



Office for Democratic Institutions and Human Rights

REPUBLIC OF AZERBAIJAN

PRESIDENTIAL ELECTION

15 October 2003

OSCE/ODIHR Election Observation Mission Report



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I. EXECUTIVE SUMMARY

The 15 October 2003 presidential election in the Republic of Azerbaijan failed to meet OSCE commitments and other international standards for democratic elections. The overall process reflected a lack of sufficient political commitment to implement a genuine election process.

There was widespread intimidation in the pre-election period, and unequal conditions for the candidates. The election dispute resolution mechanism generally did not provide an effective or timely remedy to complainants. The counting and tabulation of election results were seriously flawed. Post-election violence resulting in the widespread detentions of election officials and opposition activists further marred the election process. International observers were not allowed to monitor the post-election activities at the CEC in the crucial days before the announcement of the final results.

The election was held under a new Election Code which included additional safeguards against fraud and which could have formed the basis for a democratic election. However, the authorities did not implement many aspects of the law in a fair, impartial or adequate manner. Other aspects of the overall legal framework for elections had a negative effect on the process. For example, there were severe restrictions on public rallies, limitations placed on observation by domestic civic organizations, and the establishment of a Central Election Commission (CEC) that did not enjoy the confidence of most candidates.

The election administration did complete many technical preparations for the election in a satisfactory manner. A notable positive development was the rapid posting on the CEC website of election night results. However, a serious deficiency in the administration of the election concerned the voter lists, which were of a poor quality and were posted too late to permit a meaningful public scrutiny.

The political campaign was heated and negative. An atmosphere of intimidation gravely undercut public participation and free campaigning. This situation was compounded by serious violence and an excessive use of force by police at some stages of the campaign.

The field of eight candidates did provide the potential for a real choice for voters, although several individuals who intended to contest the election were denied registration under flawed procedures. Although Candidates campaigned around the country, there were severe restrictions on venues for political rallies. Opposition candidates were not afforded equal conditions to conduct their campaigns.

The State media was heavily biased in its news and reporting. Although it met the requirement to provide free air time and print space for all candidates, it did not meet its obligation to create

equal conditions for the candidates. Private television stations were similarly biased. Many journalists were subject to harassment and intimidation.

Election day at precinct level was tense yet generally passed without major incident. International observers witnessed significant irregularities during voting and widespread fraudulent practices during the counting and tabulation of election results, notably ballot stuffing and tampering with protocols at both the precinct and constituency levels. Protests and violence broke out on election night, and post-election disturbances continued with rioting in Baku on the next day.

This was followed by a sweeping government crackdown on the opposition in which over 600 persons were detained around the country. Of particular concern were the detentions and intimidation of many election officials for refusing to sign flawed and fraudulent protocols. ODIHR issued a post-election statement on Monday, 20 October, which conveyed grave concern that the disturbances following the election not be used as an excuse by the government for a general crackdown on the opposition and on conscientious election officials.

As a result of irregularities, the CEC subsequently invalidated the votes from 694 polling stations according to a selection criteria that remains unclear, but let stand the results in a large number of other precincts where serious violations occurred. This measure had the effect of disenfranchising about 20% of the electorate of Azerbaijan, and did not address the fundamental issue of systematic and widespread election fraud. The CEC announced Ilham Aliyev as the winner of the election with 77% of the vote, while his closest rival was credited with just 14%.

Overall, the presidential election was a missed opportunity for a credible democratic process. Progress toward democratic elections in Azerbaijan will now depend first and foremost on the political will of the authorities.

The OSCE/ODIHR is prepared to continue its dialogue with the authorities and civil society of Azerbaijan to address the concerns arising from these elections. In this regard, the OSCE/ODIHR offers 26 recommendations for specific action at the end of this report.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission (EOM) for the 15 October 2003 presidential election was established in response to an invitation from the Ministry of Foreign Affairs. The EOM, headed by Peter Eicher (USA), began work on 6 September and remained in Azerbaijan through 24 October. Thirty-two experts and long-term observers from 19 OSCE participating States were deployed in the capital and eight regional centres.

On election day, the EOM was joined by delegations from the Parliamentary Assemblies of the OSCE and the Council of Europe (PACE) to form the International Election Observation Mission. Giovanni Kessler (Italy) was Head of the OSCE PA delegation and Special Co-ordinator appointed by the OSCE Chairman in Office to lead the OSCE short-term observers. Guillermo Martines Casan (Spain) headed the PACE delegation. Over 600 short-term observers from 35 countries were deployed on election day, including more than 40 parliamentarians from the two assemblies.

The OSCE/ODIHR expresses its appreciation to the Ministry of Foreign Affairs, the Central Election Commission, the Presidential Administration and other authorities, as well as the candidates, political parties, civil society organizations, international organizations and embassies in Azerbaijan, for their assistance and co-operation during the observation.

III. BACKGROUND

The election marked the end of an era in Azerbaijan, with the departure from the political scene of President Heydar Aliyev after ten years as president. The transition was particularly significant since Azerbaijan has a strong presidential system of government with a weak separation of powers among the three branches of government. In addition, the election was the first since Azerbaijan joined the Council of Europe, at which time it assumed additional, enforceable legal obligations to uphold civil and political rights. In recent years elections in Azerbaijan have failed to meet international standards, including OSCE commitments. In light of these circumstances, the 2003 presidential election was seen as a particularly important indicator for the prospects of further democratic transition in Azerbaijan.

The continued foreign occupation of a substantial portion of the territory of Azerbaijan overshadowed the political and legal context for the election. Azerbaijan bears the burden of some 800,000 displaced persons living under difficult conditions. This issue is a top public concern, with major political, economic, and humanitarian implications. Voting could not take place in the occupied territories and special arrangements had to be made for voting by displaced persons.

IV. LEGAL FRAMEWORK

The new unified Election Code was adopted on 27 May 2003. It governs the conduct of referenda and presidential, parliamentary and municipal elections in one substantial and comprehensive document.

Beginning in 2002, the authorities spent significant time and effort to unify the electoral framework, working with the Council of Europe's Venice Commission and the OSCE/ODIHR. During this process, the authorities demonstrated willingness to improve the electoral legislation, considering and implementing many recommendations suggested by the two organizations. In their final assessment, the Venice Commission and the OSCE/ODIHR concluded that the Code provides a comprehensive framework for the conduct of elections and referenda that meets international standards and best practices in most respects, and that the key to the law's success would lie in its impartial, neutral and consistent application.¹

The new Code contains a number of helpful safeguards against fraud, including the use of transparent ballot boxes, numbered ballots and result protocols, and envelopes for ballots; mandatory posting of precinct-level protocols at constituency election commissions; and a prohibition of any persons other than voters, commission members, accredited observers and the police (if called by the Chairman) at polling stations on election day. The Code also

¹ See Joint Final Assessment of the Election Code of the Republic of Azerbaijan, Opinion no. 214/2002, issued Strasbourg/Warsaw, 1 September 2003.

requires that detailed election results, by polling station, be published within forty-eight hours of the election.

While the new Code is a clear improvement over the previous legal framework, important substantive problems remain. The most controversial aspect of the legal framework for the election was the composition of the election commissions. The OSCE/ODIHR and the Venice Commission encouraged the Azerbaijani government to decide on a composition through political discussions among major election stakeholders to reach a result that would enjoy broad consensus. When this failed, the OSCE/ODIHR and the Venice Commission suggested a compromise model. In the end, however, the government rejected this model and adopted instead a formula similar to the one used in the previous law, which had proved in 2000 to be inadequate for the conduct of fair elections.

In the Law on Approval and Entry into Force of the Unified Election Code, passed on the same day as the Code, the government put in place for all elections through 2005 a CEC composition that heavily favours the governing party and its supporters. The imbalance in membership had serious ramifications on the operation of, and confidence in, the CEC (see Section V, Election Administration).

A positive element of the Election Code was the expansion of the rights of observers. However, this was undermined by the Law on Public Unions and Foundations, which prohibits domestic organizations that receive more than 30% of their budget from foreign State funding from observing elections. As a result, a number of domestic NGOs were barred from observing the election (see Section X, Domestic Observers).

Just before passage of the Election Code, a provision was inserted stating that, should the President die or become incapacitated, early presidential elections should be conducted within three months.² As the election campaign began, and the condition of President Heydar Aliyev's health remained shrouded in mystery for the citizenry, there was confusion about the possible consequences of the provision. On 15 August, however, in response to a query from the Prosecutor General's Office, the Constitutional Court sensibly resolved the issue, ruling that the provision should not apply within three months of a scheduled election.

A key remaining deficiency in the Code relates to the complaints and appeals process, which is discussed below (see Section VII, Complaints and Appeals). Another area of concern is a limitation that in a presidential election voters may sign a signature list in support of only one candidate.

The Code is an exceptionally long, complex and repetitive document that contains internal inconsistencies.³ This opens the possibility for controversial or politically motivated

² Election Code, Article 179.1.

³ For example, Article 46.1 states that voters can be included on the voter lists by a court decision up to and including on election day, but also says that no additions can be made to the voter lists on election day. The Code also contains incorrect internal cross references, e.g., Article 114.1's reference to Article 88.4. Finally, the Code is inconsistent with the Constitution; for example, while the Constitution requires the Constitutional Court to announce the results of presidential election within fourteen days of voting, Article 203.1 of the Code requires the CEC to forward the results of the election to the Constitutional Court for its approval not later than fourteen days after election day (i.e., potentially giving the Court no time in which to announce or approve the results).

interpretations by the CEC of specific provisions; it has also hindered the ability of subordinate election commissions to implement the legal framework.

