

FINAL REPORT

of the

Election Monitoring and Democracy

Studies Center

on the results of monitoring of

the 9 February 2020 Early Parliamentary

Elections in Azerbaijan



Baku, 2020

Final Report
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I. Summary

Election Monitoring and Democracy Studies Centre is a non-governmental organization working to build democratic institutions, promote political freedoms, and develop civil society in Azerbaijan.

EMDS carried out long-term observation of the 9 February 2020 Early Parliamentary Elections covering all stages of the election process - nomination of candidates, election campaign, voting and counting of votes on the election day, as well as investigation of post-election complaints. EMDS conducted long-term observation in collaboration with 22 volunteers while 198 volunteer observers were deployed on the election day. On the election day, observers worked in 150 randomly selected polling stations in 125 electoral districts, based on regional representation and carried out statistically-based observation. EMDS has produced two interim reports on the results of long-term observations and disseminated it among domestic and international communities.

The findings of EMDS's long term observation indicate that during the Early Parliamentary Elections of 9 February 2020, no positive changes were recorded in ensuring the rights of citizens to freedom of assembly and association, including freedom of expression. As a result of increasing political repression in recent years, the number of political prisoners has reached 112 on the eve of the election.

The recommendations of domestic civil society organizations and the Venice Commission of the Council of Europe on the improvement of the Election Code were not addressed. These recommendations can ensure the formation of a fair election system in the country, including provisions for extending the election campaign period, ensuring the independence of election commissions, prevention of external interference in elections, and reviewing election complaints.

During the election campaign, there were no national-level political discussions between the opposing political parties. While competition among candidates has led to political activism in some constituencies, the constituencies, in general, have either experienced political inactivity or lacked alternatives. Candidates, political parties, and various political groups preferred to meet with voters in the respective constituencies.

The Central Election Commission (CEC) has not made any efforts to prevent external interference in the election process, to stop illegal propaganda in favor of pro-government candidates, to verify voter lists, and to improve the rules for registration of observers.

Traditional irregularities occurred during the voting and vote-counting process on the election day. According to EMDS's statistically based observation, in 47.9% of polling stations across the country voters who were not on the voters' list were permitted to vote. At the same time, in 21.8% of polling stations, ballot-box stuffing occurred, and in 29.6% of polling stations, one person voted multiple times. Furthermore, independent observers and journalists were subjected to physical and psychological pressure on the election day.

Observers cooperating with EMDS recorded significantly different figures on voter turnout at polling stations than official figures. Through a detailed analysis, EMDS found serious other anomalies in the officially reported turnout figures. These findings indicate that official data on voter turnout were artificially inflated, as well as cast doubt on the credibility of the results.

Summarizing the results of the monitoring of the Early Parliamentary Elections held on 9 February 2020, EMDS states that the elections were not free, fair, or democratic. There was no alternative and real competition in the elections and thus it did not reflect the true will of the Azerbaijani people.

Evaluating the legal and political consequences of the 9 February 2020 Early Parliamentary Elections, EMDS considers it necessary to remove the provisions restricting freedom of expression in national legislation, including criminal penalties for defamation and the rules allowing for blocking websites, to change the existing situation. EMDS believes that serious measures should be taken to ensure freedom of assembly and association in the country, improve laws restricting the activities of political parties and civil society organizations, and release those considered political prisoners by human rights organizations.

EMDS hopes that the authorities will demonstrate the political will to take confidence-building measures with key political parties to prevent the deepening of political polarization in society, and to create conditions for alternative public organizations and political groups to participate in the governance of the country.

II. Introduction

Election Monitoring and Democracy Studies Centre is a non-governmental organization working to build democratic institutions, protect political freedoms, and develop civil society in Azerbaijan.

