

**INTERIM REPORT NO. 2  
18–30 September 2008**

**I. EXECUTIVE SUMMARY**

- The official campaign period for the 15 October 2008 presidential election began on 17 September. Overall, the campaign atmosphere is calm and quiet, and public interest appears limited, apparently due to a perceived lack of genuine competition. The ruling New Azerbaijan Party (YAP) is campaigning actively for its candidate, incumbent President Ilham Aliyev. The campaigns of other candidates have also gotten underway but are far more low-key.
- The President has been touring the country extensively in his official capacity. OSCE/ODIHR EOM long-term observers (LTOs) have reported that it is difficult to distinguish between his regular activities and his campaign. LTOs have received indications that at times, people have been obliged to attend YAP rallies.
- The Baku municipal authorities interpreted provisions of the Law on Freedom of Assembly in a restrictive manner when they refused the request of opposition parties boycotting the election to be allocated a venue for an outdoor meeting in central Baku.
- The Central Election Commission (CEC) continues active preparations for the election and holds frequent meetings. The process of filling vacant positions in Constituency Election Commissions (ConECs) and Precinct Election Commissions continued during the election period.
- The CEC has yet to adopt an instruction to ConECs on the checking and tabulation of precinct-level results. Similarly, the CEC has yet to regulate the use of web cameras in polling stations on election day, which the CEC explained would be installed in an effort to increase the transparency of the process.
- Regular televised debates on Public TV and radio have so far provided candidates with an opportunity to present their messages to voters. Initial OSCE/ODIHR EOM media monitoring results show that all monitored TV channels devoted a significant part of their political and election news coverage to the incumbent and the authorities, both before and after the start of the official campaign period. While Public TV has made an effort to limit its coverage of the President's activities since 17 September, he received considerably more coverage than all other candidates combined.
- The CEC media working group considered four campaign-related complaints during the reporting period and issued a warning to candidate Igbal Agazadeh for early campaigning. In all four cases, only a formal opinion was presented by the working group, and no CEC decisions were adopted.
- The Baku Court of Appeals and the Supreme Court heard three appeals filed by candidates or nominees who were not registered. All three appeals were rejected.

## II. THE CAMPAIGN ENVIRONMENT

The official 28-day election campaign period began on 17 September and will end at 08:00 hrs. on 14 October. Overall, the campaign atmosphere is calm and quiet, and public interest in the campaign appears limited, apparently due to a perceived lack of genuine competition. Five opposition parties, joined together in the bloc “Joint Front of Democratic Forces” had previously determined not to contest this election, citing the lack of significant improvements to the legal framework and the deterioration of basic freedoms.

The ruling New Azerbaijan Party (YAP) is campaigning actively for its candidate, incumbent President Ilham Aliyev. The YAP campaign is mostly centered around the incumbent’s record during his current mandate. The party told the OSCE/ODIHR EOM that it had been preparing for this campaign for a year and that it carried out a survey on voters’ expectations in order to define a well-focused campaign strategy. During the reporting period, the incumbent President has been touring the country extensively, inaugurating new factories, roads, schools, museums parks and an airport, and visiting military installations. OSCE/ODIHR EOM long-term observers (LTOs) have reported that it is difficult to distinguish between the regular activities of the President and the incumbent’s campaign.

The campaigns of several other candidates have also gotten underway but are thus far more low-key. These candidates’ main form of campaigning consists of small-scale events and door-to-door canvassing, rather than large-scale rallies. Mr. Igbal Agazadeh (Ümid Party), and to a lesser extent Mr. Fazil Mustafayev (Great Establishment Party) and Mr. Gudrat Hasanguliyev (Azerbaijani United Popular Front Party), have organized campaigns, with regional offices and staff and campaigning schedules. However, Mr. Agazadeh does not campaign in the regions himself and told the OSCE/ODIHR EOM that he does not intend to do so. Overall, the candidates’ platforms and campaign messages do not appear to differ significantly. Most advocate the need for improvements to the economic and social situation and for a solution to the Nagorno Karabakh conflict. One candidate, Mr. Hafiz Hadjiyev, used acrimonious rhetoric against the opposition and some Government officials, which at times became inflammatory.

The visual campaign is dominated by posters of the incumbent President. Many such posters are displayed in shop windows in Baku and elsewhere, which is allowed under the law if the owner consents. Billboards for displaying campaign material have been allocated by the authorities and are widely used, although some candidates’ visibility is limited. Mr. Igbal Agazadeh has stated that his posters were being torn down but has not made any formal complaints in this respect. OSCE/ODIHR EOM LTOs reported that where posters were damaged, it did not appear to be targeted against individual candidates.