Another area of the broader legal framework that proved exceedingly problematic is the system for applying to hold political rallies. The Constitution of the Republic of Azerbaijan guarantees the right of assembly “upon notification to the relevant authorities.” Despite the Constitution’s guarantee of a broad freedom of assembly with a seemingly formalistic notification process, the Law on the Freedom of Assembly creates a system that gives almost unlimited authority to the local executive bodies without any requirement to apply equal conditions for candidates or political parties.⁴ The Election Code calls upon State bodies and municipalities to assist registered candidates and political parties to organize and hold rallies and requires election commissions to create equal conditions for registered candidates and political parties to conduct mass actions. In practice, these provisions were not adequately implemented.

As the ODIHR and the Venice Commission stated in their analysis of the Election Code, the key to a credible election process was its fair and equitable implementation. Implementation and observance of the electoral legislation includes an obligation by the CEC and other relevant authorities to take measures against violators and to provide remedies to those aggrieved. Regrettably, there was a general failure to enforce the Code in the face of violations, including violations by the election administration bodies. While the Prosecutor’s Office initiated preliminary investigations in several pre-election incidents, as of election day, it had not initiated any criminal prosecutions. Up to the date of the EOM’s departure from Azerbaijan, no official had been held administratively, politically or criminally accountable for widespread violations of the Code.

V. THE ELECTION ADMINISTRATION

The election was administered by a three-tiered administration: the CEC, 125 Constituency Election Commissions (ConECs), and a Precinct Election Commission (PEC) for each of the 5,146 polling stations (including 17 in Azerbaijani diplomatic or consular offices abroad).⁵

The CEC was established on 13 June and was composed of 15 members elected by the Parliament according to a complex formula:

- six members representing the political party which holds the majority of the seats in Parliament that were elected through proportional representation;
- three members representing the minority parties in Parliament that were elected through proportional representation;
- three members representing the members of Parliament elected from single mandate constituencies; and

⁴ The Law’s prohibition against holding political rallies within 300 meters of the buildings of the legislative, executive or judicial authorities is particularly restrictive, in part because it puts most of downtown Baku off limits for campaigning.

⁵ No ConEC was appointed for constituency Number 122, Hankandi, located in Nagorno-Karabakh, where no voting took place. The number of out-of-country polling stations remained a subject of some uncertainty, since the CEC provided different figures to the EOM at different times, ranging as high as 35. The figure of 17 is used here because it was provided officially by the CEC to the EOM most recently, on October 23, although this figure appears to leave out a number of PECs.

- three members representing the four political parties which stood for election in the proportional vote but did not win seats in Parliament.

Lower level election commissions were formed through a variant with similar distribution. ConECs had nine members and PECs had six members.

While this composition of the CEC would not necessarily be problematic as a theoretical construct, in practice it meant that the governing party and its supporters had a commanding, two-thirds majority that was sufficient to take decisions over any objections by opposition members. They had an even larger majority on lower level commissions, since “independents” and members representing the Communist Party consistently voted with the ruling party. The legal requirement that the chairperson of each commission – who had significant authority – represent the ruling party reinforced its domination of all electoral bodies.

This imbalance led opposition candidates to have a lack of confidence in the neutrality and impartiality of the CEC. The atmosphere in the CEC and most ConECs was polarized. On controversial issues, the CEC did not operate in a spirit of consensus and collegiality, but often took decisions on 10-5 votes, reflecting a deep political divide. Despite clear legal provisions, the opposition members were not always given the opportunity to include items on meeting agendas or to have access to important information. While opposition members were generally free to express their views, their opinions were often not seriously considered. Opposition candidates regarded the imbalance in election commissions as one of the fundamental deficiencies of the electoral process, and considered the imbalance to be at the root of many other electoral shortcomings. In many regions, moreover, local executive authorities appeared to direct the work of the ConECs.

Each registered candidate or political party with a registered candidate was entitled to appoint one “consultative” member to all commissions. The consultative members enjoyed the same rights as regular members except for the right to vote on decisions of the commission. In practice, all candidates had consultative members on the CEC; a few also appointed consultative members to lower-level commissions. Consultative members attended all CEC meetings. They were allowed freely to express their opinions, but their views were generally not taken seriously into account.

Commendably, CEC meetings were open to journalists, international observers and representatives of international organizations dealing with election-related matters.

A serious effort was made by the authorities to secure good working conditions for election commissions at all levels. Each ConEC was provided with one or two computers and a well-trained operator for the computerized tabulation of the PEC results. The CEC and many ConECs were provided with permanent offices. In general, the CEC completed the technical preparations for the election efficiently, respecting the schedule adopted at its first meeting. The registration of candidates ended on time and the start of the campaign was announced two months before the polling day, as required by the Election Code. However, some important activities such as the posting of the voter lists and the start of the registration of domestic observers were significantly delayed.

The CEC had the benefit of a large administrative staff (Secretariat and seven Departments) directly subordinated to the Chairman, providing support in legal and organizational matters.

In some cases, issues that should have been dealt with by the CEC were instead handled by its staff (see Section VII, Complaints and Appeals).

In accordance with Article 25.3, the CEC adopted a substantial number of Instructions and Regulations regarding the implementation of the Election Code. Most were published promptly on the CEC Internet site in Azeri and English, a positive initiative. However some of the Instructions were of poor quality and failed to provide clear procedures to be followed by lower-level commissions. Instead, most of the texts were essentially excerpts from the Election Code, and were vague and sometimes contradictory.⁶ This resulted in a lack of uniformity in practice and sometimes meant that additional instructions had to be adopted at a later stage.⁷

The CEC took a welcome decision to publicize election results by precincts as they were received on election night, by immediately posting each precinct result on the CEC website. This gave an unprecedented degree of transparency to the tabulation process. While late, the detailed CEC Instruction on the organization of the tabulation of the results at ConEC level enhanced the transparency of the process.

The CEC often took an unnecessarily narrow view of its legal powers and obligations. The Election Code (Article 17.4) states that election commissions' decisions and acts within its authority are obligatory for state bodies and municipalities. This provision put the CEC in a position to insist on adequate cooperation from other State bodies to ensure implementation or the laws related to the election. However, the CEC did not seriously attempt to assert its legal powers over other bodies or to take actions against violations:

- The CEC took no action to guarantee equal treatment of candidates by State media and failed to act effectively for equal treatment by local executive authorities (Article 26.3.5);
- Polling stations were established late in military bases, and without the required CEC decision defining the exceptional circumstances which necessitated their creation (Article 35.5);
- The CEC did not make a serious attempt to enforce legal provisions that campaign posters must show publication information (Articles 87.3, 87.9), despite obvious, widespread evidence of violations by ruling party candidates;
- Some members of ConECs and PECs retained their State or local government positions or their political party membership (Articles 22.2, 36.3).

The printing of the ballot papers and their distribution, together with other election material, was properly organized. Nonetheless, international observers witnessed many stamped ballot papers and envelopes outside the polling stations even before election day,⁸ demonstrating that

⁶ For example, vague instructions included #4/26 on out-of-country voting, #4/27 on voting by the military, and #14/83 on observers. Instruction #14/82 on voter lists was contradictory.

⁷ For example, for voter registration and registration of local observers.

⁸ For example,

- ConEC 19, PEC 3
- ConEC 22, PECs 1 and 6
- ConEC 23, PEC 6
- ConEC 30, PEC 25
- ConEC 42, PEC 18
- ConEC 124, PEC 74

None of these polling stations were among the ones in which the results were eventually declared invalid by the CEC.

the safeguards for distribution and handling of sensitive election material were inadequate. Ballot papers were printed on standard A4 size paper with black type and no watermarks or other protections to limit fraudulent reproduction.

A commendable and extensive training program for ConECs and PECs was implemented under the direction of the CEC, with the support of the International Foundation for Election Systems (IFES), as was a voter education campaign.

The CEC cooperated well with international observers. It hosted an OSCE/ODIHR election expert in its offices beginning three months before the election, demonstrating a clear desire for transparency and good relations. The CEC staff worked diligently to accredit large numbers of international observers, even after the deadline for accreditation had passed. On some occasions, however, OSCE/ODIHR observers were not provided with information requested, for example, the number of voters at each polling station, information on military polling stations, or information on complaints to the CEC and their resolution.

In a grievous exception to its generally excellent cooperation, the CEC inexplicably barred OSCE/ODIHR observers from access to its documents and activities from 17-19 October, the final days before announcement of the preliminary results on the evening of 20 October. This action, in violation of the Election Code, meant that the final, crucial phase of tabulation was carried out in secret, leaving the OSCE/ODIHR unable independently to judge its accuracy or honesty.

A. CANDIDATE REGISTRATION

Thirty candidates initially applied for nomination; of these, 11 were rejected by the CEC. Of the remaining 19, one did not apply for the next stage of the process – formal registration – and one passed away a day after submitting his registration documents. This left 17 candidates formally nominated, of whom eight were refused registration based on an insufficient number of valid signatures. Three of these paid a monetary registration deposit equivalent to US\$33,000 in lieu of the required number of signatures. There were thus 12 registered candidates at the start of the campaign, four of whom withdrew before 5 October, leaving eight on the ballot for election day.

