



**EUROPEAN PLATFORM FOR DEMOCRATIC ELECTIONS**

**FINAL REPORT**

**NOVEMBER 1, 2015 PARLIAMENTARY ELECTIONS**

**REPUBLIC OF AZERBAIJAN**

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## **I. EXECUTIVE SUMMARY**

The European Platform for Democratic Elections (EPDE) is an international organization cooperating with non-partisan and independent non-governmental citizens' election observation organizations working for free and fair elections all over Europe. EPDE carried out long-term observation of the November 1, 2015, Parliamentary Elections in Azerbaijan with support of more than 50 local long-term observers (LTOs) and local civil society activists in more than 80 election constituencies around the country.

EPDE notes with regret that the November 1, 2015, Parliamentary Elections were carried out amidst numerous incidents of political imprisonment and gross violations of freedoms to assembly, association, and expression. The nomination and registration stages of the elections were compromised by the exertion of pressure on candidates and their representatives during the signature collection process, along with the intimidation of voters, who were forced to withdraw their support signatures. Election campaigning was marred by restrictions on campaigning opportunities and the absence of TV debates and free air time, as well as by the abuse of administrative resources in favor of the ruling party and the candidates it supported. The main opposition parties refused to participate in the race due to the prevailing undemocratic conditions, thereby rendering the vote uncompetitive and the outcome a foregone conclusion.

The National Council, established by the main opposition parties, NGOs, and activists, decided to boycott the elections due to the undemocratic situation in the country. The ruling YAP party joined the race with 115 candidates, while the majority of the 769 competing candidates were self-nominated. The "Musavat" party and movement "Nida" announced their withdrawal from the race 4 days prior to Election Day, and the REAL movement stated that it would not recognize the results of the elections.

Despite the fact that OSCE-ODIHR could not organize a full-fledged election observation mission due to restrictions imposed by the government in Baku, several parliamentary delegations from different countries and international organizations observed the Election Day procedures, making positive assessments even before the voting process was completed. None of them conducted long-term monitoring, and thus violated international standards of election observation set in the United Nations' "Declaration of Principles for International Election Observation."

The most prominent election observation group that made a biased statement attesting to the democratic conduct of the entire election process was the delegation of the Parliamentary Assembly of the Council of Europe (PACE), led by Jordi Xucla (ALDE, Spain). Some members of the PACE delegation, however, did not sign the statement, and three members of the delegation published a *votum separatum*, pointing out the failing preconditions to hold free and fair elections in Azerbaijan.

The Central Election Commission carried out technical preparations for the elections in line with the requirements of the legislation. However, the election commissions remain under the control of government authorities, which raises serious questions regarding the fairness and freedom of the elections, and diminishes public trust in the electoral process.

Serious shortcomings in regard to voter lists, noted in the previous elections, remain unaddressed. Some voters were not able to find their names on voter lists, while others reported that someone else had voted on their behalf. The CEC announced that there were 1.6

million fewer voters in the country than estimated by the State Statistics Committee. Neither institution provided an explanation for the discrepancy between the numbers.

EPDE's local observers received credible allegations that voters providing signatures in favor of the registration of opposition candidates and candidates not supported by the government were faced with wide-spread pressure and intimidation, and on a number of occasions withdrew their signatures.

EPDE also noted the unfair treatment of opposition candidates at the Constituency Election Commissions (ConECs) and the CEC during the registration and signature verification processes, and has documented the discrimination against such candidates. EPDE expresses concern about the increasing number of objections regarding the inadequate investigation of complaints made by candidates who were denied registration.

EPDE notes with regret that an improvement of the Election Code, based on recommendations issued by the Venice Commission of the Council of Europe, did not take place. On the contrary, the amendments made to the Election Code further restricted participation of political rivals in the electoral process.

EPDE believes that freeing political prisoners—including Anar Mammadli, Ilgar Mammadov, Tofiq Yagublu, Rasul Jafarov, Intigam Aliyev, Leyla Yunus, Khadija Ismayil, Seymur Hazi, and others, and the establishment of political pluralism in television, especially in Public Television—would significantly contribute to the protection of the freedom of speech in the country.

EPDE supports the findings of the Needs Assessment Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe<sup>1</sup>, and believes that the decision of Azerbaijani authorities to prevent OSCE/ODIHR's International Election Mission from deploying in Azerbaijan is a violation of Azerbaijan's international commitments, as well as an action that brings into question the transparency and openness of the country's electoral processes.

EPDE notes with regret that the results of the November 1, 2015, elections—conducted against the backdrop of the systematic restriction of fundamental freedoms, the ongoing crackdown on civil society, and the lack of trust in election commissions—cannot reflect the true will of the Azerbaijani people.

## **II: LEGAL AND POLITICAL CONDITIONS PRIOR TO THE ELECTION**

### **A. Legal Framework**

Although most major amendments to the election law had already been implemented prior to the 2010 Parliamentary Elections, some changes to other relevant laws affected the 2015 parliamentary campaign.

Major amendments to the election law were adopted on June 18, 2010, shortly before the 2015 Parliamentary Elections held on November 7, 2010.

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<sup>1</sup> <http://www.osce.org/odihr/elections/azerbaijan/179216?download=true>

Major amendments to the election law were introduced by a group of Milli Majlis MPs belonging to the ruling New Azerbaijan Party (YAP) less than three months before the 2010 Parliamentary Elections. These amendments contained:

- Reduction of the election campaign period from 75 days to 60 days;
- Abolishment of the allocation of campaign funds from the state budget;
- Reduction of the election agitation period from 27 days to 22 days.

These amendments were implemented without public discussion and in disregard of the opinion of the Council of Europe's Venice Commission. Civil society organizations objected that the abolishment of the funds allocated from the state budget for registered candidates to conduct election agitation, and the reduction of the election campaign period from 75 to 60 days, would create an uneven playing field for candidates and affect the overall participation of political actors in the electoral process.

In addition, new amendments to the criminal code were adopted on June 4, 2013, which stipulated criminal liability for defamation and libel in print and electronic media, and extended further restrictions on internet media.

Furthermore, on October 17, 2014, the Parliament adopted new amendments to the NGO legislation, restricting the conditions for foreign funding. On December 17, 2014, new restrictive changes were made to the law "On State Registration and State Registry of Legal Entities" and the law "On Non-Governmental Organizations," both of which further restrict the freedom of assembly.

During the current election campaign, the European Court of Human Rights (ECHR) ruled on cases related to the 2010 Parliamentary Elections.

On October 9, ECHR adopted a ruling on the case of three candidates from the 2010 Parliamentary Elections, Fuad Gahramanli, Namizad Safarov, and Zalimkhan Mammadli, who had filed a lawsuit against the Azerbaijani government. The ruling recognized the violation of the candidates' election rights. According to the ruling, the Azerbaijani government is to pay 10,000 EUR to each applicant in compensation for non-material damages.<sup>2</sup>

The Court also granted the complaint of another candidate from the 2010 elections, Annaghi Hajibayli, Director of the Azerbaijan Lawyers Association. In compensation for violations of his election rights, Hajibayli was entitled to 10,000 EUR for non-material damages and 2,600 EUR for legal expenses.<sup>3</sup>

## **B. Political Environment**

The Parliamentary Elections held on November 1, 2015, were conducted against the backdrop of the same political crisis of human rights and freedoms in the country which marked previous elections (the November 7, 2010, Parliamentary Elections, and the October 9, 2013, Presidential Elections), but which have since been exacerbated. Despite the active participation of opposition parties in the 2010 elections, no opposition or independent candidates gained any seats in the legislative body.

The country's main opposition parties established the National Council prior to the October 9, 2013 Presidential Elections, and participated in the elections with a single candidate.

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<sup>2</sup> <http://gozetc.az/article/index/4664>

<sup>3</sup> <http://www.azadliq.info/97230.html>

However, both the democratic conduct of the election campaign and the accuracy of the official results have been questioned by independent international and domestic observers.

The International Election Mission of the OSCE/ODIHR concluded that the election “was undermined by limitations on the freedoms of expression, assembly and association that did not guarantee a level playing field for candidates.”<sup>4</sup> The authorities launched an unprecedented crackdown on civil society organizations working with Western organizations and countries, opening criminal case against 20 NGOs on trumped-up charges. Human rights defenders criticizing the government were either arrested or forced to leave the country.

The Advisor of the Chairperson of the opposition Popular Front Party was detained and sentenced to administrative arrest on September 30, one month before the elections.<sup>5</sup>

One of the main opposition parties, Musavat, demanded that the elections be suspended, and pulled out of the race on October 28, just three days before Election Day. A statement released by the party noted the absence of democratic conditions necessary for conducting free and fair elections, as election commissions are controlled by the government. The decision not to allocate free air time to candidates eliminated any chance of equal opportunity among election participants. The situation was further deteriorated by more than 100 instances of political imprisonment and ongoing repressions during the election period, along with numerous election irregularities and violations of the freedom of expression. The Musavat party demanded to suspend elections while these issues are addresses, and to hold new elections in four month time.

