



**PRESIDENTIAL ELECTIONS IN AZERBAIJAN
ELECTION OBSERVATION DELEGATION**

13 – 16 October 2008

**Report by
Mrs Marie Anne ISLER BEGUIN
Chairperson of the Delegation**

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- A. List of participants**
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Introduction

Following receipt of an invitation sent by Mr Ogtay ASADOV, Chairman of the *Milli Mejlis* (Parliament) of the Republic of Azerbaijan, to the European Parliament (EP) on 11 September 2008, the EP Conference of Presidents authorised, on 18 September 2008, an election observation delegation to monitor the presidential elections in Azerbaijan scheduled for the 15 October 2008. The delegation comprised seven Members of the European Parliament, nominated by four political groups, and three members of staff.

The Members were appointed by the political groups as follows: Mr. Arpad DUKA-ZOLYOMI (EPP-ED, Slovakia), Mr. Alojz PETERLE (EPP-ED, Slovenia), Mrs. Gabriele STAUNER (EPP-ED, Germany), Mr. Robert EVANS (PSE, United Kingdom), Mr. Evgeni KIRILOV (PSE, Bulgaria), Mr. Adam BIELAN (UEN, Poland), and Mrs. Marie Anne ISLER BÉGUIN (Greens/ALE, France).

During the constituent and preparatory meeting of the Azerbaijan presidential election observation delegation, held on 7 October 2008, Mrs Marie Anne ISLER BÉGUIN was elected chairperson of the delegation by Members of the European Parliament delegation present. The Commission representative, Mr. BUSINI, briefed the delegation on the electoral and political situation in Azerbaijan. The draft programme for the mission was confirmed, as well as the deployment of the delegation in four teams, two observing from the capital Baku, and one in each of Sumgayit and Sabunchu, both a short distance from Baku.

As is usual in the OSCE area, the European Parliament delegation formed part of the joint International Election Observation Mission (IEOM) that also comprised the Parliamentary Assembly of the Council of Europe (PACE), chaired by Mr. Andres HERKEL (EPP-ED, Estonia), and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), headed by Ambassador Mr. Boris FRLEC (Slovenia). The OSCE/ODIHR team consisted of a 12-member core team based in Baku, 28 long-term observers deployed on 9 September to 11 regional locations, and 450 short-term observers deployed throughout the country for Election Day. The PACE team consisted of 26 national Members of Parliament.

Other observation groups present included a Commonwealth of Independent States (CIS) mission, and a separate mission from the European Union on special invitation from the Azerbaijan government, consisting of a number of MEPs and Committee of the Regions (CoR) representatives. A large number of domestic and foreign NGOs were also present, including ten thousand domestic election observers. It should be noted that the Centre for Monitoring of Elections (EMC), a prominent election-monitoring NGO which had its offices in Baku shut down earlier this year, was not permitted to observe the election in its organisational capacity, although its members received accreditation to observe in an individual capacity.

Historical Context

Since its 1991 independence, Azerbaijan, like many ex-Soviet states, has not fully shed the Communist nomenclature of old, and the root of incumbent president Ilham Aliyev's power, and that of his *Yeni Azerbaijan Party* (YAP), is dynastic. His father Heydar

Aliyev, the previous president and a former Soviet mainstay, altered the constitution for his son's presidential eligibility in a 2003 election.

Heydar Aliyev revived his power in post-independence Azerbaijan in 1993, following a military rising by Colonel Suret Huseynov against the then democratically elected president, Abulfaz Elcibay, whom Heydar Aliyev officially deposed by referendum. Elcibay had poorly handled the Nagorno-Karabakh conflict, which began pre-1991, and escalated to a war with Armenia, in which Azerbaijan lost 16% of its territory, and had to accommodate some 800,000 refugees (IDPs) from the displaced region by the end of hostilities in 1994.

The conflict, which remains 'frozen', has led to widespread belief amongst Azeris that a strong hand of leadership is crucial to the economic, political and territorial stability of the country. This is part-demonstrated and part-justified by Heydar Aliyev's successive election as president in 1993 and 1998, with official voter majorities of 98% and 76% respectively, before 'opening the door' for his son as his own health deteriorated.