The EOM carefully reviewed the cases of several candidates refused at the nomination stage. It met with refused candidate Nemat Panahly, as well as with representatives of refused candidates Rasul Guliyev, Ayaz Mutalibov, and Eldar Namazov, and discussed their cases with the two CEC Secretaries. The EOM concluded that this important element of the election process was flawed, thus limiting the right of citizens to stand for office, in contravention of OSCE commitments and other international standards.

The Election Code provides for refusals of candidacies on the basis of grounded decisions. No clear and specific grounds were provided for the denials; the CEC decisions merely cited general provisions of the Election Code that incorporate many possible reasons for denial. This lack of clarity compromised the ability of the denied candidates to appeal effectively to the judiciary. It also appears that the procedure for notifying applicants of errors in their applications was not always observed, despite a clear legislative intent for candidates to be provided with an opportunity to correct technical errors in their applications. Substantive reasons for refusal put forward during CEC discussion of the cases were not persuasive and did

not always accord with law. The courts did not provide an effective remedy to persons denied registration.

B. VOTER LISTS

The accuracy of voter lists was a serious concern. A confusing CEC instruction issued on 15 July provided for posting the voters lists on the PEC notice boards just 25 days before election day, well beyond the 65 days legal limit (Article 48.1). Even this very late deadline was not respected in some constituencies. Moreover, when the lists were finally posted, they did not include the addresses of voters (as required by Article 48.11) making it nearly impossible for political parties and hard for individuals to check their accuracy.

In response to complaints that many voters were wrongly omitted from the lists, the CEC took a unanimous, compromise decision to allow names to be added to the voter lists up to 24 hours before the opening of the polls by PEC decision (rather than by a court order, as required by the Election Code). The decision had the advantage of providing an easy way to add missing voters to the list – as was intended by the law – without the need for a more complicated court procedure. Such a decision would not have been needed, however, had the voter lists been posted on time. The decision could have resulted in disputes or even manipulation, as large numbers of voters were added shortly before election day: 50–100 voters in 12% and more than 100 voters in over 6% of the 1,234 polling stations visited by EOM observers. Such large numbers of last minute additions to the lists negated the intended protection against double entries built into the Election Code.

In practice, the deplorable condition of the lists in some constituencies led to long queues of sometimes angry citizens at courthouses on election day, for example in Narimanov, Yasamal, Hatayi, Sabail, Sumqayit, and Ali Bayramli. Some opposition leaders charged that the voter lists had been deliberately manipulated to remove the names of opposition supporters. To support their case, they contended that the large majority of those queuing at court houses were opposition supporters. However, the evidence they presented to the EOM was largely anecdotal and insufficient to reach a conclusion of deliberate manipulation.

In accordance with Article 46.11 of the Election Code, some positive steps have been made towards the creation of a central register to be maintained by the CEC Information Centre. The poor quality of the lists on election day, however, showed that extensive work is still required.

VI. ELECTION CAMPAIGN

Uncertainty characterized the pre-election environment, due to the lengthy illness of President Heydar Aliyev, who had been absent from the country since 8 July receiving medical treatment. Despite his absence and the lack of any public appearances, he was the official candidate of the ruling New Azerbaijan Party (YAP) and was regarded as the leading candidate for most of the campaign. On 2 October, less than two weeks before election day, he withdrew his candidacy in favour of his son, Ilham Aliyev, who had earlier been nominated as a candidate by a citizens' initiative group. By presidential decree, Ilham Aliyev had been named Prime Minister in August, but he served in this capacity for less than a week before taking a leave of absence to campaign, as required by the Election Code. Yet throughout the election period, Ilham Aliyev continued to perform many official functions as Prime Minister,

participating in the Summit of the Commonwealth of Independent States, addressing the UN General Assembly, receiving official visitors in Baku and performing other ceremonial and substantive duties. Two minor registered candidates withdrew in favour of Ilham Aliyev.

There was a lengthy but ultimately unsuccessful effort among many opposition parties to reach agreement on a single candidate. Azerbaijan Popular Front Party leader Ali Kerimli withdrew his candidacy in favour of Etibar Mammedov (National Independence Party of Azerbaijan - AMIP). Azerbaijan Democratic Party (ADP) leader Rasul Guliyev, who was denied registration as a candidate, endorsed Musavat Party candidate Isa Gambar. Several other well-known personalities remained on the ballot, including one woman, Lala Shovket Hadjiyeva. The field of eight candidates provided voters with the potential for a genuine choice.

Starting in early September the leading challengers began active campaigns. The political atmosphere was sharply polarized among the candidates and parties. The overall tone of the campaign tended to be negative and even insulting. Several candidates complained formally to the CEC of being insulted by other candidates; the CEC passed several such complaints to the Prosecutor or – in the case of insults to the President – to the Ministry of Justice (see Section VII, Complaints and Appeals). Three candidates asserted there were threats against their lives during the campaign period. There was a discernible lack of issue-based campaigning.

The campaign grew increasingly active and dynamic as election day approached, culminating with several large rallies in Baku. Candidates campaigned in many parts of the country – with the notable exception of the enclave of Nakhichevan – often drawing sizeable enthusiastic crowds. Campaign posters proliferated, though those of Heydar Aliyev and Ilham Aliyev received privileged placement and were by far the most visible. Many opposition posters were systematically vandalized early in the campaign, but in its final weeks posters were left largely unmolested.

Instances of violence were a serious concern during the campaign, as were instances of excessive use of force by police against peaceful participants in campaign events. Most notably, during four separate rallies in Baku, Masalli and Lenkoran on 21 September, EOM observers witnessed police and pro-government provocateurs assault opposition members. The Prosecutor opened an investigation into official misconduct, but as of election day, no charges had been filed. Later in the campaign period, the level of violence appeared to subside and police were notably more restrained. However, further violence did occur at campaign events, including in Saatli and Devechi. In addition, there was a pattern of low-level violence against opposition supporters by police, local authorities and pro-government groups. Small groups of peaceful ADP demonstrators who staged regular, “unauthorized” pickets near the CEC were on several occasions beaten by police in front of EOM observers. NGO personnel conducting election and other training in Nakhchivan were physically attacked by pro-government provocateurs. There were several instances confirmed by the EOM in which journalists and others were beaten by police.

Widespread intimidation overshadowed the campaign atmosphere, undercutting political participation and free campaigning. The EOM investigated and confirmed many reports of detentions of opposition political activists. Periods of detention appeared to lessen substantially in the final weeks of the campaign – generally to hours rather than days – but the pattern of apparently politically-motivated detentions continued. Another insidious but apparently widespread form of intimidation was the threat of dismissal – or actual dismissals –

of public employees or their family members from their jobs if they supported opposition candidates or attended opposition political rallies. While difficult to verify, the EOM looked into many cases and assessed that the charges were credible and constituted a countrywide pattern of grave intimidation. Schoolteachers in particular appeared to be under pressure in many regions. Shopkeepers were often fearful of displaying opposition posters. Internally displaced persons (IDPs), university students, and the staff of medical institutions and government administrative structures felt pressure to support the governing party candidates. Civil society activists and journalists also faced intimidation.

Onerous restrictions on political rallies compromised freedom of assembly and freedom of expression. The restrictions limited the ability of opposition candidates to convey their messages effectively and undercut public participation in the campaign. Local executive authorities routinely denied permission to opposition parties to congregate in central outdoor locations. Confrontations sometimes broke out when rallies went ahead without authorization or when crowds were too large for approved locations. The violent atmosphere in particular discouraged female attendance. In the final weeks of the campaign, following the violence on 21 September, authorities became more restrained and rallies proceeded in central areas of many towns. However, many local authorities continued routinely to deny formal authorization for opposition gatherings in requested venues, or failed to respond to formal requests. Roadblocks and heavy police presence continued to discourage attendance at many opposition campaign events. No opposition rallies were permitted in central Baku, and some candidates continued to face restrictions in other parts of the country, including in their efforts to meet with IDPs.

Overall, the authorities failed to create equal conditions for all candidates. Opposition candidates were denied authorization to hold campaign events at the same downtown locations in Baku and other towns where pro-government events were held. Public buildings frequently had election posters of ruling party candidates in their windows, whereas no opposition posters were to be seen. The EOM verified many allegations that public sector employees, teachers, students, and others were instructed to attend pro-government events, while they were discouraged from taking part in opposition ones.

VII. THE MEDIA

A. BACKGROUND TO THE MEDIA

Television is by far the most important source of news in Azerbaijan. *State TV* has a nationwide outreach and is among the most influential media outlets. It has not yet been transformed into an independent public broadcasting service. There are a few other television stations with national outreach as well as a number of local or regional stations. The most significant private TV stations are: *Lider TV*, *ANS*, *SPACE TV* and *ATV*. The four State-owned newspapers reflect only the position of the government. The only alternative sources of political news are a limited number of independent and opposition party newspapers. Due to low circulation, however, they are often unavailable for most sections of the public.

In the run-up to the 2003 presidential election, the freedom of media was a cause for serious concern. Some newspapers faced lawsuits as a result of their criticism of government officials; this was seen by some media watchdog organizations as an effort by authorities to silence

criticism. The media situation was further exacerbated by systematic harassment and intimidation of journalists, including physical and verbal attacks, detentions, life-threatening phone calls and editorial interference akin to censorship. On 8 September, police attacked several journalists outside the main Baku police station, where they were gathered performing their duties.