### **C. Freedom of Expression**

There was no positive change in regard to the freedom of speech and media during the election campaigning period for the November 1, 2015 Parliamentary Elections. On the contrary, pressure against dissenting voices further increased.

Following the 2013 Presidential Elections, authorities increased pressure on the freedom of speech, and many journalists and bloggers were imprisoned on trumped-up charges.<sup>6</sup> Family members of several journalists lost their jobs, while a number of media outlets were forced to cease their operations. Azerbaijan is among the top ten jailers of the press, due to the country’s high number of imprisoned journalists and bloggers.

The adoption of the law on Defamation has been an ongoing matter of debate since Azerbaijan’s accession to the Council of Europe on January 25, 2001. The Director of the OSCE, Eynon Gilmor, stated in his speech in the Azerbaijani Parliament on June 14, 2013, that Azerbaijan remained the only country in the Caucasus that had not adopted the law. The Chairperson of the Parliamentary Committee on Legal Policy and State Building, Ali Huseynli, told media on November 8, 2013, that the Parliament was not going to discuss the law on Defamation in the near future. In addition, new amendments to the criminal code, adopted on June 4, 2013, stipulate criminal liability for defamation and libel not only in print media, TV, and radio, but also the internet. Despite concerns expressed to the President of Azerbaijan by domestic and international organizations, including appeals from the OSCE Representative on Freedom of the Media, Dunja Mijatović, and Council of Europe Commissioner for Human Rights, Nils Muižnieks, the amendments in question were not

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<sup>4</sup> <http://www.osce.org/institutions/110015?download=true>

<sup>5</sup> [http://www.bbc.com/azeri/azerbaijan/2015/10/151003\\_opposition\\_activist\\_arrest](http://www.bbc.com/azeri/azerbaijan/2015/10/151003_opposition_activist_arrest)

<sup>6</sup> <http://gozetc.az/article/index/4295>

repealed.

In 2013, Parviz Hashimli, the editor of the independent news website Moderator and a reporter for the independent newspaper “Bizim Yol,” was arrested and sentenced to a lengthy prison term. Several other online activists were jailed, including Abdul Abilov and blogger Omar Mammadov.

On April 19, 2014, a correspondent for the “Ayna-Zerkalo” newspaper, Rauf Mirgadirov, was illegally deported from Turkey and arrested in Baku on charges of high treason, which he repeatedly denied. He still remains in custody and is awaiting trial.

On May 30, 2014, the “Ayna-Zerkalo” newspaper ceased to operate due to financial problems, according to its editor-in-chief, Elchin Shikhli.

On July 7, 2014, blogger and activist Mehman Huseynov was abducted by unknown persons near his workplace. His abduction was caught on camera by his colleague, as well as by the surveillance cameras of the Chamber of Accounts. He was forced into a black Prado car and taken away in an unknown direction. He was later released. Huseynov was also arrested by the police custody several times on his way to work. He was forced into hiding for several months following the sealing of the offices of the Institute for Reporters Freedom and Safety (IRFS), the organization for which he worked. During a search of the IRFS offices, the equipment was confiscated. Under threat of prosecution, the chairperson of the organization, Emin Huseynov, sought asylum in the Swiss embassy in Baku. In June 2015, following an agreement between Azerbaijani and Swiss governments, he was allowed to leave the country and later renounced his Azerbaijani citizenship.

On August 13, 2014, Murad Adilov, brother of the correspondent for the “Azadlig” newspaper, and press-secretary of the opposition Popular Front Party, Natig Adilov, were sentenced to 6 years of prison time on trumped-up charges of large-scale drug trafficking.

On August 21, 2014, Ilgar Nasibov, a journalist and human rights defender in Nakhchivan, was beaten almost to death. Nasibov was attacked by unknown persons while he was in the office of the Naxcivan Resource Center, the only independent rights organization operating in the province. As a result of the attack, he lost vision in one eye and sustained a severe concussion and other bodily harm.

On September 1, 2014, a reporter for the “Azadlig” newspaper and anchor for the independent satellite TV “Azerbaijani Hour” was detained on charges of hooliganism and later sentenced to 5 years in prison.

On September 5, 2014, a search was conducted in the Baku offices of IREX, the US organization supporting the freedom of the media. The government’s Prosecution Office confiscated the organization’s equipment and documents, while its bank account was frozen.

On December 9, 2014, the internet media outlet “Meydan TV” announced the closing of its Baku offices. According to its website, “the reason for this is the on-going crackdown on the freedom of speech and pressure placed on independent media.” The management of the online platform was forced to make this decision in order to protect its employees.

On December 26, 2014, the Prosecutor General Office conducted a search of the Baku offices of Radio Liberty, in connection with its criminal investigation of the operation of the radio station. Documents and equipment were confiscated during the search, and the door of the office was sealed.

On December 31, 2014, the [www.mediaforum.az](http://www.mediaforum.az) news website terminated its operations due



to a refusal from the Ministry of Justice to grant registration. The website is a non-profit project of the domestic NGO Internews-Azerbaijan.

On August 8, 2015, journalist Rasim Aliyev was physically assaulted by several persons and died of wounds in a hospital on the following day. Aliyev was attacked and beaten to death by family members of football player Javid Nabiyev over a critical Facebook post. Aliyev was the chairperson of the Institute of Reporters' Freedom and Safety, a position he assumed after Emin Huseynov sought Swiss asylum.

On September 17, Shirin Abbasov, a journalist working with Meydan TV, was detained and sentenced to 30 days of administrative arrest after police kept him incommunicado for several days.<sup>7</sup> Three other journalists cooperating with Meydan TV were summoned for questioning to the Office of the Organized Crimes Unit.<sup>8</sup> The same Unit, which is notorious for torture and its role in politically motivated cases, summoned another journalist, Islam Shikali, on September 28. A day earlier, Shikali's apartment was searched by the police and his equipment and computer were confiscated.<sup>9</sup>

On October 13, Raji Imanov and Vakil Imanov, brothers of Meydan TV editor and writer Gunel Movlud, were detained by the police and sentenced to 3 months of pre-trial detention on drug possession charges. In order to ensure the safety of their sons, Movlud's parents were forced to give a statement to the media renouncing her as their daughter.

On October 21, Meydan TV's website was subjected to a large-scale hacker attack which disrupted the work of the media outlet. Just two weeks before Election Day, the Tax Ministry launched an unplanned investigation of two journalists working with Meydan TV, Aynur Elgunash and Aytan Farhadova.

On October 27, another journalist, who worked with Meydan TV in the past, was banned from leaving the country. She told local media that she was en route to Iran when Customs Services prevented her from leaving the country.

On October 28, editor-in-chief of the "Yukselish Namine" newspaper, Elchin Hasanov, was summoned to the Organized Crimes Unit of the Ministry of Internal Affairs. Hasanov was stopped at the Gazakh border crossing and prevented from leaving the country by customs officials. He was travelling to attend a session of the Parliamentary Assembly of the Council of Europe. He was informed by the Ministry of Internal Affairs that a criminal investigation on charges of hooliganism had been launched against him, and that consequently he was banned from leaving the country.

The Ministry of Foreign Affairs denied accreditation to several international journalists who wished to visit Azerbaijan to cover the elections.<sup>10</sup> The media monitoring carried out by the Institute for Democratic Initiatives concluded that the country's television stations are under complete control of the government and that they offer no space for alternative views.

#### **D. Human Rights and Civil Society**

The Azerbaijani government has increased repression against its critics, further deteriorating the situation of human rights in the country. During 2013 and 2014, at least 33 human rights

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<sup>7</sup> [http://www.bbc.com/azeri/azerbaijan/2015/09/150917\\_azeri\\_journo\\_disappearance](http://www.bbc.com/azeri/azerbaijan/2015/09/150917_azeri_journo_disappearance)

<sup>8</sup> <http://gozetcu.az/article/index/4568>

<sup>9</sup> <http://contact.az/docs/2015/Social/092800130974az.htm#.VhjBePntmko>

<sup>10</sup> <http://musavat.org.az/index.php/192-m-savat-se-kil-rin-dayand-r-lmas-n-t-l-b-etdi>

defenders, activists, journalists, and bloggers were arrested on politically motivated charges or forced to leave the country by the authorities. The government froze bank accounts of more than 20 independent civil society organizations and their leaders, and declined to register grants provided by foreign donors, creating serious obstacles in the functioning of independent NGOs. Some civil society and NGO leaders have been banned from leaving the country, while many reported ill-treatment in police custody during questioning. A considerable number of civil society groups, including the main human rights organizations of the country, were forced to suspend their operations and close down.

On October 17, 2014, the parliament adopted new amendments to the NGO legislation restricting the conditions for foreign funding. On 17 December 2014, new restrictive changes were made to the laws on “State registry and registration of legal entities” and “on NGOs”.

