



PRELIMINARY STATEMENT

on findings of monitoring the 11 April 2018 early Presidential Election in Azerbaijan Election Monitoring and Democracy Studies Centre

I. EXECUTIVE SUMMARY

The Election Monitoring and Democracy Studies Centre (EMDS) is a non-partisan and non-profit organization promoting free and fair elections, human rights and democracy in Azerbaijan. EMDS conducted long- and short-term observation of all stages of the 11 April 2018 Presidential Election, including nomination and registration of candidates, election campaign, voting and vote counting on the Election Day. The organization also issued a statement¹ following the scheduling of the early election.

EMDS cooperated with 22 long-term (LTOs) and 166 short-term observers (STOs) during the monitoring effort. STOs observed the Election Day at a random, representative sample of 125 polling stations in all election constituencies of the country in accordance with the sample-based observation methodology.

The 11 April 2018 Presidential Election took place in an environment of increasing restrictions on freedoms of expression, assembly, and association. Political repression has increased since the 2013 Presidential Election, and the number of political prisoners has doubled, reaching 138 people. Independent media and civil society have faced severe restrictions to the point where there is virtually no space in which to operate.

Amendments to the 2003 Election Code created legal obstacles to a number of electoral activities and did not address the recommendations of the Venice Commission of the Council of Europe. Failure to address recommendations on ensuring the independence of election commissions and preventing unauthorized interference with the electoral process is of particular concern.

The campaign was characterized by a low level of political activities, discussions, and overall public attention in comparison with the previous presidential election. There was no genuine competition, and some candidates openly campaigned for the incumbent president Ilham Aliyev. This limited alternative options for voters.

EMDS observed several shortcomings in the electoral administration. The Central Election Commission (CEC) did not demonstrate an effort to prevent undue interference on the electoral

¹Election Monitoring and Democracy Studies Centre STATEMENT on the scheduling of the early Presidential Election in Azerbaijan on 11 April 2018 - <https://smdtaz.org/wp-content/uploads/2018/02/EMDS-Statement.pdf>

process, illegal campaigning in favour of the incumbent president, and pressure on observers and voters. Abuse of administrative resources during the signature collection process and failure to disclose information about candidates' incomes were noted during the nomination and registration of candidates.

On Election Day, EMDS recorded widespread, serious election violations that undermined voting and counting processes. This included voting without registration in 47% of polling stations, ballot-box stuffing in 53% of polling stations, and multiple voting in 53% of polling stations. Only 8% of polling stations were free of major violations. The organization also received reports of pressure and harassment towards observers and journalists who were raising concerns about violations or attempting to monitor the counting process.

The turnout recorded by observers cooperating with EMDS was significantly lower than the officially reported turnout at an overwhelming majority of polling stations. Through detailed analysis, EMDS also found several other anomalies in the officially reported turnout figures. These findings, combined with observation of ballot stuffing in more than half of polling stations, point to the likelihood that turnout was artificially inflated, raising doubts about the credibility of results.

EMDS's overall assessment is that the 11 April 2018 early Presidential Election was marred by the widespread restrictions of political freedoms, limitations to conditions necessary for equal and real competition, including for alternative choice, and violations of national legislation and international standards on electoral integrity. Thus, the 2018 Presidential Election cannot be considered free or fair.

II. EMDS BACKGROUND

Election Monitoring and Democracy Studies Centre (EMDS) is a non-partisan, independent, and non-profit organization working towards holding free and fair elections and promoting human rights and democracy in Azerbaijan.

EMDS is a predecessor of Election Monitoring Centre (EMC), which was established on 24 July 2001 and was illegally deprived of its registration by the Khatai District Court of Baku on 14 May 2008 following the illegal claims of the Ministry of Justice. EMDS applied for a state registration to the Ministry of Justice in 2009, but the application was denied without proper grounds. The organization challenged the decision of the Ministry and filed a complaint with the court on a violation of the right to freedom of association. Domestic courts did not support EMDS's claims, and the organization appealed to the European Court of Human Rights.

EMDS (also as EMC) has monitored 15 elections held in Azerbaijan since 2001. The organization has conducted more than 600 trainings for approximately 14,000 people and provided them with legal/technical support in their accreditation as observers.