Ilham Aliyev was elected to his first five-year term in 2003, gathering 77% of the vote. Accusations of electoral fraud and the seemingly hereditary nature of the power-transfer led to widespread demonstrations, with at least four deaths and 625 arrests as a consequence. The 2005 parliamentary election turnout was 47%, an indication of public political apathy. Those elected to parliament included the president's wife, Mehriban Aliyeva, and uncle, Jalal Aliyev, while elected opposition candidates refused to take their seats in protest at the Parliament's lack of legitimacy. Both elections received criticism from international governmental and non-governmental organisations.

Political Context

The presidential elections that took place on October 15, 2008 signified an indubitable decision for continuity from the people of the hydrocarbon-rich country, whose appointment of incumbent Ilham Aliev by a landslide victory was lent huge comparative credibility by pre-election reform of both electoral law and process, the presence of a huge number of election observers, and an absence of the widespread protests against the ruling YAP that characterised the outcomes of the 2005 Parliamentary, and 2003 Presidential, elections.

Despite the presence of six other presidential candidates, the political atmosphere in the run-up to the election was static, with little public debate or fervent campaigning visible in the media or on the ground, and its result framed the lack of real political choice made available to the electorate. Although this is due in large part to the opposition's boycott, the candidates that did run were either extremely weak, or unknown figures who were numerically filling the pluralistic void.

These elections took place with no reported unrest and few electoral infringements. There were numerous reforms to the Electoral Code in line with OSCE and Council of Europe commitments and standards, such as the inking of voters, more transparency of voter lists, and the prohibition of government interference in the election process. However, other recommended changes, with regard to candidate registration, media coverage, press freedom, the complaints and appeals procedure, and reform of the CEC structure, were not met. While most electoral legislation changes were implemented

(including novel live webcasts from polling stations), these should be seen against the backdrop of uncompetitive political safety for President Aliyev, underlined by his decision not to campaign in person. One interesting reform was the reduction in the campaign period from 60 to 28 days, an odd change given the anonymity of most candidates.

Despite having the world's highest economic growth rate (approx. 30%), real income growth is mostly eaten up by inflation (approx. 25%). Abuses of political, judicial and legislative power, in addition to the extensive ministerial corruption and nepotism that is enabled by the country's resource wealth, potentially threaten socio-political stability. In spite of reforms to government social policy, and attempts at targeting inequality and corruption, Transparency International's Corruption Perceptions Index (CPI) places Azerbaijan 158th out of 180 countries surveyed, which undermines its flattering and misleading Gini ratio, a standard measure of income equality, which places the country on par with the UK and New Zealand in this regard.

This election safeguards the security of Ilham Aliyev's presidency, granted by the strength of his victory, the opposition's weakness and containment, huge oil and gas revenues, and accommodating international declarations of President Aliyev's authority. The latter is assured by Azerbaijan's adherence to OSCE electoral standards, and its relative stability in a highly contested geo-strategic location.

Geo-Strategic Context

As a geographic nexus between Europe, the Middle East, Russia and Central Asia, Azerbaijan sits at a meeting point of potentially pivotal opportunity and threat. It shares borders with Armenia, with whom there remains the 'frozen' conflict over Nagorno-Karabakh, as well as international giants Iran and Russia, which this summer invaded Georgia -another bordering nation. Add to this Azerbaijan's strong ethno-linguistically based relationship with Turkey, and its role as a major producer and transit point for oil and gas to both Europe and the Near East, and a sketch of the astonishing importance for regional stability Azerbaijan's so far successful diplomatic interplay, emerges.

The major threats to this stability are robust Armenian ties with Russia, which has a base in Armenian territory. As increases in Azerbaijani capacity to send energy westward directly undermines Russian aims for European energy market supremacy - and thus political leverage -coupled with the recent Russian willingness to use hard power to achieve these aims, it is conceivable that Moscow would, at the right time, exploit Nagorno-Karabakh as a strategic trump card. From an EU perspective, security of energy supply from Azerbaijan can be aided by two existing means. The first is fostering stronger ties and integration with Turkey, which could play an indispensable role in Nagorno-Karabakh mediation, and provide a powerful regional counterweight to Russia, and to a lesser extent Iran. The second is to support reform for even greater public representation in Azerbaijan governance and civil society to ward off internal instability. The possibility that the democratic shortcomings of the Georgian government were central to the initiation of the South Ossetian crisis should also be noted.

Voter Registration

The Central Election Commission (CEC), which manages the oversight of, and voter registration for, Azerbaijan's public elections, concluded its annual update of registered voters at the end of May this year, which totalled 4,761,710. Only Precinct Election Commissions (PEC) -the localised representative arms of the CEC, of which there are 5,150 -were entitled to add eligible voters to voter lists after the 20 September national legal deadline for registration. Numbers on these supplementary lists were low, signifying relative improvements in electoral transparency and organisation.