New amendments, signed by President Aliyev in November, require all foreign donors to sign an agreement with the government, and for each grant to be approved by relevant state bodies. These amendments stipulate heavy fines and penalties for NGOs, and specify civil as well as criminal liability for even the smallest regulation violations. Such measures provide authorities with grounds to decline registration of domestic and international organizations critical of the government, and to suspend or terminate their work in the country.

Following the publication of EPDE member organization EMDS’s preliminary statement on the 2013 Presidential Elections, the Prosecutor General Office launched a criminal investigation into the organization. On October 31, the Prosecutor Office conducted a search of the offices of the organization and confiscated financial documents and computers. Six weeks later, on December 16, chairperson of the organization Anar Mammadli was arrested. On May 26, 2014, the court sentenced Mammadli to 5.5 years of prison time, and EMDS’s executive director Bashir Suleymanli to 3.5 years. Amnesty International recognized both of them as prisoners of conscience.

On April 12, 2014, the US Peace Corps terminated its operation in the country on request of the Azerbaijani government.

On July 1, 2014, the US National Democratic Institute officially closed down its Baku office. The office had been de-facto closed since 2013, when the government accused the American organization of financing youth groups to carry out a revolution in the country.

In addition to the organizations mentioned above, a number of others were forced to terminate or suspend their operation in Azerbaijan until an unspecified time, including Oxfam, ABA CELLI, World Vision, and International Media Support.

On July 30, 2014, director of the Peace and Democracy Institute and a well-known human rights defender, Leyla Yunus, was arrested on charges of high treason, tax evasion, illegal entrepreneurship, forgery of documents, and fraud. She was sentenced to 8.5 years of prison in August 2015, while her husband was convicted of fraud and sentenced to 7 years.

Several days later, on August 2, human rights defender and coordinator of the Sports for Rights Campaign, Rasul Jafarov, was arrested. He was sentenced to 6.5 years of prison time for tax evasion, illegal entrepreneurship, and abuse of official authorities – charges widely used against civil society leaders.

On August 8, 2014, a prominent human rights lawyer, Intigam Aliyev, was arrested on similar charges and sentenced to 7.5 years of prison on April 22, 2015. In July 2015, the Court of Appeal refused to grant Jafarov’s and Aliyev’s claims, keeping both human rights defenders

behind bars. Amnesty International recognized both as prisoners of conscience.

On November 11, 2014, the youth organization Positive Change terminated its operation. The leader of the organization, Bakhtiyar Hajiyeu, issued a statement in which he explained that, following the restrictive amendments to the NGO legislation, the organization cannot continue its work.

In July 2015, the OSCE Project Coordinator in Baku discontinued OSCE's operation in the country following the formal request of the Azerbaijani government. The OSCE had downgraded the mandate of its mission in Baku from the Baku Office to Project Coordinator in January 2015, based on the request of Azerbaijani government.

Since the start of the election campaign, authorities claimed that Counterpart International and Chemonics International, which are funded by the USAID, accumulated large tax debts, but did not provide evidence for this claim. The actions appear to be politically motivated, aiming at completely removing Western organizations from the country. After 2013, the National Democratic Institution and the American Bar Association were also forced to close down.

On September 14, the Office of the Prosecutor General carried out a search of the offices of the Association for Rational Development (WARD), confiscating documents and computers. The chairperson of the organization, Shahla Ismayilova, was banned from leaving the country.

Authorities continued the harassment of imprisoned human rights defenders and activists during the election period. Chairperson of the ReAL movement, Ilgar Mammadov, has not been allowed to contact his family. During the election campaigning period, Mammadov was brutally beaten by prison administrators. He lost a tooth and sustained serious bodily injuries. Chairperson of the EPDE, Anar Mammadli, was denied communication with his lawyer, while an award winning human rights lawyer, Intigam Aliyev, was repeatedly pressured to sign a letter of clemency.

Following the election period, local election observer Asaf Ahmadov was intimidated by the police and by local executive authorities. After he was seen visiting some polling stations, he was told to leave the country and return after the elections were over.

On October 7, Secretary General of the Council of Europe, Thorbjorn Jagland, announced his withdrawal from the joint working group on human rights established in 2014 with the aim of creating political dialogue between authorities and civil society in Azerbaijan.

President of the Parliamentary Assembly of the Council of Europe, Anne Brasseur, sent an open letter to President Ilham Aliyev, noting her deep concern regarding the deterioration of democracy, human rights, and the rule of law in Azerbaijan. She urged Aliyev to cease with the harassment of political prisoners and activists, and to implement the decision of the European Court of Human Rights regarding Ilgar Mammadov.

On October 7, two Amnesty International employees were stopped at the Baku airport and were deported from the country. Amnesty International released a statement about the incident, calling it "a serious violation" of the freedom of assembly. On October 13, satirical poet Tofiq Hasanli was detained by the police for posting commentaries on social media critical of the government.<sup>11</sup>

On October 27, chairperson of the Democracy and Human Rights Committee of the OSCE Parliamentary Assembly, Isabel Santos, issued a statement urging the Azerbaijani government

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<sup>11</sup> <https://www.meydan.tv/az/site/politics/8787/V%C9%99fa-M%C9%99mm%C9%99dova-%C4%B0lqar-M%C9%99mm%C9%99dovun-di%C5%9Fi-s%C4%B1nd%C4%B1r%C4%B1%C4%B1b.htm>

to release imprisoned civil society activists Anar Mammadli, Intigam Aliyev, Rasul Jafarov, and Leyla Yunus, as well as journalist Khadija Ismayil and opposition leader Ilgar Mammadov, and calling on authorities to work with the international community and commit to open and genuine dialogue.

On October 29, Human Rights Watch issued a brief report about Azerbaijan for journalists coming to cover the November 1 elections. The report states that authorities used possession of drugs and firearms, tax evasion, hooliganism, and even high treason to imprison its critics and political activists. In 2014 alone, Azerbaijani authorities arrested and convicted at least 35 journalists, human rights activists, and political activists. The crackdown continued in 2015 with new arrests and persecutions on an unprecedented scale.

Human Rights Commissioner of the Council of Europe, Nils Muižnieks, wrote about the Azerbaijani elections in his op-ed “Azerbaijan – An Area of Darkness: Another Fraudulent Election in a Land with Few Rights.” “The current human rights situation in Azerbaijan casts an even darker cloud over the upcoming elections,” Muižnieks noted. “Human rights activists, journalists and national electoral observers have been muzzled using repressive legislation, jailed on trumped-up charges or forced to escape into exile. Under these circumstances, it is impossible to hold any meaningful debate about the election or to ensure its accountability.”

### **III. DOMESTIC AND INTERNATIONAL OBSERVATION**

Due to restrictions imposed on civil society and NGOs, no large-scale independent domestic election observation could be conducted on Election Day. The November 1, 2015 Parliamentary Elections were the first major elections in the country in the last 10 years that have not been systematically observed by independent domestic observers. At the same time, several government-controlled local organizations carried out observation and exit-polls on Election Day. None of these organizations released information about the sources of their funding, which raises serious questions about their impartiality.

Following the cancellation of the OSCE/ODIHR mission, it became clear that government authorities were attempting to secure the involvement only of those international observers who had demonstrated a pro-government position in the previous elections.

A significant number of international observation missions registered for the recent Parliamentary Elections in Azerbaijan have violated international standards of election observation set in the United Nations’ “Declaration of Principles for International Election Observation.” None of the 40 officially registered international missions conducted a long-term election observation in the country. Only two missions made their election observation methods a matter of public record. On Election Day, 24 international election observers expressed in the media positive assessments of the electoral process before the closure of voting precincts. Among them was the head of the delegation of the Parliamentary Assembly of the Council of Europe (PACE), Jordi Xucla (ALDE, Spain), and PACE delegation member Augustin Conde.<sup>12</sup>

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<sup>12</sup> See the full EPDE survey here: <http://www.epde.org/en/newsreader/items/azerbaijan-whitewashing-of-flawed-parliamentary-elections-through-pace-and-other-eoms.html>

Already on September 22, the PACE delegation issued a positive statement on the preparations for elections, despite human rights violations reported during several meetings with political parties, diverse civil society organizations, and media representatives.

Due to this fact, domestic election observation organizations – EPDE’s local partners and the Institute for Democratic Initiatives, along with the Nida movement – refused to meet with PACE’s delegation observing Election Day procedures.