Two weeks after the 2013 Presidential Election on 27 October, the Prosecutor General of Azerbaijan launched a criminal investigation against the organization. As a result of the

investigation, the chair of the organization Anar Mammadli and its executive director Bashir Suleymanli were imprisoned for 2 years and 3 months, and 10 months respectively. EMDS regards the criminal investigation as political persecution for monitoring of the Presidential Election.

EMDS is a member of the European Network of Election Monitoring Organizations (ENEMO), a platform of NGOs operating in the OSCE countries, Eastern Partnership Civil Society Platform, the European Platform for Democratic Elections (EPDE), and the Global Network of Domestic Election Monitors (GNDEM).

The organization's activities are based on the recommendations of the OSCE/ODIHR and the Venice Commission of the Council of Europe, as well as the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.²

During the 11 April 2018 Presidential Election, EMDS assisted citizens, who wanted to be observers on their own personal initiative, including getting accreditation at the Central and Constituency Election Commissions as observers, and learning electoral regulations, observers' rights and duties, as well as the code of conduct. Some of the accredited observers cooperated with EMDS based on the principles of nonpartisan election monitoring and on a long-term basis.

EMDS carried out long-term observation with the support of 22 volunteer observers across the country and monitored the preparations to the election, nomination, and registration of candidates, election campaign, activities of election commissions, and media coverage of the election. 166 short-term observers deployed to monitor Election Day based on a statistically representative and randomly selected sample of polling stations across the country.

The combination of long-term and short-term observation allowed EMDS to have a comprehensive assessment of the 11 April 2018 Presidential Election.

III. LEGAL FRAMEWORK

The presidential decree to move the presidential election date six months earlier was issued without clear rationale, without debate, and using powers obtained through an undemocratic referendum. Azerbaijan's electoral legal framework has been amended several times since its 2003 adoption. These series of amendments have ignored recommendations from credible election observers and the Venice Commission, and instead have further restricted democratic space in which electoral stakeholders can operate.

a) The legal basis for scheduling an early election

The President of Azerbaijan Ilham Aliyev signed a decree on 5 February 2018 bringing the date of the Presidential Election from October 2018 six months earlier on 11 April. Although the decree was adopted in accordance with Article 101 of the Constitution and Article 179 of the

²Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations
<http://www.gndem.org/declaration-of-global-principles>

Election Code, it violated the principles of democratic constitutionalism and periodicity of elections.

The President obtained exclusive and unconditional power to declare early elections as a result of the Constitutional amendments adopted in the September 2016 Referendum, which was conducted in an undemocratic manner. Before the Referendum, early presidential elections could be declared only in three cases: (i) resignation of the president; (ii) if the president lost his/her capacity to work due to a medical condition; (iii) removal of the president from his/her post. The Referendum granted the president with the right to call for early elections at his/her discretion.

The power to declare an early presidential election was introduced to the national legislation with the non-democratic 2016 Referendum.³The Venice Commission of the Council of Europe criticised the proposed amendments to the Constitution for not having a clear rationale, not involving the Parliament in the discussions, and lacking provisions specifying rules for the amendments to take into effect.⁴

The presidential decree for scheduling early presidential election did not provide reasonable justification and did not involve open public discussions in the parliament. Therefore, the decision hindered the preparation of electoral participants, including the potential candidates, domestic and international observers, for the presidential election. This also violated the requirements regarding the reasonable frequency and timeframe stipulated in the international documents⁵ that Azerbaijan is party to.

b) Election Code

The Election Code was adopted in 2003 and has been amended several times since. However, most of the joint recommendations⁶ of the OSCE/ODIHR and the Venice Commission remain unaddressed. On the contrary, the adopted amendments further restricted space for democratic participation. In 2008, the election period was shortened from 120 days to 75 days, and the alternative option for candidate registration – registration deposit – was eliminated.⁷ The 2010 amendments to the Election Code further reduced the election period to 60 days and shortened the official campaign period to 22 days. The allocation of funding from the state budget to registered candidates for financing their campaigns was also eliminated. All of these restrictive amendments were adopted without consultation with political forces across the political spectrum, civil society, Azerbaijani public, or the Venice Commission.