Voters could apply for a 'de-registration voting card' allowing them to vote in a different locality than that for which they were registered, and polling stations were opened in the Azerbaijani embassies of 33 foreign countries. Domestically, there were just over 5,300 polling stations operating in 125 constituencies, including those in military and detention facilities.

Candidate Registration

Presidential election regulations require that presidential candidates receive over half of votes cast for appointment to the 5-year term. If no candidate achieves this, a second round is held between the two candidates who obtained the highest number of votes, with the majority-holder the winner. Candidates belonging to a political party can either be nominated by that party, or by themselves, and must also obtain at least 40,000 registered voter signatures from a minimum of 60 constituencies to qualify for entry to the election. This condition was not met by three opposition candidates, whose applications were rejected by the Central Election Commission for apparent irregularities in their signature lists.

The remaining seven nominated candidates comprise those who ran on Election Day: Ilham Aliyev of the *Yeni Azerbaijan Party* (YAP), Iqbal Agazadeh, of the Azerbaijan *Umid* (Hope) Party, Fazil Gazanfaroglu of the *Boyuk Gurulush* (Great Creation) Party, Gudrat Hasanguliyev of the Azerbaijan Popular Front Party (APFP), Gulamhussein Alibayli, an independent, Fuad Aliyev of the Azerbaijan Liberal-Democrats Party (ALDP), and Hafiz Hajiyev of the Modern *Musavat* (Modern Equality) Party. Any candidate who receives less than 3% of the vote must return the AZN 28,000 (approximately €27,000) of campaign funds provided by the government.

Regrettably, all major opposition parties that featured in previous elections decided to boycott this year's election. These are the *Musavat* ('Equality') Party, the Popular Front Party of Azerbaijan (PFPA), and the Azerbaijan Democratic Party (ADP). Their two figureheads, Isa Gambar (*Musavat*), who won 15% of the vote in 2003 -the highest official opposition support figure in any Aliyev-era election -chose not to run, as did Eldar Namazov, President of the Public Forum for Azerbaijan, and a former advisor to Heydar Aliyev.

The opposition cites recurrent government violations of the freedom of assembly and speech, state-endorsed violent repression, being crowded out of popular media, and the illegitimacy of the current government, as justification for the boycott. The government's view is that the opposition is simply too weak, rudderless and indecisive

to field any leader, whether they form a coalition or not. Both are credible views, although the former might play some part in inducing the latter.

Media and Campaign environment

The EP delegation in Azerbaijan did not witness vibrant political campaigning and lively competition between the various policy alternatives offered by candidates. The dominant coverage of the incumbent by the media, and instances of confluence of the ruling YAP party with official state structures did not help to create a level playing field.

The campaign was low-key and attracted limited public interest. The only signs of a political campaign were posters of the candidates displayed on officially designated boards. In August, at the president's order, official portraits and billboards featuring him were removed throughout Azerbaijan. However, billboards depicting his father, Heydar Aliyev, sometimes together with the incumbent, remained posted in numerous locations. Prevalent public displays of quotations from late president Heydar Aliyev's speeches also remained. The incumbent benefitted from the well-organized structure and sizeable membership of his party all over the country. The other candidates conducted door-to-door campaigning and small-scale events, with few campaign events evident in rural areas.

The overall media environment has allegedly deteriorated in recent years, in particular due to problems of media independence and the lack of pluralism in the broadcasting sector. Journalists criticizing the authorities are subject to criminal prosecution and civil lawsuits, physical assault, prison sentences and large fines. At the moment, at least three journalists are in jail.

The majority of electoral campaign coverage on TV was devoted to the activities of the state authorities, therefore benefiting the incumbent. The print media provided a more diverse range of views than television. Moreover, the electronic media was not very balanced in its coverage, thus limiting the electorate's possibility to make informed choices. The incumbent did not campaign in person and decided to send his authorized representatives to campaign for him, stating his wish to give the other candidates more chances of winning. The absence of the incumbent from public TV or radio debates lessened their political value for voters. However, the incumbent extensively toured the country in his official capacity, inaugurating new schools, roads, factories, etc. These visits were widely covered in the media, thereby blurring further the distinction between Ilham Aliyev's official activities as current president, and his campaign coverage as a presidential candidate.