EMDS was founded on 1 December 2008, based on the Election Monitoring Center (EMC) whose registration was revoked on 14 May 2008 by the Khatai District Court upon an illegal claim of the Ministry of Justice. Although EMDS applied for registration with the Ministry of Justice in 2009, this appeal was rejected and EMDS took the case to the court. However, the domestic courts did not uphold EMDS's complaints and it appealed to the European Court of Human Rights (ECtHR) where the communication phase on the case has been completed. ECtHR

EMDS (former EMC) has monitored 15 elections in Azerbaijan, has held more than 600 training sessions on election monitoring for more than 14,000 citizens, and provided legal and technical assistance for their accreditation to election commissions since 2001. In addition to election monitoring, EMDS has taken various measures over the past 15 years to increase the participation of local communities in governance and the accountability of government agencies, protect political freedoms, and the active participation of citizens in political processes.

This report is prepared on the base of the results of EMDS's monitoring of the 9 February 2020 Early Parliamentary Elections. The report covers the assessment of the conditions for declaring early elections, the state of political liberties and legal-political environment prior to the election, registration of candidates, election campaigning, work of election commissions, voting on the election day, and the vote counting.

EMDS assisted citizens wanted to observe the parliamentary elections with registration at the Central and Constituency Election Commissions, provided them with information on election rules, the rights

and duties of observers, and the rules of conduct. Some observers registered at the election commissions accepted EMDS's principles of impartial observation and cooperated with the organization on a long-term basis.

EMDS's long-term observation included preparation for the election process, signature campaign, and registration of candidates, election campaign, monitoring, and evaluation of the activities of the Central and Constituency Election Commissions, and media coverage of the election process. EMDS conducted a long-term observation with 22 observers. Based on the information provided by observers, EMDS has issued two interim reports - on the candidate registration process¹ and the election campaign period.²

On the election day, EMDS monitored the voting and vote-counting process throughout the country with 198 observers who monitored the entire process throughout the day, in randomly selected polling stations based on proven statistical methods. As a result of the observations on the election day, EMDS prepared a preliminary statement and presented it to the public on the following day.³

EMDS thanks all the citizens of the country who cooperated with it, including long-term and short-term observers, journalists, members of election commissions, and representatives of the candidates.

EMDS is a member of the European Network of Election Monitoring Organizations (ENEMO), which brings together NGOs from OSCE participating States, the Eastern Partnership Civil Society Forum, the European Platform for Democratic Elections (EPDE), and the Global Network of Local Election Observers.

EMDS operates in the field of election observation 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, as well as the principles of the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.⁴

III. Pre-election political environment

Compared to the previous parliamentary elections held in 2015, there was an increase in political activity in the run-up to the Early Parliamentary Elections, with an increase in the involvement of independent candidates and young activists in the election process. Some opposition political organizations refused to take part in the elections, citing a nationwide distrust to free and fair elections. For example, the National Council of Democratic Forces, established on the eve of the 2013 Presidential Election, boycotted the election because there was no favorable election environment⁵. Opposition organizations such as Musavat, Republican Alternative Party (ReAl), Umid Party, as well as the NIDA Civic Movement, decided to run in the elections.^{6,7}

In the run-up to the elections, restrictions on political freedoms, in particular freedom of assembly, association and expression remained in place.

¹ EMDS interim report on the candidate registration process - <https://bit.ly/3e3f7U9>

² EMDS interim report on the election campaign period - <https://bit.ly/30N6mJY>

³ EMDS preliminary statement - <https://bit.ly/2UHTHnM>

⁴ See - <http://www.gndem.org/declaration-of-global-principles>

⁵ <https://bit.ly/2tXMTII>

⁶ <https://bit.ly/2tbt8gA>

⁷ <https://bit.ly/2QXNjY4>

3.1. Political persecution and politically motivated arrests

After the mass protest organized by the National Council in Baku on 19 January 2019⁸, protests and rallies were not allowed in the city center.