Numerous recommendations for improving the Election Code, including holding persons who commit electoral violations accountable, extending the timeframe for submitting election

³<http://www.msk.gov.az/az/referendum/927/>

⁴ Azerbaijan - Opinion on the draft modifications to the Constitution submitted to the Referendum of 26 September 2016, endorsed by the Venice Commission at its 108th Plenary Session (Venice, 14-15 October 2016) [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)029-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)029-e)

⁵International Covenant on Civil and Political Rights (Art. 25) and Protocol No 3 to the Convention for the protection of human rights and fundamental freedoms

⁶ Joint Recommendations on the Electoral Law and the Electoral Administration in Azerbaijan by the Venice Commission and the OSCE/ODIHR adopted at the 8th meeting of the Council for Democratic Elections and endorsed by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004). [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2004\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2004)016-e)

⁷ EMDS Assessment Report on Implementation status of recommendations on Improvement of electoral process in Azerbaijan <https://smdtaz.org/wp-content/uploads/2017/09/EMDS-AR-100917.pdf>

complaints, ensuring independence of the election commission by forming their composition on the basis of equal representation of political forces, and introducing online registration of domestic observers, were not addressed prior to the 11 April Presidential Election.

IV. POLITICAL ENVIRONMENT PRIOR TO THE ELECTION

The election took place in the context of more than 130 political prisoners, severe restrictions on political freedoms, and widespread political repressions. In contradiction to the country's Constitutional requirements and international commitments, the government has not demonstrated the political will to guarantee political freedoms during the election period.

a) Media and civil society

Freedom of expression was further restricted in the last year and prior to the election. In March 2017, the Parliament granted the Ministry of Communication and the courts with virtually unlimited powers to block access to any website from Azerbaijan. A month later, the Ministry used its new powers to block access to the country's main independent news websites – Azerbaijani Bureau of the Radio Free Europe/Radio Liberty, Berlin-based Meydan TV, and opposition newspaper Azadliq – on a questionable basis. Internet TV channels Turan TV and "Azerbaijani Hour" were also blocked by the same court decision.

Defamation remains criminal despite the long-standing calls from the Council of Europe and other international organizations. Instead, the parliament extended it to the Internet in November 2016. Several people, including bloggers and journalists, were recently jailed on defamation charges. Prominent blogger and journalist MehmanHuseynov was sentenced to 2 years in prison for defaming entire police in March 2017. Huseynov's videos covering properties of ministers and other high-level officials reached more than a million views on social media just before his arrest.

Eleven journalists and bloggers, along with two writers, remain in prison for criticising the authorities according to the Working Group on Political Prisoners, which comprises of domestic human rights defenders. The latest report of the Working Group contains 138 political prisoners, including 12 political activists and 15 participants of social protests.⁸

Civil society is denied free space to operate. Amendments introduced to the law on "Non-governmental Organizations" and law on "Grants" in 2013-2014 severely restrict NGOs' access to foreign funding and impede their operations. The amendments created obstacles to civil society organization for receiving donations and introduced further limitations for organizations without state registration. The Ministry of Justice continues to routinely deny organizations state registration, while local executive authorities interfere with and prevent events (seminars, trainings or conferences) organized by independent civic groups. The authorities did not address calls of a number of international organizations to lift obstacles to civil society's independent operation. Instead, the government left the Extractive Industry Transparency Initiative (EITI) in March 2017.

⁸ A Unified list of Political Prisoners in Azerbaijan https://smdtaz.org/wp-content/uploads/2017/08/Political-Prisoners-Report_Azerbaijan-August_2017.pdf

b) Political repression

Chair of the Republican Alternative (REAL) movement Ilgar Mammadov remains imprisoned for more than 5 years despite the judgment of the European Court of Human Rights demanding his immediate release. Mammadov was sentenced to 7 years in prison in February 2017 on charges of organizing mass disorder and resisting arrest. Numerous appeals of REAL for the allocation of venue to hold a constitutive congress for forming a political party were denied by Baku city authorities. REAL was forced to hold its congress in secret on 7-8 April and announced the results after the event.

