



INTERNATIONAL ELECTION OBSERVATION MISSION

Republic of Azerbaijan — Presidential Election, 15 October 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Baku, 16 October 2008 – The International Election Observation Mission (IEOM) for the 15 October 2008 presidential election in the Republic of Azerbaijan is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP).

The election is assessed for its compliance with OSCE and Council of Europe commitments and standards for democratic elections, as well as Azerbaijani national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately two months after the completion of the election process. The delegation of the Parliamentary Assembly of the Council of Europe will present its report at the next plenary session.

The institutions represented in the IEOM thank the authorities of the Republic of Azerbaijan for their cooperation and stand ready to continue their support for the conduct of democratic elections.

PRELIMINARY CONCLUSIONS

The presidential election in the Republic of Azerbaijan was called for 15 October 2008, as required by constitutional provisions. The elections marked considerable progress toward meeting OSCE and Council of Europe commitments and other international standards but did not meet all commitments. The election process was carried out in a peaceful manner, but was characterized by a lack of robust competition and of vibrant political discourse facilitated by media, and thus did not reflect all the principles of a meaningful and pluralistic democratic election. Regrettably, some opposition parties boycotted the election, citing longstanding obstacles to equal opportunities, thus further limiting the scope for a credible choice for the electorate.

The authorities made some effort to create more equitable conditions for all candidates; nevertheless, the dominant coverage of the incumbent in the electronic media, as well as some instances of a confluence of the ruling party with official structures, did not serve to create a level playing field. The incumbent decided not to campaign personally, stating his wish to give other candidates more opportunities. The other candidates commanded little apparent public support, and furthermore mostly lacked national campaign structures to effectively present alternative views to the voters.

Overall, the Central Election Commission (CEC) organized the election in an efficient manner, held frequent sessions which were open to the media and observers, published its decisions on its website, and carried out a large-scale voter education campaign and comprehensive training of election officials.

The campaign was generally low-key, and observers reported limited public interest. While candidates were able to convey their messages without major impediments, in some regions few or no campaign activities were noted, other than those of the ruling New Azerbaijan Party (YAP). There were corroborated allegations that people, including students and teachers, were obliged to attend some YAP campaign events.

The overall media environment has deteriorated in recent years. The electronic media did not provide balanced coverage of the campaign, thus limiting the possibility of the electorate to make an informed choice. There was limited coverage of the campaign in the news programs of the major TV channels. The majority of coverage was devoted to the activities of the State authorities, benefitting the incumbent.

Election day was generally calm and peaceful. IEOM observer reports indicate a high voter turnout; the CEC announced that turnout was 75.6 per cent. The CEC posted results from some 2,300 polling stations on its website shortly before 02:00 on 16 October and continued updating them throughout election night.

Opening procedures were assessed positively in 88 per cent of polling stations visited. Procedural shortcomings were frequently noted, including failure to record the serial number of ballot box seals. IEOM observers assessed the voting process as good or very good in 94 per cent of polling stations visited and overall described it as well organized and efficient. PECs' and voters' understanding of procedures was assessed positively. The improved quality of the voter lists was reflected in the low number of voters who were entered in the supplementary lists.

Positive aspects of the election process included:

- Recent amendments to the Election Code partially addressed previous recommendations, in particular provisions regarding the inking of voters, transparency of voter lists, and prohibitions on interference in the election process;
- Regular debates on Public TV and Radio provided an opportunity for candidates to present their message to voters, although the absence of the incumbent lessened the value of these debates for voters;
- Prior to the start of the campaign, the President ordered that official portraits and billboards featuring him be removed throughout the country and stressed the need to guarantee equal campaign conditions for all candidates;
- The campaign was conducted in an atmosphere free of violence;
- Interference by authorities in the work of the election administration appeared to be reduced;
- Voter lists were available for public inspection within the legal deadlines. No serious problems or inaccuracies in the voter lists were reported;
- Transparency of the process was enhanced by the accreditation of a large number of domestic non-party and international observers.