Opposition parties' appeals to hold protests in the central part of the capital city Baku were either rejected by the Baku City Executive Power or offered places far from the city. Protests not authorized by the government were broken up by the police with the application of excessive force.⁹ The persecution of people for their political views were also observed prior to the elections. According to the list of political prisoners published by the Working Group of Independent Human Rights Defenders, 112 people, including 5 journalists, are imprisoned for politically motivated reasons.¹⁰

A report released by the Human Rights Commissioner of the Council of Europe on 11 December 2019, based on her visit to Azerbaijan, stated that journalists and social media activists, who had expressed criticism of the authorities, were continuously imprisoned under various pretexts, no progress had been made with regard to protecting freedom of expression, activists faced travel bans in circumstances which give rise to justifiable doubts about the lawfulness of such bans, and human rights lawyers were removed from the Bar Association.¹¹

The imprisonment of more than 100 people in the country for political reasons was discussed at the winter session of the Parliamentary Assembly of the Council of Europe (PACE) on 30 January 2020. A resolution on political prisoners was adopted on the basis of the report of Torchildur Sunna Evarsdottir, PACE Rapporteur on Political Prisoners in Azerbaijan.¹² The resolution recommended the Azerbaijani government to release political prisoners in accordance with the criteria adopted by the Council of Europe, to address the serious shortcomings of the judicial system to prevent the recurrence of politically motivated arrests, and to implement the decisions of the European Court of Human Rights.

One of the most common forms of political pressure in the run-up to elections was the imposition of administrative fines or short-term administrative detentions on public activists on charges of disobeying lawful orders of police. In 2019, EMDS recorded the administrative prosecution of more than 100 political activists on dubious charges. In some cases, administrative detainees faced ill-treatment or torture by the police in detention facilities. For example, detainees during the protest rally organized by the National Council on 19 October 2019, including Ali Karimli, Chair of the Popular Front Party, and Tofiq Yagublu, a senior member of Musavat party, said that they had been brutally beaten by the police resulting in serious injuries. However, the law enforcement agencies did not conduct an expert examination of their statements, nor did they take action to find and prosecute those who are responsible.

3.2. Media

In the run-up to the election, state-owned and private television channels did not broadcast any public debates or election-related programs with the participation of opposition political figures. While social

⁸ <https://www.azadliq.org/a/azrerbaycanda-miting-kechirilir/29719058.html>

⁹ EMDS statement on October 19-20 protests - <https://bit.ly/2sx6oY0>

¹⁰ The Working Group on Unified List of Political Prisoners presents updated list: <https://bit.ly/2C0blwE>

¹¹ Report of the PACE Commissioner for Human Rights on her visit to Azerbaijan on July 7-12, 2019 - <https://bit.ly/31IsUdZ>

¹² Resolution 2322 (2020): Provisional version Reported cases of political prisoners in Azerbaijan - <https://bit.ly/31zLDZ6>

media remains the only platform for the opposition and independents in the country, internet media was occasionally blocked.

Restrictions on access to several independent and opposition websites continued during the election period. Access to the websites of Radi Free Europe/Radio Liberty and Meydan TV, which have been restricted throughout the country since March 2017, was possible in some cases, however, access to more than 40 websites, including Azadlig newspaper, Turan TV, and Azerbaijani hour has been blocked. According to the amendments adopted by the Parliament in 2017, the Ministry of Communications, High Technologies and Transport has been authorized to restrict access to internet information sources without a court decision.

On 3 February, the Facebook pages of the Musavat Party, as well as the web portal Basta, a media outlet close to the party, were seized as a result of a hacker attack, reducing the number of followers on the pages. Earlier, the Facebook page of Meydan TV was attacked in the same way, the number of followers was reduced in a short period of time, and some politics-related posts were deleted.

3.3. Civil Society

Prior to the 9 February Early Parliamentary Elections, the legal and political restrictions imposed on civil society organizations in recent years have not been lifted. As a result of amendments to the Law on Non-Governmental Organizations (Public Associations and Foundations) and the Law on Grant adopted in 2013-2014, the activities of local and foreign non-governmental organizations, especially funding from external sources, were severely limited. The amendments to these laws have made it difficult for NGOs to obtain donations and operate without state registration, as well as led to the liquidation of NGOs. One of the legal and political restrictions in this area is that the Ministry of Justice routinely refuses to register independent NGOs while local executive authorities interfere with events (seminars, training, and workshops) organized by independent civic groups.