B. LEGAL FRAMEWORK FOR THE MEDIA

The Constitution guarantees freedom of speech and of the media. Censorship was formally abolished in 1998. The Election Code contained a number of improvements with regard to the media, including clear provisions about allocation of free time and space in the State-owned media, clear rules for paid political advertisement, regulations that State media cannot campaign for or against a candidate, and clear provisions requiring equal access for all candidates. To supplement the provisions in the Election Code, the CEC adopted decision 21/137 of 8 August to further regulate the campaign in the media. In practice, however, many of these provisions were not implemented in an acceptable manner. The CEC established a special media group composed of its own members and journalists from various media outlets that was to assist the CEC to oversee and enforce media provisions stipulated in the Election Code. Despite requests, this group failed to provide the EOM with information on the number of complaints received and how they were adjudicated; as a result, the EOM is unable to assess the efficacy of the complaints and appeals process with respect to media coverage.

C. MEDIA MONITORING

The EOM monitored five television stations and seven newspapers, using qualitative and quantitative analysis, from September 16 through October 13: *Azeri State TV*; four private channels *Lider TV*, *ANS TV*, *Space TV* and *ATV*; four State newspapers *Azerbaijan*, *Halq*, *Bakinskiy Rabochiy* and *Respublika*; and three private newspapers *Zerkalo*, *Echo* and *Yeni Musavat*.

Media coverage of the campaign was characterized by an overwhelming tendency of State-owned and government-oriented media to exhibit an overt bias in favour of the Prime Minister Ilham Aliyev and President Heydar Aliyev. Opposition candidates were mentioned sparingly and often in negative terms. In news and current affairs programs, State-owned media failed comprehensively to meet its legal obligation, as set out in the Election Code, to create equal conditions for the candidates.

State TV complied with legal provisions on allocation of free airtime for all political contestants. However, its news and analytical coverage and other programs overtly supported Ilham Aliyev, who received coverage far beyond what was reasonably proportionate to his role as Prime Minister. Opposition candidates were largely ignored. In the four weeks preceding the election, Ilham Aliyev received 2 hours and 36 minutes of coverage during prime time news on *State TV*, all positive or neutral in tone. Heydar Alyiev received some 46 minutes. In the same period, all other candidates combined received a total of only 12 seconds. *State TV* officials asserted that their responsibility applied only to providing the required free time, not to news programming; the law, however, does not contain such a distinction.

State TV aired regular televised debates among candidates or their representatives, a positive development helping voters to form opinions of the candidates. On 5 September, however, a

heated live debate had to be concluded abruptly when two participants threw water glasses at each other. *State TV* aired voter education advertisements to increase participation in the polls, a constructive initiative.

Private broadcasters were also overwhelmingly biased in favour of Ilham Aliyev and against the opposition candidates during the period of monitoring. For example:

- *Lider TV*, a private broadcaster with nation-wide outreach, allocated ten hours and 51 minutes of its prime time news to Ilham Aliyev, with an overwhelmingly positive tone. In contrast, two opposition front-runners together received less than 24 minutes of mainly negative coverage. *Lider* also showed lengthy prime time music concerts in support of Ilham Aliyev and Heydar Aliyev.
- *Space TV*, another nation-wide private broadcaster, allocated the Prime Minister over five hours of overwhelmingly positive primetime news coverage. In comparison, two opposition front-runners received 48 and 33 minutes respectively of negative or neutral primetime news coverage.
- *ANS TV*, another private station with nation-wide outreach, was slightly less biased, allocating almost 40 minutes of its primetime news coverage to Ilham Aliyev, once again mainly positive or neutral. Two opposition front-runners together received 13 minutes of mainly negative or neutral coverage.
- *ATV* allocated more than 43 minutes of its primetime news coverage to Ilham Aliyev, with an overwhelmingly positive slant. In contrast, one of the two leading opposition candidates received less than three minutes of primetime news coverage. This station was also irresponsibly inaccurate in its coverage of the EOM, consistently and deliberately misreporting EOM statements and interviews.

Four major private broadcasters entered into an unusual price-fixing agreement for paid political advertising, which set rates that were high by local standards. Of the four private broadcasters, only *ANS TV* aired paid broadcasts of opposition candidates. In the last week of the campaign, however, it increased its rate for political advertising to approximately five times the level of the previous month. In the last week of the campaign, *State TV*, like some other private stations, declined to sell airtime to candidate Isa Gambar.

The National Council on Radio and Television began to operate in 2003 even though only six out of nine members, all nominated by the President, were appointed prior to the election. A presidential decree set out its role and that of the CEC media group in the pre-election campaign. The Council reported to the EOM that its members were not invited to participate at the working sessions of the CEC media group concerning media-related violations in the campaign. The Council issued warnings to some private broadcasters for violating the Law on TV and Radio Broadcasting by broadcasting paid advertisements within news programs; nonetheless, the violations continued without further sanctions.

State-funded newspapers generally met the legal requirements in regard to free space for each candidate, but were openly biased in their political and campaign coverage in favour of Ilham Aliyev, largely ignoring other candidates. In the last four weeks of the campaign, for example, *Azerbaijan* allocated 68% of its political and election coverage to Ilham Aliyev; *Halq* and *Bakinskiy Rabochiy* each allocated him 82%; and *Respublika* allocated him 80%. Leading opposition candidates were largely ignored. The editors of these State-funded papers thus appear to have violated Article 77.1 of the Election Code, which required them to create equal conditions for all registered candidates.

Azerbaijan also refused to publish, even as a paid advertisement, the text of the EOM statement of preliminary findings and conclusions on the elections, saying that it was “anti-State”.

Opposition party newspapers were the only alternative – but seldom reliable – source of political information. Some opposition press used irresponsible language in breach of basic journalistic standards. The political party newspaper *Yeni Musavat* allocated 70% of its coverage to candidate Isa Gambar, with a heavily positive slant. In contrast, Ilham Aliiev received 9% of overwhelmingly negative coverage. Two independent newspapers – *Zerkalo* and *Echo* – offered a more balanced, though sometimes inaccurate picture of the campaign.

In general, the media’s biased coverage of the election demonstrated that Azerbaijan lacks a strong and independent media able to provide sufficient, balanced information to enable the electorate to make a well-informed choice.

VIII. COMPLAINTS AND APPEALS

The new Election Code revised and consolidated the complaints and appeals mechanism. Although this is a welcome step, the procedures are complex and lack transparency, making them difficult for citizens to understand and utilize. Moreover, the mechanism is exceedingly time-consuming, raising concerns that it could deny voters, candidates and other interested parties a meaningful remedy to complaints.

Under the law, voters, candidates, political parties, agents of candidates or political parties, observers and election commissions have the right to file complaints. Complaints must be filed within three days of the date of the event prompting the complaint or of when the complainant learns of the event.

The law contemplates most complaints being filed with election commissions. However, cases that could raise criminal liability can be filed with a court or prosecutor’s office, and cases that could raise civil liability can be filed with a court. It is not clear how the lay citizen is expected to determine the appropriate venue for a complaint. There is no common understanding of the correct procedure, even by court and election officials. The EOM heard several different interpretations of the process from different officials, some of which directly contradicted the Election Code.

Election commissions and courts must issue decisions within three days; complaints filed with election commissions on election day or the following day must be decided “immediately”. Complaints filed with election commissions can be appealed to superior commissions up to the CEC, and then can be appealed to the Court of Appeals and eventually the Supreme Court. An election commission has the right to overturn the decision of a subordinate election commission, and courts can overturn any decision made by an election commission, including decisions on results of voting and election returns.⁹

⁹ At present, Azerbaijani citizens do not have the right to appeal to the Constitutional Court. While the August 2002 amendments to the Constitution provided the right for citizens to appeal to the Court when their rights and freedoms have been violated, no implementing legislation has been enacted.

During the pre-election period, few formal complaints were filed with election commissions, courts or prosecutors' offices. This was striking considering the abundant evidence of violations of the Election Code and other laws in the election context. The general mistrust of the independence and effectiveness of the election administration and the judiciary discouraged people from filing formal complaints.

The CEC often did not reach decisions on complaints, but instead tended to postpone resolution (often without a subsequent decision) or to direct complaints to the Prosecutor's Office or other State bodies. It appears that many decisions were reached by individual CEC members rather than by the entire CEC; this approach circumvented the intended consideration of complaints by a balanced collegial authority that is crucial to the even-handedness of the system. Moreover, even when a complaint was put before the entire CEC, it appeared that generally only the member responsible for the matter was informed about the details. In some instances, contrary to the provisions of Article 25.2.2 of Election Code, the CEC Legal Department responded to complaints without referring them to a CEC meeting for a formal decision. Despite repeated requests, the EOM was unable to obtain detailed information regarding the complaints filed at the CEC.

The Prosecutor launched several preliminary investigations during the pre-election campaign period, but as of election day had not initiated any criminal prosecutions. As of election day, the Prosecutor and the Ministry of Justice had exerted welcome restraint when considering complaints related to defamatory and/or provocative statements and "insults".