However, the following additional shortcomings were noted:

- The composition of election commissions does not enjoy broad confidence among political parties, despite repeated and longstanding recommendations to address this issue;
- Recent amendments to the Election Code did not fully address some outstanding concerns, including with regard to candidate registration, media coverage, and complaints and appeals procedures; and in some cases resulted in discrepancies between the Code and other relevant laws;

- The incumbent president did not campaign in person, but he extensively toured the country in his official capacity, inaugurating new factories, roads, schools and other facilities. As these visits were widely covered in the media, this blurred the distinction between his official activities and his campaign;
- The Baku executive authorities denied a request by the opposition parties not participating in the election to conduct an outdoor meeting in the center of Baku;
- The organization of military voting was not fully subject to the oversight of the election administration;
- Although there were few complaints, the CEC did not decide on all complaints within legal deadlines. The newly established expert groups within election commissions to investigate complaints were mainly drawn from among commission members and staff, thus not adding fact-finding capacity as intended;
- A number of domestic observers of the de-registered Election Monitoring Centre faced pressure not to continue their observation efforts with this organization, even though they had been accredited to observe in their individual capacity.
- On election day, there were procedural shortcomings both during the opening and voting, especially with regard to inconsistent application of inking procedures, intended as a safeguard against multiple voting. There were cases of serious voting irregularities, including identical signatures on voter lists and violations of secrecy of the vote.

The count was assessed more negatively than voting, as significant procedural shortcomings were observed in many cases, and manipulation in some instances. The IEOM observed the tabulation process in almost all ConECs. The tabulation was also assessed more negatively, with disorderly and non-transparent proceedings noted in many cases.

PRELIMINARY FINDINGS

Background

The Central Election Commission (CEC) of the Republic of Azerbaijan on 30 July called a presidential election for 15 October 2008, in accordance with constitutional provisions. The President is elected by popular vote for a five-year term and may not serve more than two consecutive terms. The President is elected by the absolute majority of votes cast; if no candidate receives more than half of the votes cast, a second round is held. This election was the third presidential election held under the current Constitution, which was adopted in 1995. Incumbent President Ilham Aliyev was first elected in 2003, with 77 per cent of the vote.

Following the 2005 parliamentary elections, relations between the Government and the opposition remained highly polarized, and dialogue between the two sides has been almost non-existent. Part of the opposition decided to boycott this election on the grounds that recent amendments to the Election Code did not address some of their main concerns, while other amendments in their view negatively affected the election process, especially their ability to campaign effectively.

Legal Framework

Presidential elections in Azerbaijan are primarily regulated by the Constitution and the Election Code. The Code was last amended in June 2008. Some of the changes addressed previous recommendations of the OSCE/ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission), such as the clear prohibition of unlawful interference by officials of State bodies and local executive authorities in the election process, and the inking of voters' fingers.

Although the Venice Commission and the OSCE/ODIHR recommended revising the formula for the composition of the election commissions so that they enjoy the confidence of all election stakeholders and are not dominated by pro-Government forces, this issue was not addressed by the last amendments.¹ Recommendations which also remained unaddressed or incompletely addressed included those regarding candidate registration, military voting, the complaints and appeals process, and invalidation of results. Some of the amendments did not relate to any previous recommendations, including an amendment removing the legal obligation of State-funded AzTV to provide equal campaign conditions for candidates. This amendment limits the scope of election-related information and political views available to voters. Another amendment removed envelopes from the voting process, in order to simplify the vote count and filling in of result protocols.

The Code still contains some inconsistencies and ambiguities. Some other relevant laws, such as the Civil Procedure Code, should have been amended in order to avoid discrepancies, for example on the role of District Courts in the election-related complaints and appeals process. Indeed, District Courts judges with whom the OSCE/ODIHR EOM met had different understandings of their role. Some instructions issued by the CEC were not wholly in line with provisions of the Code, and at times contradicted them. For example, the Code does not prohibit a consultative election commission member to campaign, whereas the relevant instruction clearly does.

¹ See the Venice Commission and the OSCE/ODIHR's "Joint Recommendations on the Electoral Law and the Electoral Administration in the Republic of Azerbaijan" (CDL-AD(2004)016rev), 1 June 2004, as well as the "Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Code of the Republic of Azerbaijan" (CDL-AD(2008)011), 16 June 2008. Available at www.osce.org/odihr-elections/13447.html

While the new Law on Freedom of Assembly appears potentially to be a significant improvement, its implementation faced few significant tests in this election, due to the overall lack of genuine competition. In at least one instance, it has been interpreted and implemented in a restrictive manner by the Baku City executive authorities. While the law states that the relevant executive bodies shall provide special venues for conducting meetings and rallies and that a list of “proposed places” from which the organizers of such demonstrations “can choose” shall be published, the Baku executive authorities considered this list as exhaustive and denied the request of opposition parties to hold a rally in places not included in the list.

