

**ELECTION MONITORING AND DEMOCRACY STUDIES CENTER**

**in cooperation with**

**VOLUNTEERS INTERNATIONAL COOPERATION**



**REPUBLIC OF AZERBAIJAN**

**PRESIDENTIAL ELECTIONS**

**9 October 2013**

## **INTERIM REPORT**

### **ON THE NOMINATION AND REGISTRATION OF CANDIDATES**

**16 SEPTEMBER BAKU**

## **I. EXECUTIVE SUMMARY**

Election Monitoring and Democracy Studies Center (EMDS) and Volunteers International Cooperation Public Union (VIC) conducted long-term observation of the first stage of the 9 October 2013 Presidential Elections (10 August-14 September) of the Republic of Azerbaijan. The monitoring of this stage, which included the pre-election environment and process of nomination and registration of candidates, was carried out in 89 election constituencies and nationwide.

Information reflected in this report is collected from 32 long-term observers, presidential candidates and their campaign headquarters, members of election commissions and voters and verified by both organizations.

Despite some technical improvements in the process of preparation to the elections, observers noted abuse of administrative resources and lack of improvement with regard to pre-election environment. EMDS and VIC note with concern that legal framework stipulated by the current Election Code and situation of political freedoms prior to the elections, particularly freedom of expression, peaceful assembly and association, create more restricted pre-election environment in comparison with previous elections.

The process of nomination and registration of candidates started on 10 August and completed on 9 September. According to the CEC's information for 13 September, 21 persons received signature collection forms and 14 of them submitted forms. 10 candidates submitting signature collection forms were registered as presidential candidate by the CEC, while 4 persons were refused registration.

During the process of signature collection in favor of presidential candidates, violations occurred in previous elections were recorded again. The organizations received credible information about abuse of administrative resources, mainly in favor of candidate of ruling New Azerbaijan Party (YAP). Moreover, Identification Documents (IDs) of citizens working at organizations funded from state budget were collected and used for signature collection in favor of certain candidates against citizens' will.

Furthermore, in some cases, media, observers, presidential candidates and their authorized representatives were denied access to the process of verification of collected signatures at the CEC. EMDS and VIC note with regret that participation of candidates and their representative were not ensured during the verification process of collected signatures in cases of Ilgar Mammadov, Sardar Mammadov, Ahmad Oruj and Ali Aliyev.

Observers also documented repeated violations of attendance and transparency in functioning of Precinct and Constituency Election Commissions.

EMDS and VIC are non-partisan and independent nongovernmental organizations focused on promoting free and fair elections and development of democracy and civil society in Azerbaijan. Organizations cooperate with local citizens on long-term observation of elections in more than 10 regions of Azerbaijan. Long-term election observation covers all stages of election period including pre-election situation and post-election processes.

EMDS and VIC believe that the government should demonstrate political will for proper and comprehensive investigation of violations, which took place during the first stage of election period - nomination and registration of candidates - and should undertake necessary steps for democratization of situation prior to the election.

## II. INTRODUCTION

**The Election Monitoring and Democracy Study Center (EMDS)** is a non-partisan, nongovernmental organization focused on promoting free and fair elections and development of democracy and civil society in Azerbaijan. EMDS was founded on 1 December 2008 by founders and members of Election Monitoring Center (EMC), the registration of which was annulled by the Court on the basis of illegal claims of Ministry of Justice on 14 May 2008. In 2009, EMDS applied for state registration to the Ministry of Justice, but was denied registration. As a violation of the right to freedom of association, the organization appealed the decision to the Court. After the national courts refused to satisfy the claims of EMDS, the organization applied to the European Court of Human Rights.

Members of EMDS (either as EMC or EMDS) have observed 12 elections (including repeat and by-elections to the parliament, referenda, as well as, parliamentary, presidential and municipal elections) in the Republic of Azerbaijan. In total over 13,000 volunteer observers were trained in more than 600 trainings, and legal and technical assistance was provided for accreditation of volunteers with the election commissions. EMDS conducts monitoring of all stages of elections including but not limited to the long-term observation.

During period between elections, EMDS carried out civic forums, town-hall meetings with voters and public discussions to increase citizen participation. The organization also put forth number of legal initiatives producing opinions, draft laws and amendments to the law with regard to electoral system and the Election Code<sup>1</sup>.

EMDS is a member of the European Network of Election Monitoring Organizations (ENEMO), which unites 22 national NGOs from 17 OSCE member-states, Eastern Partnership Civil Society Forum, Network of Parliament Monitoring Organizations (PMO) and European Platform for Democratic Elections (EPDE).

The organization carries out its election monitoring activities in accordance with the guiding principles developed by the OSCE Office for Democratic Institutions and Human Rights, the Venice Commission of the Council of Europe and US National Democratic Institute (NDI).

EMDS activities were implemented with the financial and technical support of USAID, the Delegation of the European Union in Azerbaijan, National Democratic Institute, the OSCE office in Baku, German Marshall Fund, US National Endowment for Democracy, Friedrich Ebert Foundation and the Embassies of the UK, US and Canada.