Existing restrictions on the activities of NGOs have had a negative impact on increasing voter turnout during the election period, informing voters on various social groups, conveying voters' desires to candidates, and enhancing civic control over the electoral processes. As a result, many civic groups, including EMDS, have established their activities and services during the election period through social media, communicating with citizens through online channels. In some cases, local government officials obstructed seminars, roundtables, and training planned by independent civic groups using administrative resources, and prevented local activists from engaging in election activities through threats and harassment. New rules, which came into force in 2014, effectively prohibit the activities of foreign NGOs and their branches in the country. Thus, organizations working for many years with political parties, civil society organizations, election commissions, and media outlets in Azerbaijan for organizing free and fair elections have left the country. For example, civil society groups have lost the opportunity to benefit from the experience of the International Foundation for Electoral Systems (IFES), the US National Democratic Institute, and the US Council for International Research and Exchanges (IREX) in the registration of voters, election campaigning, training voters, and media coverage.

IV Legal framework

4.1. Declaring early Parliamentary Elections

Article 98-1, which was added to the Constitution as a result of the referendum held on 26 September 2016, stipulates the general rules for the dissolution of the Parliament by the President and declaring early elections. According to the new article, the President of the has the power to dissolve the Parliament if the same convocation of the Parliament expresses no-confidence to the Cabinet of Ministers twice in one year or if the Parliament fails to appoint the candidates nominated for the membership of the Constitutional Court, the Supreme Court and the Board of the Central Bank upon submission of the President twice within the statutory period, as well as if the Parliament fails to fulfill its obligations due to unavoidable reasons.

On 2 December 2019, with an initiative from the ruling New Azerbaijan Party (NAP), the Parliament adopted an appeal to the President to dissolve the Parliament of the fifth convocation. President Ilham Aliyev has sent a request to the Constitutional Court to determine whether the decision is in accordance with Article 98-1. The Constitutional Court ruled that the decision of the parliament and the decision of the president to dissolve parliament were in line with the new article of the Constitution.¹³ After that, the President signed an order on the dissolution of the Parliament and the holding of Early Parliamentary Elections.¹⁴ According to the order, the date of Early Parliamentary Elections is 9 February 2020.

However, the reference to this provision in the context of the early elections caused disagreement among lawyers and political institutions. Some experts argued that the Constitution does not authorize Parliament to appeal to the President to dissolve itself, and therefore, the President's decision to do so based on an appeal from the Parliament was against the Constitution.

4.2. Implementation of international recommendations on improving the election law

Over the past 20 years, PACE, OSCE\ODIHR, and the Venice Commission of the Council of Europe have made numerous recommendations to improve the electoral system in Azerbaijan. These recommendations were mainly in the following areas:

- Bringing the Electoral Code, as well as the legislation governing freedom of assembly and association, in line with international standards.
- Ensuring freedom of expression, and decriminalization of defamation for media representatives.
- Re-formation of election commissions with equal participation of political parties.
- Improving the mechanism for verifying and updating voter lists.
- Effective administration of election complaints by election commissions and courts.

It should be noted that the ECtHR has ruled 23 judgments on the basis of complaints from applicants from Azerbaijan regarding the parliamentary elections in 2005 and 2010. In these decisions, the ECtHR concluded that the right of 65 people to take part in free elections had been violated. It is clear from

¹³ Decision of the Plenum of the Constitutional Court of the Republic of Azerbaijan, December 4, 2019 - <https://bit.ly/3fLt1u8>

¹⁴ Order of the President of the Republic of Azerbaijan on dissolving the Parliament and holding early elections to the Milli Majlis of the Republic of Azerbaijan, December 5, 2019 - <https://bit.ly/3hOgp6r>

these decisions, combined under the heading "Nemat Aliyev Group", that the main factor leading to the violation of suffrage guaranteed by the Convention is the ineffective administration of election commissions and courts of complaints on election violations. For this reason, the Committee of Ministers of the Council of Europe, which monitors the implementation of ECtHR's decisions, recommended the Azerbaijani government to ensure independence, transparency, and legal quality in the consideration of complaints by election commissions, and to apply effective investigation in the courts.

