

ELECTION MONITORING AND DEMOCRACY STUDIES CENTER
in cooperation with
INTERNATIONAL COOPERATION OF VOLUNTEERS PUBLIC UNION



REPUBLIC OF AZERBAIJAN
PRESIDENTIAL ELECTIONS
9 October 2013

INTERIM REPORT
ON THE PRE-ELECTION CAMPAIGN

7 OCTOBER, BAKU

I. EXECUTIVE SUMMARY

Election Monitoring and Democracy Studies Center (EMDS) and International Cooperation of Volunteers Public Union (ICV) conducted long-term observation of the 9 October 2013 Presidential Elections (10 August-14 September) of the Republic of Azerbaijan in two stages - nomination and registration of candidates and election campaigning. The First Interim Report on the results of long-term observation was released on 16 September 2013¹.

EMDS and ICV believe that all stages of the 9 October 2013 Presidential Election – pre-election environment, legal framework, freedom to participate in election, nomination and registration of candidates, election campaigning, voting and vote tabulation – should be separately assessed based on requirements of the Constitution and international commitments of Azerbaijan.

EMDS and ICV carry out long-term and short-term observation of the upcoming Presidential Elections. 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. The long-term observation of the election is conducted with support of 31 professionally trained observers in 125 election constituencies. The current report reflects data from 97 election constituencies. Moreover, EMDS and ICV will conduct short-term observation of election collaborating with non-partisan volunteer observers registered at election commission on individual basis in 15 percent of polling stations in the country. The preliminary statement on the result of monitoring will be released on 10 October following the Election Day.

This report is designed on the basis of the long-term observation of the second stage of the 9 October 2013 Presidential Elections in Azerbaijan.

EMDS and ICV notes with regret that the government failed to demonstrate progress in democratization of political environment, freedom of expression, freedom of assembly and association during the election campaigning period.

The organizations welcome the significant increase of political interest, political discussions and public interest in overall election process during the 9 October 2013 Presidential Elections in comparison with 2008 presidential elections. However, none of the TV companies operating in the country offered airtime to candidates and their representatives to present their election platforms, as well as to discuss local and national level issues. With the exception of the Public TV, positions and views of presidential candidates were not covered by any TV company.

The last two stages of the upcoming presidential election were accompanied with pressure against socio-political activists, persecution and intimidation of opposition members, including members of National Council of Democratic Forces. Political persecutions and arrests started in early 2013, continued throughout the election period. Social media activists and bloggers were detained by police number of times, while journalist Parviz Hashimli was arrested.

Long-term observers also noted abuse of administrative resources in organizing meeting with voters for presidential candidates Ilham Aliyev, Gudrat Hasanguliyev and Hafiz Hajiyev by local executive authorities, while Jamil Hasanli and Igbal Agazade's meetings with voters were interfered and prevented by police.

Overall, election campaigning materials were destroyed in 28 percent of monitored 97 election constituencies, while in 34 percent of monitored constituencies voters were forcibly brought to meetings with pro-governmental candidates by local executive authorities. 53 percent of observed constituencies did not have suitable indoor and outdoor venues for holding meetings and other mass assemblies.

EMDS and ICV believe that reduction of election period as result of amendments to the Election Code made in 2008 and 2010 created technical obstacles to functioning of election commissions, election blocs and candidates, as well as observers.

¹ <http://smdt.az/images/stories/PDFler/1report%202013%20.pdf>

EMDS and ICV hope that the in order to ensure voting and vote tabulation process in line with requirements of law and to avoid unauthorized intervention in the electoral processes, state bodies, election commissions, presidential candidates and their parties, public organizations and media will put forth necessary efforts.

II. ABOUT THE LONG-TERM OBSERVATION

This Interim Report was designed Election Monitoring and Democracy Studies Center (EMDS) and International Cooperation of Volunteers Public Union (ICV) based on the long-term observation of the second stage of the 9 October 2013 Presidential Elections in Azerbaijan. The First Interim Report which included the pre-election environment and process of nomination and registration of candidates, was released on 16 September.²

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.³

EMDS (EMC) have observed 12 elections and 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.