**Volunteers International Cooperation Public Union (VIC)** was officially registered at the Ministry of Justice on 29 November 2011. The organization works toward developing relations among volunteers across different countries, to support people in need and to assist in advance of underdeveloped sectors. VIC is the main partner of EMDS in implementing the project on monitoring of the 2013 Presidential Elections. VIC and EMDS carry out long-term and short-term observation of the upcoming Presidential Elections.

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<sup>1</sup> [http://smdt.az/index.php?option=com\\_content&view=article&id=1277&Itemid=710&lang=az](http://smdt.az/index.php?option=com_content&view=article&id=1277&Itemid=710&lang=az)

**Long-term observation** has started from the date of the decision on the holding elections has been officially published and will continue till the official publication of the results of election. Long-term observation includes monitoring of preparations to the elections, pre-election political situation, nomination and registration of candidates, pre-election campaign and post-election period. The process will be conducting with support of professionally trained 30 long-term observers (LTOs) in 125 election constituencies.

Monitoring of the 2013 Presidential Election by VIC and EMDS is financially supported by the USAID, US National Democratic Institute (NDI), the OSCE office in Baku, US National Endowment for Democracy (NED) and International Research and Exchange Council (IREX).

### **III. POLITICAL SITUATION PRIOR TO THE ELECTIONS**

Two elections (2009 Municipal and 2010 Parliamentary Elections) and the referendum (2009) following the 2008 Presidential Elections, which was held in an environment lacking alternatives, have raised tensions among opposing political forces in the country. Particularly, the 2009 Referendum, which resulted in lifting term limits for one person in the office, has led public discussions on strengthening of single-party political environment in the country. The Constitution banned one person from being elected as a president for more than two consecutive terms. However, the referendum, which was carried out in absence of meaningful and democratic public debate and opportunities for citizens to express their opinions freely, eliminated the provision allowing one person to be elected for unlimited number of terms. In its opinion about the proposed amendments, the Venice Commission of the Council of Europe noted that amendments were not in a spirit of reform.

The Referendum held on 18 March 2009 brought additions and amendments to the 41 articles of the Constitution<sup>2</sup>. Amendments have lifted the legal restriction for current president Ilham Aliyev to run for the third term in the office.

One of the important political events taken place prior to the upcoming elections was the release of the video by Elshad Abdullayev, director of the International University of Azerbaijan, of Gular Ahmadova, member of the parliament and political council of the ruling New Azerbaijan Party (YAP), where Abdullayev discuss with Ahmadova paying 500,000 AZN bribe to her for winning a seat in the parliament during the 2005 Parliamentary Elections.

#### ***a) Political persecutions and arrests prior to the election***

In early 2013, the Parliamentary Assembly of the Council of Europe (PACE) discussed the situation of the political freedoms and right to the fair trial during its winter session with the presentation of the report on “the Follow-up to the Issue of Political Prisoners in Azerbaijan” by the German MP Kristof Strasser. Although, the draft resolution<sup>3</sup> was not

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<sup>2</sup> [http://smdt.az/files/file/Referendum/EMDS-Final\\_Report\\_310509.pdf](http://smdt.az/files/file/Referendum/EMDS-Final_Report_310509.pdf)

<sup>3</sup> [http://www.assembly.coe.int/Communication/pressajdoc22\\_2012.pdf](http://www.assembly.coe.int/Communication/pressajdoc22_2012.pdf)

adopted with 125 PACE Members voting against it, the document raised attention of international organization and community.

Unfortunately, Azerbaijani government, which put forth significant diplomatic efforts against Strasser's report, failed to demonstrate meaningful attempts to stop political persecutions and repressions after the above-mentioned session of the PACE. On the contrary, crackdown of political and social activists has dramatically increased during the Presidential Election year.

On 23 January 2013, mass demonstrations of citizens protesting against local executive authority took place. Action started as an incident between family member of the head of the local executive authority and local residents, but quickly escalated into widespread street protest of hundreds of local inhabitants resulting in burning down of house and hotel belonging to Nizami Alekbarov, head of local executive authority. Protests, which lasted for several days, were brought under control with support of military units of internal troops. Human rights defenders, journalists and political activists from Baku visited the region to investigate the situation. 12 persons, including Ilgar Mammadov, chairman of the Republican Alternative (REAL) movement who previously declared his nomination for presidency, and Tofiq Yagublu, deputy-chairman of the Musavat party, were arrested in connection with the event. , Although both of afore-mentioned persons traveled to Ismayilli two days after the event, they were accused of organizing and participating in actions leading to violation of public order, resistance to or applying physical force against state's representative. Despite 7 months since their arrest, investigation of the case has not been completed yet.

On 7 March 2013, as result of search conducted by the Ministry of National Security and Office of Prosecutor General, Mammad Azizov, Bakhtiyar Guliyev and Shahin Novruzlu, members of the citizen movement NIDA, which was very critical of the government, were arrested and charged with illegal possession and carrying of narcotics and weapons. During following weeks, members of the Executive Board of the organization – Rashad Hasanov, Rashadat Akhundov, Uzeyir Mammadli and Zaur Gurbanli – were also arrested on the similar charges. Despite passing six months after arrest of above-mentioned persons, the investigation has not found its conclusion. On 12 September, additional charges of Article 220.1 of the Criminal Code (organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders). As a sign of protest to such major criminal charges, grandfather of imprisoned Rashadat Akhundov committed suicide killing himself.

