



FINAL REPORT

Of the Election Monitoring and
Democracy Studies Center (EMDS)
on the results of the monitoring of the
extraordinary Presidential elections held
on April 11, 2018 in Republic of Azerbaijan

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I. Executive Summary

Election Monitoring and Democracy Studies Center (EMDS) is an independent organization striving for building democratic institutions, protection of political freedoms and development of civil society in Azerbaijan.

EMDS conducted long-term observation of the April 11, 2018 Presidential election in Azerbaijan covering all major election processes – nomination of candidates, pre-election campaign, election day voting and vote counting. After the extraordinary election was announced, EMDS assessed legality of this decision and released a statement.¹ The right to issue a decree on extraordinary elections granted to the president in the context of the provisions on increasing president's power that were adopted in 2016 referendum creates a possibility for the abuse of this authority. Consequently, although the president's authority to appoint extraordinary presidential elections is legally justified, but it is illegitimate in terms of the principles of democratic constitutionalism.

EMDS conducted its long-term election observation by collaborating with 22 observers throughout the process. On election day EMDS cooperated with 166 volunteer observers across 110 electoral districts. EMDS conducted a sample-based observation, which provided an accurate, comprehensive assessment of election day process. Observers monitored a random, representative sample of 125 polling stations.

The findings of the long term observation of EMDS demonstrate that there haven't been recorded positive developments in the areas of freedom of assembly and association, including freedom of expression in April 11, 2018 presidential election. On the contrary, similar to October 9, 2013 presidential election, political repression towards political groups has increased, and the number of political prisoners has reached 130.

Although the Election Code, which has been in force since 2003, presents legal restrictions on conduct of election related activities in the country, the calls for the improvement of this law, as well as the recommendations of the Venice Commission of the Council of Europe has been largely ignored by the government. In particular, the recommendations on ensuring the independence of the election commissions, as well as the prevention of external interference in elections hasn't been taken into account.

There was limited political engagement and political discussions, and lower public interest in the election in comparison with previous elections according to EMDS's observations. There was not a genuinely competitive environment among the candidates, and many of the presidential candidates were engaged in promoting President Ilham Aliyev. Thus, access of voters to alternative candidates was limited.

The Central Election Commission (CEC) has not made any efforts to prevent outside interference in the election process, to stop the illegal propaganda in favor of the incumbent president, to enhance accuracy of the voter lists and improve the rules for registration of

¹ For more information - <https://smdtaz.org/wp-content/uploads/2018/02/SMDT-120218.pdf>

observers. Information on the income of the candidates has not been disclosed to public after the nomination and registration process was completed.

EMDS' sample-based observation found a number of election violations observed on election day during voting and vote counting process. In 47% of all polling stations, voters who were not on the voters list were permitted to vote; fraudulent ballot stuffing occurred in 53% of polling stations; and one person voting several times in 52% of polling stations. No serious violations were recorded only in 8% of the polling stations that was sending in information about election violations. Independent observers and journalists were subjected to pressure on election day. This pressure was exerted against persons who reacted to election violations.

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

EMDS, by summarizing the results of the April 11, 2018 presidential election monitoring, declares that the election was not free, fair and democratic. Based on the recording of shortcomings in all stages of the extraordinary election, EMDS notes that the election took place without the expression of the true will of Azerbaijani people in the absence of alternative and real competition.

EMDS, by evaluating the legal and political outcomes of the April 11, 2018 extraordinary presidential elections, considers it necessary to lift the norms that are restricting freedom of expression in national legislation, including the penalty for defamation and the rules of blocking internet portals in order to change the existing situation. EMDS believes that there should be serious measures to ensure the freedom of assembly and association in the country, the laws restricting the activities of political parties and civil society organizations should be improved, and the 130 people who are considered political prisoners by human rights defending organizations should be released.

EMDS considers it necessary for the government of Azerbaijan to execute the recommendations of local civil society organizations, the Venice Commission of the Council of Europe and OSCE/ODIHR for improving the Electoral Code and to ensure that the election commission is organized based on the parity principle facilitating the representation of all the major political forces.

The laws restricting freedom of expression in national legislation should be improved, punishment for defamation and the rules of blocking internet portals should be abolished, government should cease persecution of social media activists, bloggers and journalists, and 130 people held in prison for politically motivated charges including Seymour Hazi, Afghan Mukhtarli and Mehman Huseynov should be released from prison.

Serious measures should be taken to ensure the freedom of assembly and association, and laws restricting the work and funding of political parties and civil society organizations should be

improved.

EMDS hopes that the current political power will demonstrate political will to take measures that will establish mutual trust between political forces and to create necessary conditions so civic and political groups with alternative viewpoints can participate in the governance of the country.

II. INTRODUCTION

This report was prepared based on the results of the long-term monitoring of the April 11, 2018 extraordinary presidential elections by the Election Monitoring and Democracy Studies Center (EMDS). The report contains results of observations on the state of political liberties and legal-political environment on election eve, registration of candidates, pre-election campaign, work of election commissions, election day voting and vote counting.

EMDS assisted citizens who wanted to be observers on April 11, 2018 presidential elections with registration at the Central and District Election Commissions and provided them information on election rules, rights and duties of observers, and rules of behavior. Some observers who were registered at election commissions cooperated with EMDS on long-term basis by accepting its principles of non-partisan observation.

EMDS's long-term observation activities included monitoring and evaluation of the preparation process for the electoral process, the signature collection campaign and registration of candidates, the pre-election campaign, the activities of the Central and District Election Commissions and coverage of the election process in mass media. EMDS observed the pre-election period with 22 long-term observers.

On election day EMDS conducted a sample-based observation of opening, voting and vote counting processes across the entire country with the help of 166 observers. The observers monitored the entire process during the day in randomly selected polling stations based on proven statistical methods. Sample-based observation (SBO) is an advanced, proven election observation technique that provides an accurate and comprehensive assessment of the election day process. Because observers are deployed to a random, representative sample of polling stations, the findings are representative of the entire country, not just among the polling stations observed.

The joint observation of the pre-election period and election day allowed EMDS to provide a more detailed and accurate assessment of the election process.

EMDS is grateful for their cooperation to all the citizens of the country, including long-term and short-term observers, journalists, members of election commissions and representatives of the candidates for presidency.

It should be noted that EMDS was founded on December 1, 2008 based on the Election Monitoring Center (EMC) whose registration was revoked by Ministry of Justice. Let us remind that EMC's registration was revoked based on the court order of Khatai court upon illegal claim of the Ministry of Justice on May 14, 2008. Although EMDS applied for registration in the

Ministry of Justice in 2009, this appeal was not satisfied, and EMDS filed a lawsuit in court on the violation of freedom of association. However, EMDS had to appeal to European Court of Human Rights due to its complaints not being satisfied by national courts. The communication round based on the appeal of the founders of EMDS has ended in the European Court of Human Rights.

EMDS (former EMC) has conducted monitoring of 15 elections in Azerbaijan since 2001. Until now, EMDS has conducted more than 600 trainings for more than 14,000 citizens and provided legal and technical assistance to their accreditation in election commissions.

The Prosecutor General of the Republic of Azerbaijan filed a criminal case against EMDS on October 27, 2013, two weeks after the presidential elections that took place that year. EMDS considers this criminal case to be politically motivated, related to the election observation that EMDS conducted on October 9, 2013 presidential elections. Based on that criminal case, the chairman of EMDS Anar Mammadli was sentenced to 2 years and 3 months, and Executive Director Bashir Suleymanli was sentenced to 10 months in prison.

EMDS is a member the European Network of Election Monitoring Organizations (ENEMO), the Civil Society Forum of Eastern Partnership Countries, the European Platform on Democratic Elections (EPDE) and the Global Network of Domestic Election Monitors.