The EOM was unsuccessful in obtaining any official information regarding complaints filed on election day or in the post-election period with election commissions, courts or the prosecutors' offices. It obtained copies of only a handful of formal complaints submitted by candidate representatives. The blatant and pervasive abuses of the election process on election day appeared to reinforce the lack of confidence already exhibited by political party activists in the independence of the electoral bodies and courts. This discouraged the filing of formal complaints, which in many cases would have had to have been filed with the very commissions which were seen to be violating the law.

The absence of any CEC meeting in the four days following election day raised serious concerns about its timely and grounded resolution of any complaints stemming from election day. The CEC was not open to receive complaints on the third and final day that complaints stemming from election day should have been accepted. At least one complainant was turned away from the CEC that day and told to return two days later (Monday); the complaint was accepted at that time but rejected at the CEC meeting for not having been submitted by the required deadline. During the first CEC meeting following the election, less than half an hour was spent considering complaints. The complaints were either referred to the Prosecutor's Office or deferred for internal investigation.

Overall, the election dispute resolution mechanism did not provide an effective or timely remedy to complainants.

IX. PARTICIPATION OF WOMEN

One woman, Lala Shovket Hadjiyeva, was registered as a candidate; official results showed she obtained the third greatest number of votes (3.6%). Women's participation in political life was generally limited, however. None of the candidates addressed women's rights or issues of special interest to women in any concerted way. The percentage of women members in political parties ranges from 45% in the ruling YAP party, to 24% in AMIP and 15% in Musavat. Only a handful of women serve as district party chairpersons or in other leadership posts in the parties.

Women were moderately active in the election process. Several women's groups organized pre-election civic and voter education training sessions. Women's involvement in election commissions tended to be at the polling station level. In ConECs women represented 8.9% of members and less than 1% of chairpersons. In PECs monitored by the EOM, close to 20% of chairpersons were female. In 27% of PECs observers assessed that women did not vote in the same numbers as men.

Although women were a minority at campaign events, they were among those physically assaulted during violent rallies and incidents. During the campaign one woman detained for participating in a demonstration lodged a formal complaint of attempted sexual assault while in police custody. The EOM observed groups of "female provocateurs" allegedly paid or coerced by supporters of the ruling party to create disturbances at rallies and to assault opposition activists. The atmosphere of intimidation and violence that surrounded the election process was a general disincentive to greater female participation.

X. DOMESTIC OBSERVERS

A welcome element of the Election Code was the expansion of the rights of observers, including domestic observers. This was undermined, however, by the Law on Public Unions and Foundations, which prohibits domestic organizations that receive more than 30% of their budget from foreign State funding from observing elections. Government officials argued that the restriction was not a problem since members of these groups could register individually as observers. Individual observation, however, is not a satisfactory substitute for organized observation by NGOs. The effect of the legislation was to reduce the transparency of, and public participation and confidence in, the elections. It undercut NGOs' advocacy and lobbying abilities with relation to electoral matters. The restriction is contrary to Azerbaijan's commitments under the OSCE Copenhagen Document and reflects a failure to implement an OSCE/ODIHR recommendation from previous elections.

The CEC belatedly issued additional Instructions (#29/229, #29/232, 8 September) clarifying the process for registration of observers and listing the required documents to be submitted. The process proved to be burdensome. The start of domestic observer registration was delayed, but generally proceeded effectively. The broad possibility to register individual observers was used by local authorities to evade the restrictions of Article 104.14, which prohibits the presence in polling stations of officials of State bodies. Despite clear CEC instructions, some ConECs issued observer accreditation cards without photos.

Despite numerous complaints about the difficulties of registration, very large numbers of domestic observers from political parties and NGOs, as well as individuals, were accredited. On election day, over 40,000 domestic observers were deployed around the country. While several NGO groups and political parties made efforts to organize a comprehensive election observation, some were seriously impeded before, on and after election day.

On election day the EOM observed several cases where local observers were denied access or expelled from polling stations.¹⁰ In some polling stations, observers were required to sit too far away to observe effectively during voting or counting. Domestic observers were unable to collect tabulation protocols at more than 50% of the ConECs observed by the EOM. The EOM received credible reports that several observers who witnessed violations, such as ballot stuffing, were pressured not to report on them. The EOM also observed instances in which domestic observers interfered in the election process.

The “Coalition for Free and Just Elections”, made up of several dozen NGOs which claimed to have observed in 2,222 precincts, held a press conference soon after election day and issued critical findings. Several domestic NGO leaders monitoring the election reported that they were intimidated and threatened after 15 October. Post-election developments hindered some NGO and political party observers from effectively collecting protocols, analyzing data, and publicly issuing findings or from filing official complaints on election violations had they wished to do so.

XI. OBSERVATION OF VOTING, COUNTING AND TABULATION

A. VOTING

On election day, observers reported that the voting was generally orderly, except for considerable over-crowding in many precincts. The overall assessment of 1,185 polling stations observed during voting was that approximately 37% had no problems, 32% minor problems, 18% a few significant problems, and 8% many significant problems. These negative proportions are relatively high for elections in OSCE countries.

Behind the appearance of general orderliness, however, there were serious irregularities and efforts to cheat through ballot-box stuffing,¹¹ pre-marked ballots,¹² ballots without serial

¹⁰ For example, in the following polling stations:

- ConEC 30, PECs 25, 26, 27 and 28
- ConEC 37, PEC 3, 4, and 25
- ConEC 45, PEC 32
- ConEC 63, PEC 1
- ConEC 96, PEC 37
- ConEC 119, PEC 28.

¹¹ *Ballot box stuffing:*

- ConEC 6, PEC 3 (Mobile ballot box.)
- ConEC 32, PEC 9
- ConEC 37, PECs 4, 8, and 25
- ConEC 42 (2 PECs, including PEC 18)
- ConEC 45, PECs 3 and 23 (420 envelopes issued, only 180 signatures on voters list.)

numbers,¹³ ballot issuance to voters not on the lists¹⁴ and multiple voting.¹⁵ Unauthorized persons directing the work of commissions were observed in 64 PECs and attempts to influence the voter's choice were witnessed in an even larger number. Candidate proxies (and party observers) were totally ineffective against these practices, being subjected to intimidation and expulsion from the precinct themselves, as were also other categories of observers.¹⁶ Large numbers of people were added to the voter lists in several of the observed precincts,¹⁷ and in three instances several hundreds of voters were turned away because they were not on the lists.¹⁸

- ConEC 67, PEC 3
- ConEC 79, PEC 33 (2-3 envelopes per person.)
- ConEC 100, PEC 1
- ConEC 101, PEC 33
- ConEC 106, PEC 19
- ConEC 118, PEC 28 and 29 (Ballots in ballot box when polling stations opened.)
- ConEC 123, PEC 11 (Also ballots without serial numbers found.)
- ConEC 125, PEC 6

¹² See list in footnote 7.

¹³ For example, ConEC 71, PEC 2.

¹⁴ *Ballots issued to people not on voters list or who did not sign voters list:*

- ConEC 12, PEC 23 (At least 14 people who were not on the voter list and did not have de-registration cards.)
- ConEC 31, PEC 13 (98 ballots given to voters with no ID documents and who did not sign the voters list.)
- ConEC 70, PEC 17 (Voters receiving ballots without signing voters list. Observers witnessed voters entering voting booth with previously marked, folded and wrinkled ballots. Observers also witnessed a YAP observer paying 50,000 manat (about \$10) to a man who brought at least two groups of people to the polling station to vote.)

¹⁵ *Multiple voting:*

- ConEC 6, PEC 10 (People arriving at polling station with multiple passports. At this PEC, observers interviewed 15 people in line to vote and then checked on the voters list. Half of the people were listed as having already voted, and half were not on the list.)
- ConEC 14 (Same voters were seen in polling stations 23, 24, 25 and 28.)
- ConEC 29, PEC 2 (Students voted twice, once with student IDs and then with de-registration cards. Observer has video tape of situation of one voter returning to vote again.)
- ConEC 38, PEC 13
- ConEC 103, PEC 19 (At the entrance to the polling station, a person gave multiple passports and other IDs to the PEC chairman.)
- ConEC 106, PEC 19 (PEC members voted several times. Un-stamped ballots were also issued to voters.)

¹⁶ *Intimidation of domestic observers:*

- ConEC 17, PEC 11
- ConEC 37, PEC 6
- ConEC 73, PEC 2

Domestic observers expelled or denied entry:

See list in footnote 10.

¹⁷ *Large numbers of people added to the voters list during election day:*

- ConEC 44, PEC 26 (420 people)
- ConEC 44, PEC 27 (111 people)
- ConEC 44, PEC 29 (114 people)
- ConEC 96, PEC 1 (200 names put on additional list, supposedly voting with de-registration cards but cards not requested.)

¹⁸ *Large numbers of people turned away because not on voters list:*

- ConEC 37, PEC 6 (About 300 voters turned away.)
- ConEC 52, PEC 1 (20-30% of voters were turned away.)

The practice of filming proceedings in almost all polling stations was regarded as intimidating by many voters. In some polling stations the filming was carried out in a very obtrusive manner that may have been intended to intimidate. Officials argued that filming was a reasonable precaution in a high security risk environment, especially in light of their contention that there were threats of attacks against polling stations. As it transpired, no polling stations were attacked.