#### ***b) Political parties and coalitions***

On 13 January, chairman of Musavat Isa Gambar, were prevented to enter Lankaran city by group of unknown people, allegedly instigated by the local executive authority, on a way to meeting with local party members. Party members were attacked, insulted and threatened while their cars were damaged. Gambar's visit to Lankaran on 27 January was prevented by police.

On 29 June, Lankaran district court ruled a decision on pre-trial arrest of Yadigar Sadigov, advisor to the chair of Musavat party. He is accused of committing hooliganism using weapon or item used as a weapon.

On 28 May, National Council of Democratic Forces (hereby the National Council) bringing together political parties, youth organizations, NGOs and activists was established. The National Council includes 129 persons from Musavat, Popular front, Citizen Solidarity, Liberal parties along with “EI” movement, Forum of Intellectuals, Free Youth and Nida youth organizations. In its session on 2 July, the National Council elected Rustam Ibrahimbayov, Oscar winning screen-writer, as its single-candidate for the 2013 Presidential Elections. However, due to his dual citizenship, which is prohibited by the Azerbaijani Constitution, Ibrahimbayov was not able to run for the office and on 23 August, Jamil Hasanli, professor and Ph.D in history, was elected as new single-candidate of the National Council.

On 30 August, Eldar Namazov, chairman of “EI” movement, and Kochari Naghibayli, deputy-chairman on organizational matters, were called for interrogation to the Investigation Bureau of the Major Crimes department of the Office of Prosecutor General with connection to statement by Afgan Ibrahimov, ex-member of the movement, on preparations by the National Council to the mass protests. Both persons were released after their statements were collected.

### *c) Situation of civil society*

Despite recommendations of domestic and international organizations, problems in registration of NGOs still remain unaddressed. According to the information of this year, more than 1,000 NGOs were denied state registration by the Ministry of Justice on various groundless bases.

In spite of repeated calls of international organizations and institutions, including European Parliament to streamline and simplify state registration of NGOs<sup>4</sup>, no positive actions were taken by the government. On the contrary, obstacles and restrictions to activities of independent NGOs have increased.

On 11 March 2013, the president approved amendments to “the law on Non-Governmental Organizations (Public Unions and Foundations)”, “the law on Grants”, “the law on Religious Faith” and the Code of Administrative Offenses further restricting financing NGOs without state registration and complicating the process of giving and receiving donations. Financial penalties for failing to register grants were dramatically increased surpassing the overall budgets of many NGOs.

In 2013, NGOs were systematically prevented from holding events in regions. Independent NGOs were prevented from renting venues for organizing their activities in Baku and regions through administrative interference. Business centers and hotels in close relations to the government refused to allocate in-door venues for holding socio-political events. Activities carried out in regions were accompanied with pressures from local executive

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<sup>4</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2013-0289&language=EN>

authorities and police. For example, training held by EMDS on 2 February 2013 in Khachmaz was interfered by police who illegally detained trainers Javid Nabiyeu and Gunay Ismayilova for six hours in police custody<sup>5</sup>.

On 11 April, the Office of Prosecutor General closed the Free Thought University (AFU) without providing information on grounds for closure to AFU representatives and public. AFU, which was created by the “OL” youth movement and had operated since October 2009, offered alternative education and space for critical discussions.

*d) Situation of freedom of expression and media*

During 2013, repressions against journalists significantly increased while number of cases against them reached 36. In total, these cases demands 4,5 million AZN compensation from media. 18 law-suits were started against “Azadliq” and “Yeni Musavat” newspapers and each newspaper was penalized in amount of 125,000 AZN.

In the last six months, complaints demanding arrest of four journalists were filed, but not supported by the courts. During the first half of 2013, journalists faced at least 47 cases of pressure in the form of illegal detention, physical abuse, harassment, illegal confiscation of equipment, destruction of recorded material, intimidations and threats with death. Overwhelming majority of journalists facing pressure belong to media outlets critical of government.

In March 2012, reporter of the radio liberty and investigative journalist Khadija Ismayilova, who co-authored publication about secret businesses of president’s family members and their expensive estates abroad, received blackmail letter asking to cease her investigations and later video about her private life were released. Psychological pressure and harassment against Ismayilova, who relates the blackmail campaign to her investigation about ruling family, increased in the run-up to the elections.

Since the 2010 Parliamentary Elections, arrest of journalists have significantly increased. Today, Avaz Zeynalli, editor-in-chief of Khural newspaper, Faramaz Novruzoghlu and Fuad Huseynov, independent journalists, Araz Guliyev, editor-in-chief of internet news portal, Hilal Mammadov, editor-in-chief of “Talisho Sado” newspaper, Nijat Aliyev, editor-in-chief of azadxeber.org news portal, Tofiq Yagublu, columnist of “Yeni Musavat” newspaper, Sardar Alibayli, editor-in-chief of “Nota Bene” and Psnota.com news portal, remain in prison charged with possession of narcotics and other illegal substances, hooliganism, instigating religious and racial discrimination, violation of public order, resistance to state representative. Founder of the “Gundam Khabar” newspaper Shirin Jafarov and reporters of Guba regional “Khayal” TV Vugar Gonagov and Zaur Guliyev were convicted to provisional sentence.