EMDS operates on the basis of the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Venice Commission of the Council of Europe, including the principles of the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.²

III. LEGAL ENVIRONMENT CONCERNING THE PRESIDENTIAL ELECTION

On February 5, 2018, President Ilham Aliyev issued an order appointing presidential elections to 6 months earlier from the original October date. However, the government did not provide solid political justification explaining the political need for appointing extraordinary elections, nor held open political debates in parliament about the subject matter. By appointing the extraordinary presidential election, the president took advantage of the legal opportunities provided by the non-democratic referendum held on September 26, 2016. This election was held on the basis of the Election Code that has been subjected to several negative changes in the past 15 years. As a result, the recommendations of the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the improvement of the Election Code were ignored yet again on the eve of the April 11, 2018 election.

a) Legal basis of extraordinary election

² For more information - <http://www.gndem.org/declaration-of-global-principles>

On February 5, 2018, President Ilham Aliyev issued an order appointing presidential elections to 6-month earlier date from the original date in October. While this order was in accordance with article 101.1 of the Constitution of the Republic of Azerbaijan and article 179 of the Election Code, the principles of democratic constitutionalism and periodicity of elections were not followed when the decree was issued.

It should be noted that as a result of the September 26, 2016 referendum and through the amendment made to the 101th Article of the Constitution, the president was granted independent and unconditional authority for declaring extraordinary elections.³ Until the amendments made to the constitution as a result of the non-democratic 2016 referendum, early presidential elections could be held only in the following special cases:

- I. When the president resigns;
- II. When the president due to health conditions completely loses an ability to fulfil his/her duties;
- III. When the president is sacked.

The changes that were made to the constitution by the 2016 referendum granted the president authority to appoint early presidential elections based on his/her judgment. The Venice Commission of the Council of Europe expressed the following criticism about the changes made to the constitution by the 2016 referendum: *the motives for changes are unclear; absence of parliamentary debates on the referendum act; absence of regulation on the entry into force of the constitutional amendments.*⁴

Since the decree of the president on holding extraordinary elections was signed without providing solid legal justification and holding free and open parliamentary debates, the participation of all stakeholders in the election, including the potential presidential candidates and preparation of local and international observers, became complicated. So, the provision on “holding the elections in a reasonable interval and period”⁵ stipulated in international conventions Azerbaijan has joined was not upheld and there was no substantial and logical explanation provided for the early elections.

EMDS, by referring to best practices of the member states of the Council of Europe, has determined that there are exceptional situations for holding extraordinary elections (especially, presidential elections), as well as regarding the use of this authority under exceptional rules and terms. However, the Article 101.1 of the Constitution of Azerbaijan lacks these exceptional rules and conditions, and this provision gives the president authority to hold extraordinary elections without giving concrete and specific reasons. Therefore, the authority of the president to appoint extraordinary elections contravenes European election practices.

³ For more information – <http://www.msk.gov.az/az/referendum/927/>

⁴ The opinion of the Venice Commission of the Council of Europe - [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)029-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)029-e)

⁵ International Covenant on Civil and Political Rights (article no: 25b) and Protocol 1, Article 3, European Convention on Human Rights

The issuance of an authority to appoint extraordinary elections to the interested party, the president in this case, without any restrictions is also incompatible with democratic governance rules. The president, in theory, whenever it suits his or her own interest (for example, when the approval ratings are high or when the approval ratings might go down in future) can appoint extraordinary elections and extend the president's term in the office. Thus, granting the president with an unjust and unfair advantage regarding his or her political career is not legitimate in terms of the requirements of a democratic society.

The right to issue a decree on extraordinary elections granted to the president in the context of the provisions on increasing president's power⁶ that were adopted in 2016 referendum creates a possibility for the abuse of this authority. Consequently, although the president's authority to appoint extraordinary presidential elections is legally justified, but it is illegitimate in terms of the principles of democratic constitutionalism.

b) *State of Electoral Code*

Despite many amendments and changes that have been made to the Electoral Code since May, 2003, the joint recommendations of the Venice Commission of the Council of Europe and the OSCE Office for the Democratic Institutions and Human Rights have not been taken into consideration yet.⁷ For example, as a result of the changes made to the Election Code on June 2, 2008, the election period was reduced from 120 to 75 days, and the registration deposit (election deposit), which is considered as an alternative option for registration of candidates, was abolished.⁸ Then, following the amendment that was made to the Election Code on June 18, 2010, the election period was reduced from 75 days to 60 days, and the pre-election campaign period was reduced to 23 days. Along with this amendment, the provision on the allocation of state funds for the registered candidates to conduct their election campaign was abolished. However, these amendments, restricting the Election Code, have been adopted without taking into account the recommendations of the Venice Commission of the Council of Europe and the local community.

Over the past 15 years, numerous proposals that have been made to improve the Election Code, including punishing responsible persons for election violations, extending the term of filing election complaints, ensuring the independence of election commissions, and online accreditation of local election observers, have not been taken into consideration.

IV. POLITICAL ENVIRONMENT IN PRE-ELECTION PERIOD

The April 11, 2018 presidential election was held in a political environment that was characterized by political persecutions and shrinking political freedoms, and the incarceration of 130 political prisoners in Azerbaijan. Contrary to the principles of the Constitution and

⁶ The Referendum Act on Amendments to the Constitution of the Republic of Azerbaijan - <http://president.az/articles/20630>

⁷ For more information - [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2004\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2004)016-e)

⁸ For more information - <https://smdtaz.org/wp-content/uploads/2017/09/SMDT-DH-100917-1.pdf>

international obligations, the political power did not demonstrate the will to ensure political freedoms during the election period.

a) State of Media and Civil Society

Attacks on freedom of expression in the past few years and in pre-election period have intensified. The Parliament in March 2017 adopted new provisions that grant the Ministry of Communications, Technology and Transportation and the courts a new authority to restrict access to any website from Azerbaijani territory. One month following the adoption of these provisions, the Ministry used this authority and appealed to the court, asking to restrict access to the main independent news sites of the country, the Azerbaijani Bureau of Radio Liberty, Meydan TV based in Berlin, as well as the opposition newspaper Azadliq. The court order along with the aforementioned media sites also included Turan TV and Azerbaijani Hour media outlets that were founded by political emigres abroad.

Despite the calls of the Council of Europe and some other international organizations, criminal liability for defamation has not been abolished in Azerbaijan. In contrary, since the November 2016, the law on defamation has been promoted in social media. For example, well-known blogger Mehman Huseynov was sentenced to two years in prison on March 3, 2017 on charges of humiliating the honor and dignity of police officers. Huseynov's videos visualizing the real estate of ministers and other high-ranking officials have attracted more than million viewers in social media.

According to local human rights defenders, on elections eve there were 11 journalists and a blogger, as well as two poets that were serving prison sentences due to their political views. The working group's last report indicates that there are 138 political prisoners in country, 15 of which were arrested for attending protests demanding social justice and 12 of which were arrested for the political activities.⁹

The restrictions on the activities of civil society organizations have not been eliminated by election eve. As a result of the amendments made to the Law on "Non-Governmental Organizations (Public Unions and Funds)" and "Grant" laws, it has been difficult for non-governmental organizations to function, and receiving funding from foreign sources has been banned. Due to the changes made to these laws, the ability of civil society organizations to receive donations and carry out its functions without state registration has been restricted. One of the constraints in this area is that local executive authorities do not allow independent civil society organizations to conduct their activities (such as seminars, trainings and workshops). As a result of the protests of international organizations calling for liberalization of the laws on civil society, Azerbaijan's membership in Extractive Industries Transparency Initiative (EITI) was suspended in 2017.

b) Political pressure

The chairman of the Republican Alternative (REAL), Ilgar Mammadov, has been imprisoned for political motives for more than five years despite the European Court of Human Rights (ECHR)

⁹For more information - https://smdtaz.org/wp-content/uploads/2017/08/Vahid-Siyasi-Mehbus-Siyahisi_%C4%B0Q_28.08.2017.pdf

decision demanding his immediate release. Mammadov was sentenced to seven years in prison in 2013 on charges of organizing mass riots and resisting the police. On elections eve, the Baku City Executive Power refused to provide REAL movement with a venue in order to hold its congress for becoming a political party. Therefore, the REAL party held its congress secretly on April 7-8 and informed the public about it later.

Government bodies have provided unfounded reasons for rejecting the requests of different political parties and independent organizations to organize non-violent street protests to exercise their right of freedom of assembly. Although the authorities would offer the opposition “Mahsul” stadium, which is located far from the city center, to organize their rallies, organizers would always face various technical difficulties, including instances when internet and electricity provision would be cut. Along with these restrictions, law enforcement officials detained and persecuted opposition activists before the authorized rallies. Dozens of activists were detained on election eve. 81 members of the Popular Front Party were summoned to police station on the eve of March 10 rallies and interrogated regarding their political activism.