Changes to the Election Code were supposed to ensure that all candidates were allotted free airtime on Public (non-State) TV and radio, so as to create a fairer media environment for all candidates. In addition, there were amendments banning State-funded AzTV from conducting any political campaign, and three hour-long roundtable discussions amongst candidates were organised for broadcast on Public TV and radio every week. However, little of the paid airtime for candidates was used, and during the roundtables there was not much discussion of either candidate's platforms or debate about social, political and economic issues. The ban limited AzTV only to explicit coverage and campaigning, and did not restrict the amount of airtime given to any

candidate in its other programming, so long as it was not directly supporting a presidential bid. For example, 44% of AzTV airtime was directly President Aliyev-related (the figure is much higher for all Aliyev family-related news), and 69% of direct speech allocation involved Ilham Aliyev, according to a Reporters Without Borders report.

Also noted in the report was a total lack of coverage of the boycotting opposition, and very little in either print or televised media about any of the other presidential candidates. Topics that might induce nationalism, or promote the success of government policy, such as the Armenian occupation, economic development, and activities of President Aliyev and the First Lady, dominated the media in the weeks prior to the election.

Election Results Summary

The incumbent Ilham Aliyev and his *Yeni Azerbaijan Party* (YAP), won the 15 October 2008 presidential elections by an overwhelming majority, acquiring 88.6% of the vote at an official turnout level of 75.6% out of approximately 4.8 million registered voters. Support for all other candidates in the election was paltry, with none acquiring more than 3% of the vote.

The results of the election 'opposition' are as follows, in descending order: Iqbal Agazadeh, of the Azerbaijan *Umid* (Hope) Party, with 2.9%; Fazil Gazanfaroglu of the *Boyuk Gurulush* (Great Creation) Party, with 2.5%; Gudrat Hasanguliyev of the Azerbaijan Popular Front Party (APFP), with 2.3%; Gulamhussein Alibayli, an independent, with 2.2%; Fuad Aliyev of the Azerbaijan Liberal-Democrats Party (ALDP), with 0.78%; Hafiz Hajiyevev of the Modern *Musavat* (Modern Equality) Party, with 0.65%. As no candidates outside of the incumbent secured 3% of the vote, they are all legally required to return the campaign funding provided by the government.

The results of eight polling stations, worth a total of approximately 58,000 votes, were nullified (as of 21 October) by the Central Election Commission, as a result of apparent breach of election protocol. While the elections passed without major incident, there were major shortcomings in the fairness of pre-election media, the clear lack of plurality, and the refusal to give the boycotting opposition approval for holding a sanctioned 'outdoor meeting' in Baku.

Election Day

Election day was calm and peaceful. The turnout was much higher than expected and compared to previous elections: 75.6%.

Voting day was generally viewed positively and described as marking considerable progress by IEOM. The assessment of the European Parliament delegation was rather similar: the elections were prepared and largely carried out smoothly. Overall, they were organized in an efficient manner. According to the IEOM's preliminary conclusions, the voting process was assessed as good or very good in 94% of polling stations visited. The understanding of procedure of PECs' and voters was positively assessed.

The delegation split into four teams as described in Annex C. The members of the delegation visited about 40 polling stations during the Election Day. The teams generally noted that the Election Day proceeded in an orderly manner.

Overall the polling stations were well organised. Voting began on time in most polling stations observed. Domestic observers and party agents were generally present in the polling stations visited. Campaign signs were not seen in the vicinity of the polling stations in those areas visited by the delegation.

However our delegation experienced some shortcomings during the Election Day. The EP teams to Binagadi, a suburb of Baku, and Subunchu, witnessed voting irregularities which concerned multiple identical signatures on voter lists and violations of secrecy of the vote.

On Election Day, the delegation chair was actively engaged in the drafting of the joint preliminary findings and conclusions and the joint press statement of the International Election Observation Mission. The Heads of the delegations met several times during the Election Day and on the following day in order to discuss their assessment of the election process.

After very intense negotiations among the Heads of two parliamentary delegations and the Head of the ODIHR mission, an agreement was reached on the joint preliminary findings and conclusions, which were presented at the joint press conference in the late afternoon of 22 May 2008.

The joint IEOM press release and the full summary of the findings of the Election Observation Mission are attached to this report (Annexes E and F).

The Counting and tabulation was assessed more negatively than voting.