According to both domestic and international human rights organizations, all above-mentioned cases were accompanied with serious violation of due process and right to fair trial.

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<sup>5</sup> <http://www.azadliq.org/content/article/24899698.html>

## **IV. PRE-ELECTION LEGAL ENVIRONMENT**

### ***a) Electoral legislation***

Following the 2008 Presidential Elections, number of restrictive amendments was made to the Election Code Along shortening the election period from 120 days to 75 days and eliminating the registration deposit, the alternative for registration of candidates<sup>6</sup>. As result of adopted amendments, provision allowing candidates to be registered by providing money deposit in case of insufficient number of signatures collected during the nomination period was eliminated. According to current legislation, candidates are required to provide 40, 000 signatures while At least 50 signatures should be collected from the territory of at least 60 constituencies.

On 18 June 2010, in the run-up to the Parliamentary Elections, the parliament adopted new series of amendments and additions to the Election Code bringing down the election period from 75 days to 60 days and reducing pre-election campaigning period to 23 days. Moreover, new amendments eliminated the provision stipulating allocation of funds to candidates from state budget. However, EMDS's study shows that allocation of funds from state budget to candidates and campaign groups during elections and referendum is widespread practice among members of the OSCE and the Council of Europe in transition period<sup>7</sup>.

It should be noted that the above-mentioned amendments were adopted without studying the opinion of Venice Commission of Council of Europe and without holding public discussions.

According to the recommendations reflected in the reports of EMDS and OSCE/ODIHR on the results of the 2008 Presidential Elections, the election legislation should be improved and lack of public trust in formation of election commission should be dealt in a meaningful manner<sup>8</sup>. However, the government repeatedly avoided serious discussion of recommendations of OSCE/ODIHR and the Venice Commission of the CoE on improvement of electoral legislation after 2008 and failed to undertake any actions to address these recommendations.

### ***b) Instructions of the Central Election Commission***

With new amendments to the "Rules for accreditation of organizations conducting Exit-polls in the territory of the Republic of Azerbaijan" adopted on 5 June 2013, The Central Election Commission (CEC) have restricted implementation of such activity in the country.

According to the amendments, only NGOs with state registration accredited at the CEC will be allowed to conduct exit-polls during upcoming presidential elections. Moreover, persons involved in the activity on behalf of an organization must be expert on election law and

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<sup>6</sup>[http://smdt.az/images/files/file/sechki\\_qanununun\\_tekminleshdirilmesi/emcs%20opinion.pdf](http://smdt.az/images/files/file/sechki_qanununun_tekminleshdirilmesi/emcs%20opinion.pdf)

<sup>7</sup>[http://smdt.az/files/file/sechki\\_qanununun\\_tekminleshdirilmesi/EMDS.pdf](http://smdt.az/files/file/sechki_qanununun_tekminleshdirilmesi/EMDS.pdf)

<sup>8</sup><http://www.osce.org/odihr/75073>



electoral system, or should have certain professional experience in this field<sup>9</sup>. “Law and Development” NGO appealed the decision to the Baku Court of Appeal demanding deeming the normative act partially invalid. The NGO claims that new regulations may provide grounds for denial of accreditation of organizations planning to carry out Exit-Polls and new amendments are not in line with the legislation of the country. The Baku Court of Appeal refused to grant the claim of the NGO on 12 August and the organization appealed the decision to the Supreme Court.

## V. NOMINATION AND REGISTRATION OF CANDIDATES

### *a) The Legal Framework for Nomination and Registration of Candidates*

According to Article 180.3 of the Election Code, Presidential candidates shall be nominated after the decision on the holding elections has been officially published. The law stipulates that presidential candidates can be nominated by political party, bloc of political parties, citizens possessing the right to vote. A political party, bloc of political parties or initiative groups of citizens should collect not less than 40 thousand signatures in support of a candidate they have nominated for Presidency. At least 50 signatures should be collected from the territory of each constituency and the total number of constituencies from which signatures are collected should be no than 60. Also, a person can give his or her signature to only one candidate.

### *b) Observations on the process of nomination and registration of candidates*

Candidacy of 21 persons for the Presidential Elections to be held on 9 October 2013 was approved by the CEC, while only one, candidacy of Rustam Ibrahimbayov, the first single candidate of the National Council, was refused<sup>10</sup>. Ibrahimbayov’s candidacy was refused on the grounds of his dual citizenship and commitments before other state. Lawyer of the candidate appealed decision to the Baku Court of Appeal, and following the decision of the court in favor of the CEC, candidate filed a cassation complaint to the Supreme Court. In the meantime, the proceedings on the refusal to approve candidacy of Mr. Ibrahimbayov continues.