ICV 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.

ICV and EMDS carry out long-term and short-term observation of the upcoming Presidential Elections. 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. The long-term observation of the election is conducted with support of 31 professionally trained observers in 125 election constituencies. Observers submitted weekly reports using especial online forms covering 298 polling stations in 112 election constituencies in 42 administrative regions of the country. The current report reflects data from 97 election constituencies.

Moreover, EMDS and ICV will conduct short-term observation of election collaborating with non-partisan volunteer observers registered at election commission on individual basis in randomly selected polling stations out of all 5,273 polling stations.

Monitoring of the 2013 Presidential Election by ICV and EMDS is financially supported by the USAID, US National Democratic Institute (NDI) and US National Endowment for Democracy (NED).

III. POLITICAL SITUATION PRIOR TO THE ELECTIONS

The findings of the long-term observation of the second stage of the 9 October 2013 Presidential Election indicate that the situation of the political freedoms, particularly the freedom of assembly and association has been further deteriorated. During the election campaigning period, political pluralism in public and private TV and radio broadcasting companies and necessary conditions for electoral

² <http://smdt.az/images/stories/PDFler/1report%202013%20.pdf>

³ www.smdt.az

gatherings and public assemblies were not ensured. The process was accompanied with pressure, intimidation against and arrest of journalists.

a) Pressure against media

On 17 September, Parviz Hashimli, reporter of "Bizim Yol" and editor-in-chief of the Moderator internet portal, as well as chairman of Center for Protection of Political and Civil Rights, was detained by the Ministry of National Security (MNS) in connection with illegal possession and smuggling of fire arms. Following Hashimli's arrest, during which reportedly excessive physical force was used, search was conducted in his house and work place. In his statement to the media, his lawyer mentioned that officers of the MNS attempted to force Hashimli, who was sentenced to two month of pre-trial arrest, testify against opposition leaders.

On 27 September, Hilal Mammadov, editor-in-chief of Tolisho Sado newspaper and human rights defender was sentenced to 5 years in prison by the Court. Local human rights organizations believe that arrest of both journalists are politically motivated and aimed at silencing critical voices.

On 2 October, Mehman Huseynov, photo-reporter of the Institute of Reporters' Freedom and Security (IRFS) and social-media activists, was brought to the Prosecutor General Office and questioned for 5 hours. Spokesperson of the Prosecutor General Office stated that Huseynov was questioned in connection with information with criminal character posted on social media, while Huseynov himself noted that he was warned about satiric videos about presidential candidates that he designs and shares on social media.

b) Violation of freedom of peaceful assembly

During the pre-election period, independent NGOs faced restrictions and obstacles in their activities to election.

On 28 August, flashmob walk organized by NGOs forming the "Free Election 2013" public support group was interfered and prevented by police. Civil society activists wearing t-shirts saying "Free Election" were forced to stop the walk after 30 minutes by police. Similar actions, which took place in Ganja on 8 September, in Beylagan on 10 September and in Shaki on 12 September, were interfered by local police.

Furthermore, local executive authorities illegally interfered with trainings for domestic non-partisan observers organized by EMDS and ICV creating various obstacles and restrictions. On 23 September, representative from the local executive authority came to the training held in Salyan and demanded participants to leave preventing the event from taking place. On 25 September, training in Sabirabad was prevented by police and trainers of the organizations, Ulviyya Babasoy and Tural Aliyeva were brought to the police station. Training in Yardimli held on 27 September was organized under police surveillance.

