was not possible to obtain personal information, suggests that there could be many cases to be investigated.

EVAPORATION OF THE OPPOSITION PARTY VOTERS

In our analysis regarding the ballot boxes which contain “YES” votes of 95%, it is understood that a huge number of opposition party voters of the November 1, and June 7, 2015 General Elections are evapoarated in the Referandum. These ballot boxes were compared to the previous elections in terms of voting behavior.

As can be seen from the comparison data presented below, the inconsistencies could affect the results of the election. This is a sign that the severity of the situation is far beyond the sealed/unsealed ballots debate.

Comparison of electoral regions with the previous elections which contain 95 percent or more YES votes

ELECTORAL REGION	JUNE 7, 2015 HDP+CHP	NOVEMBER 1, 2015 HDP+CHP	APRIL 16, 2017 NO
HAKKARİ/ŞEMDİNLI KONUR KÖYÜ	442	263	16
MARDİN/KIZILTEPE YUKARI AZIKLI KÖYÜ	314	269	1
Ş.URFA/VİRANŞEHİR GÖZLEK KÖYÜ	188	110	0



Comparison of electoral regions with the previous elections which contain 95 percent or more YES votes

AĞRI/PATNOS DEDELİ ÜZÜMLÜ İLKOKULU	69	67	2
Ş.URFA/CEYLANPINAR AKBULUT KÖYÜ	132	104	4
Ş.URFA/HİLVAN SÖĞÜTLÜ KÖYÜ	88	50	0
MUŞ/HASKÖY KOĞUKTAŞ KÖYÜ	92	47	0
MARDİN/KIZILTEPE ALAKUŞ KÖYÜ	222	122	10
AĞRI/PATNOS ÜRKÜT KÖYÜ	305	228	13

WHY HAS THE REFERANDUM LOST ITS LEGITIMACY?

- The YSK has announced a decision during the election, which stated that the unsealed ballots would be considered valid. Thus, “unsealed ballots and envelopes will be void” notion is openly infringed.
- The head of the YSK reported that they had accepted the objection by the AKP, arguing that this was also the case in previous elections. However, in the same referendum, it was found out that upon objection by the AKP regarding the ballot box no. 472, which contained unsealed ballots, were also canceled by the YSK.
- In countless ballot boxes, seals were prepared in the form of YES instead of PREFERENCE, and all votes used with this seal were considered valid even if the objections lead to changes of these seals in some cases. No legal action has been taken on the officers who explicitly misled to the voting of YES - despite the fact that the decision to use PREFERENCE seal was made by YSK and was reported to all election centers months before the referendum took place.
- Especially in eastern and southeastern provinces, Secret Vote/Open Counting has been converted into Open Vote/Secret Counting, armed security forces have clearly intervened in voting of the citizens. For example, Rıdvan Isik in the village of Dağdibi of Mus, showed up to the election with a long barreled gun when he was the polling clerk of the ballot box no. 1031. He photographed the citizens at the time of voting and published it on social media. The mentioned ballot box contains 290 “YES” and 2 “NO” votes. The distribution of votes in the 1 November elections was as follows: AKP 108, CHP 3 and HDP 109.
- There are thousands of cases of voting outside of the election centers, ballots brought outside of the voting centers unlawfully or voting preferences intentionally or forcefully being revealed.



- Over 200 construction workers in Muđla's Datça province reported that they could not go to their registered location of voting because they were 1,200 km away, but that all votes in this location were somehow fully intact.
- Ballots, envelopes and seals of unknown origin outside of the polling stations are have been reported in almost every city, and thousands of people are involved in these irregularities.

KEY TO IRREGULARITIES: SPARE BALLOTS

- How it was possible for the ballots to circulate outside of certain electoral areas should be explained by the YSK.
- The allegations that the same ballots prepared against the possibility of being able to enter the second round of the 2014 presidential election with a single candidate were used in this referendum, must be clarified.
- According to the statement of the head of the YSK, 73 million ballots for the referendum were not sent equally to each election center in accordance with the regulation. Ankara Semi-Open Prison - where the ballots are packed and sent - has been informed in advance on the number of spare ballots to send to certain election centers.
- It has been evaluated that the spare ballots are sent intensively to the regions where opposition parties cannot or are made to not be able to carry out election campaigns. In these regions, it is believed that the dominant YES results are obtained from the polls by means of AKP and its local organizations.
- The YSK changed the format of the election appeals 2 weeks before the referendum in the name of simplification, making it impossible to track the spare ballots. In this case, the size of this shadiness is more than 18 million votes. The YSK is obliged to announce the situation regarding the spare ballot papers.

LAWS HAVE BEEN ELIMINATED

The decision of the YSK, published on ysk.gov.tr, dated 16.04.2017 is not legally binding.

In the justified decision of the YSK, the rightful objections made to subjects such as ballots and envelopes without a seal are not accepted. The statement which was used to justify the decision is as follows; "In cases where it is determined that the individual rights are safely exercised, it is not possible to interpret the irregularities of the procedure as a means of eliminating the exercising of the basis of that right".

This statement of the YSK is a violation of the law in two respects:

1. Articles 98 and 101 of the Basic Provisions of Elections 298 and the Elements of the Law on Elections state that unsealed ballot papers and envelopes must be regarded as invalid, leaving no room for doubt. These clauses are compulsory legal rules. It is scandalous in terms of the Turkish history of law that YSK decides the validity of its decision through its interpretation.



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2. The principle used since Mecelle - “procedure comes first” - is again one of the chief pillars of the Turkish legal system. The use of unsealed envelopes in the constitutional amendment on April 16, 2017 causes a doubt regarding the manifestation of the people’s will. It is not known whether or not a rig is being made to change the direction of the electorate by means of unsealed envelopes or ballots. Moreover, YSK does not even seem to be in need to examine this issue. The procedure is important for this reason and YSK is not an institution that is unaware of this.

ALL IN ALL;

The objection of the main opposition party regarding the 2.5 million unsealed ballots was rejected by the YSK. Even only this instance can be regarded as sufficient for the annulment of the referendum. In terms of all the above-mentioned cases, the referendum - dated April 16, 2017 - is invalid on all kinds of legal grounds.

In the entire country, tens of thousands of volunteers in thousands of polls yielded results. The ruling party and the YSK all over the country “masterminded” the constitutional referendum of April 16, 2017.

It is the cornerstone of democracy in our country and the right of every citizen to trust that the elections and public votes are safe from shady practices.

It is clear that this right cannot be established, thus the cancellation and repetition of the referendum is a must.