The hate campaign and political persecution towards Azerbaijani political emigres living in European Member countries and their family members has intensified on elections eve. In particular, “Know the Dictator Ilham Aliyev” campaign conducted by group of political emigres abroad has caused serious resentment among the political elite, which generated series of discussions in public and private television channels against the organizers of this campaign. Their families living in Azerbaijan were subjected to political persecution. An active member of the campaign, Tural Sadiqli’s father and brother were numerous times summoned to police station. For example, on February 23 his brother Elgiz Sadiqli was detained on the charges of resisting the police and sentenced to 30 days in prison. Sisters of another blogger living in exile abroad, Ordukhan Teymurkhan, have been numerous times summoned to police station and demanded to give a statement denouncing their brother.

Other forms of political pressure that political activists and civil society members encountered were related to their activities informing the long-term election observation of the OSCE/ODIHR mission on the socio-political situation in the country. For example, activists after their meeting with the international long-term observers dispatched to Ganja, Gazakh, Goychay, Quba, Khachmaz, Hajigabul and Mingachevir were summoned to the police, faced threats of the local executive power officials, and had photo and video footage from their meeting with the observers confiscated.

EMDS has prepared following infographic information on the pre-election period regarding the state of human rights and political environment:



V. ADMINISTRATION OF ELECTIONS

Election administration is executed through the election commissions that are formed every 5 years. However, despite the rulings of the European Court of Human Rights on election violations for which majority of the district election commissions, including members of the Central Election Commission (CEC), carry responsibility, the same people are still represented in election administration.

CEC began its work on February 6, 2018 and ensured the adoption of the Calendar Plan and election process guidelines. EMDS has taken note of the following irregularities and shortcomings in the work of the CEC and District Election Commissions regarding the preparation for the election process:

a) *The failure to ensure transparency*

EMDS has registered cases in which transparency hasn't been ensured in the work of the CEC and lower election commissions regarding the April 11, 2018 presidential election.

For example, despite the interest from the public and the requests of the journalists, the CEC hasn't disclosed information on the income of presidential candidates. Although some of the presidential candidates shared information on their income and properties with the journalists, the representatives of Ilham Aliyev did not do the same.

The CEC also failed to comply with the call for transparency in the process of checking the signatures submitted by the candidates.

b) *Voter registration*

According to the statistical information released by the CEC, there are currently 5,192,063 voters in the country. However, according to State Statistics Committee's (SSC) information on the

population, there are 7 million people over the age of 18 that are eligible to vote. There was no explanation provided for this discrepancy which accounts for more than 1 million voter difference between the SSC data and the CEC information on the number of voters. Despite numerous calls for explanation CEC hasn't brought clarity to discrepancy between these two numbers and hasn't provided detailed information on the exact number of voters.

c) Failure to ensure independence

There was no action taken either on the CEC or District Election Commission level regarding the violations, such as the use of administrative resources and interference of outside individuals that occurred during the signature collection and pre-election campaign period. For example, no adequate response was given on the propaganda of the president to the people representing NGOs and religious communities on influential television channels despite the law prohibiting them from participating in pre-election campaign.

d) Registration of observers

According to the registered observers at the CEC, the accreditation process started in this organization was late and slow. Despite the provision in the law saying that the applications regarding election observation should be processed within 3 days, the General and Legal Departments of the CEC delayed the registration process of some observers by up to 3 weeks. In addition to this, the CEC refused to register more than 60 citizens as observers by giving excuses, such as claiming the signatures did not belong to them, photos were useless, documents were incomplete, and the documents were not prepared by them.

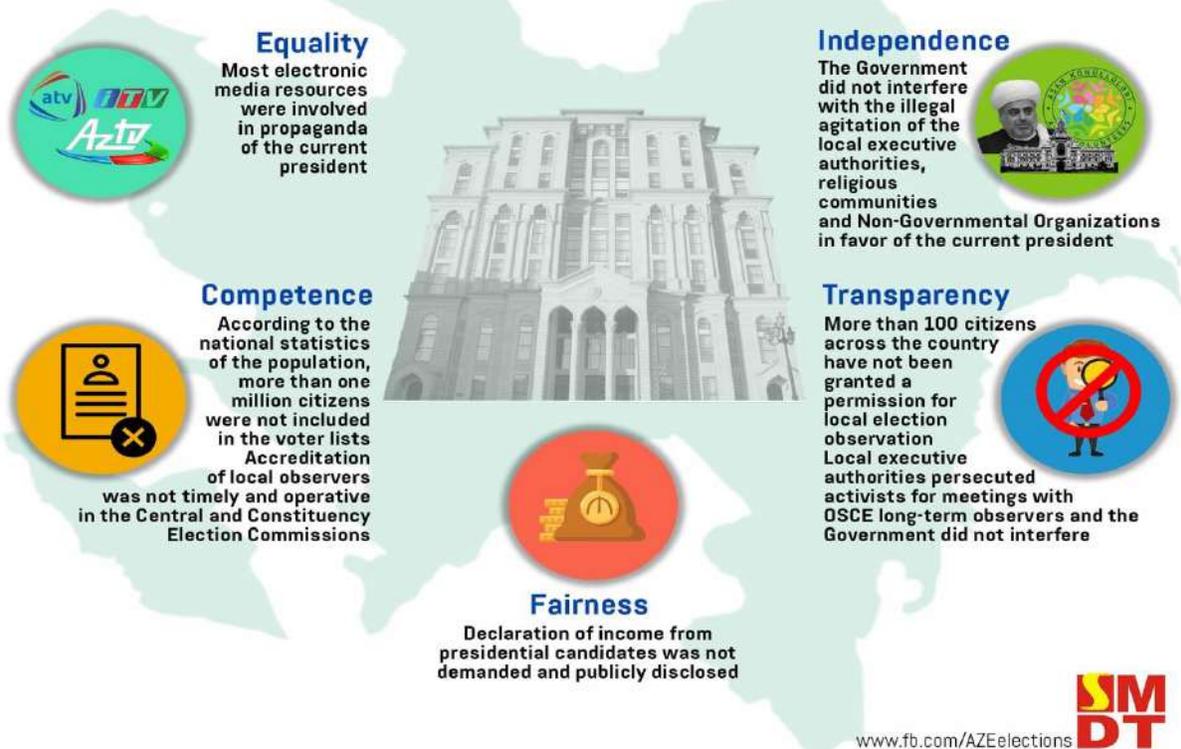
According to independent observers in some of the District Election Commissions, observers were asked unfounded questions about their employers, political affiliation and political intentions. In order to keep citizens away from observation, they encountered pressure at their work places and educational institutions in which they were studying.

According to the information that has been sent to EMDS from different regions of Azerbaijan, employees of various public institutions funded by the state have been registered as observers without their knowledge on behalf of different candidates and civil society institutions at District Election Commissions.

EMDS has prepared following infographic on the results of monitoring of election administration in pre-election period:

SHORTCOMINGS OF ELECTION ADMINISTRATION

The results of pre-election observation on 11 April 2018 early presidential elections in Azerbaijan



VI. NOMINATION OF THE CANDIDATES AND REGISTRATION

Nomination of candidates to the presidency and their registration started on February 20 and ended on March 12.

According to the law, there has to be no less than 40,000 signatures collected from voters in order to defend the candidacy of the candidates. These signatures must cover at least 60 districts in 125 election districts, with at least 50 voters' signatures in each.

According to the CEC's official information, 15 people took signature sheets for presidential nomination, and 12 of them turned the signature sheets back in. 8 of those that have submitted signature sheets have been registered as presidential candidates by the CEC. Other 4 people – Ali Aliyev, chairman of the Citizen and Development Party; Tural Abbasli, chairman of Ag Party; Fuad Aliyev, chairman of the Liberal Democrat Party; and independent candidate, Anar Mahmudov haven't been registered as candidates on the basis of being unable to collect enough signatures. Despite considering the CEC's decision as politically motivated, neither Tural Abbasli nor Ali Aliyev has filed a complaint to court.