At several YAP rallies, OSCE/ODIHR EOM LTOs noted a significant presence of pupils and high school students in school uniforms. They were told that schools had been closed so that students could attend the rallies, accompanied by their teachers. LTOs also received indications that at times, people had been obliged to attend YAP rallies. In two instances, participants at YAP rallies told LTOs that they had been told by their superiors to attend the rallies. LTOs also reported one case in which citizens were obliged to attend a rally of Mr. Gulamhuseyn Alibayli.

The Baku City executive authorities interpreted the provisions of the new Law on Freedom of Assembly in a restrictive manner when they refused the request of several opposition parties which are boycotting the election to hold a meeting on 28 September. The request had included several outdoor places located in the city center as proposed venues for the meeting. These

parties have indicated their intention to appeal the decision in court. The OSCE/ODIHR EOM has not received any reports of candidates being unable to hold campaign meetings.

### III. THE ELECTION ADMINISTRATION

The process of filling vacant positions in Constituency Election Commissions (ConECs) and Precinct Election Commissions (PECs) continued during the reporting period. The members of the Central Election Commission (CEC) agreed on filling the remaining two positions in each ConEC, one each from the quota of members representing the parliamentary minority parties and from the members representing parliamentarians elected as independent candidates. However, it appears that minority parties could not reach consensus on how to fill the vacant position in each PEC to which they are entitled to make nominations.

The fundamental issue of the formula for composition of election commissions – which was quoted by opposition parties as one of the reasons for their decision to boycott the election – remains contentious and unresolved, despite recommendations by the OSCE/ODIHR and the Council of Europe’s Venice Commission that the composition be revised in a manner which would ensure the confidence of political parties and ensure that they are not dominated by pro-government forces.

In parallel with the appointment of regular ConEC and PEC members, the process of appointing consultative commission members, who are nominated by registered candidates, is ongoing. Two more consultative CEC members have been appointed. OSCE/ODIHR EOM LTOs reported that the YAP has nominated consultative members for all commissions, while the remaining parties and the self-nominated candidate have nominated very few.

During the reporting period, the CEC continued active preparations for the upcoming election. CEC sessions were frequently convened and always open for observers and media. However, it appears that the CEC has yet to adopt an instruction for the work of ConECs on the checking and tabulation of precinct-level results, apart from an instruction on how to compile the final ConEC protocol. The CEC told the OSCE/ODIHR EOM that an instruction from the 2003 presidential election on this issue is still in force, but it is unclear whether this instruction has been communicated to the ConECs yet.

The CEC adopted rules for the accreditation of organizations intending to conduct exit polls on election day. These rules introduced the somewhat restrictive requirement that such organizations must be “influential legal entities with relevant practice and professionalism in the field” and provided for only a one-week period to submit applications. Three organizations submitted such requests, which the CEC will have ten days to examine and decide upon.

The CEC invited media and observers for the start of the printing of ballot papers on 24 September, which is taking place in the printing house of the Parliament under the supervision of a commission comprising three CEC members.

The CEC Chairman informed the media that the initial funding of 12,000 AZN (app. 10,300 EUR) provided by the State budget for each registered candidate’s campaign was considerably increased, to a total of 144,000 AZN for the campaigns of all candidates. As two candidates are

not entitled to receive such funding under the Election Code,<sup>1</sup> a total of 28,800 AZN was transferred to the election funds of each of the other five candidates.

The second cycle of trainings for PEC Chairs and secretaries is under way. OSCE/ODIHR EOM LTOs described the training sessions as well-organized and enjoying good attendance.

The CEC informed the OSCE/ODIHR EOM that in an effort to increase the transparency of the process on election day, web cameras would be installed in a number of polling stations throughout the country, enabling the public to follow proceedings on the internet. OSCE/ODIHR EOM LTOs reported that in many ConECs, the polling stations which will be provided with such web cameras have already been selected and that cameras have already been installed in some of them. However, the CEC has yet to adopt regulations which would clarify the purpose of the cameras, the rules for their use, and the conditions to be respected in order to safeguard the secrecy of the vote.