“General disturbance, agitation or violence” was reported in 10% of polling stations. Intimidation (excluding the filming) was observed in 6%,¹⁹ and extended beyond intimidation of voters to intimidation of PEC officials,²⁰ domestic observers²¹ and even EOM observers.²²

B. COUNTING

The counting process was assessed substantially more negatively than the voting. Among the 212 polling stations where counting was observed, 30% were assessed as having “many significant problems”, and an additional 25% as having “a few significant problems”. These are very high negative findings. Among the general problems observed by the EOM at the counts it attended were:

- unauthorized persons were present in 32% of the counts, with these persons directing the count in 11% of polling stations;
- the procedure for opening envelopes one-by-one was not followed in 20%;
- not all commission members signed the vote count protocol in 35%;
- the protocol and other materials were not transferred directly to ConECs in 34%;
- and, the protocol was not put immediately on display in a full 67% of polling stations.

Violations observed grew in scale and intensity for the count, in comparison with the voting. Local observers were expelled or denied access,²³ as were commission members²⁴ and at least

¹⁹ ConEC 106, PEC 107 (About 350 voters turned away.)
Influencing or intimidating voters:

- ConEC 2, PEC 23 (looking over people’s shoulder)
- ConEC 16, PEC 8
- ConEC 30, PEC 19
- ConEC 43, PEC 31 (Voters instructed to bring stamped paper to employers)
- ConEC 46, PEC 16 (Voters had to enter separate room to receive ballot/envelope from chairman)
- ConEC 67, PEC 5
- ConEC 70, PEC 17 (YAP observer “escorting” voters through the voting process)
- ConEC 86, PEC 9 (PEC members in voting booths with voters)
- ConEC 88, PECs 29 and 31
- ConEC 89, PEC 31
- ConEC 103, PEC 9
- ConEC 103, PEC 11 (Executive Committee officials standing at ballot boxes)
- ConEC 112, PEC 9
- ConEC 125, PEC 36

²⁰ *Intimidation of PEC members:*

- ConEC 3, PEC 1
- ConEC 37, PEC 6
- ConEC 101, PEC 1

²¹ See footnote 8.

²² ConEC 100, PEC 1

²³ *Expulsion of local observers for the count:*

one EOM observer.²⁵ Counting procedures were observed as not in accordance with required procedures in several ways: no counting of voter signatures, no separation of valid from invalid ballots, and simultaneous counting of ballots by several commission members. Each of these irregularities could lead to manipulation. Also in violation of the law's requirement that counting proceed without interruption, counting was moderately or seriously delayed in 26 polling stations observed by the EOM.²⁶

At the counts attended by the EOM, observers witnessed many fraudulent practices. Commission members were observed entering signatures on the voter lists.²⁷ Vote counts in some PECs were greatly inflated; for example, some EOM stationary observers (who stayed in one polling station the entire day) noted quite extraordinary discrepancies between the numbers of voters whom they had seen actually voting and the numbers of ballots registered as having been cast.²⁸ There were numerous instances of "ballots unaccounted for".²⁹ Unauthorized

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- ConEC 30, PECs 25-28
 - ConEC 37, PECs 3 and 4
 - ConEC 96, PEC 37

²⁴ *Expulsion of PEC members from PECs:*

- ConEC 30, PEC 15 (Just before the counting process started, the Chairman dismissed the Musavat representative on the PEC and called the police. More than 20 policemen arrived at the PEC and arrested the Musavat member.)
- PEC 31, ConEC 42 (2 opposition members kicked out of PEC.)
- PEC 3, ConEC 42
- ConEC 42, PEC 31 (Men in plain clothes kicked out PEC members; the Chairman and the men stated that they were policemen.)
- ConEC 63, PEC 9

²⁵ ConEC 44, PEC 5 (EOM observer arrived at PEC at 10pm and was informed by the deputy director of the school where the PEC is located that the counting had been completed and that he could not enter. Observer was able to confirm that counting was ongoing.)

²⁶ *Examples of delay in counting process:*

- ConEC 11 (As of 10 pm, 23 of 30 PECs had not begun counting.)
- ConEC 23, PEC 23 (Chairwoman left PEC, others PEC members eating.)
- ConEC 27, PEC 9 (1 hour.)
- ConEC 31, PEC 13 (Chairman announced he would start counting process the next day.)

²⁷ *Commission members signing names on voters list:*

- ConEC 28, PEC 12 (PEC members and unauthorized persons; after PEC chairwoman received phone call, she decided not to count signatures.)
- ConEC 61, PEC 27 (PEC Chairman.)
- ConEC 100, PEC 1 (PEC Chairman, STO photos.)
- ConEC 106, PEC 19

²⁸ *Inflation of ballots:*

- ConEC 37, PEC 3 (Stationary observer counted 612 voters, while the PEC registered 1,206.)
- ConEC 37, PEC 4 (Stationary observer counted 535 votes, while the PEC registered 1,061.)
- ConEC 38, PEC 10 (Observers counted 503 voters, while PEC announced 749.)
- ConEC 42, PEC 29 (23 names added to voters list on election day, all of whom voted.)
- ConEC 74, PEC 1 (Stationary observer counted just over 440 voters during the course of the day, but the PEC registered 907.)
- ConEC 67, PEC 3 (Stationary observer counted 730 voters, while there were 995 ballots in box.)
- ConEC 100, PEC 1 (497 signatures on voters list but 811 ballots issued.)
- ConEC 106, PEC 19 (There were approximately 200 signatures on the voters list, while the PEC registered 800 ballots.)
- ConEC 120, PEC 8 (Protocol registered 340 persons voted, but observers say correct number was 280.)
- ConEC 125, PEC 8 (PEC members said PEC was instructed to give 85% of vote to Ilham Aliyev.)

²⁹ *Ballots unaccounted for and numbers not adding up:*

persons were observed bringing in additional ballots or additional ballots were observed being brought up from the floor under the counting table when fallen ballots from the box were being retrieved.³⁰ Among a range of other miscellaneous factors suggesting fraud, commission chairpersons were observed taking election materials into separate rooms, and electricity cuts occurred at moments when observation was most needed.³¹

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- ConEC 9, PEC 5
 - ConEC 9, PEC 8 (65 unused ballots unaccounted for.)
 - ConEC 14, PEC 23 (Number of ballots didn't match number of signatures on voters list. After having added small numbers of ballots for other candidates to Ilham Aliyev's pile, Chairman removed ballots from Ilham Aliyev's pile of ballots until numbers matched.)
 - ConEC 16, PEC 21 (Numbers didn't add up so Chairman refused to fill protocol.)
 - ConEC 21, PEC 8 (84 ballots unaccounted for.)
 - ConEC 31, PEC 13 (There were 116 more signatures on the voters list than number of ballots.)
 - ConEC 35, PEC 19 (100 ballots unaccounted for.)
 - ConEC 37, PEC 11 (200 missing ballots.)
 - ConEC 45, PEC 28 (31 ballots unaccounted for.)
 - ConEC 57, PEC 4 (137 out of 956 ballot papers missing.)
 - ConEC 61, PEC 19 (Numbers didn't add up; PEC revised count so they did.)
 - ConEC 63, PEC 10 (Nearly 200 more signatures on voters list than ballots cast.)
 - ConEC 75, PEC 3 (Unknown person helped Chairman recalculate numbers.)
 - ConEC 117, PEC 4 (Discrepancy between number of voters and number of ballots cast.)
 - ConEC 119, PEC 13

³⁰ *Additional ballots brought in or brought up from under tables:*

- ConEC 30, PEC 15 (100-150 ballots brought by 2 women, added to other ballots.)
- ConEC 19, PEC 13
- ConEC 27, PEC 9 (Approximately 200 ballots added.)

³¹ *Miscellaneous other violations or suspicious events suggesting fraud:*

- ConEC 28, PEC 1 (Power outage occurred during count of ballots for Ilham Aliyev.)
- ConEC 64, PEC 1 (Ballots were stamped with 2 different colours of ink, blue and purple. During the day, observers saw ballots with purple stamps only. All of the ballots with blue stamps were for Ilham Aliyev, and accounted for approximately 30% of the ballots for him, while the ballots with purple stamps were spread among the candidates.)
- ConEC 72, PEC 1 (Lights went out at 6pm. During the counting process, there were 100 ballots more than the number of signatures.)
- ConEC 73, PEC 19 (When observers visited polling station during day, Chairman said that 10 requests had been received for mobile voting, but at closing there were 36 ballots in the mobile ballot box.)
- ConEC 85, PEC 11 (Votes in the mobile ballot box were not counted.)
- ConEC 110, PEC 13 (The mobile ballot box was allegedly in use outside the polling station while all PEC members were present in polling station.)
- ConEC 113, PEC 4 (PEC informed observers at 9am that 30 voters were registered to use mobile ballot box; in the afternoon, the number was 70; the final number of ballots registered was 45.)
- ConEC 115, PEC 1 (Numbers were observed being changed on the protocol both before and after it was signed.)
- ConEC 125, PEC 8 (Observers discovered an extra list of names, all signed, but not counted by the PEC. When observers pointed it out and the names were added, the number of voters was 40 higher than the number of ballots.)
- Election materials (including ballot box, voters list or protocol) taken into separate room or outside polling station temporarily by PEC Chairperson:
 - ConEC 2, PEC 39 (voters list, also counted outside view)
 - ConEC 4, PEC 7 (protocol)
 - ConEC 4, PEC 31 (ballots and protocol, returned with completed protocol)
 - ConEC 20, PEC 5 (ballot box)
 - ConEC 37, PEC 7 (protocol)
 - ConEC 39, PEC 4 (protocol)

Observers reported many cases of attempted bribery and intimidation of precinct commission members who refused to put their signatures to protocols they considered to be false or that were blank at time of signature. Credible instances were reported by international observers in 27 different precincts.