Some conclusions

As a short term election observation delegation, the MEPs concentrated mainly on monitoring the proceedings of the Election Day. The elections made considerable progress toward meeting OSCE and Council of Europe commitments and other standards, but did not meet certain important commitments. The delegation considers that the substantial numbers of international election observers deployed in the country contributed greatly to enhancing the transparency of the whole election process.

The incumbent president of Azerbaijan, Ilham Aliyev, won 88.6% of the vote and with an unexpectedly high turnout, strengthened his position as the uncontested leader of Azerbaijan. The opposition boycotting these presidential elections underlined its weakness, incohesion, and lack of a charismatic leader who could have threatened or at least challenged the position of the incumbent president.

In a presidential system such as Azerbaijan's political system, one could believe that the presidential elections represent the key elections in the country. However, bearing in mind the fact that these elections have not brought too much novelty to the political landscape in Azerbaijan, the parliamentary elections scheduled for 2010 could be more revealing if the traditional opposition would decide to participate and/or a third way in

Azeri politics could promise a real alternative. From this point of view, the parliamentary elections could offer a much more precise snapshot of Azerbaijan's political situation.

Lessons need to be drawn and learned from the various shortcomings in, and impediments to, the electoral process for the organization of future elections (the parliamentary elections in 2-years time).

Amongst the essential conditions for a genuine and democratic electoral process are equal access to, and balanced coverage by, any state or publicly funded media, and equal access for candidates and political parties to state resources. The EP delegation considers that these essential conditions were not completely fulfilled. With the media biased in favour of the incumbent president, Ilham Aliyev, and the ruling YAP dominating the state apparatus and local administration, the election result was not surprising.

One of the most significant observations of this delegation was the overwhelming visual presence of the incumbent president and his father, Heydar Aliyev, in public life. Furthermore, the domination of the personalities of the Aliyev father and son, and of the ruling party over the public sphere, as well as indirectly over the business sector, is a remnant of a "de facto" one party system that needs to evolve over time towards a proper multi-party system, reflecting all the principles of a pluralistic democratic society.

The role and visibility of the European Parliament's delegation was an issue, due to the parallel presence of two other unofficial European observation delegations. One group, which was called the "Election Delegation of the Members of the European Parliament and Committee of the Regions", included 3 MEPs, while the other consisted of national members of parliament from EU Member States. This could send mixed messages to the Azeri population, authorities and more generally to the international community, particularly if the evaluative methodology and views of these additional groups are inconsistent with those of the EP delegation, and its joint statement with PACE and ODIHR. It is crucial that the credibility, professionalism, and impartiality of European Parliament observation delegations are not put into question by such parallel, unofficial -and thus unrepresentative -missions.

Recommendations for the future

- The European Parliament, through the Delegation to the EU-Azerbaijan Parliamentary Cooperation Committee, is willing to continue to work closely, together with the newly elected leadership, towards further strengthening democracy and stability in Azerbaijan.
- Azerbaijan should move towards a true multi-party system; this implies a change towards a culture of pluralism notably in the media, and also greater public access to, and government support for, other parties at a grassroots level.
- Further improvements in the fundamental freedoms of speech and the media are needed, so as to stimulate the political debate that ensures greater representation of the needs of the public in government policy.

- A reinforcement of the legal framework in order to have a stricter boundary between party and public resources.
- The financing of political parties should be more transparent.

EUROPEAN PARLIAMENT

PRESIDENTIAL ELECTIONS IN AZERBAIJAN

ELECTION OBSERVATION DELEGATION

13 – 16 October 2008

List of participants

Members:

Mrs Marie Anne ISLER BÉGUIN, Verts/ALE, France (*Chairperson*)
Mr Arpad DUKA-ZOLYOMI, EPP-ED, Slovakia
Mr Alojz PETERLE, EPP-ED, Slovenia
Mr Evgeni KIRILOV, PES, Bulgaria
Mr Robert EVANS, PSE, UK
Mr Adam BIELAN, UEN, Poland

Secretariat:

Mr Thomas GRUNERT, Head of Unit
Mrs Alina Alexandra GEORGESCU, Administrator
Mrs Simona IACOBLEV, Assistant

Political Groups:

Mr Marek HANNIBAL (EPP-ED)

Interpreters:

Mrs Chahla AGALAROVA
Mr Seymour BALAMMADOV
Mr Israfil KHAKIYEV
Mr Mehriban VAN DE GRIENDT

Abbreviations :