Election Administration

The presidential election was administered by a three-tiered election administration consisting of the CEC, 125 Constituency Election Commissions (ConECs) and 5,326 Precinct Election Commissions (PECs). In addition, 33 polling stations for out-of country voting were established in Azerbaijani diplomatic missions and consulates in 27 countries.

Election commissions are appointed under a politically contentious formula, with nominees representing the parliamentary majority, minority parties and parliamentarians elected as independent candidates each accounting for one third of a commission’s membership. Due to the refusal of some opposition parties to take part in the nomination of CEC members, the makeup of all commissions was incomplete at the beginning of the election preparations. The appointment of members to the vacant positions on lower-level commissions was concluded in early October. While the late appointments may have diminished possibilities for the newly appointed members to participate actively in the commissions, it appears that this did not affect the commissions’ capacity to prepare for the election.

Registered candidates or the parties who nominated them could appoint consultative (non-voting) commission members. According to information provided by the CEC and ConECs, the ruling New Azerbaijan Party (YAP) nominated consultative members for all commissions, while other stakeholders nominated considerably less.

The CEC was very active in the elaboration of rules and regulations, undertook a comprehensive voter education program, and made considerable efforts to train election workers. The CEC held frequent sessions to which media, the OSCE/ODIHR EOM and other organizations were invited. However, the agenda was often distributed just before the sessions and little discussion took place among the members. The CEC maintained a regularly updated and informative website, publishing without delay all adopted decisions and instructions.

Overall, preparations for the election went smoothly and within the legal deadlines. ConECs were well prepared and organized and their members appeared knowledgeable. In general, ConECs held few formal sessions and took very few formal decisions.

The CEC never adopted an instruction regulating the work of ConECs on the receipt, checking and approval of the PEC results protocols and the computerized tabulation of precinct-level results. The CEC told the OSCE/ODIHR EOM that an instruction from the 2003 presidential election on this issue was still in force, but observers reported that this previous instruction was not communicated to many ConECs in a timely manner. The failure of the CEC to issue a specific instruction for this election for such a crucial part of the election process may have contributed to the relatively high number of problems observed during the tabulation of results.

Starting in late September, web cameras were installed in polling stations in different regions, initially without an official CEC decision or instruction. Only on 8 October did the CEC issue regulations clarifying the purpose of the cameras and the rules for their use on election day. According to the CEC, the purpose of these cameras, which provided for the possibility to follow voting and counting procedures in these polling stations on the internet, was to enhance the transparency of the process and deter fraud. In this context, it was unusual that the installation of the cameras preceded the CEC's instruction.

The latest amendments to the Election Code did not adequately address the long-standing issue concerning the organization of military voting, and this remained problematic. The creation of polling stations in military units remained common practice, with the CEC leaving the decision on the units with "special regime conditions", where such polling stations can be established under the Election Code, to the Ministry of Defense.

Voter lists were available for public inspection within the legal deadlines. According to the CEC, after the approval of the voter lists by the PECs on 20 September the total number of registered voters was 4,731,879. Voter registration continued after that date and was also possible on election day. In an effort to enhance the accuracy of the voter lists, the CEC published them on its website and enabled voters to check their records online. A telephone hotline for voter register information was also established. No serious problems or inaccuracies in the voter lists were reported to the OSCE/ODIHR EOM.

Candidate Registration

Ten of the 21 prospective candidates whose nominations were approved by the CEC submitted the required registration documents and support signature sheets within the legal deadline. Prospective candidates had to collect at least 40,000 signatures of registered voters from at least 60 constituencies. The amendments to the Election Code decreased the number of signatures from 45,000, but also eliminated the possibility for prospective candidates to submit a financial deposit in lieu of signatures.

The CEC registered seven presidential candidates: the incumbent President, Ilham Aliyev (YAP); Igbal Agazadeh (Umid Party); Hafiz Hajiyev (Modern Musavat Party); Gudrat Hasanguliyev (Azerbaijani Unified Popular Front Party); Fazil Mustafayev (Great Establishment Party); Fuad Aliyev (Liberal-Democratic Party); and Gulamhuseyn Alibayli (self-nominated).

The registration of two prospective candidates was rejected due to a high number of supporting signatures which were considered invalid by the CEC working group of experts. The majority of invalidations were due to groups of signatures considered as having been produced by the same person or due to mistakes and omissions in the ID data.² Another prospective candidate presented empty signature sheets. The lack of a competitive election environment limited, to some extent, the possibility to draw conclusions about this process.