The following individuals were registered as candidates:

1. Ilham Aliyev, incumbent president, presidential candidate for the 4th time
2. Zahid Oruj, member of the parliament, candidate for the 2nd time

3. Araz Alizada, chairman of Social Democrat Party, member of the parliament, candidate for the 2nd time
4. Gudrat Hasanguliyev, chairman of the Whole Azerbaijan Popular Front Party, member of the parliament, presidential candidate for the 4th time
5. Faraj Guliyev, member of the parliament, candidate for 2nd time
6. Hafiz Hajiyev, chairman of the Modern Musavat Party, presidential candidate for the 4th time
7. Razi Nurullayev, independent politician, first time candidate
8. Sardar Mammadov, chairman of the Democrat Party, the 2nd time candidate

Unlike the 2013 presidential election, opposition parties, such as the Popular Front, Musavat and REAL and including the National Council of Democratic Forces and other opposition groups, refused to participate in this election by describing the extraordinary election as illegitimate and the conditions undemocratic.

According to independent observers, presidential candidates did not organize an active nationwide signature collection campaign. At the same time, there were no reports of political pressure at this stage against the supporters of the candidates. Although there were some rumours that local executive power officials, secondary school teachers and municipal officials were involved in collecting signatures in favor of the presidential candidates, EMDS has not registered any reports or complaints about this fact.

EMDS has gotten reports about the employees of public state funded institutions and some private companies and secondary school teachers, including parents, having their identification cards collected by school principals and police officers. The reports say that these identification cards have been used in filling out the signature sheets of presidential candidates. For example, principal of the school #1 located in Nizami first election district asked students to bring the copies of their parents' identification cards to school. According to one of the employees working at that school, those copies of identification cards have been used for the signature collection campaign.

Another observer confirmed that the member of election commission in polling station #4 in the area of election district number 79, Mahbub Zulfugarov, participated in the signature collection campaign for the candidates. A similar case was reported by the employees of the #32 kindergarten located in the city of Ganja. According to their information, they were asked to come to the ruling party's office in Ganja city in order to sign the presidential candidate, Zahid Oruj's signature sheets.

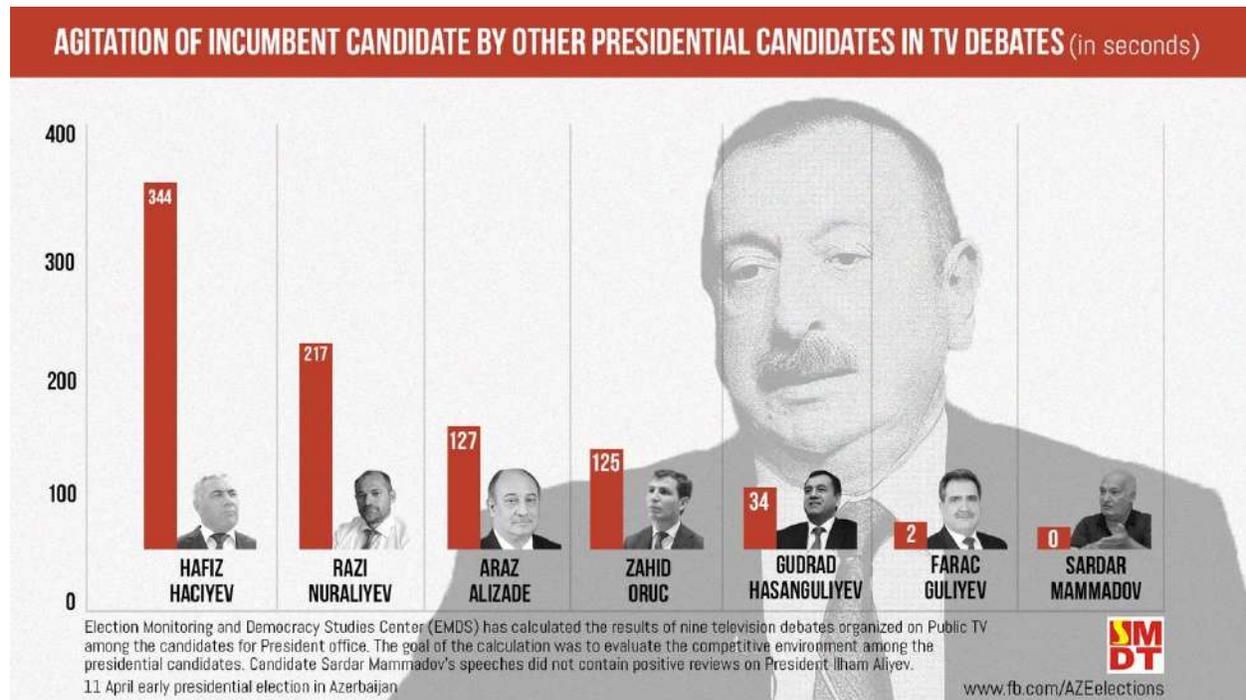
VII. PRE-ELECTION CAMPAIGN

The pre-election campaign started 23 days before the voting day on March 19 and ended 24 hours before the start of the voting in the second round of the April 11, 2018 presidential election. EMDS concluded that the pre-election campaign was marked by the absence of true and real political competition, an atmosphere of an unfair political race, limited political activity and a lack of public interest in debate among the candidates.

a) The conduct of pre-election campaign in the media

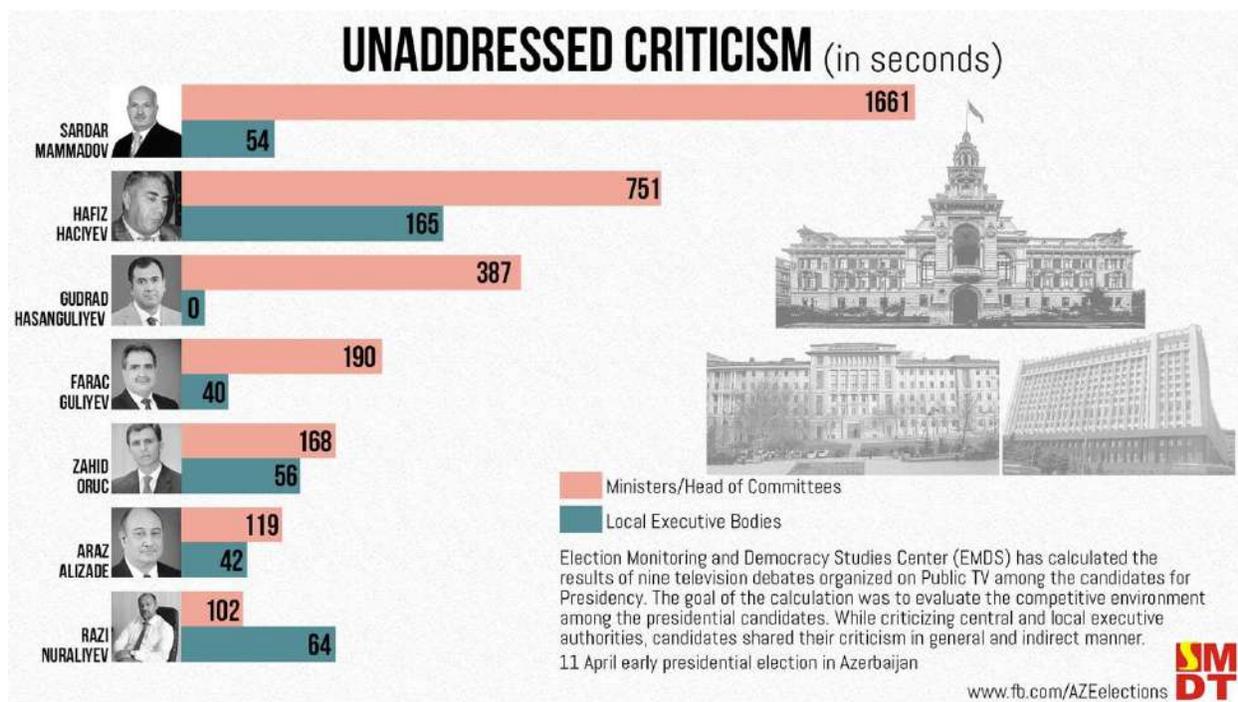
In television channels operating in the country, the views of the presidential candidates criticising the current president voiced during free and paid air time were not recorded. EMDS hasn't observed any criticism by the presidential candidates addressed towards specific government officials regarding local and national issues in the country to be expressed on television channels.