PACE positive assessment of the conduct of elections was widely criticized by independent national and international monitors. According to information available to EPDE, only 16 out of 28 members of the PACE delegation signed the delegation’s final conclusions. Three members of the delegation signed a votum separatum, which contests the official positive PACE assessment and points out the failing preconditions to hold democratic elections in Azerbaijan due to the ongoing abuse of human rights in the country.<sup>13</sup>

Apart from the PACE delegation, several members of parliaments worldwide made generally positive assessments of the election process in Azerbaijan, which must be regarded as ungrounded and biased for the same reasons.<sup>14</sup>

#### **IV. ELECTION COMMISSIONS**

##### **A. Preparation for Election Day**

The CEC carried out a series of actions in preparation for Election Day. On October 9, the CEC approved the list of indoor and outdoor venues in all election constituencies where registered candidates can organize meetings with voters. It also announced the list of media outlets accredited for participation in paid election campaigns. These included 3 television stations, 19 newspapers, and 23 news agencies.

##### **B. Attendance of Election Commissions**

Results of the monitoring show that there was no significant development in the attendance of Constituency and Precinct Election Commissions (PECs). As in previous elections, not all members of the election commissions were present on Election Day, while some Precinct Election Commissions were closed during the day, which constitutes a violation of Articles 33.1 and 38.2 of the Election Code and Article 179.1 of the Labor Code.

##### ***Findings on the work of election commissions:***

- On September 2, PECs no. 6, 7, 9, and 16 of the 113<sup>th</sup> Shaki City ConEC were closed from 13:00 to 15:00.
- On September 9, PEC no. 3 of the 89<sup>th</sup> Goychay-Aghdash ConEC was closed at 16:20.
- On September 10, PEC no. 25 of the 97<sup>th</sup> Goranboy-Aghdam-Tartar was closed at 15:00.

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<sup>13</sup> The alternative PACE statement, issued by Frank Schwabe (MdB, Soc, Germany), Ute Finckh-Kraemer (MdB, Soc, Germany), and Michael McNamara (TD, Soc, Ireland), is available here: [www.frank-schwabe.de/kontext/controllers/document.php/12.c/8/57dfba.pdf](http://www.frank-schwabe.de/kontext/controllers/document.php/12.c/8/57dfba.pdf).

<sup>14</sup> The list of names and institutions is provided in the EPDE survey: <http://www.epde.org/en/newsreader/items/azerbaijan-whitewashing-of-flawed-parliamentary-elections-through-pace-and-other-eoms.html>

- On September 19, PECs no. 20, 23, and 24 of the 97<sup>th</sup> Goranboy-Aghdam-Tartar ConEC were closed for a whole day.
- On September 18, PEC no. 1 of the 81<sup>st</sup> Beylagan ConEC was closed at 15:10.
- On October 3, PEC no. 32 of the 102<sup>nd</sup> Samukh-ConEC was closed at 11:30.
- On October 17, PECs no. 8, 39, and 43 of the 101<sup>st</sup> Goygol-Dashkasan ConEC were closed after 14:00.

### **C. Meetings of Election Commissions**

By law, meetings of election commissions are called by the chair of the commission or by demand of at least one third of the commission members with decisive voting rights. Election commission members with decisive voting rights are obliged to participate in all meetings of the commission, except in cases of illness or other valid reasons.

Members of election commissions should be informed about the meeting on issues to be considered at that meeting by the chairperson of the commission 3-5 days before the meeting is held.

The findings of the election monitoring confirm that, while the CEC and ConECs held regular meetings, very few meetings of the PECs were observed. Furthermore, the ConECs failed to inform all candidates and their representatives about the meetings. Candidates from the ruling party, however, stated that this did not create any problems for them. The rights of other candidates were clearly violated.

### **D. Registration of Observers**

Applications for carrying out election observation across all territories in the Republic of Azerbaijan may be submitted to the ECE from the day elections are announced and up to 10 days prior to Election Day. Decisions on applications should be made within 3 days from the date of submission. Applications for carrying out observation within the territory of an election constituency may be presented to the relevant ConEC from the day elections are announced and up to 5 days prior to the elections. The registration can be denied only in case of false information in the provided documents.

The registration of observers, both at the CEC and ConEC level, was carried out in line with legislation requirements. As of October 12, more than 17,000 observers were accredited at the constituency level, and 167 at the CEC level.

Overall, 605 domestic election observers were accredited at the CEC to observe elections across country, while the ConECs registered over 57,000 observers who were permitted to observe elections within the territories of the ConECs. According to official information, a 503 international observers, representing 40 institutions, were registered at the CEC.

Some ConECs violated the requirements of the law during the observer registration process. Observers of some opposition and independent candidates faced difficulties in registration. For example, none of the observers of the independent candidate from the 61<sup>st</sup> Neftchala ConEC, Jalal Aliyev, were able to get accreditation at the ConEC.

### **E. Investigation of Complaints Received by Election Commissions**

The Election Code provides election participants – political parties, blocs, candidates, and candidate representatives – with the opportunity to appeal the decision or action of election commissions. The appeal must be made to a higher-level commission within three days. The actions of the precinct election commissions can be appealed to the relevant constituency election commission, while complaints about the actions (or lack of actions) of the latter can be filed to the CEC. Election participants have a right to apply to the Baku Court of Appeal if they are not satisfied with the decision of the CEC.

The CEC received a number of complaints about the actions of the ConECs, mainly regarding illegal refusals of candidacy registrations. Monitoring findings conclude that candidates' complaints were not objectively and fairly investigated by higher election commissions. Although the CEC granted the claims of some opposition candidates, it declined most of the complaints filed by candidates not supported by the government and who were denied registration by ConECs. Moreover, the CEC failed to ensure transparency of the work of its expert groups in accordance with the requirements of the law.

Following are examples of such violations, along with cases of registration denial:

- 42<sup>nd</sup> Sumgayit Second ConEC refused to register the candidacy of Hafiz Babali from the ReAL movement, declaring 118 of 500 collected signatures to be invalid. Signatures of family members and relatives of Babali were among those declared invalid.
- Musavat party candidate Dadash Ahmad appealed the decision of the 94<sup>th</sup> Barda Village ConEC, which refused to register his candidacy to the CEC. The CEC declared that 192 of 550 collected signatures were invalid. The decision of the ConEC was upheld.
- The candidacy of Rashid Najafli from the Musavat party was not registered by the 82<sup>nd</sup> Aghjabadi ConEC after 224 voters providing signatures in support of his candidacy withdrew their signatures under pressure from the local authorities.
- 64<sup>th</sup> Neftchala and 74<sup>th</sup> Lankaran Village ConECs denied registration of the candidacies of Kamran Asadov and Tural Suleymanov. The CEC rejected the subsequent complaint, calling it groundless. The same happened with the candidacies of Nushaba Sadikhli, Arzu Samadbayli, and Vafa Jumshodova, all from the Musavat party.

The CEC refused to grant the claims of the following opposition and independent candidates:

- Karim Agarzayev – self-nominated candidate from the 60<sup>th</sup> Salyan-Neftchala ConEC.
- Nemat Karimli – self-nominated candidate from the 9<sup>th</sup> Binagadi Second ConEC.
- Ahad Mammadli – candidate from 34<sup>th</sup> Khatai Second ConEC.
- Rauf Aghayev – candidate of the Musavat party from the 12<sup>th</sup> Garadagh-Binagadi-Yasamal ConEC.
- Nadir Gafarli – candidate of the Musavat party from the 54<sup>th</sup> Shabran-Siyazan ConEC.
- Amil Seyidov – candidate of the Free Republican party from the 79<sup>th</sup> Imishli ConEC.
- Fuad Aliyev – candidate of the Azadlig-2015 bloc from the 27<sup>th</sup> Sabunchu Second ConEC.
- Iman Imanov – candidate of the Azadlig-2015 bloc from the 83<sup>rd</sup> Aghjabadi-Fuzuli ConEC.

- Nizami Alakbarov – candidate of the Azadlig-2015 bloc from the 35<sup>th</sup> Khatai Third ConEC.
- Shohrat Mammadzada – candidate of the Azadlig-2015 bloc from the 107<sup>th</sup> Gazakh ConEC.
- Shafi Shafiyev – candidate of Citizen Solidarity party from 51<sup>st</sup> gusar ConEC.
- Khaladdin Jahangirov – candidate from the 42<sup>nd</sup> Sumgayit Second ConEC.
- Fikrat Faramazoghlu – candidate from the 72<sup>nd</sup> Yardimli-Masalli ConEC.
- Kamran Asadov – candidate from the 61<sup>st</sup> Neftchala ConEC.

In the first stage of the November 1, 2015 Parliamentary Elections, i.e. nomination and registration of candidates, the majority of the complaints filed about the actions and inaction of constituency election commissions were not investigated objectively.

The Institute of Democratic Initiatives carried out monitoring of investigation of complaints during the election period, from September 1 to October 27.

According to the official website of the CEC, at this stage of the parliamentary elections the CEC made 97 decisions on received complaints. Of these, 20 complaints were granted (18 of them related to registration of candidates, 1 to a violation committed by an administrative body, and 1 to illegal campaigning); 9 complaints were referred to ConECs, as they related to violations of relevant rules (3 related to candidate registration, 3 to violations by administrative bodies, and 3 to illegal campaigning); 6 complaints were dropped (5 related to candidate registration, and 1 to illegal campaigning); and 62 complaints were rejected as groundless (60 related to candidate registration, and 2 to violations by administrative bodies).