Campaign Environment

The election campaign was generally very low-key, with campaign activities slightly intensifying towards election day. Observers reported limited public interest in the campaign. As a result of the decision of several opposition parties to boycott or not to participate in the election, the incumbent

² The number of invalidated signatures qualified as produced by the same person was 9,016 for Mr. Gulaliyev, and 4,298 for Mr. Agaevli.

president faced a field of candidates who commanded little apparent public support. The incumbent decided to refrain from conventional campaign activities, stating that he wished to give other candidates more opportunities. As a result, he had little interactive dialogue with voters and no direct policy debate with other candidates.

On 6 August, the President ordered that official portraits and billboards featuring him be removed throughout Azerbaijan and stressed the need to guarantee equal campaign conditions for all candidates. Billboards depicting late President Heydar Aliyev, sometimes together with the incumbent President, remained posted in numerous locations.

After the start of campaign on 17 September, the New Azerbaijan Party (YAP) conducted a very visible and active campaign on behalf of the incumbent president, including numerous big rallies and concerts. The party benefited from its well-organized structures and sizeable membership. Other candidates' main form of campaigning consisted of small-scale events and door-to-door canvassing. Candidates other than the incumbent had few offices or evident campaign capacity in the regions, and in several regions, apart from campaign events of the ruling YAP, few or no campaign activities were observed. Visible signs of campaigning were mainly confined to candidates' posters being displayed on the official designated boards, with posters of all seven candidates being on display more or less widely towards the end of the campaign period.

Overall, candidates were able to convey their messages to the voters without major impediments, and their requests to organize meetings were in most cases accommodated. Candidates reported isolated cases of citizens being discouraged from attending campaign events or of having been allocated campaign venues too late to organize meetings. In addition, there were two instances confirmed of irregular assistance of local authorities in facilitating the material organization of YAP campaign events (in Saatli and Imishli districts). Candidates Agazadeh and Alibayli complained in the media that their posters were repeatedly being torn down. Candidate Hajiyev alleged receiving death threats after calling some State officials corrupt during a TV debate. No formal complaints were made in this context.

Although the President declared his intention not to campaign personally, he extensively toured the country in his official capacity, inaugurating new factories, roads, schools, sport complexes, museums and an airport, visiting military installations but also awarding flats to veterans. These visits, which received wide media coverage, were associated with campaign activities by the media and the electorate. This blurring of the distinction between the regular activities of the incumbent and his campaign created unequal campaigning opportunities, inconsistent with paragraph 7.6 of the 1990 OSCE Copenhagen Document.

The OSCE/ODIHR EOM received allegations, some of which were corroborated, that people had been obliged to attend YAP rallies, which is not in compliance with paragraph 7.7 of the 1990 OSCE Copenhagen Document. In two instances, people were also obliged to attend another candidate's meeting. University students and school pupils in uniforms were observed during class hours attending YAP rallies with their teachers. In several instances, attendants confirmed to OSCE/ODIHR EOM observers that they had to join the YAP meetings under pressure of their teachers, the university administration or their superiors in the administration and that this was common practice. In some instances, school and university classes were cancelled at the time of such rallies. OSCE/ODIHR EOM observers also witnessed a few instances where law-enforcement bodies and organizers prevented participants from leaving rallies at their convenience. Such practices cast some doubt on the sincerity of the commitment of local executive authorities not to interfere in the election process.

OSCE/ODIHR EOM observers confirmed the existence of pyramidal networks of persons responsible for groups of voters, often from the same workplace or institution, put in place by local authorities and/or election commissions, and in some cases linked to the YAP. The alleged purpose of such networks was to urge voters to go to vote and to increase voter turnout. In this context, it is of concern that some voters, in particular civil servants and public-service employees, may have been subject to pressure to vote and may not have been able to make a free choice in this respect.