Candidates, whose nomination was approved by the CEC, received signature collection forms starting to gather required 40,000 signatures. 14 persons submitted completed signature forms to the CEC, only 10 of whom were registered as presidential candidates. Registered presidential candidates include Ilham Aliyev from YAP, Igbal Aghazade, chairman of Umid party, Araz Alizade, chairman of Azerbaijan Social Democrat Party, Gudrat Hasanguliyev, Whole Azerbaijan Popular Front Party, Hafiz Hajiyev, chairman of Modern Musavat party, Faraj Guliyev, National , Zahid Oruj, an independent candidate,

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<sup>9</sup> [http://www.msk.gov.az//plugins/pdf/datafiles/az\\_FILE\\_562A93-E2F540-4F7C8F-B6AC97-686B4D-FCBCE8.pdf](http://www.msk.gov.az//plugins/pdf/datafiles/az_FILE_562A93-E2F540-4F7C8F-B6AC97-686B4D-FCBCE8.pdf)

<sup>10</sup> <http://www.msk.gov.az//az/newsmsk/539/>

Jamil Hasanli, candidate of the National Council, Ilyas Ismayilov, candidate of Justice Party, and Sardar Jalaloghlu, candidate of Azerbaijan Democrat Party.

Candidacy of 9 persons was nominated by their own initiative, while 11 candidates were nominated by political parties and one candidate was nominated by citizen initiative group. Gudrat Isagov, Ilgar Mammadov (Altay) and Arastun Orujlu did not complete signature collection.

Representatives of Ilgar Mammadov, Ali Aliyev and Fuad Aliyev, candidates who were denied registration, stated that they are going to appeal decision to the Baku Court of Appeals.

Observers cooperating with EMDS and VIC carried out monitoring of signature collection campaign of several candidates, particularly Jamil Hasanli, Iqbal Aghazade, Arastun Orujlu and in some cases Ali Aliyev and Gudrat Hasanguliyev. They were not able to observe signature collection campaign of Ilham Aliyev, whose campaign headquarters started to the process earlier than other candidates and completed the whole process in just 10 days. Representatives of Jamil Hasanli, who started to collect signatures later, needed 9 days, while Ilgar Mammadov, imprisoned candidate of the Republican Alternative Movement, needed 12 days for collected required number of signatures<sup>11</sup>.

### *c) Observations on the process of signature collection*

In comparison with previous elections, fewer violations and complaints were noted during the signature collection phase. According to the information provided by long-term observers and candidates' campaign headquarters cooperating with EMDS and VIC, representatives of candidates did not face widespread pressure and harassment during the signature collection process. However, abuse of administrative resources during signature collection in favor of certain candidates and cases of pressure against some candidates' representatives was noted. Overall, violations did not add up to pose significant negative impact on signature collection campaign of candidates.

EMDS and VIC received credible information from observers and opposition parties stating that signature collection campaign in favor of Ilham Aliyev, ruling YAP's candidate, was carried out with "support" of employees of organizations funded from state budget and marred with widespread cases of abuse of administrative resources. In some cases, persons collecting signatures did not mention name of candidate in favor of whom they gathered signatures.

According to the information received from observers cooperating with organizations, restrictions to and pressure during the signature collection campaign took place in 9% of observed constituencies, while in 34% of observed constituencies abuse of administrative resources was noted. In 20% of observed constituencies, appeasing means were used to gather signatures.

Cases of providing special instructions to voters on giving signatures to certain candidate were recorded in 27% of observed constituencies.

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<sup>11</sup> For more detailed information please see the info graphic in the annexed files.

***Cases of violations during the stage of nomination and registration of candidates:***

- On 13 August 2013, employees of organizations funded from the state budget in the territory of the 44<sup>th</sup> Sumgayit-Absheron Election Constituency, mainly teachers and doctors were called to the Sumgayit office of ruling YAP party and pressured to give signatures in favor of the candidate of the party, current president Ilham Aliyev.
- On 15 August, during the signature collection in favor of YAP's candidate Ilham Aliyev in the 53<sup>rd</sup> Guba-Gusar Election Constituency, all teachers of the secondary school of Ashagi Avaran village of Gusar region were instructed by the head of the local executive authority to provide signatures in favor of Ilham Aliyev.
- On 14-15 August, Ajdar Karimov, head of the Neftchala education department, visited the secondary school no. 1 the 60<sup>th</sup> Salyan-Neftchala Election Constituency and instructed 80 teachers attending curriculum training program to bring their IDs and to give signatures in favor of Ilham Aliyev. Mushfig Mammadov, head of the Neftchala city department of YAP, collected their signatures and teachers refusing to give signatures were threatened and intimidated.
- In the 63<sup>rd</sup> Sabirabad First Election Constituency, mass collection of IDs of employees of organizations funded from state budget have been carried out by the directive of head of the Sabirabad local executive authority Nazim Ismayilov. IDs were used to collect signatures in favor of Ilham Aliyev and persons refusing to comply with the instruction were threatened to be removed from their jobs. Moreover, Shiraslan Gasimov, head of the Sabirabad post office, commanded his subordinates to provide signatures in favor of Ilham Aliyev.
- In the 82<sup>nd</sup> Aghjabadi Election Constituency, for signature collection in favor of I. Aliyev, candidate of YAP and current president was carried out with support of employees of the local executive authorities and other organizations funded from state budget. Persons working in the public sector were instructed to give signatures for candidacy of Ilham Aliyev.
- On 3 September, local police in Zagatala interfered with the signature collection in favor of Sardar Jalaoghlu, candidate of the Azerbaijan Democratic Party (ADP). Police illegally pressured and prevented Mubariz Ismayilov, head of the Zagatala department of ADP and other members of the party from collecting signatures in Yeni Shuvagil village of Zagatala.
- On 5 September, Oruj Novruzov, member of Musavat party, was pressured by Fikrat Hagverdiyev, representative of the local executive authority when former was collecting signatures in favor of Jamil Hasanli, presidential candidate of the National Council. Novruzov was called to the Lahij village executive authority and asked about names of citizens providing signatures while being threatened to be arrested.
- On 12 September, around 10:30, Ruslan Ahmadov, resident of Saatli region was brought to the local police department where he was physically abused and insulted in the police custody by Jabrayil Valiyev, chief of police department and Haji Ahmadov, deputy-chief, for collecting signatures in favor of Jamil Hasanli.