Contrary to the country's legislation and international commitments, the authorities refused appeals of opposition parties and independent groups for holding peaceful assemblies in the city centre without providing reasonable justification. Opposition parties were offered a small venue far from the city centre (Mahsul stadium) but faced technical challenges like targeted electricity and internet shortages during the assemblies. Dozens of activists were detained and harassed by the police before opposition rallies. Fifteen activists were detained prior to two opposition rallies during the election period, while 81 members of the opposition Popular Front Party were summoned to police before the 10 March rally alone.

The government intensified the attacks on Azerbaijanis living abroad, targeting their family members in the country and launching a smear campaign during the election period. The "Recognize Dictator Ilham Aliyev" campaign launched by a group of Azerbaijani activists living in Europe caused a strong reaction by the authorities, which held a series of discussions on public and private TVs attacking the organizers of the campaign. Family members living in Azerbaijan were also harassed. The brother and father of Tural Sadigli, one of the organizers of the campaign, were summoned to the police several times. Tural's brother Elgiz Sadigli was sentenced to 30-days of administrative detention on charges of resisting police on 23 February. Sisters of another exiled activist Ordu Khan Teymurkhan were repeatedly summoned to and harassed by police and were pressured to publicly criticize their brother.

A number of political and civil society activists were harassed by police and local authorities after meeting with long-term observers of the OSCE/ODIHR election mission. Activists in Ganja, Gazakh, Goychay, Guba, Khachmaz, Hajiqabul, and Mingachevir were followed, filmed, warned, and threatened by local authorities for talking to international monitors.

V. NOMINATION AND REGISTRATION OF CANDIDATES

The nomination and registration of candidates started on 20 February and lasted until 12 March. Candidates were required to collect 40,000 support signatures from at least 60 election constituencies (at least 50 signatures from each constituency) for registration. Fifteen nominees requested signature collection forms, and 12 returned them. The Central Election Commission (CEC) registered eight candidates, while four below candidates were denied the registration due to insufficient number of support signatures:

- Ali Aliyev, Citizen and Development party;
- Tural Abbasli, White party;

- FuadAliyev, Liberal Democrat party;
- AnarUmudov, independent candidate.

TuralAbbasli and Ali Aliyev called the decision of the CEC politically motivated.

The following persons were registered as candidates:

1. IlhamAliyev– incumbent president, ruling New Azerbaijan party, running for the fourth term;
2. ZahidOruj– independent (non-partisan) MP, second-time presidential candidate;
3. Araz Alizada – MP from Social-Democrat party, second-time presidential candidate;
4. GudratHasanguliyev– MP from Whole Azerbaijan Popular Front party, fourth-time presidential candidate;
5. FarajGuliyev– MP from National Revival Movement party, second-time presidential candidate;
6. Hafiz Hajiyev– Modern Musavat party, fourth-time presidential candidate;
7. RaziNurullayev– independent candidate, first-time presidential candidate;
8. SardarMammadov– Democrat party, second-time presidential candidate.

Unlike the 2013 presidential election, major opposition parties like Popular Front, Musavat and REAL, as well as, the opposition umbrella organization National Council of Democratic Forces, and NIDA movement boycotted the elections, calling it illegitimate and describing the election environment as undemocratic.

Candidates did not carry out an active countrywide signature collection campaign according to the reports of independent observers. Cases of pressure or harassment of candidates' representatives were not reported. There were reports of local executive authorities, employees of state-funded organizations and municipalities taking part in the signature collection in favour of some candidates, but no official complaints were lodged.

EMDS received credible reports about the collection of ID documents employees of state-funded organizations, some private companies, school teachers and parents of students by directors of these organizations, and local police officers prior to the election. These ID documents were reportedly used for filling in support signatures in favour of some candidates.

Director of school no. 1 located in the 37th Election Constituency in Ganja instructed teachers to collect copies of ID documents from students' parents. She stated that it was related to an inspection from the Ministry of Education, but one employee of the school informed EMDS that the ID details had been used for support signatures.

A member of the Precinct Election Commission (PEC) no. 4 of the 79th Constituency MahlubZulfugarov took part in the signature collection process.

Employees of the Ganja city kindergarten no. 32 told EMDS that they were brought to the Ganja branch office of the ruling YAP party where they participated in the signature collection for another candidate ZahidOruj.