On 16 September, Amir Orujov, Beylagan regional coordinator of EMDS, was questioned by the representatives of the executive authority for meeting with long-term observers of the OSCE Office for Democratic Institutions and Human Rights. He was asked to provide detailed account of his conversation with international observers, but Orujov refused to grant such illegal request.

c) Pressure against election participants

On 22 September, Turkel Karimli, son of the opposition leader and chairperson of the Azerbaijan Popular Front Party Ali Karimli, and his friends Ulvi Nuriyev and Joshgun Salahov were detained by police for allegedly destroying campaigning materials of pro-governmental candidates. Karimli was sentenced to 25 days, Salahov to 30 days and Nuriyev to 20 days of administrative arrest, for not complying with lawful request of police. Lawyers of all three persons stated that arrest was a political order.

On 23 September, 16 year-old son of Ogtay Gulaliyev, spokesperson of presidential candidate Jamil Hasanli, was beaten and stabbed by unknown persons near his house in Baku. Father of the victim stated that the incident was related to his political activities.

On October 3, Sevinj Zulfugarova and Farid Zulfugarov, young residents of Ganja, were forcibly brought to the police station by plain clothed persons and intimidated for participating in election campaign of presidential candidate Jamil Hasanli. Zulfugarov noted that he was insulted, while his sister was threatened with removal from her job.

VI. ELECTION CAMPAIGNING

a) General legal and political environment

According to the Election Code, the election campaigning starts 23 days prior to the Election Day and ceases 24 hours before the voting lasting overall to 22 days. The official election campaigning period for the 9 October 2013 Presidential Elections was launched on 16 September and will last till 8 October.

All 10 registered candidates participated in election campaigning. Presidential candidates includes Zahid Oruj nominated on his own initiative, Ilham Aliyev from ruling New Azerbaijan Party, Igbal Aghazadeh from Umid party, Ilyas Ismayilov from Justice party, Hafiz Hajiyev from Modern Musavat party, Faraj Guliyev from National Progress Movement party, Sardar Jalaloghlu from Azerbaijan Democrat party, Araz Alizadeh from Azerbaijan Social Democrat party, Gudrat Hasanguliyev from Whole Azerbaijan Popular Front party, and Jamil Hasanli from National Council of Democratic Forces.

Content and number of participants of limited public meetings and assemblies, as well as debates held on public TV and radio demonstrated that the main competition on the Election Day will take place among Jamil Hasanli and Ilham Aliyev.

On 10 August 2013, after the official start of election period, Ilham Aliyev, current president and third-time presidential candidate, issued series of decrees increasing salaries of citizens working for various organizations funded from state budget by 10%. Moreover, Aliyev also adopted enjoyed exclusive privileges during the election campaigning period through adopting social-economic development programs of regions, issuing honorary titles to persons from various social groups and ceremonial openings of new buildings and constructions funded from state budget which were intensified during election campaigning period. By providing the president with additional opportunities for positive coverage in the media and among public, level playing field was violated in favor of the current president. Unfortunately, existing legal framework fails to address the issue and the Election Code does not ensure any sort of restriction of president's privileges during the election period.

b) Election campaigning in media

The CEC allocated in total 6 hours air time equally divided between Public Television (PTV) and Public Radio. According to the Election Code, free airtime of broadcasting companies can be used for discussions, roundtables and other election campaigning events of registered candidates. The rules of organizing such events are determined by the CEC. However, the CEC decided to conduct only roundtable discussions and it defined the order of speakers was through drawing.

Similar to the elections held in the last 10 years, the format of TV and radio discussions determined by the CEC failed to ensure meaningful political debates among candidates offering very limited opportunity to candidates to introduce their election programs. The TV debate did not involve discussions around concrete topics where voters could hear positions of opposing candidates on important matters and could make an informative choice.

51 media outlet appealed to the CEC with the desire to participate in paid election campaigning during the 9 October 2013 Presidential Election. Only one of these is the Public Television and Radio

Company, while 26 are newspapers and 24 are news agencies, portals, internet television and internet radio. Despite the fact that 23 television (14 regional) and 16 radio companies operate in the country, only Public TV and Radio Company decided to participate in the election campaigning. TV and radio broadcasting companies did not offer platform for candidates and their representatives which added to lack of pluralistic political debate.