Ahmadov was denied medical care by the local medical offices after being inflicted physical harm of various degrees.

*d) Ensuring transparency during verification of collected signatures*

Verification of collected signatures was not carried out in a transparent manner by the CEC. On 22 August 2013, Hasan Hasanov, an independent observer accredited at the CEC with the right to observe election in all ConECs across the country, appealed to the CEC in a written form with desire to observe the process of verification of signatures collected in favor of Ilham Aliyev, candidate from YAP party. However, the CEC denied the observer's request by stating that the letter had not reached the body. On 3 September 2013, Hasanov appealed to the CEC with second written request to observe signature verification process for all approved candidates and the CEC responded positively. However, the CEC permitted such observation to take place only from 11 September, after Ilham Aliyev's registration as presidential candidate.

Participation of representative of candidates Fuad Aliyev and Ilgar Mammadov in the signature verification process were not ensured. The CEC's decision with regard to Ilgar Mammadov's case states that 4,534 signatures from 199 signature forms out of 838 forms is "assumed" to belong to same persons from 449 groups.

The CEC also stated that there were violations in the signature forms of Ali Aliyev, whose representative was denied access to the process.

EMDS and VIC believe that serious violation of the law has taken place during the process of verification of collected signatures of three above-mentioned candidates. The CEC has violated the requirements of the Article 59.3 of the Election Code by failing to ensure participation of their representatives in the process. Moreover, the decisions of the CEC are based on vague assumptions, instead of legal and concrete grounds.

## **VI. FUNCTIONING OF ELECTION COMMISSIONS**

The Central Election Commission (CEC) has operated in a full composition of 18 persons for the 9 October 2013 Presidential Elections.

Compositions of the Constituency Election Commissions (ConECs) were finalized for the most part of the country with only few ConECs being formed after the election period started. After the official start of election, changes were made to compositions of 7<sup>th</sup> Ordubad-Julfa ConEC, 47<sup>th</sup> Mingachevir city ConEC, 53<sup>rd</sup> Guba-Gusar ConEC, 65<sup>th</sup> Saatli-Sabirabad-Kurd Amir ConEC, 76<sup>th</sup> Lankaran-Astara, 59<sup>th</sup> Salyan ConEC and 120<sup>th</sup> Jabrayil-Gubadli ConEC.

According to the CEC, 4,986,296 voters are registered on the nation-wide voter list. However, information provided by the State Statistics Committee states that there are 6,467,500 persons above 18, citizens with the right to vote. 1, 5 million persons difference between information provided by two state bodies remain unaddressed.

The CEC also states that 2,033 persons were registered as domestic observers till 1 September. Out of 1,296 observers accredited at the CEC with the right to observe elections

across all constituencies in the country, 451 belong to political parties, 690 to NGOs and 153 applied with their own initiative.

737 domestic observers registered at the ConECs include 427 persons applied via political parties and 310 by their own initiative.

***Cases of lack of consistency in attendance in work of election commissions:***

- On 19 August 2013, only chairman, secretary and three members of the 96<sup>th</sup> Goranboy-Naftalan ConEC were present, while other members of the commission were not in the office. Moreover, the Precinct Election Commission (PEC) no. 4 was closed till the 16:00 PM on the same day.
- On 20 August, with exception of commission member Rashad Asadov, members of the PEC no.6 of the 48<sup>th</sup> Yexlakh ConEC were not in the office.
- On 23 August, around 11:20, members of the PEC no.10 of the 97<sup>th</sup> Goranboy-Aghdam-Tartar ConEC were not present in full composition.
- On 20 August, the 101<sup>st</sup> Goygol-Dashkasan ConEC refused to respond to the question about accreditation of observers at the ConEC.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

**Having analyzed the results of its observation of the first period of the 9 October 2013 Presidential Elections – nomination and registration of candidates, EMDS and VIC come to the following conclusions:**

- Restrictions imposed by adoption of amendments to the Election Code adopted on 2 June 2008 and 18 June 2010 remain as serious obstacle, and the government failed to improve electoral legislation in accordance with recommendations of the Venice Commission of the Council of Europe.
- In comparison with previous elections, political situation in the country is more restricted. Limitation of freedom of assembly and association of citizens, political parties, NGOs and candidates have increased, further limiting equal opportunities for political participation.