Free air time for presidential candidates was mainly offered by Public Television and Radio. However, a majority of presidential candidates were promoting president, Ilham Aliyev, in their speeches. For example, according to the analysis of EMDS on the speeches that were made on Public Television, 6 presidential candidates except Sardar Mammadov voiced positive views about the current president, Ilham Aliyev.



It should be noted that each presidential candidate was allowed to make a 7 minutes, 30 seconds long campaign speech on public television. All candidates, except the president, Ilham Aliyev, delivered their campaign speeches personally.

EMDS analyzed the campaign speeches delivered on the Public Television to study their effect on the conduct of the election campaign in competitive conditions by giving space to alternative views, and prepared following infographic on the results:



EMDS registered cases of propaganda of current President Ilham Aliyev in the media prior to the start of election campaign¹⁰. For example, 29 days prior to the official start date of the election campaign (March 19, 2018), a number of organizations held a meeting on February 9, 2018 and endorsed the current president.¹¹ Information and video footage of this meeting has been widely reported by state and non-state media. Heads and representatives of the Writers' Union, Composers Union, Union of Artists and the Union of Theater Figures of Azerbaijan participated in this meeting.

b) Participation in propaganda in favor of the current President

According to the law on freedom of religion, religious organizations can not participate in the activities of political parties. On February 14, the Chairman of the Caucasian Muslims Office, SheikhuIslam Allahshukur Pashazade; Archbishop of Baku and Azerbaijan, Alexander; Head of the Mountain Jews Association in Azerbaijan, Melih Yevdayev; Archbishop of the Roman Catholic Church, Vladimir Fekete and Chairman of the Albanian-Udi Christian community in Azerbaijan, Robert Poutli called upon all religious people to support the nomination of the president, Ilham Aliyev, for the presidency.¹² At the same time, in violation of the law on NGOs, a statement endorsing Ilham Aliyev in presidential election was made at the nationwide conference of national NGOs.¹³

¹⁰ Election Code, Article no: 75

¹¹ For more information: https://azertag.az/xeber/Azərbaycanın_yaradıcılıq_təşkilatları_öz_seçimlərini_ediblər-1135481

¹² For more information: <http://sia.az/az/news/social/662920.htm>

¹³ For more information: <https://az.trend.az/azerbaijan/politics/2860850.html>

According to information received from independent observers, during Friday prayers, religious community leaders in their sermons conducted propaganda of President Aliyev in the Aghdash, Ganja, Gazakh, and Hajigabul regions. For example, the representative of the Caucasian Muslims Office in western regions and Ganja Imamzade tomb, Haji Tahir Abbasov called upon the people who came to perform their prayers to support Ilham Aliyev.

c) Abuse of administrative resources

The current President Ilham Aliyev has signed a series of decrees regarding salary increases during the pre-election campaign, contributing to his own campaign by taking advantage of his presidential authority. It should be mentioned that the increase of salaries, pensions and other social safeguards by 10% occurred not by one decree, but through a series of decrees that covered up to 2 million voters.

There were reports of forcing employees of state funded institutions and organizations, teachers and secondary school students to attend campaign meetings of presidential candidates – Ilham Aliyev, Hafiz Hajiyev, Faraj Guliyev, Zahid Oruj and Razi Nurullayev. For example, on March 2, based on the orders of head of Goychay Executive Power, employees of the departments and organizations funded by state, including secondary school students, were brought to a campaign event to support Ilham Aliyev. In Imishli region, representatives of the Executive Power, civil servants, village executive representatives, chairpersons of municipalities, school principals and secondary school students were involved in the rally-concert that was organized on March 28 in support of President Aliyev's campaign.

VIII. ELECTION DAY OBSERVATION

a) Methodology and deployment of observers

EMDS used sample-based observation methodology to rapidly collect information from independent observers deployed to a random, representative sample of polling stations across the country. Data was collected on a regular basis via SMS and Facebook messenger based on a standardized reporting form. Based on the SBO, EMDS conducted an impartial assessment and provided accurate information to the public on the organization and quality of the election day process on the basis of the information received from well-trained observers.

On election day, EMDS monitored voting and vote counting throughout the country with 166 observers. This report contains information from 125 polling stations by adhering to the nationally-representative statistical sample. Information received on election day covers the process of opening polling stations and supplying necessary equipment, voting, voter turnout, vote counting and announcement of results. Because EMDS conducted a sample-based observation, unless otherwise noted all percentages reported in the below section are statistically representative of all polling stations across the country, not just among the polling stations observed.

b) Pressure on the observers

Some observers on election day were not allowed to conduct observation at polling stations. In 20 percent of polling stations observers faced various restrictions at some point during the day. Some of the observers were subjected to psychological and physical pressure. In some cases observers were taken out of the polling stations and were not allowed back in. For example, in polling station number 52 in Ismayilli election district number 86, election observer, Amrah Jafarov, faced various difficulties and was subsequently taken out of the polling station with the excuse of obstructing the work of the members of Precinct Election Commission.

Secondary school principal Telman Mammadov subjected election observer Ramin Huseynov who was observing the process at polling station number 11 in Balaken election district number 109 to regular pressure and physically attacked the observer because of his video documenting an election violation. Khalid Khanlarov, who observed election day in polling station number 24 in Khazar election district number 14, was forced to leave the polling station due to multiple threats and psychological pressure.

c) Organization of polling stations and preparation to voting

Observers did not encounter major violations of technical regulations related to the opening and organization of polling stations in Election day.

94 percent of polling stations started to prepare for voting starting from 7:00 am. In 92 percent of polling stations, shortcomings in the provision of necessary equipment and documents were not recorded.

However, in 7 percent of polling stations, ballot boxes were not shown to observers before being sealed. At the same time, the number of voters registered in 22 percent of polling stations and the number of ballots approved in 32 percent of the polling stations were not announced. In addition, ballot boxes in 40 percent of polling stations did not contain information on the number of people that requested to vote.

d) Voting process

Observers recorded massive violations of election laws during the voting process. In comparison with previous elections, these can be described as traditional violations which have been directed towards directly affecting the outcome of voting. For example, cases of letting people whose names are not in the voter list to vote, multiple voting, stuffing ballot boxes with falsified ballot papers and bringing voters as a group to polling stations to vote, along with inflating voter turnout on election day, has also made it impossible for EMDS to reach any conclusions on the true results of voting. These cases along with being serious violations of law also demonstrate the prevalence of unlawful intervention in the voting process. Particularly, cases of local executive power representatives taking groups of voters from one polling station to another and having them vote is an indicator that these violations are purposely engineered.

EMDS has summarized election day violations in the following order:

Type of violation	Percentage of all polling stations
Voting of people whose name was not in the voters list	47%
One person voting more than one time (multiple voting)	52%
Stuffing of ballot boxes with falsified ballots (one or more)	53%
Bringing voters to polling station as a group	56%
Inciting voters to vote in favour of a certain candidate	27%
Failure to check whether the fingers of voters have been marked with ink	18%
Failure to correctly mark the fingers of voters with ink	13%
Participation of voters in voting without signing the voter list	24%
Violation of secrecy of the vote	33%

d) Vote Counting Process

After the voting concluded, observers made an attempt to monitor the vote counting process. However, in some of the polling stations they recorded cases of significant violations of transparency during vote counting.

The most massive and serious violation of law recorded by observers in this process was the incorrect reflection of voting results in the final protocol. Such violations, along with questioning the integrity and legitimacy of voting in polling stations, can be regarded as a step towards manipulating the results of the election.