Moreover, on 30 September, Elman Fattah, representative of registered candidate Jamil Hasanli, appealed to the ITV for paid airtime, but was denied such opportunity. ITV justified the decline by stating that all electoral subjects with the right to paid airtime should apply to the ITV one week prior to start of election campaigning and none of the candidate applied for paid airtime during that time. The ITV violated the requirements of the Election Code and refused to carry out its duties stipulated by the law.

Ilham Aliyev did not participate in the discussions organized on the ITV and was represented by his authorized representatives. However, since he continued to act as the head of state, all meetings with his participation were covered both by public and private broadcasting companies. Monitoring of the media during the election campaigning period showed that, with the exception of the ITV, beside current president, none of the other candidates, including the main oppositional candidate Jamil Hasanli, were covered in positive way by TV companies.

During the discussions organized by the ITV, Jamil Hasanli build his speeches around Ilham Aliyev's hidden revenues, increasing corruption and poverty, and deteriorating public well-fare during his presidency. Another candidate Igbal Aghazadeh criticized the overall government without mentioned the president in particular and described his program.

Sardar Jalaloghlu (Mammadov) mainly talked about his program, while Faraj Guliyev spent most of speech to criticize the opposition and foreign powers only occasionally charging the action of the government.

Ilyas Ismayilov attended only one TV discussion personally, where he talked about Nagorno Karabagh problem, transparency of government, rule of law and governance. His authorized representatives participated in other 8 discussions,

Other presidential candidates - Araz Alizade, Zahid Oruj, Gudrat Hasanguliyev and Hafiz Hajiyev were mainly engaged in criticizing the opposition and creating false competition environment acting as technical candidates.

Number of violations were recorded during the free airtime for election campaigning held on the ITV. On 19 September, during the second roundtable discussion, candidate Hafiz Hajiyev continued to use offensive phrases against Jamil Hasanli even after his airtime was over and at the end threw a bottle of water at him. At the same time, Ali Ahmadov, representative of Ilham Aliyev, interfered with Hasanli's speech. As result of Hajiyev and Ahmadov's actions, Hasanli could not use his 6 minute airtime for the full capacity. On the basis of complaint of Ilham Aliyev's representative, the CEC issued strong warning to Jamil Hasanli during its meeting on 21 September, while also warning Hajiyev on the basis of Hasanli's complaint.

During another TV discussion on 26 September, representative of Ilham Aliyev threatened Jamil, who Hasanli accused Ilham Aliyev in corruption, stating that he will be held liable for his groundless comments before the law-enforcement after the election.

On 2 October, deputy chair of the CEC Natig Mammadov stated that if election campaigning on social media took massive character and could influence the results of elections, it should be prevented. However, in his statement to media, Mazahir panahov, chairman of the CEC, noted that it was impossible to control or restrict election campaigning on social media. It should be noted that, Ilham Aliyev, Jamil Hasanli and Igbal Aghazade intensively used social media for election campaigning.

c) *Public meetings of candidates*

152 outdoor and indoor venues were allocated for organizing mass gatherings and meetings with voters for the 9 October 2013 Presidential Election⁴.

According to findings of the long-term observation, some designated venues are not suitable both in terms of capacity and condition for holding meetings with voters. For example, Drama Theatre building in Ganja can only fit 200 persons, while indoor venue in Jalilabad has capacity to seat only 50-60 persons.

Long-term observers conducted monitoring of 27 meetings of candidates with voters, which took place across the country and was mainly attended by candidates personally. However, Ilham Aliyev did not participate in meetings with voters and overall held few meetings with voters in indoor venues during the election campaigning.

The organizations received credible information on involvement of representatives of local executive authorities in mobilizing citizens for meetings of Ilham Aliyev, from the New Azerbaijani Party. For example, senior officials of education department of Shaki instructed teachers of schools located in territory of 113th and 114th constituencies on 18 September to participate in the meeting with representatives of Ilham Aliyev.