European People's Party/European Democrats	EPP-ED	European United Left/Nordic Green Left	GUE/NGL
Party of European Socialists	PES	Union for Europe of the Nations	UEN
Liberal, Democrat and Reform Party	ELDR	Non-attached	NI
Greens/European Free Alliance	Verts/ALE	Europe of Democracies and Diversities	EDD

EUROPEAN PARLIAMENT



PRESIDENTIAL ELECTIONS IN AZERBAIJAN ELECTION OBSERVATION DELEGATION

15 October 2008

PROGRAMME

Members

Mrs Marie Anne ISLER BEGUIN, Verts/ALE, French, (*Chairperson*)
Mr Arpad DUKA-ZOLYOMI, EPP-ED, Slovakia
Mr Alojz PETERLE, EPP-ED, Slovenia
Mr Evgeni KIRILOV, PES, Bulgaria
Mr Robert EVANS, PSE, UK
Mr Adam BIELAN, UEN, Poland

Secretariat

Mr Thomas-Carl GRUNERT
Mrs Alina Alexandra GEORGESCU
Mrs Simona IACOBLEV

Political Groups

Mr Marek HANNIBAL (EPP-ED)

Interpreters

Mrs Chahla AGALAROVA
Mr Seymour BALAMMADOV
Mr Israfil KHAKIYEV
Mr Mehriban VAN DE GRIENDT

Saturday, 11 October 2008

14:00-18:00 Meeting of the Secretariat with the Advent Tur company, the transport provider

Sunday, 12 October 2008

Morning: Staff coordination - internal meeting

14:00- 16:00 Meeting of the Secretariat with OSCE/ODIHR Secretariat on practical arrangements of the programme of the delegation

Arrival of Members of the European Parliament delegation and transfer to:

Park Inn Azerbaijan Hotel

1 Azadliq Avenue,

AZ 1000 Baku, Azerbaijan

Tel: 00994 12 490 6000

Rate 159AZN for single occupancy (breakfast included & taxes excluded of 18% + city tax of 1,1AZN).

Transfer arranged with EC Delegation

Monday, 13 October 2008

Morning: Handover of materials and accreditation cards

09.00- 11.00 Meeting with the EU Ambassadors to Azerbaijan
Venue: Hotel Park Inn

Joint briefing/meetings organised by the OSCE/ODIHR

Lunch break

14.00- 14.15 Opening by the Heads of Parliamentary Delegations
- Head of Delegation of the Council of Europe Parliamentary Assembly
Delegation
- Head of Delegation of the European Parliament Delegation

14.15 – 14.45 Political Background
- Ms Veronika Kotek, Special Representative, Council of Europe Office in
Azerbaijan
- Mr Alan Waddams, Head of European Commission Delegation to the
Republic of Azerbaijan

14.45 – 15.25 Briefing by OSCE/ODIHR EOM Core Team
- Ambassador Boris Frlec, Head of Mission
Political overview, campaign activities and media landscape
- Raphaelle Mathey, Political Analyst
- Rast'o Kužel, Media Analyst,
Questions (10 Minutes)

- 15.35 – 16.30 Briefing by OSCE/ODIHR EOM Core Team
Elections framework, polling procedures and observation forms
 - Francine Barry, Legal Analyst and Samad Mukhamedov, Junior Legal Analyst
 - Rumen Maleev, Election Analyst (20 minutes)
 - Stefan Krause, Deputy Head of Mission (10 minutes)
 - Anders Eriksson or Hans Schmidt, Statistics Expert (5 minutes)
Questions (5 minutes)
- Observers' Safety**
 - Emil Pyrich, Security Officer (5 minutes)
- 16.30 – 17.15 Electoral Administration
 Mr Mazahir Panahov, CEC Chairperson
- 17.15 – 18.00 Roundtable with NGO representatives (1st session)
 - Mr Dan Blessington, International Foundation for Electoral Systems
 - Mr Jake Jones, Country Director, International Republican Institute
 - Mr Ian T. Woodward, Country Director, National Democratic Institute
- 18.00 – 18.45 Briefing by national political experts
 - Ms Leila Aliyeva, Centre for National and International studies
 - Ms Irada Bagirova, researcher
 - Mr Fariz Ismailzade, Azerbaijan Diplomatic Academy
- 18.45 – 19.15 Roundtable with observer organisations
 - Anar Mammadli, Executive Director, Election Monitoring Center
 - Maharram Zulfugarli, Director of Election Headquarter, Association for Civil Society Development in Azerbaijan
- 20.30 Dinner hosted by the Chair of the EP Election Observation Mission to Azerbaijan, with the Heads of Delegations, ODIHR representatives and HOM/EOM representatives
Venue: Mediterrania Restaurant
European and Azeri Cuisine (11 Hagigat Rzayeva Street, Icheri Sheher)
tel: 4929866