VI. ELECTION CAMPAIGNING

The campaign period started on 19 March and ended 24 hours before Election Day. The campaign was marred by a lack of genuine competition or alternatives, unfair playing field, restricted political activities, and limited discussions and overall public attention in comparison with the previous presidential election.

a) Campaign on media

The campaign was characterized as low-key and lacking genuine competition. The CEC allocated 3 hours of free air time on Public TV and 3 hours on Public Radio each week, equally divided among the candidates. However, none of the candidates criticised the incumbent president or any high-level officials during their TV appearances as part of the campaign. Several candidates openly hailed the incumbent president during their speeches. EMDS estimated that all candidates, with exception of SardarMammadov, spent 849 seconds in total speaking positively about the incumbent president.⁹

State and private TVs aired campaign material in support of the incumbent before the official start of the campaigning period in violation of the Election Code. On 9 February, a number of government-controlled organizations, including Writers Union, Composers' Association, Artists' Association, Azerbaijan Theatre Employees' Association, National Academic Drama Theatre, associations of architects, cinematographers, and Baku Musical Academy, held conferences declaring their support for IlhamAliyev. State and private TV channels broadly covered these events.

b) Participation of unauthorized persons in the campaign supporting the incumbent

In a blatant violation of the law on "Religious Freedoms," which prohibits the participation of religious organizations in activities of political parties, on 14 February, leaders of the country's main religious confessions publicly called on their followers to vote for the incumbent IlhamAliyev. These included SheykhulislamAllashshukurPashazada, chair of the Caucasus Muslims' Board, Aleksandr, Archbishop of Baku and Azerbaijan, MelihYevdayev, leader of mountainous Jews in Azerbaijan, Vladimir Fekete, Bishop of Roman Catholic Church, and Robert Mobil, chair of the Albanian-Udine Christian community. Similarly, several NGOs issued statements supporting the candidacy of Aliyev during the National Conference of NGOs, which is a violation of the law on NGOs.

EMDS also received reports that campaign in favour of the incumbent was carried out during the Friday prayers in mosques in Aghdash, Ganja, Gazakh, and Hajigabul regions. A representative

⁹ Pre-election monitoring results on 11 April 2018 early presidential elections in Azerbaijan <https://smdtaz.org/en/1996-2/>

of the Caucasus Muslims' Board for the Western region and official of the GanjaImamzada shrine invited visitors of the shrine to support IlhamAliyev.

c) Abuse of administrative resources

The incumbent president signed a series of decrees increasing salaries of employees of state-funded organizations and allowances paid to large groups of the population during the election period. Overall, the average 10% increase covered around 2 million citizens – 30% of eligible voters. This constituted an abuse of administrative resources to boost support for his candidacy.

Employees of state-funded organizations, teachers, and school students were brought to campaign meetings with IlhamAliyev, Hafiz Hajiyev, FarajGuliyev, ZahidOruj and RaziNurullayev. On 2 March, employees of state-funded organizations, and school students were gathered in a meeting in Goychay supporting candidacy of IlhamAliyev under the instructions of the head of the local executive authority. Similarly, employees of state-funded organizations and school students were instructed to attend campaign concert in favour of IlhamAliyev's candidacy in Imishli.

VII. ELECTION ADMINISTRATION

Election administration is carried out by election commissions formed every five years. Despite the decisions of the European Court of Human Rights on election violations, which were responsibility of Central and Constituency Election Commissions, the commissioners have not been changed since 2003. On 6 February 2018, the CEC published the electoral calendar and guidelines on the electoral process. EMDS recorded shortcomings in operations of the CEC and the Constituency Election Commissions (ConEC) that are similar to previous elections.

a) Failure to ensure transparency

EMDS recorded cases of the CEC and lower election commissions failing to provide transparency during the election. The CEC did not publish financial disclosures of presidential candidates, despite information requests from media and widespread public interest. Some candidates shared the information about their incomes and assets with journalists, but the incumbent president IlhamAliyev did not provide this information. Despite recommendations by credible election observers after previous elections, the CEC also did not carry out the signature verification process in an open and transparent manner.