Classification of violations recorded during vote counting process:

Violation of transparency during vote counting	17%
Failure to give the final protocol on the results of vote counting to observers	53%
Imposing restrictions on observers	20%
Failure to count and destroy the ballots that were not used	24%
Failure to check seals before opening ballot boxes	10%
Failure to correctly reflect the results of voting in the final protocol	63%
Failure to post the final protocol on voting in front of the polling station	66%
Suspension of the vote counting process by outsiders	8%

In general, observers reported interference of outsiders on opening, voting and counting process in 15 % of all polling stations during election day.

f) Voter turnout

In its sample of polling stations, EMDS instructed observers to count each voter that cast a ballot. EMDS then compared these numbers to the officially announced turnout figures on the CEC's website and found that the turnout recorded by EMDS observers was **significantly lower** than the officially reported turnout for a large majority of polling stations. This finding, combined with the findings that voters in more than 50 percent of the polling stations whose names were not in the voters list were allowed to vote, one person voting more than one time and stuffing of ballot boxes with falsified ballots, points to the conclusion that the voter turnout was artificially inflated.

According to the information received by EMDS, voter turnout in randomly selected 125 polling stations was 43.6%, with a margin of error of +/- 4.8 percent. However, CEC's numbers indicate that in the same polling stations voter turnout was 74,3%.

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

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

Findings of the analysis of official numbers made public by CEC

In addition to the reports received from observers, EMDS analyzed the official data provided by CEC and has identified results that cast a doubt on the legitimacy of the turnout and results figures in a number of polling stations.

- The percentage of voter turnout rate in at polling stations within 12 election districts (approximately 400 polling stations) was almost exactly the same percentage, at all five reporting times throughout election day. This was the case in electoral districts 1, 2, 41, 42, 43, 47, 58, 91, 103, 104, 107, and 125. For example, all 35 polling stations in Nakhichevan election district number 1, reported the exact same voter turnout – 24% at 10 am, 38% at 12 pm, 57% at 3 pm, 72% at 5 pm, and 83% at 7 pm.
- Officially-reported voter turnout in 57 polling stations was 100%; and in 65 polling stations official turnout was between 97 and 99%.
- Voter turnout creates serious suspicion when in some of the polling stations the number of voters is calculated per minute based on the official figures. Hundreds of polling stations had officially-reported turnout figures with unreasonably high rates of voters per

minute – some even as high as five voters per minute during certain intervals.

Highest voters per minute rate (8:00 - 10:00)					
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Voters/minute	Turnout %
Yevlakh-Mingachevir #49	39	1366	627	5.2	46%
Shamkir City #98	34	1450	570	4.8	39%
Yevlakh #48	32	1498	527	4.4	35%
Aghdam #119	13	1497	493	4.1	33%

Highest voters per minute rate (10:00-12:00)						
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Turnout 12:00	Voters/minute	Turnout %
Khazar #14	40	1000	465	985	4.3	98.5%
Khazar-Pirallahi #13	38	1289	370	857	4.1	66.5%
Goygol-Dashkasan #101	38	1280	127	584	3.8	45.6%
Agjabedi #82	49	1428	461	912	3.8	63.9%

Highest voters per minute rate (12:00-15:00)							
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Turnout 12:00	Turnout 15:00	Voters/minute	Turnout %
Khatai #36	38	1470	277	563	1468	5.0	99.9%
Nizami #24	23	1490	205	407	894	2.7	60.0%
Nizami #24	34	1280	182	531	1003	2.6	78.4%
Khazar #14	5	1381	253	458	924	2.6	66.9%
Khazar #14	8	1404	176	568	1029	2.6	73.3%
Khazar #14	20	1482	214	521	980	2.6	66.1%

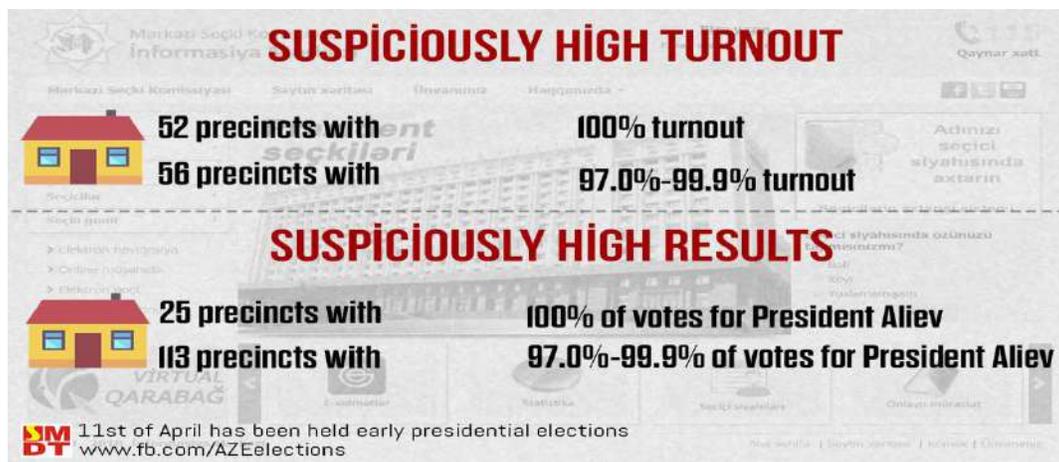
Highest voters per minute rate (15:00-17:00)								
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Turnout 12:00	Turnout 15:00	Turnout 17:00	Voters/minute	Turnout %
Yasamal #17	47	1499	0	192	192	801	5.1	53.4%
Khatai #33	5	1491	193	499	523	948	3.5	63.6%
Babak-Kangarli-Nakhchivan #3	13	1498	300	489	723	1089	3.1	72.7%
First Yasamal #16	32	557	0	0	0	337	2.8	60.5%
Yasamal #32	4	1375	167	476	794	1124	2.8	81.7%

Highest voters per minute rate (17:00-19:00)									
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Turnout 12:00	Turnout 15:00	Turnout 17:00	Turnout 19:00	Voters/minute	Turnout %
Gusar #51	63	1300	300	620	805	914	1300	3.2	100.0%
Kapaz #39	30	1475	341	615	967	1105	1475	3.1	100.0%
Sabail #29	35	1486	214	581	864	1121	1476	3.0	99.3%
Sabail #29	32	1499	205	496	855	1156	1482	2.7	98.9%
Absheron #45	13	1325	270	499	812	837	1134	2.5	85.6%

Highest voters per minute rate (8:00 - 19:00)										
Election Constituency	Election Presinct	Registered voters	Turnout 10:00	Turnout 12:00	Turnout 15:00	Turnout 17:00	Turnout 19:00	Voters/minute	Turnout %	
Sabail #29	32	1499	205	496	855	1156	1482	2.2	98.9%	
Sabail #29	35	1486	214	581	864	1121	1476	2.2	99.3%	
Kapaz #39	30	1475	341	615	967	1105	1475	2.2	100.0%	
Khatai #36	38	1470	277	563	1468	1470	1470	2.2	100.0%	
Fuzuli #84	72	1478	449	693	1117	1193	1447	2.2	97.9%	
Tovuz-Gazakh-Agstafa #106	38	1496	401	691	1012	1155	1443	2.2	96.5%	
Yevlakh #48	32	1498	527	903	1214	1280	1429	2.2	95.4%	
Agjabedi #82	49	1428	461	912	1215	1369	1428	2.2	100.0%	

Other cases arousing suspicion regarding the voter turnout based on the official figures of CEC:

- President Aliyev won 100 percent of votes in 25 polling stations throughout the country; and
- Voter turnout was 100 percent in 6 polling stations in which President Aliyev won 100 percent of votes.



e) Examples of violations recorded on election day

- According to the report of observer Gular Abbasova in polling station number 21 of Shaki city election district number 113, secrecy of the vote was repeatedly violated and 3-4 people entered the polling booth at the same time. Along with this, the members of Precinct Election Commission added 359 pre-made ballot papers to the pile of ballot papers that was taken out of the ballot boxes during the vote counting process.
- According to observer Anar Malikov in polling station number 31 of Jalilabad-Masalli-Bilasuvur election district number 69, groups of individuals without presenting any documents repeatedly voted. Members of the commission, who ignored observer's remarks on this violation, took him away from the polling station after voting was over.