In the run-up to the 9 February 2020, parliamentary elections, neither the parliament nor the central executive took political initiatives to implement the recommendations of the ECtHR, the OSCE/ODIHR, the Venice Commission of the Council of Europe, and PACE.

4.3. Legal regulation of parliamentary elections

The Parliamentary Elections are regulated by the Constitution¹⁵, Election Code¹⁶, Law on Political Parties, as well as Law on Freedom of Assembly, the Criminal Code, the Code of Administrative Offences, and other relevant legislative documents. In addition, by ratifying Protocol No. 1 to the European Convention, Azerbaijan has undertaken an obligation to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people.¹⁷

According to the Constitution of Azerbaijan, legislative power is exercised by the Parliament (Milli Majlis) which consists of 125 deputies elected for a five-year term. Every citizen of the country, who has reached the age of 18, may be elected a deputy to the Parliament in accordance with the procedure established by law. Persons with dual citizenship, those having obligations to other states, those working in the bodies of the executive or judicial power, persons involved in other payable activity except scientific, pedagogical, and creative activity, religious figures, persons whose incapacity has been confirmed by the court, those who have been convicted of grave crimes, those who are serving prison sentences pursuant to a conviction under a final judgment may not be elected to the Parliament.¹⁸

The election process is regulated by the 2003 Election Code. The Election Code has been amended 21 times so far. Unfortunately, each time these changes have pushed the law further away from international standards.

The CEC has adopted more than 30 instructions for a more detailed explanation of many provisions of the Election Code. However, the instructions often complicate the interpretation of election legislation by repeating articles of the Election Code. For example, the Instruction on the Rules of Local Observation in Elections does not provide any clarification of the rights and duties of observers other than the Code.

¹⁵ The Constitution of the Republic of Azerbaijan, Chapter V

¹⁶ Election Code of the Republic of Azerbaijan - <https://bit.ly/2FMB3a8>

¹⁷ Article 3 of Protocol No. 1 to the European Convention

¹⁸ The Constitution of the Republic of Azerbaijan, Article 85

V. Nomination and registration of the candidates

According to the Election Code, a candidate may be nominated through self-nomination or by voters, political parties, and blocs of political parties with active suffrage rights.¹⁹ Candidates for a single-mandate constituency must be nominated by political parties, blocs of political parties, citizens of the country residing in that constituency and having the right to vote, and at least 450 signatures should be collected in support of a candidate within the territory of the constituency for which he/she has been nominated.²⁰

5.1. Official information

The nomination and registration of candidates started on 6 December 2019 and lasted until 17 January 2020. According to the CEC, 2,431 people nominated their candidacies, but 1,637 of them were registered. 320 people withdrew their candidacies, three people's candidacies were annulled, and the number of candidates reached 1314. 246 candidates from 19 political parties, 11 from initiative groups, and 1,057 independent candidates took part in the elections.

According to the Election Code, election blocs of political parties can be formed by at least two political parties. Also, according to the law, only the political parties registered in more than 60 single-mandate constituencies have the right to use free airtime on the Public TV and radio.^{21,22}

All 123 candidates nominated by the ruling NAP have been registered. However, the NAP, which received space for free airtime, refused to use it.

Although the Musavat Party nominated 81 candidates, 63 of them (both party candidates and self-nominated candidates) were registered in 59 constituencies. However, the party was unable to obtain free airtime as the number of candidates did not cover the required 60 constituencies.

30 out of 42 candidates representing the bloc of "Real Republicans", initiated by the ReAl, were registered. In the same way, 16 out of 18 candidates nominated by the "Movement Bloc" founded by the NIDA Civic Movement together with a group of public activists were registered.