b) Voter registration

The CEC did not clarify the almost 2-million-person difference between the number of voters announced by the CEC and the number of Azerbaijanis of voting age published by the State Statistics Committee. The CEC puts the total number of voters at 5.2 million, while the Statistics Committee states that there are 7 million people above the voting age of 18 living in the country. Despite being repeatedly raised by media, civil society groups and the OSCE/ODIHR, the CEC did not address this discrepancy.

c) Independence of election commissions

Election commissions failed to demonstrate independence from the government during the election. Neither the CEC nor ConECs adequately addressed the reports of abuse of administrative resources during the signature collection and election campaigning stages. The CEC did not express concern when some NGOs and religious communities took an active part in election campaigning (a clear violation of the Election Code), even though these actions were widely covered by media.

d) Citizen observer accreditation

Azerbaijan's long tradition of independent, nonpartisan citizen observation faced significant challenges during this election, including accreditation. The CEC violated the timeframe for accreditation of observers stipulated in the legislation according to many reports received from independent observers. The legislation requires the CEC to review an application from an observer within three days, but some applications were reviewed for three weeks. Furthermore, more than 60 observers were denied registration due to questionable reasons like unverified signatures, ineligible photos, incomplete documents, or not filling in the application personally.

Some ConECs asked observers illegal and unnecessary questions, including about their workplace, political affiliation, and intentions for observation, during the accreditation process. Local authorities harassed some observers through their employers and educational institutions in an attempt to discourage them from taking part in the election.

EMDS also received reports that employees of state-funded organizations were accredited as observers at ConECs on behalf of candidates and organizations without their consent or information.

VIII. ELECTION DAY

a) Monitoring methodology and deployment of observers

On Election Day, EMDS deployed observers to a random, representative sample of polling stations across the country in adherence with the sample-based observation (SBO) methodology. SBO is a proven methodology used worldwide to monitor election day in the most accurate and timely manner. Due to the statistically representative sample, the findings can be extrapolated to the entire country. EMDS aimed to inform the public about the quality of the conduct of the electoral process by carrying out nonpartisan, independent, and impartial monitoring of the election.

One hundred sixty six (166) short-term observers deployed to monitor the opening, voting, and counting processes on the Election Day across the country. This report is based on information received from 125 randomly selected polling stations, which together constitute a nationally representative sample. The information covers voting, turnout, counting of votes, and declaration of results.

Observers reported their findings several times during Election Day via SMS and Facebook Messenger. Observers also sent videos and photos of violations via WhatsApp.

b) Access of observers to polling stations and pressure on observers

Some observers were prevented from observing. In **20%** polling stations, an observer was prevented from observing at some point during the day. Some observers faced psychological and even physical threats. In some cases, observers were removed from the polling station and not permitted to return. For example, in Balaken District 109, PEC 11, an unknown person tried to beat an observer. In Khazar District 14, PEC 24, while an observer was trying to take a picture of an electoral violation, a group of unknown people intimidated the observer, and police were called, causing the observer to leave the polling station. In Sabunchu District 28, PEC 25 the municipal authority called the observer's family to pressure them. Another student observer was pressured by his own university's administration. These cases raise serious doubts about the transparency of voting and counting process in those polling stations.

c) Set-up and opening of polling stations

EMDS is compiling and analyzing observer data on the opening process and will include those findings in its final report.

d) Voting process

The voting process was marred by a significant number of violations across the country. Major violations, such as ballot stuffing and multiple voting, occurred an even greater scale than the last presidential elections in 2013. EMDS received reports of various violations during the voting process and the table below shows the most impactful violations and their rate of occurrence nationwide.

Type of the violation	Percentage of polling stations
Voting without being on the voters list	47%
Multiple voting (including voting on someone's behalf)	53%
Ballot box stuffing	53%
Carousel voting or voters were brought to the polls in special groups	56%
Voters instructed to vote for a specific candidate.	28%

e) Closing and Counting

The closing and counting process was affected by several problems, including:

- In **17%** of polling stations, the counting process was not transparent.
- In **52%** of polling stations, a copy of protocol was not given to observers.

f) Turnout

In its sample of polling stations, EMDS instructed observers to count each voter that cast a ballot. EMDS then compared these numbers to the officially announced turnout figures on the CEC's website and found that the turnout recorded by EMDS observers was **significantly lower** than the officially reported turnout a large majority of polling stations. This finding, combined with EMDS' observation of ballot staffing in more than half of polling stations, points to the likelihood that turnout was artificially inflated, which raises doubts about the credibility of results.