- Political freedoms and overall political environment prior to the elections are more restricted. No improvements were noted with regard to freedom to peaceful assembly and association of citizens, political parties, NGOs and candidates.
- Intolerance of government to alternative views demonstrated by increased political persecutions, politically motivated arrests and trials in the first half of 2013 significantly undermined already fragile public trust in free and fair elections.
- Attendance and transparency in functioning of Constituency and Precinct Election Commissions were consistently violated.
- Similar to previous elections, local executive authorities interfered with the process of signature collection for presidential candidates and administrative resources were abused in favor of YAP's candidate.
- The CEC did not ensure transparency of the process of verification of collected signatures by failing to guarantee observation of the process by candidates and their authorized representatives.

**EMDS and VIC propose following recommendations for next stages – pre-election campaign and the Election Day – of the 9 October 2013 Presidential Elections:**

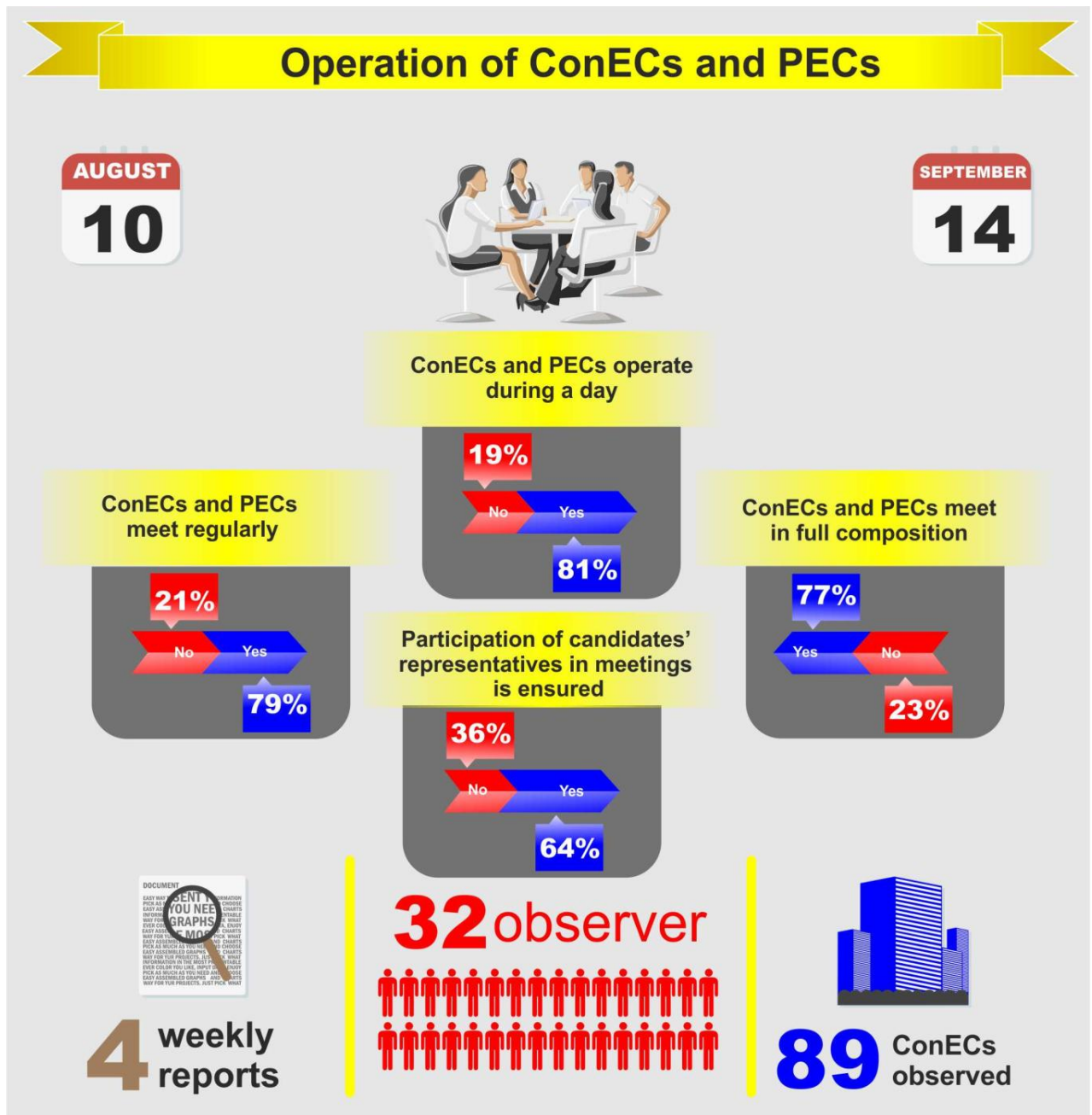
- In order to conduct upcoming Presidential Elections in line with international standards and to restore public trust in institution of elections, as well as to create environment where all election participants enjoy mutual trust, steps to ensure freedom of expression, peaceful assembly and association should be undertaken.
- Azerbaijani government should demonstrate political will to release all political prisoners – journalists and socio-political activists – arrested prior to the elections, including but not limited members of REAL and NIDA movement, representatives of Musavat, Islam and other opposition parties and other youth organizations or to finalize investigation of their cases in accordance with the right to fair trial.
- Time schedule of meetings of ConECs and PECs should be publicized on time stipulated by regulations, while election commissions should operate during hours mandated by law ensuring transparency and attendance in their functioning.
- In accordance with requirements of the law, local executive authorities interfering with the process of signature collection in favor of presidential candidates should be held liable.
- Conditions for voters to verify their names on the voter list and to receive de-registration form should be created in the polling stations as stipulated by the law.
- Proper and comprehensive investigation of violations, which took place during pre-election period (nomination and registration of candidates), should be conducted and fair and completely justified decisions should be made.