- According to observer Seyavush Juvarli in polling station number 43 of Imishli-Beylagan election district number 80, underage children came to the polling station with the identification cards of their parents and participated in voting with the help of the members of Precinct Election Commission. After the vote counting was over, the Chairman of the Precinct Election Commission, Israfil Shovkatov, refused to hand the final protocol on the results of voting to observers by telling them that the copy of the protocol would be ready the next day.
- Observer Ali Dostumaliyev confirmed that in polling station number 41 of Gadabay-Tovuz election district number 104, members of the Precinct Election Commission Anar Ismayilov, Arif Musayev and Rahim Khudaverdiyev repeatedly stuffed ballots in ballot box. The village executive representative Allahyar Rahimov was campaigning in front of that polling station in favour of President Aliyev by calling the voters to vote for him.
- Observer Adham Lachinov was not allowed to take a photo or shoot a video while monitoring the voting process in polling station number 28 of Khatai second election district number 34.
- According to observer Samir Ibishov in the polling station number 19 of Fuzuli election district number 84, Ashraf Mammadov, member of the Precinct Election Commission, by handed a pile of ballot papers to individuals whose names were not in the voters list and allowed them to vote. In the same polling station after the vote counting ended, the chairman of the Precinct Election Commission (PEC) Ulviyya Safarova refused to hand the copy of the final protocol on voting results to observers.
- Observer Namiq Ismayilov reported that in the polling station number 21 of Salyan-Nefchala election district number 60, secretary of the PEC, Javad Azizov handed 40-50 ballot papers to people approaching him and allowed them to vote.
- According to observer Kamil Manafov in the polling station number 10 of Narimanov-Nizami election district number 18, the observers were not given the copy of the final protocol after the vote counting was over and the protocol was not hung on the board in front of the polling station.
- Observer Ismayil Najafli reported that in the polling station number 45 of Aghjabadi election district number 82, groups of 30-40 people were allowed to repeatedly vote in the election. PEC chairman Namet Gasimov ignored the remarks of observers on these violations and, after the vote counting was over in the polling station, took election documents including the ballots to the District Election Commission. He did not hand the copy of the final protocol on voting results to observers.
- Observer Nusrat Abdullayev reported that PEC members in the polling station number 31 of Sabunchu first election district number 26 repeatedly stuffed the ballot box with falsified ballots.

- According to observer Orkhan Mammadov, PEC chairwoman Gatiba Abbasova in the polling station number 26 of Gabala election district number 116 repeatedly instructed commission members, Shahla Veyisova and Tofiq Gasimov, to stuff ballot papers into the ballot box.
- Observer Anar Aliyev reported that in the polling station number 9 of Goygol-Dashkesen election district number 101, individuals whose names were not in the voters list were brought as a group to vote in the election. Ashigli village executive representative Gibad Aliyev led this process and the PEC allowed this to happen.
- Observer Orkhan Gasimov reported that in the polling station number 1 of Nizami (Ganja) first election district number 37, employees of the school number 41 repeatedly stuffed the ballot box with falsified ballot papers.
- According to observer Ulfat Huseynov in the polling station number 27 of Samukh-Shamkir election district number 102, group of individuals whose names were not in the voters list were allowed to vote.
- Observer Zulfugar Baratzade reported that in the polling station number 19 of Kapaz first (Ganja) election district number 39, PEC chairman Gahraman Namazov refused to hand the copy of the final protocol after the vote counting was over and did not hang the copy of the protocol in front of the polling station.
- According to observer Zeynab Rzazade, at the polling station number 20 of Nasimi-Sebayil election district number 23 individuals whose names were not in the voters list and individuals who did not sign the voter list were allowed to vote in election. After the voting was over, there was a difference of 150 between the number of ballot papers in the box and the signatures in the voters list.
- Observer Mubariz Asgarov reported that PEC chairman Mubariz Huseynov at the polling station number 5 of Gadabay-Tovuz election district number 104 was personally preparing falsified ballot papers for the ballot box and personally stuffing the ballot boxes.
- Observer Imamverdi Valiyev reported that the dean of the History faculty at Ganja State University, Ruslan Hasanov, brought students as a group to the polling station number 23 of Nizami second (Ganja) election district number 38 to vote and upon his instructions students who were not registered in that polling station were handed ballot papers and allowed to vote.
- Observer Khalid Khanlarov reported that at the polling station number 24 of Khazar election district number 14 there were cases of one person voting several times and groups of individuals being brought to polling station to vote.
- According to observer Shafi Shafiyev, ruling New Azerbaijan Party's representative Rauf Babayev stuffed the ballot boxes with falsified ballot papers at the polling station number

67 of Guba election district number 52. Following him, other PEC members stuffed falsified ballot paper into the ballot box as well.

- Observer Minakhanim Aliyarli reported that at the polling station number 34 of Khachmaz village election district number 56, PEC members directly interfered in election by dropping a few ballot papers in the ballot box. However, along with the commission members, observers representing the ruling New Azerbaijan Party, Vusal Safaraliyev and Etibar Seyidov repeatedly stuffed the ballot boxes with ballot papers. On election day, Khachmaz region executive power representative Polad Badalov pressured the commission members and demanded them to call upon voters to come to the polling station and vote.

VIII. Post-election situation

a) *Official results*

On April 15, 2018, the CEC announced the final results of the extraordinary presidential election.¹⁴ According to this information, 3,192,123 voters, 74.3 percent of voters participated in election, and 86 percent of voters voted for Ilham Aliyev. According to the CEC, other presidential candidates collected votes in the following order:

- 1) Zahid Oruj — 3.12%
- 2) Sardar Mammadov — 3.03%
- 3) Qudrat Hasanquliyev — 3.02%
- 4) Hafiz Hacıyev — 1.52%
- 5) Araz Alizada — 1.38%
- 6) Faraj Quliyev — 1.17%
- 7) Razi Nurullayev - 0.74%

The CEC, citing the identification of violations that do not permit to determine the will of the voters, took a decision not to recognize the legitimacy of voting results in polling station number 2 of Kurdamir election district number 57, polling station number 10 of Lankaran election district number 73, polling station number 26 of Jalilabad-Masalli-Bilasuvar election district number 69 and polling station number 12 of Lankaran village election district number 74.

None of the presidential candidates filed a complaint on voting results.

The CEC presented the final protocol on the results of the extraordinary election to Constitutional Court, and on April 17, 2018 the Plenum of the court confirmed the results of the presidential elections¹⁵ and announced that Ilham Aliyev was elected president.

On April 18, the inauguration ceremony was held in the building of the Parliament, and Ilham Aliyev started his fourth presidential term for the period of seven years.

¹⁴ For more information: http://www.msk.gov.az/uploads/Secki-2018/MSK_protokol-2018.pdf

¹⁵ For more information: <http://e-qanun.gov.az/framework/38525>

b) Opinions of international observers

According to the CEC, 894 international observers were accredited to observe the extraordinary election.

About 350 observers representing the OSCE Office for Democratic Institutions and Human Rights (OSCE / ODIHR), the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) conducted joint observation missions on election day. Unlike the other two institutions, the OSCE/ODIHR Election Observation Mission started its work one month prior to election and released an interim report until election day.¹⁶

The Joint Election Observation Mission of the aforementioned organizations released its preliminary statement on the results of monitoring on election day on April 12, 2018.¹⁷ It says the following in the conclusion of the joint mission, which conducted a comprehensive evaluation of all rounds of the electoral process: ***“The April 11, 2018 presidential elections have taken place in a restrictive political environment and in a legal framework that restricts basic rights and freedoms, which are a necessary conditions for holding real democratic elections. In this context and in the absence of pluralism, including the media, there was no real competition in these elections.”***

The joint observation mission also negatively assessed the voting rules in 12 percent of polling stations and the vote counting process in more than half of the polling stations where observation was conducted.