The Media

Despite a broad range of media operating in Azerbaijan, a number of interlocutors expressed concerns about the deterioration of the media situation in recent years, in particular due to problems with media independence and the lack of pluralism in the country's broadcasting sector.³ The OSCE Representative on Freedom of the Media has expressed his concern about "the grave situation of the independent media in Azerbaijan."⁴ A significant number of journalists who criticized the authorities became subjects of criminal prosecution and civil lawsuits, in some cases resulting in prison sentences and large fines. The President pardoned five journalists in December 2007, but at least three journalists remain in jail.⁵

The free airtime for candidates specified in the Election Code was allocated in the form of regular debates on Public TV and radio. These provided an opportunity for candidates to present their message to voters. The President chose not to participate in the debates in person, sending proxies to represent him instead. In addition to the debates, candidates could convey their message to the electorate through paid political advertising and in the print media, although only three did so.

There was only limited coverage of the campaign in the news programs. All main TV stations, including Public TV, devoted a significant portion of their news coverage to the authorities and their activities, with Mr. Ilham Aliyev deriving almost all of his media exposure in his capacity as President. There was a notable tendency to reflect positively on the work and activities of the authorities, through coverage of ceremonial events, or of activities such as distribution of flats, cars or other gifts, which benefited the incumbent's campaign. Critical opinions on the authorities' performance were generally absent.⁶ All monitored TV channels reported extensively on the work of the CEC.

In the four weeks preceding the election, Public TV devoted 51 per cent of its political and election news coverage to the activities of the President (16 per cent), the Government (22 per cent), the Presidential Administration (3 per cent) and the YAP (10 per cent). This coverage was overwhelmingly positive or neutral in tone. By contrast, all other political parties, including those which decided to boycott the election, received a combined total of only 12 per cent. There was a tendency to focus intensively on the procedural aspects of the electoral process, with the CEC receiving as much as 37 per cent of the coverage. While Public TV made an effort to limit its news coverage of the President's activities since the official start of the campaign, he still received three times as much as all other candidates together.

³ See, *inter alia*, the OSCE Representative on Freedom of the Media's Regular Report to the OSCE Permanent Council, 15 November 2007, at http://www.osce.org/documents/rfm/2007/11/28110_en.pdf, and the Council of Europe Resolution 1545 "Honoring of obligations and commitments by Azerbaijan", at <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1545.htm>.

⁴ OSCE Representative on Freedom of the Media, *op. cit.*

⁵ OSCE Representative on Freedom of the Media, www.osce.org/fom/item_1_30104.html

⁶ For example, only Public TV and ANS provided news coverage in connection with the decision of a number of opposition parties not to participate in the election.

Unlike Public TV, after the recent amendments to the Election Code, State-funded AzTV was no longer under the legal obligation to provide equal campaign conditions and to allocate free airtime to all candidates. It demonstrated a clear bias in favour of the authorities and the ruling party by allocating them 94 per cent of its political and election news coverage (72 per cent of which was of the President), which was exclusively positive or neutral in tone. There was only marginal coverage of other candidates and almost no coverage of boycotting parties. The CEC received some 6 per cent. Privately owned Space, Lider TV, ATV and Khazar TV adopted a similar approach.

Another private television, ANS, also devoted the bulk of its news coverage to the authorities and the ruling party, but similar to Public TV, it also allocated some news coverage to other candidates. From 25 September, ANS news programs featured regular interviews with all candidates on different topics (President Aliyev was represented by a proxy).

The print media provided a more diverse range of views than television. The State-funded newspapers *Azerbaijan* and *Respublika* showed overt support to the President. Privately owned opposition-minded *Yeni Musavat* provided some critical coverage of the State authorities and supported Mr. Agazadeh. Another private newspaper, *Zerkalo*, devoted the bulk of its political coverage to President Aliyev, but also devoted some coverage to other candidates.

The CEC established a special working group on the media, composed of CEC members and journalists from various media outlets, to assist the CEC in overseeing compliance with the campaign-related provisions of the Election Code. This group was more active than during previous elections; it held five sessions and considered six complaints, one by the YAP and five by the Umid Party. The YAP alleged early campaigning by candidate Agazadeh through distribution of a promotional CD. Umid maintained that the distribution had started already in 2007 and that the CD should thus be considered as information about the party, which is permitted under the Law on Political Parties.⁷ The group suggested to the CEC to warn Mr. Agazadeh. The CEC decision ordered Mr. Agazadeh to “strictly abide by the requirements of the legislation in his campaign”.

All Umid complaints were dismissed as groundless. In one case, Umid complained that the participation of two high State officials at a YAP rally violated a CEC decision barring State and municipal officials from campaigning. The group found no evidence that these officials had been campaigning, as defined in the law.⁸ The head of the group maintained that high state officials should have the same rights as ordinary voters and should therefore be allowed to participate in campaign events, unless they make a direct call to vote for a candidate.