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16 September 2013

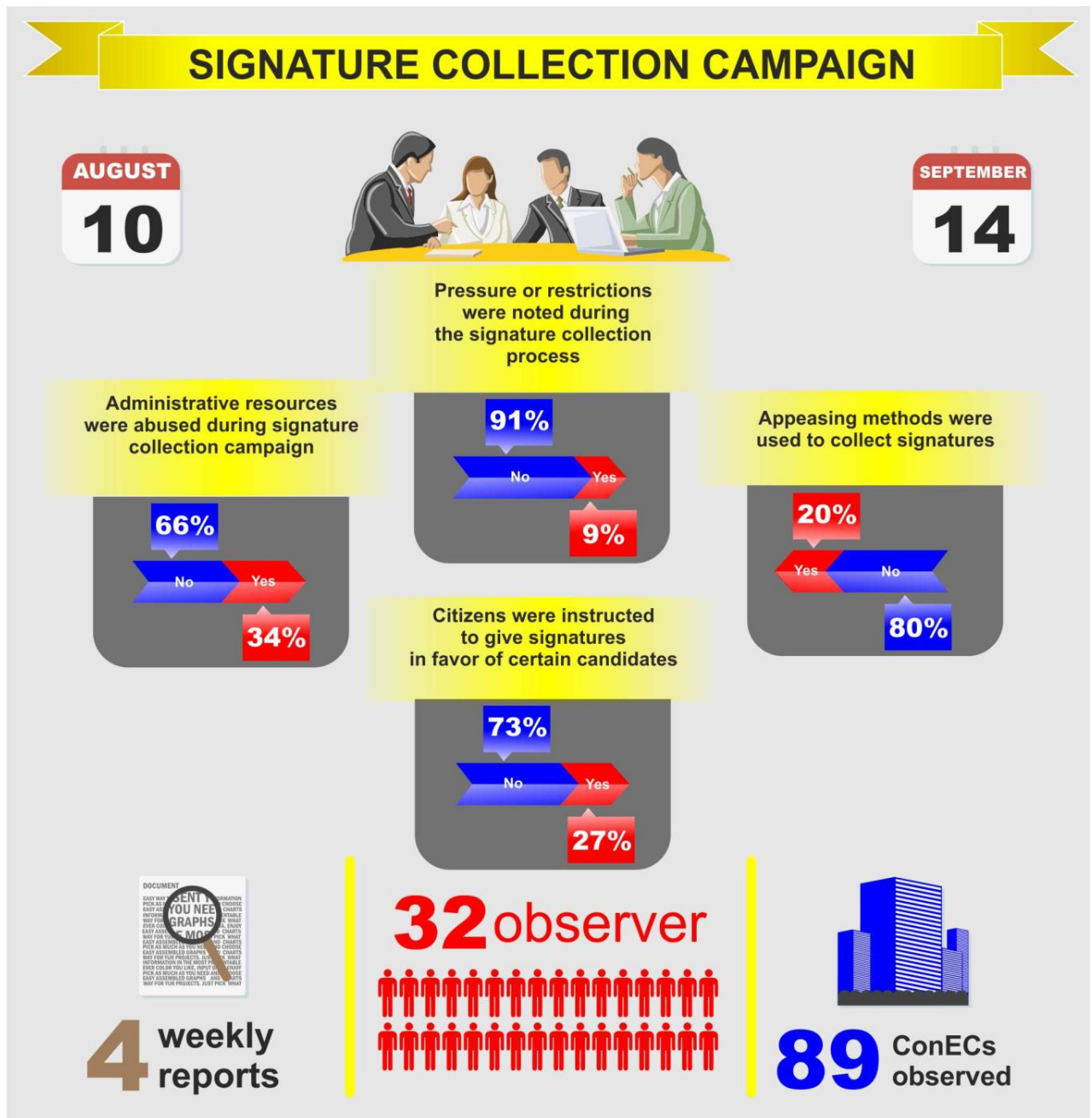
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Annexes II.



Annexes III