Due to not meeting the necessary criteria, blocs representing opposition candidates were not able to register with the CEC as election blocs, nor were they able to obtain free airtime.

Compared to the 2015 Parliamentary Elections, 75 of the candidates nominated by the NAP were new faces. 18 MPs from NAP were not nominated as candidates. Overall, 30 deputies represented in the Parliament were not nominated as candidates.

Observations on the nomination of candidates

EMDS recorded some violations during the period of nomination and registration of candidates. Violations were mainly against members of opposition parties and independent candidates. Some candidates were pressured by local executive authorities, election commissions, or the heads of the

¹⁹ Election Code, Article 53

²⁰ Election Code, Article 147

²¹ Election Code, Article 80

²² The Central Election Commission finalized elections to Milli Majlis - <https://bit.ly/3hOCORm>

enterprises they worked for to withdraw their candidacies. In some cases, election commissions refused to issue signature sheets or delayed them for days.

5.2. Administrative restrictions on nomination candidates

During the nomination process, some Constituency Election Commissions (ConECs) refused to issue signature sheets to candidates or to provide additional sheets and there were delays in accepting the documents of those wishing to nominate their candidacies. Below are some examples of the observed violations.

Although Mardan Mehdili, nominated by the Musavat party for the 54th Shabran-Siyazan ConEC, collected signatures and submitted the necessary documents, the chair of the ConEC, Saleh Tahmazov, refused to accept the documents. After the candidate complained to the CEC, the ConEC accepted the documents. Bakhtiyar Hajiyeu, a self-nominated candidate from the 29th Sabail ConEC, faced a similar situation.

The issuance of signature sheets to Rahman Rasulzadeh, a self-nominated candidate from the 100th Zagatala Constituency, was delayed until the last day. He was provided with signature sheets only on the last day and had to collect and hand over the necessary signatures during a day.

One of the main violations faced by the opposition and independent candidates was the pressure from their employers on them, their close relatives, and those who supported them in collecting signatures. In some instances, such pressure came from the local executive authorities. In some cases, voters were forced to withdraw their support signatures. Teymur Mammadov, nominated for the 91st Ujar ConEC by Musavat Party, noted that some of the voters, who had given their signatures in his favor, had been pressured to withdraw them. The head of the ConEC, Abdulrazag Abbasov told the nominated person that 15 people had applied to withdraw their signatures after Teymur Mammadov submitted the signature sheets.

The students of the Lankaran State University have been threatened with expulsion for supporting the signature collection process for the self-nominated Baba Mammadli for the 73rd Lankaran city ConEC.

Maharram Maharramli, the director of Ince-Zunud village secondary school, demanded the teacher of the school Razim Rzayev, a self-nominated candidate, to withdraw his candidacy at the 113th Shaki city ConEC. He was warned that he would be fired if he did not do so.

Punhan Imamov, nominated by Citizen Solidarity Party (VHP) for the 114th Shaki village ConEC, Tahir Huseynov, nominated by Musavat party for the 78th Lerik village ConEC, and Osman Kazimov, nominated by Musavat party for the 84th Fuzuli ConEC, also faced similar pressure.

ConEC chair Fikret Mustafayev used physical force against Fariz Hasanli, who nominated his candidacy for the 110th Zagatala ConEC on his own initiative. Thus, on 9 January 2020, the chair of the ConEC punched Fariz Hasanov in the face in front of many people in the building of the commission. Hasanli complained to the CEC and the Prosecutor General's Office about the incident. Saleh Sultanov, nominated by the Musavat party for the same constituency, was summoned to a meeting with Mubariz Ahmadzadeh, the head of the Zagatala District Executive Power, who threatened him and demanded him to withdraw his candidacy.