Perhaps the most problematic element of the vote count was the filling in of the precinct vote count protocols. The precinct vote count protocols have been criticized as being too complex, particularly for rural areas where training of commission members may not have been adequate – not least in a country which moved just ten years ago from Cyrillic to Latin script. Nevertheless, whatever the reasons, a large number of incomplete or blank³² or pencilled³³

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- ConEC 44, PEC 11 (voters list)
 - ConEC 51, PEC 4 (protocol, discussed with ConEC on phone, then “corrected” protocol)
 - ConEC 61, PEC 19 (voters list, also counted outside view)
 - ConEC 86, PEC 4 (all materials)

³²

Incomplete or blank protocols delivered to constituency commissions:

- ConEC 4, PECs 7 and 31
- ConEC 8
- ConEC 9, PEC 5
- ConEC 10, PEC 18
- ConEC 11
- ConEC 12, PEC 16 (Chairman said he hadn’t received protocol form from ConEC.)
- ConEC 15
- ConEC 16
- ConEC 18
- ConEC 20
- ConEC 25, PEC 6
- ConEC 28, PEC 12
- ConEC 30, PEC 1 (Chairman left in middle of count.)
- ConEC 33
- ConEC 35
- ConEC 37, PECs 3, 4, 5, 6, and 11
- ConEC 40, PEC 9
- ConEC 42
- ConEC 44, PEC 11
- ConEC 46
- ConEC 60, PEC 13
- ConEC 58 (photo)
- ConEC 59
- ConEC 65
- ConEC 73, PEC 6
- ConEC 76, PEC 13
- ConEC 83, PEC 29
- ConEC 84, PECs 60 and 73
- ConEC 88 (2 PECs)
- ConEC 95, PEC 30
- ConEC 103, PEC 1
- ConEC 107 (25 out of 38 protocols)
- ConEC 109, PEC 2
- ConEC 111, PEC 1
- ConEC 113, PEC 1
- ConEC 116, PEC 27
- ConEC 116 (Chairperson told observers he had given specific instructions to PECs to bring protocols to the ConEC for completion.)

protocols were taken to constituency commissions for completion. This pattern represented one of the gravest lapses in election procedures, creating widespread opportunities for fraud.

The transfer of ballots and protocols from PECs to ConECs was also observed in a number of instances as being either defective or highly irregular, involving consultations with police chiefs or with the powerful heads of the local executive committees on the way.³⁴

It is worth emphasizing that a large number of irregularities and violations were witnessed by EOM observers during the count even though they visited only a relatively small proportion of polling stations. One can only speculate what may or may not have occurred at polling stations where international observers were not present to witness proceedings.

C. TABULATION

The overall assessments of stationary EOM observers, who reported from 72 of the 124 ConECs, was that ConECs did not function in a satisfactory manner. Less than 8% of the ConECs observed were perceived as functioning without problems. Minor problems were reported in 28%. A few significant problems or many significant problems were reported, respectively, in 26% and 25%, extremely high proportions.

The receipt and processing of precinct protocols by ConECs was observed as being frequently irregular.³⁵ In addition to those which arrived blank or incomplete or lightly pencilled, precinct protocols were observed being changed at constituency level, or they were different from the

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- ConEC 118 (many PECs, per ConEC instructions)
 - ConEC 119, PEC 13 (Also many other PECs, per ConEC instructions.)
 - ConEC 125, PEC 8

³³ *Protocols filled in only in pencil delivered to constituency commissions:*

- ConEC 116, PEC 32 (Blank protocol already signed.)
- ConEC 17 (Large numbers.)
- ConEC 59 (Large numbers.)
- ConEC 60 (Large numbers.)

³⁴ *Improper transportation of precinct protocols to constituency commissions:*

- ConEC 3 (All the PEC chairmen stopped at the police station on the way from the PECs to the ConEC. Observers were not allowed to enter the police station.)
- ConEC 37, PEC 6 (ballots only)
- ConEC 54, PEC 6
- ConEC 64, PEC 1
- ConEC 88 (Many protocols were delivered by the PEC chairman alone or by the PEC chairman and the head of the Ex Comm.)
- ConEC 113, PEC 3 (Chairman said he had 24 hours to deliver results to ConEC so he was placing protocol in safe overnight.)

³⁵ *Receipt and processing by constituency commissions of precinct protocols:*

- ConEC 112 (At 2am, there were no original protocols. At 3am, a ConEC member arrived with all 50 original protocols. A ConEC member sat down with the PEC chairmen and accompanying members and filled out the original protocols using fabricated numbers. Justification was that the PECs didn't know how to fill out the protocols.)
- ConEC 22 (At 2am, no election materials had arrived. 2 PECs had attempted to deliver materials, but these were rejected, purportedly because the PECs had forgotten the protocol.)
- ConEC 55 (Refused the protocol from PEC 17 because the Chairman had only 2 copies of it, having posted the 3rd copy.)
- ConEC 88 (The ConEC did not vote for approval of PEC protocols. The data were not read aloud.)
- ConEC 88, PEC 9 (Signatures on PEC protocol were falsified.)

original PEC protocols.³⁶ In only 33% of ConECs observed were the precinct vote count protocols and other required election materials observed as being delivered correctly according to law by the PEC chairperson accompanied by two PEC members representing two different political parties. In 18% of the ConECs, the delivered materials were observed as not being reviewed by a ConEC member, and in 41% as being incomplete.

Observation was in some instances obstructed, notably access to the computer room – not only for domestic but in a few cases also for EOM observers.³⁷ In 49% of ConECs observed there were unauthorized persons, perceived in 12% as directing the work of the ConECs, and in 10% as causing problems. General disturbance and agitation were reported in 16%.

With some exceptions as noted above, the computerization process was generally more transparent than other aspects of the tabulation. In the large majority of cases observed, proper procedures were followed for transferring data to computers, although by this stage of the process some of the data transferred was of dubious validity. However, the required summarization table with full breakdown of results by precinct was not produced in 29% of the ConECs observed. In 90% of observed ConECs, precinct vote count protocol data (when finalized) was regularly transmitted through the national computer system to the Central Election Commission for posting on the Internet. This was claimed to have been achieved to a level of 97% within 12 hours, an impressive total. As noted earlier, the prompt posting of precinct results on the internet was an important new element of transparency in the election.

³⁶ *Changes to completed precinct protocols at constituency level:*

- ConEC 8, PEC 32
- ConEC 10
- ConEC 11
- ConEC 12
- ConEC 13, PECs 8 and 13
- ConEC 17
- ConEC 46
- ConEC 59 (Large numbers.)
- ConEC 60 (Large numbers.)
- ConEC 86
- ConEC 107, PEC 2 (Chairwoman moves 20 votes for Lala Shovket to Ilham Aliyev on protocol.)
- ConEC 112 (Draft protocol and final “original” protocol did not match at all.)
- ConEC 114 (Draft protocol and final “original” protocol did not match at all.)
- ConEC 116, PEC 32

³⁷ *Obstructions to observation in constituency commissions:*

- ConEC 9
- ConEC 29
- ConEC 97 (Observers from PEC 11 were not allowed into the ConEC.)
- ConEC 99 (EOM observers not allowed access to computer room.)
- ConEC 106 (EOM observers were not allowed to enter the ConEC.)
- ConEC 109 (EOM observers not allowed to enter the computer room. All ballots and protocols were in a closed in a room where observers were not allowed.)
- ConEC 114 (Despite the sound of a modem being heard from the computer room, the ConEC chairman insisted to EOM observers that they were using the computer only as a typewriter, that the internet wasn't working. Observers were not allowed into the room.)
- ConEC 116 (Opposition ConEC members and all observers were not allowed within 5meters of the table.)
- ConEC 118
- ConEC 119 (IDP ConEC)

XII. ELECTION RESULTS

The preliminary results were announced at 19:00 on 16 October, based on over 90% of precincts. They showed Ilham Aliyev winning 79.5% of the vote, with his nearest rival, Isa Gambar credited with just 12%. No other candidate drew more than 3.3%.

At a CEC meeting on 20 October, the CEC Secretary Ingalab Nasirov surprisingly proposed the invalidation of the results of 694 PECs. The rationale provided was that during checks of PECs protocols, serious discrepancies were identified and a list of polling station results to be invalidated was drawn up. The CEC supported the Secretary's proposal and voted unanimously for the invalidation *en masse* of the results in the 694 polling stations. After the modifications, the final results were:

- Ilham Aliyev – 1,860,346 (76.84%)
- Isa Gambar – 338,145 (13.97%)
- Lala Shovket Hadjiyeva – 87,523 (3.62%)
- Etibar Mamedov – 70,638 (2.92%)
- Ilyaz Ismaylov – 24,098 (1%)
- Sabir Rustamhanli – 19,973 (0.82%)
- Gudrat Hasanguliyev – 12071 (0.50%)
- Hafiz Hajiyev – 8,267 (0.34%).