IDI reported that investigations of complaints were not carryout properly and were executed only as formality, lasting around 10-15 minutes. Judges did not ask any questions or request further evidences and often interrupted speeches of interested parties. Deliberation on the decision usually lasted one minute. Decision making and investigation at the Constituency level was carried out in similar fashion. Expert groups formed by the CEC were not effective in investigating complaints filed by election participants. In their deliberations, courts failed to refer to the appropriate decisions of the European Court of Human Rights on the violation of election rights.

## **V. VOTER LIST**

In accordance with the Election Code, permanent voter lists of each election precinct should be confirmed in the form established by the CEC before May 30. At the same time, citizens who live at least 6 months of the year in the area of a particular election constituency should be added to the permanent voter list before the announcement of the election date.

After the above-mentioned date, only the Precinct Election Commission can add names of citizens to voter lists, in accordance with the regulations defined by the CEC. The PECs should submit voter lists for public display and additional verification/updating by informing voters at least 35 days prior to Election Day, and must create the necessary conditions for such display and verification.



According to the announcement made by the CEC prior to the 2015 Parliamentary Elections, there are 5,093,289 voters in the country. However, this figure significantly differs from the figures presented by State Statistical Committee of Azerbaijan. According to the State Statistical Committee, 6,715,400 citizens are 20 years of age or older, and consequently have the right to vote in the elections. There is a significant discrepancy of 1,622,111 voters (one-third of the current voter lists) between figures presented by the CEC and those offered by the Statistical Committee. The CEC has failed to provide a reasonable explanation of the discrepancy.

Problems and shortcomings regarding voter lists noted in the previous elections remained unaddressed. The major shortcomings include a lack of opportunity for verifying voter lists, names of deceased persons appearing on voter lists, and lack of appropriate actions by the election commissions.

***Some of the observed violations in regard to voter lists:***

- PECs no. 1, 2, and 3 of the 25<sup>th</sup> Nizami Second ConEC failed to display voter lists outside of the polling stations by October 1.
- PECs no. 48 and 52 of the 97<sup>th</sup> Goranboy-Aghdam-Tartar ConEC failed to display voter lists outside of the polling stations by October 2.
- Name of the deceased Elshan Karimov, officially residing in the area of the PEC no. 10 of the 89<sup>th</sup> Goychay-Aghdash ConEC, appeared on the voter list.
- Name of the deceased Rasim Hajaliyev, officially residing in the area of the PEC no. 4 of the 87<sup>th</sup> Aghsu-Ismayilli ConEC, appeared on the voter list.
- Name of the deceased Hasanov Aygul, officially residing in the area of the PEC no. 3 of the 49<sup>th</sup> Yevlakh-Mingachevir ConEC, appeared on the voter list.

Overall, the monitoring noted poor participation of citizens in the voter verification process, which could be explained either by a lack of trust in the elections or by the provision of the law which allows citizens to add their names to voter lists on Election Day.

## **VI. NOMINATION AND REGISTRATION OF CANDIDATES**

The first stage of the Parliamentary Elections – nomination and registration of candidates – was marked by serious violations of the rights of candidates from different parties and blocs, and with exception of candidates from the ruling YAP party. During the signature collection process, candidates and their legal representatives faced pressure by local authorities.

There were registered cases of intimidation and harassment of citizens by local authorities, with the intention of forcing them to withdraw signatures given in favor of the candidacy of opposition candidates.

By discriminating against candidates not supported by the ruling YAP party, ConECs deliberately created a one-party dominated environment. An artificial lack of alternative choices was created by denying the registration of opposition and independent candidates.

### **A. Legal Requirements**

A candidate may be nominated through self-nomination or by voters with active suffrage rights. Political parties, or blocs of political parties, can also nominate a candidate. At least 450 voter signatures must be collected in support of a candidate within the territory of the constituency for which he/she has been nominated. Voters can provide signatures for more than one candidate.

## **B. Official Information**

The process of nomination and registration of candidates started on September 1 and ended on October 2. A total of 1,246 candidates were registered, 277 of which represented 15 political parties and 19 represented the Azadliq bloc. Initiative groups nominated 2 candidates, while 945 candidates nominated themselves. 332 persons were denied candidacy. However, just a week after the registration process ended, 477 candidates (40% of all registered candidates) withdrew from the race without providing any explanation. The overwhelming majority of these were self-nominated candidates, believed to have been registered with the support of the authorities through abuse of administrative resources. Just three days prior to Election Day, the Musavat party announced that it would not participate in the elections. However, based on the requirement of the law which stipulates that notice of withdrawal must be given at least 10 days before Election Day, the CEC refused to accept the withdrawal of Musavat and the names of candidates for the party appeared on ballots. Overall, 769 candidates (including Musavat) were competing for 125 seats.

Below is the breakdown of candidates from the major political parties:

- YAP - 115
- Musavat party - 25
- Azadliq bloc - 19
- REAL movement - 12
- Umid party - 17

In 2005, 2063 candidates were registered, while the 2010 elections had 1,412 candidates.

## **C. Findings of the Monitoring of Nomination and Registration of Candidates**

EPDE received information about serious violations during the nomination and registration process, which can be grouped under the following sub-headings.

### *i. Unequal treatment of nominated persons and pressures exerted on them*

According to Article 55 of the Election Code, all candidates should have equal rights and responsibilities. However, some Constituency Election Commissions violated this requirement by discriminating against certain candidates and creating obstacles and restrictions for them. The following are examples of such violations:

- Local authorities exerted pressure and imposed restrictions on representatives of the Musavat party collecting signatures, and on voters providing signatures, in the territory of the 47<sup>th</sup> Mingachevir, 48<sup>th</sup> Yevlakh, and 82<sup>nd</sup> Aghjabadi ConECs.
- Local executive authorities instructed and intimidated the local population in an attempt to prevent them from giving signatures in support of opposition candidates in the area of the 47<sup>th</sup> Mingachevir, 48<sup>th</sup> Yevlakh, 49<sup>th</sup> Yevlakh-Mingachevir.

- Mingachevir local executive authorities “warned” Musavat party’s candidate Nuraddin Rustamli not to run in the elections. While collecting signatures in the Khanabad village of Yevlakh, Rustamli was threatened by a local police officer. The police officer also intimidated local residents and tried to prevent them from giving signatures in support of opposition candidates.
- Local authorities pressured Musavat party candidate from the 89<sup>th</sup> Goychay-Aghdash ConEC, Namig Hajili, as well as volunteers collecting signatures for him. A volunteer of the party, Ilgar Muradli, was taken in police custody in Goychay and released after several hours.
- Musavat party representative Gadim Soltan was kidnapped by unknown persons while collecting signatures in the area of the 50<sup>th</sup> Absheron-Gobustan ConEC. While Soltan was collecting signatures in Arabgadim village, a person named Mazahir Mahmudoghlu collected IDs from local residents to prevent them from providing their signatures. He also threatened local residents with criminal investigation if they give their signatures in favor of an opposition candidate. Despite appeals of the party to law enforcement agencies, the issue remains unsolved.
- Musavat party candidate from the 91<sup>st</sup> Ujar ConEC, Zakir Ismayil, and three party members collecting signatures for him, experienced pressure and harassment by local authorities. Kanan Karimov and Zakir Ismayilov, from the local authorities, instructed residents not to provide signatures for Musavat party candidates. Ismayilov telephoned one of the party members collecting signatures and threatened him.
- Persons collecting signatures for Musavat party candidates in the 55<sup>th</sup> Khachmaz City, 82<sup>nd</sup> Aghjabadi, 91<sup>st</sup> Ujar, 97<sup>th</sup> Goranboy-Aghdam-Tartar, and 108<sup>th</sup> Aghstafa ConECs faced psychological pressure and harassment by local authorities.
- Local residents providing signatures in favor of the candidacy of Fikrat Jafarli, from the 70<sup>th</sup> Masalli City ConEC, were threatened by local police and the executive authority with the demolition of their homes. Another candidate from the same ConEC, Mammadagha Eynullayev, publicly announced his withdrawal of candidacy due to pressure from the local executive authorities.
- Voters of the 62<sup>nd</sup> Saatli, 67<sup>th</sup> Jalilabad City, 82<sup>nd</sup> Aghjabadi, 108<sup>th</sup> Aghstafa, and 92<sup>nd</sup> Zardab-Ujar ConECs were intimidated and warned not to give their signatures in favour of opposition candidates.

*ii. Abuse of administrative resources and interference in the electoral processes*

Article 115 prohibits interference with election results and obstruction of a voter’s right to elect or be elected. Also prohibited in election campaigning and collecting of signatures is the use of services provided for the activities of state bodies, state organizations, and municipalities. However, the monitoring noted a number of cases of abuse of administrative resources in favour of certain candidates.