#### IV. VOTER REGISTRATION

The updating of the voter lists continued throughout the reporting period. At the end of the ten-day period for public posting of voter lists, changes were approved by PECs and the amendments sent to the relevant ConECs. According to the CEC, the total number of voters is 4,731,879, around 30,000 less than after the last annual update, which was completed in late May. According to reports of OSCE/ODIHR EOM LTOs, the number of deregistration voting cards (DVC) issued by ConECs is 20–30 on average. The DVCs allow voters to vote at a polling station different from the one at which they are registered. The registers for the DVCs issued by ConECs, as well as the DVCs to be issued by PECs, were delivered to the PECs within the legal deadline.

#### V. THE MEDIA

Regular live debates on Public TV and radio have so far provided an opportunity for candidates to present their message to voters. The incumbent President, who has refrained in most respects from ordinary campaigning, has chosen not to participate in the debates personally, but is represented by his authorized representatives. So far, only two candidates, Mr. Iqbal Agazadeh and Mr. Gudrat Hasanguliyev, have purchased airtime for political advertising – the former has placed paid spots on ANS and Khazar TV, and the latter on ANS.

The OSCE/ODIHR EOM is conducting media monitoring of the main electronic and print media outlets.<sup>2</sup> To date, monitoring has taken place over two periods, 5–16 September (prior to the start of the official campaign) and 17–28 September (after the start of the official campaign). Between 5 and 16 September, all monitored TV channels devoted a significant portion of their coverage to the state authorities and their activities. Almost all of Mr. Ilham Aliyev's media exposure was in his capacity as incumbent President, which gave him an advantage prior to the commencement of the official campaign period, when his competitors received hardly any news coverage on the monitored TV channels.

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<sup>1</sup> Mr. Gudrat Hasanguliyev and Mr. Hafiz Hadjiyev, who were candidates in the 2003 presidential election but received less than 3 per cent of the vote, failed to return the money received from the State budget at the time, as required by law. Mr. Hasanguliyev has filed an appeal.

<sup>2</sup> The OSCE/ODIHR EOM's monitoring focuses on all political and election-related programs and broadcasts during prime time on AzTV, ITV, ATV, ANS TV, Lider TV, Space and Khazar TV, as well as political and election coverage in the newspapers *Azerbaijan*, *Respublika*, *Yeni Musavat* and *Zerkalo*.

Media coverage of the official campaigning period continues to be dominated by extensive reporting on the activities of the President, the Government, the Presidential Administration and the ruling YAP. There has been a notable tendency to reflect positively on the work and activities of the incumbent state administration, while critical opinions and comments on its performance were generally absent. For example, since the beginning of the OSCE/ODIHR EOM monitoring, none of the monitored TV channels, apart from Public TV<sup>3</sup>, have provided any news coverage in connection with the decision of the opposition “Joint Front of Democratic Forces” not to participate in the elections.

Between 17 and 28 September, Public TV devoted 60 per cent of its political and election news coverage to the activities of the President (21 per cent), the Government (18 per cent), the Presidential Administration (2 per cent) and the YAP (19 per cent). This coverage was overwhelmingly positive or neutral in tone. In comparison, the opposition Musavat party received 3 per cent of such coverage, which was mainly neutral.<sup>4</sup> While Public TV has made an effort to limit its news coverage of the President’s activities since 17 September, it still gave him nearly 26 minutes, while all other candidates received a combined total of some nine minutes.

Unlike Public TV, State-funded AzTV is no longer under the legal obligation to provide equal campaign conditions and to allocate free airtime to all candidates.<sup>5</sup> It devoted favourable and extensive news coverage to the activities of authorities – both before and after the official start of the campaign. In the first two weeks of the official campaign period, AzTV allocated as much as 96 per cent of its political and election news coverage to the activities of the President (73 per cent), the Government (8 per cent), the Presidential Administration (4 per cent) and the YAP (11 per cent). This coverage was exclusively positive or neutral in tone. There has been so far almost no news coverage of opposition parties, and only marginal coverage of other presidential candidates. Privately owned Space, Lider TV, ATV and Khazar TV adopted a similar approach. Media coverage of appearances of the President, Government ministers and YAP members at ceremonial events (see also Section II. The Campaign Environment), or in activities such as distribution of flats, TV sets, refrigerators, computers, cars or other gifts, benefitted the incumbent’s campaign.

Private TV channel ANS also devoted the bulk of its news coverage to the authorities and the ruling party, but similar to Public TV, it also allocated some news coverage to other presidential candidates. All monitored TV channels reported extensively on the work of the CEC.

The monitored print media provided a more diverse range of views than television. The State-funded newspapers *Azerbaijan* and *Respublika* have so far adhered to their legal obligation to allocate free space for candidates. Outside this free space, however, they have shown overt support to the incumbent President. By contrast, the opposition-minded *Yeni Musavat* provided some critical coverage of the State authorities and supported candidate Iqbal Agazadeh. Another private paper, *Zerkalo*, has so far offered its readers a more balanced picture of the campaign.