The tabulation process at CEC level was not transparent. The process through which polling stations were selected for invalidation was not clear and apparently was not performed according to legal procedures. Seemingly, only CEC Secretary Nasirov and the CEC staff were involved in the process; it was evident that many of the CEC members had not been provided with information or data sufficient for an informed decision and were not fully apprised of the process that led to the invalidation. OSCE/ODIHR observers were categorically denied access to CEC activities and documents in the period 17-19 October, while the work on the tabulation, invalidation and final results was being performed. In fact, the invalidation of the results in more than 12% of the polling stations, representing more than 20% of the votes, took place behind closed doors.

While the prompt publication of precinct results on the CEC Internet site should be commended, there were some irregularities in the results posted. For example, a check of 80 certified copies of PEC protocols against the official figures on the Internet showed differences in the distribution of votes in 4 (or 5% of cases examined).

Implausible results were apparent in the figures reported from many precincts. For example, in 135 precincts every valid vote was reported as having been cast for the same candidate (in each case Ilham Aliyev); in 35 of these the turnout was reported as 100%. The results in 55 of these 135 were ultimately invalidated, but 80 were left standing.

Three members of CEC did not sign the protocol of final results.

XIII. POST ELECTION DEVELOPMENTS

Violence and a large-scale wave of arrests of opposition activists marred the post-election period. A number of opposition leaders had contended publicly for months that disturbances and violence would break out following the election if the public perceived the results to be fraudulent. The authorities, on the other hand, asserted that some opposition parties were deliberately planning election day and post-election violence.

While election day was relatively peaceful, violence erupted on election night in front of Musavat Party headquarters. In two separate incidents there, EOM observers witnessed police attack peaceful opposition supporters. Officials claimed that Musavat supporters instigated the violence by attacking police. Also on election night, police forcibly entered the buildings housing AMIP and APFP in Baku.

On 16 October, several thousand pro-opposition supporters gathered in Freedom Square in central Baku to protest the flawed election. On their way to the square, according to reliable witnesses, demonstrators vandalized buildings and vehicles, and attacked police forces with metal bars and stones. At the square the opposition activists were rapidly surrounded by police and military forces, who used overwhelming force to disperse the crowd. Security forces were witnessed beating demonstrators with truncheons after they had been detained and no longer posed any danger or as they were fleeing the area. Four persons are estimated to have died and a large number were injured, including almost 100 police officers.

The riot was followed by a wave of detentions. According to officials, the detainees were persons involved in violent activities or responsible for instigating or organizing the violence. However, the detentions took place in all parts of the country and included many individuals with no clear connection to the violence. On 22 October, the Minister of Interior informed the EOM that 400 people had been detained in connection with the 16 October events. It was later reported by the Minister of Interior that over 600 persons were detained.

Of particular concern to the EOM were the apparently unrelated detentions of dozens of elections officials who refused to certify the results of their polling stations or districts due to concerns of fraud on election day. The EOM received numerous credible accounts of election officials being “invited” to police stations or local Executive Committee offices and coerced to sign vote count protocols under threats to their family or their jobs. To avoid detention and harassment some opposition election officials chose to leave their homes and “go into hiding.” The Minister of Interior informed the EOM that by 22 October all detained members of election commissions had been released – as well as all journalists – although some might face subsequent charges.

The detentions appeared to constitute a general crackdown on some opposition parties. Several national leaders of opposition parties were among those detained, including the Secretary General of the ADP, and the chairpersons of two small parties belonging to the Our Azerbaijan Bloc supporting Isa Gambar’s candidacy. Subsequently, they were charged with violations of the criminal code that are punishable by 4-12 years imprisonment. According to their lawyers, they were subject to torture while in detention. Isa Gambar, while not detained, was the victim

of an intensive smear campaign and remained isolated in his home. After 17 October, police began detaining party supporters attempting to enter the Musavat headquarters in Baku and the office's operations were de facto suspended. While Musavat and ADP activists appeared to be the primary targets, AMIP, APFP and Liberal Party supporters were also detained.

In addition to the detentions, the EOM also obtained credible reports of opposition supporters being obliged under duress to make public confessions or denunciations concerning opposition post-election plans. There were also further credible reports of politically motivated firings, intimidation of opposition supporters and their families, and the vandalism and closing of opposition political party offices in several districts.

XIV. RECOMMENDATIONS

A. GENERAL RECOMMENDATIONS

- The authorities in Azerbaijan should publicly acknowledge that serious violations occurred in the 2003 election process, and recognize the necessity for an independent, thorough and expeditious investigation.
- The authorities should pledge publicly that future elections will meet OSCE commitments and other international standards, and take concrete steps to convey the sincerity and gravity of this message, including by acting on the other recommendations set out below.
- Those responsible for violating the Election Code should be held criminally responsible.
- Persons in charge of ConECs where serious violations occurred should be replaced, unless the violations were clearly beyond their control.
- Supporters, members and leaders of opposition political parties detained in the post-election period should be released or promptly brought to trial. National leaders of opposition parties who are not personally and directly responsible for criminal violations should be immediately released.
- All accused must be afforded the right to an expeditious, fair and open trial, and to be represented by a lawyer of their choice; due process also requires that defendants be provided sufficient time to prepare a defense. Any sentences should be proportionate with crimes committed. There should be no further forced confessions. The authorities should ensure that torture is not used to obtain confessions and that any confessions obtained under duress are not admitted as evidence.
- The authorities should undertake measures to ensure that intimidation against opposition supporters and their families is ended. Persons who have lost their employment for politically motivated reasons should be re-instated. Public defamation of opposition candidates should end. All political parties should be allowed to function in an open environment in Baku and in the regions.
- Any law enforcement officials responsible for using excessive force in the pre-election and immediate post-election period should be held legally accountable.

B. THE LEGAL FRAMEWORK

- The Law on the Freedom of Assembly should be amended to curtail the unlimited powers given to the local authorities to restrict political gatherings, and to ensure that genuine freedom of assembly is respected during election periods.
- The Law on Public Unions and Foundations should be amended to allow non-governmental organizations that receive foreign State funds to observe elections.
- The Election Code and the Law on Approval and Entry into Force of the Unified Election Code should be amended to reconfigure the composition of the Central Election Commission and lower level commissions in a manner that will ensure they enjoy public confidence, and in particular the confidence of those running for office. A consensual formula should be negotiated for their composition.
- Article 113 of the Election Code, concerning the procedures for lodging complaints and appeals, should be amended. The procedures should be simplified and clarified, including a clear demarcation of the respective jurisdiction of the courts, prosecutors offices and election commissions. Complainants should be able to appeal immediately to the superior commission or, if the decision was taken by the CEC, to the Court of Appeals.
- A provision should be added to the Election Code requiring the Prosecutor's Office to conduct its investigations of election-related issues in a timely fashion.
- The parliament should promptly consider and enact the planned legislation that will grant citizens the right to appeal to the Constitutional Court, as decided in the constitutional referendum in August 2002.

C. ELECTION ADMINISTRATION

- The CEC should take a broader view of its mandate, and in particular should ensure the implementation of Article 17.4 of the Election Code, which states that election commissions' decisions and acts within their authority are obligatory for state bodies and municipalities. This provision puts the CEC in a position to insist on adequate co-operation from other State bodies to ensure that all elements of the Election Code are implemented adequately.
- The transparent compilation of accurate voter lists, allowing for enforcement of the legal provisions, should start immediately in order to ensure that any future elections satisfy OSCE Commitments and other international standards in this respect.
- The CEC should issue and enforce regulations to ensure the creation of equal conditions for all candidates during the campaign.
- The CEC should enact clear regulations governing its consideration of complaints and appeals. As a matter of course, the entire CEC should consider and vote on all complaints and appeals. If the CEC defers a decision in order to conduct an investigation, it should require the investigation to be conducted in an expeditious manner and then take a prompt

decision. If the CEC refers a complaint to the Prosecutor's Office, it should nonetheless do everything within its authority to stop any violations of the law raised in the complaint.

- The CEC should revise the process by which it considers and decides on applications for nomination of candidates to ensure that decisions are taken on the basis of grounded reasons and that refused candidates are informed of the specific reasons in a manner sufficient to allow them to make corrections or to prepare appeals.
- Safeguards should be instituted to ensure that Executive Committees (local authorities) do not interfere in the electoral process or direct the work of election commissions.
- The authorities should review the complaints submitted by a number of women who wear headscarves for religious reasons who claim that they are being disenfranchised because they cannot obtain State identification and therefore are ineligible to vote.

D. MEDIA

- The authorities should move ahead promptly with plans to transform *State TV* into an independent public service broadcaster that will provide citizens with impartial and politically balanced information on election contestants.
- The public media should develop a neutral, objective and informative editorial line and its reporting should be balanced, including when covering government activities during an election period.
- An independent media council should be created during an election period with a clear mandate to oversee free, equal and fair access to the public TV should be created. Its membership should be diverse, with a professional and non-partisan composition including media professionals, civil society, judicial bodies, the government and political parties. The members should not all be appointed by the President.
- State authorities should refrain from interfering in the activities of journalists and other media personnel with a view to influencing elections. There should not be any violence, detentions, intimidation, threats, closures or pressure on the media by public authorities.
- In order to help ensure impartiality in the regulation of broadcasting, Article 11 of the presidential decree On the National Council for TV and Radio Broadcasting of 5 October 2002 should be amended to provide for balanced membership on the National Council for Television and Radio TV Council.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects which fundamentally address factors engendering terrorism.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).