Following discussions and votes by all members present, the working group adopted six opinions, which served as a basis for the decisions adopted by the CEC. Four of these decisions were adopted after the legal deadlines.

Complaints and Appeals

As of 14 October, seven complaints had been submitted to the CEC. While one complaint relating to the non-registration of Mr. Arif Aliyev as a candidate was investigated by the newly established

⁷ Article 12 of the Law on Political Parties stipulates that “political parties shall disseminate freely the information about their aims and activities.”

⁸ Article 1.1.13 of the Election Code stipulates that “pre-election campaign is action of citizens and political parties calling or intending to call upon voters to participate in the election, to vote (or not to vote) for one or another candidate.”

expert group, the other six complaints were related to the election campaign and were handled by the CEC media working group (see above). A complaint submitted by Mr. Agazadeh, who claimed to have been insulted by candidate Hafiz Hajiyev, was rejected by the CEC for lack of competence. However, the CEC did not forward the case to the court as required by law. The OSCE/ODIHR EOM was only informed of six complaints filed to ConECs, all of which were rejected. No further appeals to the CEC or courts were lodged in these cases.

Four complaints were heard and rejected by the Baku Court of Appeal, three of which were subsequently appealed in the Supreme Court. An appeal to the Supreme Court was submitted by Mr. Mais Gulaliyev who challenged the decisions of the CEC and the Court of Appeal not to register him as a candidate due to an insufficient number of valid support signatures. After a hearing at the Supreme Court at which no CEC representatives were present, the appeal was rejected. Candidate Gudrat Hasanguliyev, who was not allocated campaign funds due to his debts from the last presidential election, appealed this CEC decision in court, but the appeal was denied. After an informal agreement with the CEC to return the money owed, Mr. Hasanguliyev's subsequent appeal to the Supreme Court was satisfied. Following this case, Mr. Hajiyev lodged a similar appeal to the Court of Appeal in Baku, which was also satisfied.

In adjudicating complaints and appeals, the CEC and the courts did not provide comprehensive legal argumentation for many of their decisions.

While the establishment of expert groups within the CEC and ConECs as such is an improvement, the current composition of those groups, which consist mainly of existing commission members and lawyers from commission secretariats, does not add fact-finding capacity, as was initially intended. While the status and activities of expert groups are well regulated, the role of the media working group in the complaints process remains unclear in the Code and CEC instructions, as the Code mentions expert groups as the only bodies in the election administration investigating complaints.

Participation of Women

There are neither legal barriers to the participation of women in elections, nor legal provisions to promote their participation. While there are some prominent women in politics, women's involvement in political life is generally limited, especially in high-level positions. In the current Parliament, 13 out of 125 MPs are women. No women contested this election, and women's rights or issues were rarely addressed in the campaign. Women were under-represented in the upper levels of the election administration: four of the 18 CEC members are women, as are three of 125 ConEC chairs. Women chaired 21 per cent of PECs visited by IEOM observers on election day, and accounted for 34 percent of these PECs' membership.

Domestic Observers

The legal framework provides for domestic and international observation, in line with OSCE commitments. Two domestic NGOs conducting non-party election observation – the Election Monitoring Center (EMC) and the Association for Civil Society Development in Azerbaijan (ACSDA) – conducted long-term observation, while two NGO coalitions – “For Free, Transparent and Fair Elections” and “NGO Coalition Elections 2008” – deployed large numbers of election-day observers. EMC also conducted a parallel vote tabulation exercise in over 800 polling stations.

The registration of observers was inclusive, and more than 10,000 domestic non-party observers were accredited by the CEC and ConECs. However, EMC, which is one of the largest domestic

observer organizations, was deregistered as an NGO on 14 May by a Baku District Court at the request of the Ministry of Justice. On 12 August, the EMC applied to the Ministry of Justice to be re-registered but has not yet received a response. While its observers were able to obtain accreditation as individuals, a number of them withdrew immediately prior to election day, reportedly under pressure not to observe on behalf of the organization.

Election Day

Election day was generally calm and peaceful. IEOM observer reports indicate a high voter turnout; the CEC announced that turnout was 75.6 per cent. The CEC posted results from some 2,300 polling stations on its website shortly before 02:00 on 16 October and continued updating them throughout election night.