- IDs of employees of budget-funded organizations (schools, hospitals, etc.) in the 63<sup>rd</sup> Sabirabad Second and 92<sup>nd</sup> Zardab-Ujar were collected by local executive authorities or heads of those institutions.

- In the 58<sup>th</sup> Hajigabul-Kurdamir ConEC, voters were instructed to provide signatures on a blank list.
- In the 39<sup>th</sup> Kapaz First ConEC, IDs of teachers from schools no. 31 and 39 were collected to prepare signature collection for YAP’s candidate Khanlar Fatiyev.
- Employees of local executive authorities participated in the signature collection process in favour of YAP’s candidates in the 82<sup>nd</sup> Aghjabadi and 47<sup>th</sup> Mingachevir ConECs.
- Sumgayit city House Maintenance Service called local residents, inquiring about whom they supported during the signature collection process.

### *iii. Verification of collected signatures and the registration process*

Candidates and their authorized representatives, along with authorized representatives of parties and blocs, have a right to participate in the process of signature verification. The law stipulates that election bodies must notify the above-mentioned persons about the process in a timely fashion, and inform them when and where signature verification meetings are to be held. Election monitoring found, however, that election commissions failed to give advance notice to candidates about their signature verification sessions.

### *iv. Other violations*

- Candidates from the “White bloc,” Karim Agharza and Elshan Hasanov, faced administrative obstacles while requesting signature collection sheets from the 60<sup>th</sup> Salyan-Neftchala and 27<sup>th</sup> Sabunchu Second ConECs, respectively.
- Musavat party candidate Nadir Gafarov was required by the 54<sup>th</sup> Shabran-Siyazan ConEC to provide information about his workplace and the occupations of his family members, which is a breach of electoral law.
- Musavat party candidate Jahangir Amirkhanli faced administrative obstacles while submitting filled signature sheets to the 38<sup>th</sup> Nizami Second ConEC.

## **VII. ELECTION CAMPAIGNING**

### **A. Legal Framework**

According to the Election Code, the election campaigning period starts 23 days before Election Day and finishes 24 hours before the opening of polling stations. According to Article 74.2 of the Election Code, election campaigning can be conducted through the following means:

- Mass media
- Public events/meetings
- Distribution of print, audio, video, and other campaign materials
- Any other means not prohibited by law

However, EPDE’s observations show that the shortening of the election period mandated by law created time restrictions for using the above-mentioned means and methods for election campaigning.

## **B. Campaigning Through Media**

Article 80.1 of the Election Code stipulates that political parties and blocs of parties, which have registered candidates in more than 60 election constituencies, have the right to free airtime for election campaigning on Public TV and Public Radio. According to the results of the registration of candidates for the November 1 Parliamentary Elections, only the ruling YAP obtained this right. However, when the election campaigning period started, YAP candidates declined from using the free airtime allotted to them.

Unlike the 2010 Parliamentary Elections, the CEC did not allocate free airtime to candidates on Public TV. Chairperson of the CEC, Mazahir Panahov, told media that, due to “economic reasons and issues,” Public TV could not provide free air time to candidates for this election.

Costs of air-time and advertisement space for election campaigning offered by media outlets were too high for some candidates to pay. The price of air-time on TV was based on the maximum price for commercial advertisements.

For example, a candidate would have to pay around 17,700 AZN (almost 17,000 USD) for 5 minutes of air-time on Public TV during prime time, which is roughly equal to 3 years of average salary in Azerbaijan. Five minutes of non-prime time would cost 6,000 AZN (5,700 USD). Public Radio charged between 7 and 25 manats per minute of election ad time, depending on time of the day. Prices for advertisements in newspapers ranged between 2 and 10 manats per square centimeter, with the state’s “Official Gazette” offering a square centimeter for 2-4 manats, and Yeni Musavat for 2 manats. News agencies were charging between 500 and 2,000 manats, depending on the size and placement of the ad on their websites.

Altogether, 3 television stations (Public TV, and internet TV stations Vision.az and Ses), 19 newspapers, and 23 news agencies (mainly websites) offered paid space for election campaigning.

Failure to allocate free airtime, and the extremely high prices of paid airtime, effectively restricted the opportunities of candidates to promote themselves on television, which is the main source of information for most Azerbaijani citizens. This resulted in a very low-profile election campaign across the country.

Baku-based Institute for Democratic Initiatives (IDI) carried out monitoring of media outlets during the election period, covering television stations and online media. The monitoring results pointed out that TV stations did not provide any coverage for opposition parties, thereby failing to ensure political pluralism and space for alternative opinions.

IDI’s monitoring of the media, from September 1 to September 30, was based on the observation of prime time programming (19:00-23:00) in the 4 main TV stations in the country, including Public TV. The monitoring findings pointed out that only 8% (38 hours) of 480 hours of prime time were allocated to election-related information. 92% of this time included positive coverage of the ruling party, while the opposition received only 6 minutes (0.26%) of negative coverage. No positive coverage of opposition parties was observed.

IDI also monitored pro-government, opposition, and independent online news outlets: the AzerTag state news agency, “Azerbaijan” newspaper, opposition “Azadlig” and “Musavat” newspapers, [lent.az](http://lent.az), and [contact.az](http://contact.az). The monitoring revealed that more than half (53%) of content covered the ruling party in a positive light, while only 22% was critical of it. Non-

partisan content amounted to only 6% of monitored articles. 100% of the content published on the state news agency AzerTag described the ruling party in a very positive light. In the “Yeni Musavat” newspaper, which is regarded as an opposition media outlet, 34% of the articles were in favor of the ruling party, and 7% against it. The opposition was negatively covered in 17% of articles.

### **C. Conduct of Election Campaigning Through Public Events**

Article 86 of the Election Code stipulates that state bodies and municipality institutions should assist political parties in allotting places for organizing and conducting meetings with voters and holding public debates during the election campaigning period.

Without any legal basis, the CEC prepared a list of venues for the candidates to hold voter meetings and public discussions. The list included 128 indoor and 128 outdoor venues in 117 election constituencies. Restricting meetings to certain venues determined by the CEC is a violation of the freedom of assembly, a violation of the country’s Constitution and relevant laws, and an act that disregards Azerbaijan’s international commitments.

### **D. Election Campaigning Through Print, Audio, Video and Other Campaign Materials**

Unlike in previous elections, candidates extensively used social media – Facebook, YouTube, and Twitter – for campaigning purposes. One of the reasons for this was that prices for paid airtime on TV and radio were not affordable for all candidates. Also, all TV stations, with exception of Public TV, did not participate in the election campaigning process.

### **E. EPDE Observation of the Election Campaigning Period**

Observers working with EPDE monitored more than 50 election constituencies in the country. They concluded that the principle of equality was violated numerous times, and noted many cases of intimidation and pressure:

#### ***i. Violation of the principle of equal opportunity for all candidates***

- According to observers, equal opportunities for all candidates were not ensured by some ConECs. While necessary conditions for conducting meetings with voters were provided for some candidates, such conditions were not offered to others. This is a violation of Articles 82, 83, and 87 of the Election Code, which stipulate the establishment of equal opportunities for all candidates. I.e. on October 18, local executive authorities interfered with the voter meeting of the Musavat party candidate Khasay Farzullayev from the 71<sup>st</sup> Masalli Village ConEC.

#### ***ii. Abuse of administrative and financial resources***

Information on such violations shows that, as in the previous elections, candidates have used various illegal means to gain voter support. In some constituencies, local authorities engaged in the abuse of administrative resources to gather support for certain candidates, which is a

violation of Article 74 of the Election Code, as well as Articles 39 and 42-1 of the Code of Administrative Offences. EPDE has received information about the following cases:

- Employees of the local municipality and from budget-funded organizations were involved in election campaigning for ruling YAP's candidate Parvin Karimzada, from the 37<sup>th</sup> Nizami First ConEC of Ganja city. Doctors and employees of the Children's Polyclinic no. 2 were instructed to attend the meeting with the candidate.
- Chairperson of the Social Democrat Party and candidate from the 35<sup>th</sup> Khatai Third ConEC, filed a complaint about his fellow candidate, Igbal Aghazada, from the same ConEC, claiming that Aghazada launched his campaign before the official start date, and that he repaired local roads in order to gain favor with voters. The CEC reviewed the complaint on October 5, and subsequently issued an official warning to Aghazada.
- Teachers working in the area of the 89<sup>th</sup> Goychay-Aghdash ConEC were brought by bus to the local cultural club in Shahadat village during school hours to participate in the meeting with ruling party's candidate, Elman Nasirov.
- Voters of 60<sup>th</sup> Salyan-Neftchala ConEC were forced by local authorities to attend a meeting with pro-government Motherland party candidate Fazail Aghamali. A similar incident took place at the 59<sup>th</sup> ConEC, where local authorities used administrative resources to gather voters for a meeting with self-nominated pro-government candidate Aliagha Huseynov.
- Employees of budget-funded organizations were assembled for a meeting with the ruling party's candidate from the 61<sup>st</sup> Neftchala ConEC, Arif Rahimzada.