## VI. COMPLAINTS AND APPEALS

The Baku Court of Appeals denied a complaint against the CEC from the candidate Mr. Hasanguliyev, who was not allocated election funds from the State budget due to his debts from

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<sup>3</sup> Public TV was the only channel which covered the press conference on 5 September of the opposition political parties which signed a joint statement stating that “the upcoming election cannot be considered genuine and the administration, which will be formed after the election, cannot be considered legitimate”.

<sup>4</sup> This airtime was not allotted in connection with domestic policy issues, such as the election boycott, but with the position of a Musavat member on foreign policy issues, including the conflict in Georgia.

<sup>5</sup> The June amendments to the Election Code exempted State TV from this legal obligation.

the 2003 presidential election. A rejected candidate, Mr. Arif Aliyev, unsuccessfully challenged in the Supreme Court a decision of the Baku Court of Appeal which upheld the CEC decision not to register him as a candidate due to falling short of the required 40,000 signatures.<sup>6</sup>

During the reporting period, the CEC media working group considered four complaints related to the election campaign – one submitted by the YAP and three by the Ümid Party. The YAP alleged that Igbal Agazadeh had launched his election campaign earlier than 28 days before election day, by distributing a promotional CD. The Ümid party maintained that the distribution had started already in 2007 and that the CD should thus be considered as information about the party, which is permitted under the Law on Political Parties.<sup>7</sup> The media working group considered the CD distribution as early campaigning and gave Mr. Agazadeh a warning.<sup>8</sup>

Ümid complained that the participation of two high state officials at a YAP rally on 17 September, which was extensively covered by the media, constituted a violation of a CEC decision barring State and municipal officials from campaigning. The media working group rejected the complaint as groundless, claiming that no evidence was submitted by the complainant to prove that these officials had been campaigning, as defined in the law.<sup>9</sup> The head of the working group told the OSCE/ODIHR EOM that high state officials should have the same rights as ordinary voters and should therefore be allowed to participate in campaign rallies and meetings, unless they make a direct call to vote for a candidate.

In all four cases, only a formal opinion was presented by the chairman of the group, following a discussion and a vote by all working group members present. No CEC decision was adopted. This appeared to be contrary to the Election Code, which requires that a body receiving formal complaints make a decision within three days. The CEC explained to the OSCE/ODIHR EOM that once the media working group reached an agreement with stakeholders, no formal decision or sanction by the CEC was required.

## VII. DOMESTIC AND INTERNATIONAL OBSERVERS

The CEC reported that by 26 September, 25,023 observers had been accredited, among them 15,087 nominated by political parties, 7,626 nominated by NGOs, and 2,310 self-nominated. Thus far, there are no reports about applications having been rejected by the CEC or ConECs.

During a hearing on 19 September, the Supreme Court refused to consider the appeal of the Election Monitoring Center (EMC) against the de-registration of the organization, because the case was not presented by a lawyer accredited by the Bar Association of Azerbaijan. EMC received a confirmation from the bar association that a lawyer would be appointed shortly to present the case. In parallel, EMC submitted a new application for registration; the decision of the Ministry of Justice on the application is expected on 10 October.

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<sup>6</sup> See OSCE/ODIHR Election Observation Mission Interim Report No. 1. In addition, the Baku Court of Appeal denied Mr. Yashar Akhmadov's complaint against the CEC decision not to register him as a candidate due to the submission of empty support signature sheets.

<sup>7</sup> Article 12 of the Law on Political Parties stipulates that "political parties shall disseminate freely the information about their aims and activities."

<sup>8</sup> A CEC member stated that a warning issued by the group does not have any legal power.

<sup>9</sup> Article 1.1.13 of the Election Code stipulates that "pre-election campaign is action of citizens and political parties calling or intending to call upon voters to participate in the election, to vote (or not to vote) for one or another candidate."

## **VIII. OSCE/ODIHR EOM ACTIVITIES**

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting state officials, candidates, party and candidate representatives, the election administration, court officials, representatives of the media and civil society, and diplomatic missions. LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. A briefing for members of the diplomatic community and international organizations accredited in Azerbaijan was held on 18 September, and a second one is scheduled for 2 October. The OSCE/ODIHR EOM will be further strengthened by the expected arrival of some 360 short-term observers for election day observation.