Opening procedures were assessed positively in 88 per cent of polling stations visited. Procedural shortcomings were frequently noted, including failure to record the serial number of ballot box seals (19 per cent). IEOM observers assessed the voting process as good or very good in 94 per cent of polling stations visited and overall described it as well organized and efficient. PECs' and voters' understanding of procedures was assessed positively. The improved quality of the voter lists was reflected in the low number of voters who were entered in the supplementary lists.

Despite their positive overall assessment, IEOM observers noted a number of procedural violations. The most widespread concerned lack of safeguards against multiple voting: in 12 per cent of polling stations visited, voters were not always checked for traces of invisible ink, and in 7 per cent, ink was not always applied. Other violations included ballot boxes which were not sealed properly (7 per cent), series of seemingly identical signatures on the voter list (9 per cent), proxy and multiple voting (2 per cent each), and the same person "assisting" numerous voters (2 per cent). Group voting was observed in 11 per cent of polling stations visited. In 11 per cent of polling stations visited, not all voters marked their ballots in secrecy. IEOM observers reported clear indications of ballot box stuffing in seven polling stations. They also reported from six polling stations that voters who had already been inked were allowed to vote. In 7 per cent of polling stations, not all phases of the process were visible to the PEC or observers. IEOM observers reported isolated cases of intimidation and of attempts to influence voters who to vote for (in one case by a PEC chairperson). In 11 per cent of those polling stations visited which had cameras installed, IEOM observers reported that their placement may not have completely safeguarded the secrecy of the vote. Almost one in ten polling station premises was assessed as inadequate to conduct polling

Domestic non-party observers were present in 79 per cent of polling stations but frequently were not able to tell which organization they represented. Unauthorized persons were identified in 5 per cent of polling stations visited; there were 12 reports of such persons interfering in or directing the work of the PEC. IEOM observers reported that in 6 per cent of the polling stations visited, they were not able to carry out their activities without impediments, and in 4 per cent they were not granted full co-operation by the PEC.

The count was assessed less positively, with 22 per cent of IEOM observers assessing it as bad or very bad. A significant proportion of PECs did not perform basic reconciliation procedures, such as counting the number of signatures on the voter lists and mandatory crosschecks. The vote count often lacked transparency. In 18 per cent of polling stations where the count was observed, observers were not able to clearly see how ballots had been marked. Ballots were not determined in a reasonable and consistent manner in 12 per cent of counts observed. In 8 per cent of polling stations observed, people other than PEC members participated in the count. In 7 per cent of counts

observed, IEOM observers reported manipulation of voter list entries, results or protocols, including one case of votes being reassigned to a different candidate.

In 23 per cent of counts observed, PECs had problems filling in the results protocol, which in a few cases was not completed by pen as required. IEOM and domestic observers in most cases received copies upon request; however, in 37 per cent of polling stations observed, the PEC did not post the results protocol for public familiarization. Several observers reported that after the count was finished and the protocol had been filled in, the PEC delayed delivery of election material to the ConEC, for no apparent reason.

IEOM observers observed the tabulation process in 124 of the 125 ConECs. In 25 per cent of ConECs, the process was assessed as bad or very bad. In contrast to the orderly process at the other ConECs observed, the process in these ConECs was disorderly and non-transparent, with observers not able to follow the entire process. In 32 cases, observers did not receive copies of the tabulation protocols. Key procedures on the checking of precinct-level results and their processing were frequently not followed.

*This statement is also available in Azerbaijani.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Baku on 1 September with 40 experts and long-term observers deployed in Baku and ten regional centres. On election day, 439 short-term observers were deployed in an International Election Observation Mission (IEOM), including a 31-member delegation from the Parliamentary Assembly of the Council of Europe and a 13-member delegation from the European Parliament. In total, there were observers from 43 OSCE participating States. The IEOM observed voting in over 1,200 polling stations out of a total of 5,326, and counting in some 143 polling stations. The IEOM also observed the tabulation process in 124 ConECs.

Mr. Andres Herkel (Estonia) headed the delegation of the Parliamentary Assembly of the Council of Europe, and Ms. Marie Anne Isler Béguin (France) headed the delegation of the European Parliament. Ambassador Boris Frlec (Slovenia) is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the authorities of the Republic of Azerbaijan for the invitation to observe the election, the Central Election Commission for providing accreditation documents, and the Ministry of Foreign Affairs and other State and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Office in Baku and other international institutions for their co-operation and support.

For further information, please contact:

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