Some former political prisoners have been unable to run for office as their sentences continue. The candidacies of Rasul Jafarov from the 15th Yasamal first ConEC, Zaur Gurbanli from the 20th

Narimanov ConEC, and Ilkin Rustamzadeh from the 25th Nizami second ConEC were not approved by the relevant ConECs due to criminal convictions. The CEC did not uphold their complaint. Although Rasul Jafarov and Zaur Gurbanli referred to the decisions of the Committee of Ministers of the Council of Europe of on the restoration of their rights, including suffrage²³, the CEC stated that conviction was a ground for not being allowed to run in local elections and upheld the decisions of the ConECs.

5.3. The verification of collected signatures and registration of candidates

EMDS's observations demonstrate that, unlike opposition and independent candidates, those nominated by the NAP, as well as those with the pro-government position, were rapidly registered after handing over their signatures. Thus, there are reasonable doubts about the use of administrative resources in the process of collecting signatures.

The verification of the information on signature sheets of the candidates, alongside the signatures, are checked by the working group organized by ConECs. The independence and impartiality of the working groups are under question since those working groups are supervised by the same ConEC members in leading roles.

In some cases, ConECs refused to register candidates on the ground that their signatures had not been correctly collected. After filing a complaint, however, many of these individuals were registered as candidates by the CEC. However, in some electoral districts, the late submission of the signature sheets and the failure of candidates to provide accurate information on their assets and income were among the reasons for the refusal to register. The rejection of the registration for the Zahir Rahimov, self-nominated for the 45th Absheron ConEC, was justified by the false information about his assets. However, he said that he submitted to the ConEC a certificate from the State Committee on Property Issues. Apparently, the Committee submitted a different statement to the ConEC in response to the official inquiry where it also included the mutual property where the name of the nominated person is also included as a family member. The appeal against the decision of the ConEC was declined by the CEC.

The reason for the refusal to register the candidacy of Punhan Imamov, nominated by the VHP in the 114th Shaki village ConEC, was that he owned 4700 square meters of land. However, he said that he did not have such property, and heard about it for the first time. Similarly, the CEC has not granted the complaint from the decision of the ConEC.

5.4. Activities of election commissions at the stage of candidate registration

Although the CEC worked in a timely manner in accordance with the law, the online information system of the CEC did not work during the nomination and registration of candidates. Unlike in previous parliamentary elections, the public did not have access to information about candidates. Disclosure of information about the candidates was delayed until the end of this stage.

Although EMDS submitted an information request to the CEC regarding the lack of information about the candidates on the CEC website, this request was not answered. The CEC posted the relevant information on its website on 11 January 2020, after the nomination phase was partially completed.²⁴

²³ The decision of the Committee of Ministers of the Council of Europe on 3-5 December 2019, <https://bit.ly/3fiH7mQ>

²⁴ List of candidates for the February 9, 2020 parliamentary elections - <https://bit.ly/3aiwake>

However, the dates of candidates collecting signature sheets, returning them were not included in the information.

Similar to previous elections, ConECs have performed a lack of continuity in their working regimes during the period of nomination and registration of candidates. In some cases, the commission members failed to gather in full or in numbers necessary for quorum during working hours. This has caused the serious loss of time for candidates several times during the process of getting signature sheets and submitting them. For instance, the nomination of Nurlana Jalil, a self-nominated candidate from the 110th Zagatala ConEC, was delayed due to the similar issues (the absence of the official stamp, the absence of the head of the ConEC). She received the signature sheets only 11 days after these problems. Khalid Baghirov, a self-nominated candidate from the 73rd Lankaran city ConEC, has also faced similar issues on being provided with signature sheets.

The confirmation of the nomination of Konul Aliyeva, the candidate nominated by the Musavat Party for the 41st Sumgayit first ConEC, has been refused, stating excuses such as the upcoming municipal elections and claiming the day being Saturday and unsuitable for such operation. She was able to receive the signature sheets on 26 December 2019, only after filing a complaint with the CEC.

VI. Election campaign

According to the Election Code, the election campaign starts 23 days before the election day and ends 24 hours before the voting starts lasting only 22 days. During the Early Parliamentary Elections of 9 February 2020, the election campaign officially began on 17 January and ended on 8 February.