The significant gap between EMDS' observed turnout and the officially reported turnout was consistent for each reported turnout time throughout the day, as shown below:

- For **10:00** turnout: In **43%** of polling stations, the turnout recorded by observers was at least 50% lower than the officially reported turnout.
- For **12:00** turnout: In **47%** of polling stations, the turnout recorded by observers was at least 50% lower than the turnout reported by officials.
- For **15:00** turnout: In **55%** polling stations, the turnout recorded by observers was at least 50% lower than the turnout reported by officials.
- For **17:00** turnout: In **53%** polling stations, the turnout recorded by observers was at least 50% lower than the turnout reported by officials.
- For **19:00** turnout: In **45%** of polling stations, the turnout recorded by observers was at least 50% lower than the turnout reported by officials.

EMDS also found several other anomalies in the officially reported turnout figures that further undermine trust in the process, including:

- In at least 13 districts (covering more than 400 polling stations), the turnout rate at all polling stations within each of the 12 districts was **almost exactly the same percentage, at all five reporting times.**
 - For example, in Nakhichevan District 1, all 35 polling stations had turnout of 24% at 10:00, 38% at 12:00, 57% at 15:00, 72% at 17:00, and 83% at 19:00.
- 57 polling stations had 100% turnout, and another 65 polling stations had between 97 – 99% turnout.
- Hundreds of polling stations had officially-reported turnout figures with unreasonably high rates of voters per minute – some even as high as five voters per minute during certain intervals.

IX. CONCLUSIONS AND RECOMMENDATIONS

a) Conclusions

- The early Presidential Election was declared without inclusively debating the political need for it, in violation of the principle of the periodicity of elections, without informing

all stakeholders in advance, and benefiting the powers granted by undemocratic 26 September 2016 Constitutional Referendum.

- Opportunities for political activities have been further restricted and the number of political prisoners doubled since the previous presidential election resulting in failure to establish a real competitive political environment.
- Restrictions on political freedoms, in particular with regards to freedoms of expression, assembly, and association, were further increased in the last five years and did not allow for free expression of public will during the 11 April 2018 Presidential Election.
- The authorities did not lift restrictive amendments to the Election Code adopted in 2008 and 2010 and failed to address the recommendations of domestic and international organizations.
- The CEC did not publish financial disclosures of presidential candidates. Although candidates did not lodge any complaints about the signature collection process, the involvement of local executive authorities in the signature collection in favour of several candidates was recorded.
- Equal and competitive political conditions among opposing political forces, including the candidates were not ensured during the election campaign. The process was held in an environment lacking political alternatives, with some candidates openly campaigning for the incumbent president.
- Shortcomings noted in previous elections were recorded with regards to the administration of elections and the activities of the CEC which did not demonstrate efforts to prevent undue interference into the electoral process, illegal campaigning in favour of the incumbent president and pressure on observers and voters.
- On the Election Day, EMDS noted widespread, serious violations, including cases of multiple voting, bringing voters to polling stations in groups, ballot box stuffing, and harassment of observers, which cast doubts on the results of the voting in many polling stations.
- The 11 April 2018 Presidential Election was marred by gross violations on the Election Day, pre-election period lacking equal and competitive environment, violation of the national legislation and international standards and therefore cannot be considered free or fair.

b) Recommendations

EMDS offers the following preliminary recommendations:

- The election commission should hold relevant officials responsible for election violations and inform the public about these decisions.
- The government should demonstrate the political will to ensure freedoms of expression, assembly, and association, should stop all persecutions of its opponents with dissenting and critical views to eliminate political tensions in citizen-state relations, and should release all political prisoners.
- The authorities should improve the Election Code based on the recommendations of credible domestic and international election observation organizations, as well as the Venice Commission of the Council of Europe.

- The election commission should guarantee transparency in the electoral process and create the necessary conditions for all citizens to carry out full and unobstructed observation of the process.

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Baku, 12 April 2018

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