On 22 September, police interfered with meeting of Ilham Aliyev, candidate of Umid party, in Aghstafa and beaten several citizens preventing them from entering the venue. The process was led by Ramiz Tatarov, deputy head of the local executive authority and chairman of local NAP department. Several persons received physical injuries as result of incident.

Abuse of administrative resources was noted during the meeting of Gudrat Hasanguliyev from Whole Azerbaijan Popular Front party with voters on 27 September and meeting of Hafiz Hajiyev from Modern Musavat party with voters on 29 September in Mahsul stadium in Yasamal region of Baku where students and employees of organizations funded from state budget were mobilized by local executive authorities.

Meeting of Jamil Hasanli to be held on 27 September in Jalilabad was postponed due to response of Asif Azizov, first deputy of local executive authority to his letter saying that participation of persons not residing in Jalilabad in the meeting may cause unpleasant incident among them and supporters of other candidates.

On 2 October, the Baku Court of Appeal declined claim of Jamil Hasanli on information posted on the CEC official page. Hasanli appealed to the court requiring to deem the information about indoor and outdoor venues for holding meetings and other assemblies during the election period which was posted on the CEC official web page as venues for holding meetings with voters illegal and to remove it from the web page.

Overall in 10 percent of monitored election constituencies (97 in total), equal opportunities for candidates to post campaigning materials were not created, while pressure against voters coming to meeting with candidates by public officials were noted in 18 percent of constituencies.

Equal opportunities for candidates were not established in 19 percent of constituencies and in 22 percent of constituencies, candidates were denied equal opportunities to hold meetings with voters and other assemblies.

Moreover, election campaigning materials of candidates were destroyed in 28 percent of monitored constituencies, while in 34 percent of constituencies, voters were mobilized to come to meetings with candidates by local executive authorities.

Furthermore, indoor and outdoor venues designated for holding mass assemblies, meetings and gatherings were not suitable for such events in 53 percent of monitored election constituencies.

V. FUNCTIONING OF ELECTION COMMISSIONS

⁴ For the list of venues please see: http://www.msk.gov.az/uploads/secki-2013/tesviqat_ver/aciq_qapali_verler.pdf

Serious progress was not noted in situation of voter lists, one of the major issues in preparation of election commissions for the Election Day.

a) Attendance and management of election commissions

The CEC and other election commissions failed to ensure transparency and impartiality in their functioning during the 9 October 2013 Presidential Elections.

On 13 September, during the CEC meeting when the rejection of candidacy of Ilgar Mammadov from Republican Alternative Movement was discussed, Akif Gurbanov, member of the CEC demanded explanation of justification for refusal stating that denying Mammadov the registration was illegal and injustice. Despite Gurbanov's objections, the chairman of the CEC declined to respond to his question, while Gurbanov left the meeting after argument with the chair.

On 17 September, the CEC released statement about the First Interim Report of the Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) where it shared its opinion on matters beyond the CEC's competencies such as recent amendments to the Election Code by the parliament.

According to LTOs, precinct election commissions no. 1, 2, 3, 4, 5, 6, 7, 11, 13, 14 (PECs) of the 24th Nizami First Constituency Election Commission (ConEC) and PECs no. 1, 2, 3, 4, 5, 6, 7 of the 25th Nizami Second ConEC did not hold meetings from 16 September to 20 September. Protocols presented to observers were dated to previous days.

Although, LTOs were informed that meetings of 88th Goychay ConEC and 89th Goychay-Aghdash ConEC were held as scheduled, but they were denied official protocols. Moreover, LTOs were denied opportunity to observe the meetings of these ConECs despite filing official appeal.

b) Accreditation of observers

According to the statement released by the CEC on 2 October, around 40,000 persons registered as domestic observers, while more than 1,300 international observers received accreditation at the CEC. However, despite such high number of registered domestic and international observers, there are very few professionally trained and independent observers among them.