Tuesday, 14 October 2008

- 09.00 – 11.30 Meetings with candidates or their representatives (1st session)
 - Mr Iqbal Agazade, Ümid Party of Azerbaijan
 - Mr Gulamhuseyn Alibayli, Self nominated candidate
 - Mr Fuad Aliyev, Liberal Democratic Party of Azerbaijan
 - Mr Ilham Aliyev, New Azerbaijan Party
 - Mr Hafiz Hajiyev, Modern Musavat Party
- 11.45 – 13.15 Meetings with candidates or their representatives (2nd session)
 - Mr Gudrat Hasanguliyev, Unified Popular Front Party
 - Mr Fazil Gazanfaroglu Mustafayev, Great Establishment Party

- "Joint Statement of Azerbaijani Democratic Political Forces" (Mr Ali, Aliyev, Citizen and Development Party; Mr Ali Karimli, Popular Front Party; Mr Eldar Namazov, Public Forum "For Azerbaijan"; Mr Isa Gambar, Musavat Party; Mr Avaz Temirhan, Azerbaijan Liberal Party)

- 13.15 – 14.15 Roundtable with Media Representatives
- Mr Ismayil Omarov, Director, Public TV
 - Mr Elchin Shikhli, Editor-in-Chief, Zerkalo
 - Mr Emil Huseynov, Chairman, The Institute for Reporters' Safety and Freedom
 - Mr Galib Bayramov, Deputy Editor-in-Chief, 525 Newspaper
 - Mr Azer Ahmadov, Director, Azadlig
- 13.45 Concluding Remarks
- 14:00 Deployment
- Area specific briefing conducted by OSCE/ODIHR LTO teams 1, 2 and 3
 - Meeting with interpreters and drivers
- 19.30- 20.00 Dinner hosted by the Head of the EC Delegation for the EP Delegation
Venue: Restaurant Scalini, Baku
- 20.00 Dinner hosted by the Ambassador Janez Lenarcic with the Heads of Delegations, ODIHR representatives and HOM/EOM representatives
Venue: Restaurant Scalini, Baku

Wednesday, 15 October 2008

Election Day

Thursday, 16 October 2008

- Morning:* Meeting of EP Delegation, with Mr Peter Semneby, Council of Europe representative in Baku
- Assessment of elections
- 17:00 Joint Press Conference, presentation of the preliminary statement

Friday 17 October 2008

- Morning:* Secretariat meeting - Debriefing on the Election Observation delegation
- Afternoon:* Logistical arrangements (with ODIHR Liaison officer and Advent Tur representatives)
- End of work

EUROPEAN PARLIAMENT

PRESIDENTIAL ELECTIONS IN AZERBAIJAN

ELECTION OBSERVATION DELEGATION

13 – 16 October 2008

Deployment plan

Team 1 - BAKU
Mrs Marie Anne ISLER BÉGUIN, Verts/ALE, France (<i>Chairperson</i>)
Mr Thomas GRUNERT, Head of Unit
Mrs Chahla AGALAROVA, Interpreter
Driver

Team 2 - BAKU
Mr Adam BIELAN, UEN, Poland
Mr Evgeni KIRILOV, PES, Bulgaria
Mrs Alina Alexandra GEORGESCU, Administrator
Mr Mehriban VAN DE GRIENDT, Interpreter
Driver

Team 3 - SUMQAYIT
Mr Robert EVANS, PSE, UK
Mr Alojz PETERLE, EPP-ED, Slovenia
Mrs Simona IACOBLEV, Assistant
Mr Israfil KHAKIYEV, Interpreter
Driver

Team 4 - SABUNCU
Mr Arpad DUKA-ZOLYOMI, EPP-ED, Slovakia
Mr Marek HANNIBAL (EPP-ED)
Mr Seymour BALAMMADOV Interpreter
Driver

EUROPEAN PARLIAMENT



PRESIDENTIAL ELECTIONS IN AZERBAIJAN

ELECTION OBSERVATION DELEGATION

13 – 16 October 2008

Press release

A six Member delegation of the European Parliament, led by Mrs Marie Anne ISLER BÉGUIN, Verts/ALE, France, Co-Chair of the South Caucasus Joint Parliamentary Committee, and composed of Mr Arpad DUKA-ZOLYOMI, (EPP-ED, Slovakia), Mr Alojz PETERLE, (EPP-ED, Slovenia), Mr Evgeni KIRILOV, (PES, Bulgaria), Mr Robert EVANS, (PSE, UK), Mr Adam BIELAN, (UEN, Poland), observed the Presidential elections in Azerbaijan, which took place on 15 October 2008.