The report released by the joint mission has resulted in government officials and media initiating a campaign against the OSCE/ODIHR and PACE. For example, the CEC's statement stated that the joint mission "violated principles such as objectivity, impartiality, balance and professionalism" and stated that it would cease co-operation with OSCE/ODIHR.¹⁸

In fact, contrary to the notable observation mission from Europe, it has been reported that the principles of the Declaration of Principles for International Election Observation¹⁹ have been seriously violated by some of the international election missions. For example, the head of the Russian delegation at the CIS Interparliamentary Assembly, Ilyas Umakhanov, before voting was over on election day gave a statement to journalists calling the elections “open, fair and exemplary democratic election.”²⁰ Moldovan Parliament Vice Speaker, Vladimir Vityukc, a member of the UK Parliament, Lord David, Charles Evans²¹, a member of the Shanghai Cooperation Organization Observation Mission, Member of Secretariat Rashid Alimov²² and member of the French Parliament’s observation mission Michel Laflandr²³ also made similar

¹⁶ For more information: <https://www.osce.org/az/odihr/elections/azerbaijan/376579?download=true>

¹⁷ For more information: <https://www.osce.org/az/odihr/elections/azerbaijan/377620?download=true>

¹⁸ For more information: <http://www.msk.gov.az/az/beyanatlar/1009/>

¹⁹ For more information: https://www.ndi.org/sites/default/files/1923_declaration_102705_az_0.pdf

²⁰ For more information: <https://en.trend.az/azerbaijan/politics/2199991.html>

²¹ For more information: <https://president.az/articles/27823>

²² For more information: <https://en.trend.az/azerbaijan/politics/2886099.html>

²³ For more information: <https://az.trend.az/azerbaijan/society/2885759.html>

statements on the election before voting was over and cast doubt on the objectivity and impartiality of their mandates.

The CIS Observation Mission, the Asian Parliamentary Assembly, the Parliamentary Assembly of Turkic-Speaking Countries (TURKPA) and various parliamentary groups observing the elections on short-term basis issued a praiseworthy statement a day after the election day.

c) Position of political parties

The National Council of Democratic Forces and Musavat party, who were represented in the 2013 presidential elections by a joint candidate, the day after the election expressed their position on the results of the extraordinary presidential election. Both political forces made a separate statement saying that due to the absence of a democratic election environment, the failure to conduct the election in a competitive environment and the inability of citizens to express their free political will, the results of the election were illegitimate. The other opposition party, REAL, made a statement questioning the legitimacy of April 11 election on the grounds that the election was conducted under restrictive political conditions, Chairman of the party Ilgar Mammadov was held in jail on politically motivated charges and that there was not a conducive election environment.

d) Post-election political environment

The extraordinary presidential election was conducted in a restrictive political environment that has been increasingly politically oppressive over the past 5 years. This election, the 4th presidential election in the history of this country, was held in the absence of a competitive environment and the main political forces did not help to address the political crisis of the relationship between the state and citizens.

Despite inflated figures of the CEC on voter turnout, local and international observers have recorded people's distrust in the electoral process in all election rounds. EMDS' analysis of the existing low voter turnout confirms that the reason for this is the weakening trust of the people in elections as an institution and the increasing pressure on political activism by citizens.

IX. Conclusions and Recommendations

Conclusions

While evaluating the results of the April 11, 2018 presidential elections, EMDS reviewed the amendments made to the Constitution of the Republic of Azerbaijan by the last referendum, the legal norms regulating the electoral process and the pre-election political environment as part of the election process. In addition, EMDS by summarizing the observation of the nomination and registration of candidates during the election period, the status of voter lists, the pre-election campaign and the voting process on election day came to the following conclusions:

- The changes that were made to the constitution as a result of the September 26, 2016 referendum increased the authority of the executive branch over the other branches of the government. One of these changes, the authority granting the president the right to appoint extraordinary elections, created a possibility for this authority to be abused. As a result, the execution of the authority to appoint the April 11, 2018 extraordinary presidential election, despite being a legal act, was illegitimate in terms of the principles of democratic constitutionalism since the period in which it was held was neither justified nor reasonable.
- The pre-election political environment was not conducive for holding free and fair elections, and national legislation and international standards were violated. There was an absence of democratic conditions for civil society institutions, journalists and political forces in opposition to freely conduct their activities.
- No reforms were carried out regarding the freedom of expression, freedom of assembly, freedom of association and rule of law. On the contrary, on the eve of the April 11, 2018 presidential election, the political environment was even more restrictive compared to the 2013 presidential election, and the number of prisoners imprisoned for political reasons increased to 130.
- The recommendations of the OSCE/ODIHR and the Venice Commission of the Council of Europe on the improvement of the Election Code have not been adopted.
- The Central Election Commission did not bring any clarity to the nearly 2 million voter difference in the number of people indicated in the voter list of the CEC and the number of eligible voters indicated in national statistics.
- The CEC has not taken any steps towards improving the practice of accreditation of local observers and ensuring transparency in the electoral process.
- During the nomination and registration of candidates phase, the fact that some of the candidates were able to collect more than 40,000 signatures without possessing the necessary technical-organizational capacity aroused suspicion. Particularly, the loyalty of the registered candidates to the ruling power and the president strengthened this suspicion.
- The pre-election campaign was generally conducted in a quiet environment without holding national scale election campaigns and large-scale public gatherings. There were no recorded serious political competition or political discussions among the candidates in this round. As a result, the possibility for holding the elections in competitive conditions and providing voters with alternative choices during the election was restricted.
- The involvement of mass media in the pre-election period similar to previous elections was mainly in favor of the current president, and equal access of other candidates to media resources was restricted.
- Precinct Election Commissions on election day were primarily operating under the interference of local executive power representatives.

- Massive violations of law took place on election day during voting, vote counting and documentation of the final results of voting in polling stations. There were recorded traditional cases such as local executive power structures bringing voters to vote as a group, stuffing ballot boxes with falsified ballot papers, one person voting several times and changing the outcome of voting.
- There were restrictions on transparency during the election process. Registration of observers both at the CEC and District Election Commissions was delayed, and some people were either denied accreditation or expelled as a result of pressure from executive power representatives. Members of the Precinct Election Commission put pressure on observers and expelled some of them from polling stations on election day.
- The election process did not help with addressing the crisis of the relationship between the state and citizens or facilitate meaningful discussions on the political needs and views of citizens. The election process did not provide any possibilities for creating an environment of political dialogue.

EMDS by summarizing the overall conclusions of the monitoring of the April 11, 2018 extraordinary presidential election concludes that the election was not free, fair and democratic. There were shortcomings recorded in every aspect of the extraordinary presidential election. Since the pre-election campaign environment was not conducted in the environment of free and real competition, the true will of Azerbaijani people was not reflected in the outcome of the election.

Recommendations

EMDS by evaluating the legal and political outcomes of the extraordinary presidential election held on April 11, 2018 recommends the following measures in order to change the existing situation:

For government:

- The laws restricting freedom of expression in national legislation should be improved, punishment for defamation and the rules of blocking internet portals should be abolished, government should cease persecution of social media activists, bloggers and journalists, and 130 people held in prison for politically motivated charges including Seymour Hazi, Afghan Mukhtarli and Mehman Huseynov should be released from prison.
- Serious measures should be taken to ensure the freedom of assembly and association, and laws restricting the work and funding of political parties and civil society organizations should be improved.
- The government should demonstrate political will to restore mutual confidence in relations between the state and public, stop all political repressions, take necessary measures to ensure conditions for operation of civil society organizations and political groups with alternative views to engage in governance of the country.

- Political will should be demonstrated in executing the rulings of the European Court of Human Rights regarding the complaints of Azerbaijani citizens on the violation of electoral law, and individuals carrying legal responsibility for these rulings, including CEC and lower election commission members, should be expelled from election administration.

For parliament:

- The initiatives of local civil society organizations, including the Venice Commission of the Council of Europe and OSCE/ODIHR should be accepted, and the composition of the election commission should be organized on the principle of parity and have main political forces represented in them.
- Regulation on voter registration should be improved in compliance of recommendation of OSCE/ODIHR, and the discrepancy between the demographic statistic of country's population and number of people in the voter list should be eliminated.
- The rules of nominating and registering candidates regarding participation in elections should be simplified, particularly, as an alternative option to registration of the candidates the use of financial deposit rule should be reinstated.
- The pre-election campaign period should be prolonged for ensuring sufficient opportunity to consider enough period for pre-election campaign of candidates, and in inter-election and pre-election campaign period accessibility of the media to all political groups should be improved.

For Central Election Commission:

- The CEC should simplify accreditation procedures in general to provide less room for arbitrary interpretation and to develop online mechanism for registration of domestic and international observers.
- The submission and review procedures regarding filing complaints on the violation of electoral rights.

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