### *iii. Pressures and intimidations*

Cases of pressure against election participants, and particularly opposition candidates, were observed during the election campaigning process. Such incidents occurred during meetings of candidates with voters and the posting of campaigning materials. This is a violation of Article 55 of the Election Code. EPDE has received information about the following cases:

- The election campaign office of the candidate from the 34<sup>th</sup> Khatai Second ConEC and well-known public figure, Ali Aghayev, was ransacked and destroyed by unknown persons.
- An independent candidate from the 89<sup>th</sup> Goychay-Aghdash ConEC, Vidadi Isgandarov, was taken into the custody by local police and held without grounds for two hours.
- Supporters of Umid party's candidate Anar Isayev, from the 81<sup>st</sup> Beylagan ConEC, were harassed by local police.
- An independent candidate from the 54<sup>th</sup> Shabran-Siyazan ConEC, Elza Seyidcahan, and her supporters faced pressure and harassment. According to Seyidcahan, incumbent candidate Tahir Suleymanov, and candidate Etibar Heydarov, were behind the intimidation.

### *iv. Destruction of campaign materials*

Observers working with EPDE noted cases of destruction of campaign materials posted on information boards, at roadsides, on personal properties, and in other places. The following are examples of such incidents:

- Posters of ReAL's candidate from the 23<sup>rd</sup> Nasimi-Sabail ConEC, Azer Gasimli, were destroyed in front of the PECs no. 16, 22, 20, and 28.
- Posters advertising independent candidate Jalal Aliyev and Musavat party candidate Saday Farajov were destroyed by employees of local executive authorities of the 61<sup>st</sup> Neftchala ConEC.

## **VIII. BOYCOTT OF THE ELECTION BY THE OPPOSITION**

The elections were boycotted by the main opposition forces – the Popular Front party and the Musavat party. The Popular Front party, together with the National Council of Democratic Forces, announced its decision to boycott the elections in early September, due to the lack of democratic conditions necessary for conducting free and fair elections.

On October 27, the Nida youth movement also released its decision to withdraw from the race. On the same day, the ReAL movement stated that it would not recognize the results of the elections. The movement urged the government to release all political prisoners, create necessary political conditions for competitive elections, and make changes to the legislation guaranteeing free air-time to all candidates. ReAL demanded that the authorities conduct new elections in 2016.

On October 28, the Musavat party announced its decision to pull out of the race, just 4 days prior to Election Day. The party stated that gross violations recorded during the election period leading up to Election Day motivated the party leadership to boycott the elections.

## **IX. ELECTION DAY**

### **A. Layout and Opening of Polling Stations**

Observers working with EPDE evaluated the formation and opening of election precincts. Results of the monitoring show that irregularities in the precincts during this phase were few in number. In most precincts across the country, the equipping and opening of the precincts went according to the guidelines. For example, observed precincts were equipped with invisible ink, UV lamps, and batteries, and had posted all necessary information on bulletin boards. The majority of observed precincts opened on time (07:00), and voting started punctually at 08:00.

However, serious violations were observed in some of the precincts around opening time, which created conditions for fraud in the election process. These violations include: failure to announce the number of registered voters, failure to announce the number of ballots and the number of voters applied for mobile voting.

That irregularities occurred during the opening of polling stations suggests that such violations significantly influenced voting results and were systematic.

### **B. The Voting Process**



Most of the violations registered during the voting process were systematic, casting serious doubt on the fairness of the election results at the compromised polling stations. Violations registered during the voting process can be grouped as follows:

*i. Multiple voting and voting without registration*

- Multiple voting was registered at PECs no.6 and 7 of the 21<sup>st</sup> Nasimi First ConEC. A vehicle with state plate number 90 NM 186 repeatedly brought groups of unregistered voters to vote at the PEC.
- In all polling stations of the 23<sup>rd</sup> Nasimi-Sabail ConEC, where candidate Azar Gasimli from ReAL was an election competitor, “carousel” voting (i.e. group and multiple voting) was observed. Gasimli posted video footage of the violations on his Facebook page. His election campaign headquarters reported that 20-30 employees of the State Railway Office were brought in groups to polling stations no. 14 and 15.
- A representative of candidate Rovshan Damirli, from the 30<sup>th</sup> Surakhani First ConEC, told local media that employees of the state-funded Household Maintenance Service were driven to several polling stations in the Gunashli settlement, and that each of them voted multiple times.
- Unregistered voters were brought to the 37<sup>th</sup> ConEC in Ganja city by a government-owned vehicle (plate number 20 AA 016) and voted at polling stations no. 7 and 8.
- An observer from the Musavat party, Vidadi Feyzi, reported that the election commissions of PECs no. 37 and 38 of the 42<sup>nd</sup> Sumgayit Second ConEC, allowed voters without registration, and even voters with residence in Sumgayit city, to cast votes at the ConEC.

*ii. Ballot box stuffing*

- A candidate from the 17<sup>th</sup> Yasamal Third ConEC, Ilhamiyya Rzayeva, stated that a member of the PEC no. 24 of the ConEC, a teacher of the 173<sup>rd</sup> school named Narmin, concealed a stack of ballots with edges cut under a notebook and attempted to stuff the ballots into the box.
- ReAL candidate Azar Gasimli and his observers reported cases of ballot box stuffing in polling stations of the 23<sup>rd</sup> ConEC. Member of the PEC no. 30, Chichak Huseynova, dropped multiple ballots in the box at 16:20, while at PEC no. 8, a member of the neighboring PEC, Aytan Vazirova, stuffed several ballots in the box. On the same day, ballot stuffing was also registered at PECs no. 30 and 31.
- According to the Musavat party, members of PEC no. 36 of the 71<sup>st</sup> Masalli Village ConEC, Maharram Abuzarov and Tahmasib Mukhtarov, stuffed piles of ballots into the box in front of the eyes of observers.
- An observer of the Musavat party deployed at PEC no. 14 of the 79<sup>th</sup> Imishli ConEC, caught an observer trying to stuff a pile of ballots in the box marked in favour of the candidate from the ruling party.
- An employee of the local authorities demonstratively put four ballots into the box in polling station no. 39 of the 79<sup>th</sup> Imishli ConEC.

*iii. Unauthorized persons interfering with voting*

- Police officers regularly entered polling stations no. 1, 2, 3, 4, 5, 30, and 31 of the 23<sup>rd</sup> Nasimi-Sabail ConEC, and carried out instructions issued by observers representing incumbent candidate Ziyad Samadzada. According to another candidate from the district, Azar Gasimli, Samadzada's bodyguards visited polling stations and issued instructions to the chairs of the commissions.
- Observers of Panah Huseyn, a candidate from the 63<sup>rd</sup> Sabirabad First ConEC, reported the presence of unauthorized persons in polling station no. 11.

**C. Vote Counting and Protocols**

Numerous violations were registered during the counting process. While some of them – failure to count and destroy unused ballots before counting casted votes, and verifying that the seals on the boxes are intact – could be associated with negligence or lack expertise in election commission members, other violations – such as interference of unauthorized persons in vote counting, inaccurate reflection of results on protocols, refusal to provide observers with a copy of the protocol, and failure to display a copy of the protocol outside the polling station – appear to be systematic and committed with intent to influence election results.

The major and most frequently observed violation during this stage was lack of transparency. Flagrant violations of legislation took place at polling station no. 13 of the 63<sup>rd</sup> Sabirabad ConEC, where a ballot without cut corners was found during the counting process. Instead of cancelling the results of the vote, the chair of the commission took the ballot box to another room and started to count votes together with observers of the pro-government candidate. Police tried to remove observers of independent candidate Panah Huseyn under the instruction of the pro-government candidate's observer.

**D. Pressure on Election Participants and Observers**

As in previous elections, cases of pressure – harassment and intimidation – were registered during Election Day. Some of the recorded cases are listed below.

- An independent observer, Razim Rzayev, faced pressure while carrying out observation in polling stations no. 7, 9, 19, and 22 of the Shaki City ConEC, and was forced to cease observation.
- Police harassed observers of candidate Tural Abbasli from the 21<sup>st</sup> Nasimi First ConEC. Ilgar Aghasiyev and Maqsud Maqsudlu were forcefully removed from the polling stations by police, while another observer, Ilkin Aliyev, was taken into police custody and released after two hours. A representative of Abbasli was removed from polling station no.29 for recording a violation with his phone. Orkhan Ismayilov was removed from polling station no. 11 for attempting to observe the voting from a closer distance. Rufat Aliyev was removed from polling station no. 7 after members of the commission made a complaint against him.
- Namig Jafarli was removed from polling station no. 26 of the 118<sup>th</sup> Aghdam ConEC, for expressing his protest against fraud witnessed by him.