Although 7 candidates participated in the election, the vote was uncontested. There was almost no electoral campaign and the major opposition parties boycotted the election, citing longstanding obstacles to the equal opportunities.

Incumbent President, I. Aliiev won the elections with more than 80% of the votes. The turnout was over 75%.

During Election Day, the Delegation witnessed the considerable progress of Azerbaijan towards meeting international standards and electoral commitments of the country, despite a number of remaining shortcomings, namely with regard to the overall media environment and the counting of votes.

After the election, a joint *"Statement of Preliminary Findings and Conclusions"*, and a joint Press release were adopted together with Office for Democratic Institutions and Human Rights (ODIHR) and Parliamentary Assembly of Council of Europe (PACE).

In the ensuing joint press conference the Chair of the EP Delegation, Mrs Marie Anne ISLER BÉGUIN, stated: *"According to our observations on Election Day, the election was well prepared and largely carried out smoothly. However, we deplore the lack of genuine competition, due to the boycott by major opposition parties and the absence of a real campaign"*.

Without any doubt, the participation of Azerbaijan in the European Neighbourhood Policy has contributed significantly to the country's progress towards meeting the standards and obligations of full democracy and the rule of law.



Press release

Azerbaijan's presidential poll marked considerable progress, but did not meet all election commitments

BAKU, 16 October 2008 - Yesterday's presidential election in Azerbaijan marked considerable progress, but did not meet all of the country's international commitments, observers from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) concluded in a joint statement published today.

The election was conducted in a peaceful manner, but was characterized by a lack of robust competition and vibrant political discourse facilitated by the media, and thus did not reflect all principles of a meaningful and pluralistic democratic election. Regrettably, some opposition parties boycotted the election, citing longstanding obstacles. This further limited the scope for meaningful choice for the electorate.

"There were notable improvements in the conduct of this election, but additional efforts are necessary to meet crucial international commitments, especially those related to pluralism, the fairness of the campaign environment, and the media," said Ambassador Boris Frlec, Head of the OSCE/ODIHR election observation mission.

"While the voting day can be generally viewed positively and described as marking considerable progress, election observation is done against a broader background of human rights, democracy and the rule of law. In this connection, the issue of freedom of the media in Azerbaijan remains a source of further concern," said Andres Herkel, Head of the PACE delegation.

"According to our observations on election day, the elections were well prepared and largely carried out smoothly. However, a lack of genuine competition, due to the boycott of major opposition parties, and the absence of a real campaign have to be deeply deplored," said Marie Anne Isler Beguin, Head of the EP delegation.

The authorities made efforts to create more equitable conditions for candidates, and the election was organized in an overall efficient manner, although shortcomings were observed on election day, in particular during the crucial phase of the vote count and tabulation. The observers noted that the campaign was generally low-key, with the incumbent not campaigning personally, and other candidates commanding little apparent public support. The Central Election Commission has reported a high turnout of 75 per cent.

The International Election Observation Mission comprises a total of some 440 observers from 43 countries, including 45 long-term and some 340 short-term observers deployed by the OSCE/ODIHR, as well as 31 parliamentarians and staff from PACE, and 10 from the EP.

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INTERNATIONAL ELECTION OBSERVATION MISSION

Republic of Azerbaijan — Presidential Election, 15 October 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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

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

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

PRELIMINARY CONCLUSIONS

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

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

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

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

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

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

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

Positive aspects of the election process included:

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

However, the following additional shortcomings were noted:

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

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

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

PRELIMINARY FINDINGS

Background

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

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

Legal Framework

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

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

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

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

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

Election Administration

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

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

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

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

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

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

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

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

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

Candidate Registration

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

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

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

Campaign Environment

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

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

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

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

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

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

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

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

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

The Media

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Complaints and Appeals

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

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

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

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

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

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

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

Participation of Women

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

Domestic Observers

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

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

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

Election Day

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

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

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

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

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

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

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

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

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

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

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

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

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