Very few domestic NGOs with transparent funding sources provided technical and legal support to around 2,000 persons to register as observers. International observers from reputable international institutions such as OSCE/ODIHR, the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly and European Parliament account for only 400 observers, while impartiality of rest of 900 international observers is questioned.

Accreditation of non-partisan domestic observers at the CEC was accompanied with some difficulties during the last days left for registration. The CEC attempted to refuse registration of 150 persons on the grounds of inaccurate documentation, lack of time and other baseless arguments. Registration of 41 persons supported by the EMDS, 39 persons from Democracy Learning public union and 38 persons representing Western Resource Center was delayed by the CEC.

Obstacles on the groundless basis were created for registration of non-partisan observers at the 33rd Khatai First ConEC, 125th Zangilan-Gubadli ConEC, 23rd Nasimi-Sabail ConEC, 20th Sabail ConEC, 63rd Sabirabad First ConEC, 91st Ujar ConEC and 118th Aghdam ConEC and at some occasions they faced intimidation.

c) Investigation of complaints

Claims of persons whose candidacy was not registered by the CEC was not granted by Courts.

On 18 September, the Supreme Court decided to reassign the case of Fuad Aliyev, candidate nominated by the Azerbaijan Liberal Democrat party who filed a complaint to the Baku Court of Appeal following refusal of registration of his candidacy by the CEC and whose complaint was not granted by the Baku Court of Appeal, to the lower court. However, the Baku Court of Appeal declined the claim of Aliyev again.

On 24 September, the Baku Court of Appeal conducted hearing of the case of Ali Aliyev, candidate nominated by the Citizen and Development party, and refused to grant Aliyev's claims holding the CEC decision which declined Aliyev's registration on the grounds of insufficient number of authentic signatures. The Court ruled out decision to conduct repeated expertise, but the CEC's decision was supported.

On 27 September, the Supreme Court did not grant Ilgar Mammadov's cassation complaint on refusal of his candidacy. The Court decided to hold the CEC's decision finding around 5,000 signatures collected in favor of Mammadov invalid in force.

On 22 July, the CEC published rules for accreditation of organizations intending to conduct Exit-Poll. 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 electoral system, or should have certain professional experience in this field.

VI. CONCLUSIONS AND RECOMMENDATIONS

Having analyzed the results of its observation of the second period of the 9 October 2013 Presidential Elections – election campaigning, EMDS and ICV come to the following conclusions:

- During the election campaigning period, political persecutions and arrests, and number of cases of pressure against political activists and oppositional presidential candidates significantly increased.
- The situation of protection of political freedoms has deteriorated, while the government failed to ensure citizens' right to freedom to expression, peaceful assembly and association.
- TV discussions held on the Public TV among candidates was not sufficient for ensuring political pluralism prior to the election. Other TV companies covered only Ilham Aliyev, the head of state, in positive light while allocated no time to other candidates violating the principle of equal opportunity.
- The CEC improved online search system and hotline in order to verify voter lists and provided information on dislocation of polling stations.
- The accreditation of domestic observations was accompanied with violations. Local executive authorities demonstrated intolerance toward non-partisan observers, and at some occasions interfered with training of observers.
- Unlike 2008 Presidential Elections, voters have alternative choices in the upcoming presidential election.
- Cases of interference in electoral processes by local executive authorities were noted during the election campaigning stage.

EMDS and ICC propose following recommendations for next stages – the Election Day voting and vote tabulation – of the 9 October 2013 Presidential Elections:

- Election commissions should facilitate the process of voter list verification in the run-up to and on the Election Day creating conducive environment.
- Election commissions should ensure necessary conditions to avoid pressure against voters, observers and representatives of candidates.
- The government should demonstrate political will to prevent illegal interferences to electoral processes by the local executive authorities and other unauthorized bodies.

- Proper and comprehensive investigation of violations, which took place during election campaigning period, should be conducted, and fair and completely justified decisions should be made

7 October 2013

Baku Azerbaijan

Note: The next report on the monitoring of the 9 October 2013 Presidential Elections will be released on 10 October 2013.

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