- Observers of REAL’s candidate Hafiz Babali were intimidated by unidentified persons. They were told that they would be expelled from the university and that their parents would lose their jobs. Observers declined to continue with monitoring after the threats.<sup>15</sup>
- Commission members removed an observer, Narimanov-Nizami, from polling station no. 3 of the 18<sup>th</sup> ConEC. He was physically attacked and verbally abused by a commission member, and the incident was caught on camera by Meydan TV.<sup>16</sup>
- The representative of candidate Ilgar Ramazanov, from the 30<sup>th</sup> Surakhani First ConEC, was taken into police custody after protesting against multiple voting in groups that occurred at polling station no. 20.
- The husband and representative of candidate Ilhamiyya Rzayeva, from the 17<sup>th</sup> Yasamal Third ConEC, was detained by the police and taken into custody. The Representative of candidate Hamid Herishchi attempted to accompany the mobile ballot box, which was sent to a voter without the accompanying presence of observers, and thus is violation of the law. Herishchi followed the mobile ballot box to a voter’s house and discovered that the voter had not registered for mobile voting. Rzayeva reported that Herishchi was subsequently detained by the police.<sup>17</sup>
- Representative Azar Samadov and non-voting member Toghrul Huseynov, both of the election commission of ReAL’s candidate Azar Gasimli, were removed by police from polling stations no. 16 and 17 of the 23<sup>rd</sup> Nasimi-Sabail ConEC, on the request of the representative of the incumbent candidate, Ziyad Samadzada, and based on false accusations made by the chair of the commission, Sadagat Hasanova, and commission member Ilgar Taghiyev.
- Nuraddin Rustamov, a representative of the Musavat party, reported that he was prevented from entering polling station no. 5 of the 47<sup>th</sup> Mingachevir ConEC by the secretary of the ConEC, Tarlan Huseynov, who insulted him and his party in front of voters.<sup>18</sup>

## **X. ELECTION STATEMENTS FROM DOMESTIC AND INTERNATIONAL ORGANIZATIONS**

Following Election Day, election participants, domestic organizations, and several international institutions released statements about the elections. The statements focused on the absence of a free and fair environment required for democratic elections.

The US State Department noted that “without ODIHR participation, it is impossible for us to say that Azerbaijan has made progress on ODIHR’s previous election observation recommendations, which identified and sought to address limitations to fundamental freedoms.” The statement urged “the Government of Azerbaijan to respect the freedoms of peaceful assembly, association, and independent voices including the media as part of its international commitments, and to work with the OSCE, including ODIHR, to this end.”

<sup>15</sup> <http://gozetci.az/article/index/4821>

<sup>16</sup> [https://www.meydan.tv/az/site/politics/8977/Se%C3%A7kid%C9%99ki-m%C3%BC%C5%9Fahid%C9%99%C3%A7ini-t%C9%99hqir-edib-d%C3%B6ym%C9%99y%C9%99-c%C9%99hd-edir%C9%99r-\(V%C4%B0DEO\).htm](https://www.meydan.tv/az/site/politics/8977/Se%C3%A7kid%C9%99ki-m%C3%BC%C5%9Fahid%C9%99%C3%A7ini-t%C9%99hqir-edib-d%C3%B6ym%C9%99y%C9%99-c%C9%99hd-edir%C9%99r-(V%C4%B0DEO).htm)

<sup>17</sup> <http://www.azadliq.org/content/article/27338732.html>

<sup>18</sup> <http://bastainfo.com/index.php/manshet/440-m-savat-se-ki-pozuntular-haqda-nc-press-relizini-yayd>

Baku-based Institute of Democratic Initiatives noted in its preliminary statement that “the parliamentary election took place in a political environment dominated by one political force and characterized by a lack of a dialogue between the ruling party and main opposition parties.”<sup>19</sup> The report noted that the November 1 Parliamentary Elections were not free, fair, transparent, or democratic. All stages of the elections, especially candidate nomination and registration, pre-election campaigning, and voting were marred by violations, which shows that the elections were held in a non-competitive environment and that they did not express real will of Azerbaijani people.

The Nida citizens’ movement stated that the elections should be considered neither free nor fair, noting that election commissions committed violations at the candidate registration stage, that the possibility of holding equal and fair election campaigns was compromised by the refusal to offer free airtime to candidates, and that Election Day was accompanied by mass fraud.

The Musavat party announced that the elections were not democratic and were conducted in an environment which does not provide for political competition and equal campaigning opportunities. The party also stated that current legislation did not allow for free and fair elections.<sup>20</sup>

The REAL movement told the media that the November 1 elections were one of the most fraudulent ones in the history of independent Azerbaijan, as violations were committed in every ConEC and every polling station.<sup>21</sup>

## **XI. CONCLUSIONS AND RECOMMENDATIONS**

The November 1, 2015 Parliamentary Elections cannot be considered free, fair, or democratic. The monitoring of all stages of the elections, especially candidate registration and voting, shows that the elections were marked by gross violations and a general lack of political transparency, and therefore failed to reflect the true will of the people of Azerbaijan;

The authorities of the Republic of Azerbaijan, especially the government, did not show any political will to hold free, fair, and democratic elections;

The situation prior to the elections failed to ensure conditions for free and fair elections. Measures were not taken to guarantee the freedom of all political forces in the country, along with freedoms of assembly, association, and expression;

The activity of the CEC was in accordance with the law only from the technical perspective. There were serious concerns regarding verification of voter lists and accreditation of local observers, as well as the lack of transparency during the voting process. The CEC and ConECs did not react adequately to irregularities that took place during all stages of the elections. The precinct election commissions operated under direct or indirect control of local executive authorities;

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<sup>19</sup> <http://argument.az/az/idi-den-sekilerle-bal-ilkin-rey/#.VjjXx7fhBdg>

<sup>20</sup> <http://www.musavat.org.az/index.php/208-m-savat-01-noyabr-2015-ci-il-tarixli-az-rbaycan-respublikas-milli-m-clisin-deputat-se-kil-ri-il-ba-l-ilkin-r-yini-a-qlad>

<sup>21</sup> <http://cumhuriyyet.org/gedisat/474-respublikachi-alternativ-herekatinin-2015-ci-il-1-noyabr-tarixinde-milli-meclise-kechirilmish-sechkilerle-bagli-metbuat-achqlamas.html>

Despite the fact that voter lists were compiled according to old information, there were sufficient technical opportunities for voter name verification;

Election commissions demonstrated discrimination against candidates during the candidate nomination and registration process, and refused to register many candidates on questionable grounds. Due to these shortcomings, most of the constituencies lacked vibrant political competition and an environment with no alternatives was created, limiting voter choice. The Parliamentary Elections lacked a competitive environment, and the will of the voters was not expressed in full;

Election campaigning was carried out in an absence of any rallies on a national scale. In some of the constituencies, local authorities unevenly assisted candidates close to the government during the campaigning period, and abused administrative resources;

As in previous elections, media coverage favored pro-government candidates, while the opposition had no access to TV exposure and very limited access to other sources of media. Lack of election-related coverage also resulted in low awareness among voters about electoral processes;

Violations with great impact on results occurred during voting, vote counting, and vote tabulation on Election Day. In order to secure victory for pro-government candidates, special groups were brought to the precincts to vote. Ballot-box stuffing and multiple-voting, as well as tampering with results, were registered in a number of polling stations;

The government failed to ensure transparency during the election process. ConECs did not carry out the verification of support signatures in a transparent fashion. At the end of Election Day, in the most of the precincts protocols were not publicly announced. Observers encountered serious pressure from local authorities and, in some cases, were physically removed from polling stations;

Elections were conducted under conditions which failed to reflect the true will of the Azerbaijani people, and the results cannot be considered free or fair.

**EPDE recommends the following steps to the Government of Azerbaijan to improve the election process:**

- Authorities should carry out a thorough investigation of all complaints and violations that took place during all stages of the elections, and hold accountable all responsible persons, including local executive authorities, who interfered in the election process;
- The current administration should improve its relations with the opposition in order to curb political polarization;
- All political prisoners should be immediately released and necessary conditions for the free operation of non-government organizations should be established;
- The recommendations of local and international institutions on the improvement of the Election Code, including those of the Venice Commission of the Council of Europe and the OSCE/ODIHR, should be properly addressed by the government;
- Election commissions should be formed on the principle of parity with representatives from all political parties;

- Guidelines should be developed specifying proper and democratic rules for addressing election complaints to the Courts and relevant state bodies;
- Rules for the nomination and registration of candidates should be simplified, and the financial deposit system, an alternative method of candidate registration, should be restored;
- The pre-election campaign period should be extended, and all political parties should be guaranteed equal access to the media;

Serious actions should be undertaken to guarantee the freedoms of assembly, association, and expression, and all political prisoners should immediately be released.