According to the law, election campaigning can be conducted through the means of mass media, public events (gatherings and meetings with voters, public discussions, etc.), and distribution of print, audio, video, and other campaign materials, and any other means not prohibited by law.²⁵

6.1. Conduct of election campaign through public events

During the election campaign, the CEC allocated 272 venues (136 indoor and 136 outdoor) throughout the country for candidates to meet with the voters.²⁶

According to EMDS observers, some of the venues were unsuitable in terms of space, transport accessibility, and conditions for meeting with voters. For example, in the 30th Surakhani first ConEC, the House of Culture in Zigh, which was intended for an indoor meeting, was found to be in a state of disrepair, the windows were broken and the building lacked a heating system. On the other hand, most of the voters of the constituency live in Hovsan settlement, which does not have direct means of transportation to Zigh where the meeting premise is located. Observers have noted that the venues allocated for campaign meetings were unsuitable in 27 election districts.

In some cases, photos of the President, who is also the chair of the ruling political party, Ilham Aliyev, continued to be displayed at the indoor venues despite the requests of opposition and independent candidates. For instance, on 2 February, during the meeting with voters in the territory of the 40th Kapaz Second ConEC, Ilgar Mammadov, the head of the ReAl Party, asked for the photos of the Heydar

²⁵ Election Code, Article 74

²⁶ List of permanent meeting places allocated for conducting the election campaign in the elections to the Parliament of the Republic of Azerbaijan on February 9, 2020 - <https://bit.ly/2RKC1pl>

Aliyev, the founder of the ruling party, and the current President Ilham Aliyev to be removed from the wall of the venue. However, the management of the venue refused to do so.

Some ConECs did not provide equal access to indoor use for all candidates. For example, when Toghrul Valiyev, a candidate from the 23rd Nasimi-Sabail ConEC, applied to the ConEC chair to hold a meeting on 14 January, he was told to apply on 17 January. But when Valiyev applied again to hold a meeting in the allocated venue he was informed that all venues were reserved for meetings of other candidates until 25 January.

Observers noted that in many constituencies, representatives of the local executive power were involved in organizing meetings of the ruling NAP and pro-government candidates with voters. For example, on the 30 January, the schoolteachers from the villages of Pirili and Jayli of Kurdamir were forcefully brought to the meeting of candidate Amina Agazadeh with the voters in Kurdamir District under the instruction of Kurdamir district executive power.

On 22 January, a similar case happened during the meeting of Huseynbala Mammadov, NAP's candidate from the 33rd Khatai first ConEC, with voters at Baku movie theatre, where employees of schools number 17, 261, and 95, kindergarten number 202, and polyclinic located in the nearby area, were instructed to attend. On 23 January, teachers who were brought to the meeting with Sadagat Valiyeva, NAP's candidate from the 25th Nizami Second ConEC, told observers that they are unaware of the meeting, and they had come under instructions of the management of the school they worked at.

Observers cooperating with EMDS noted that at this stage, in 63 constituencies, local executive authorities were involved in organizing meetings with voters abusing administrative resources in favor of some candidates.²⁷ The Electoral Code prohibits the use of administrative resources in favor of any candidate emphasizing that all candidates have equal rights and responsibilities.²⁸

In some constituencies, ConECs, executive, and municipal bodies hindered candidates' meetings. For example, Vugar Aliyev, an independent candidate from the 95th ConEC, wanted to meet with voters at the Tartar House of Culture, but the ConEC did not allow him to do so, demanding permission from the Tartar District Executive Power. On 3 February, Vugar Aliyev's meeting with voters in Yukhari Gapanli village of Tartar region was interrupted by the head of the executive power of the village, who intimidated voters not to come to the meeting.

On 4 February, Lankaran District Police Department stopped the campaign car of Khalid Baghirov, a candidate from the 76th Lankaran-Astara ConEC, and said that a special permit was needed for the campaign. Although the candidate appealed to the ConEC and received the permit, the driver refused to work with him due to harassment from the authorities.

EMDS's observations at this stage indicate that during the election campaign period, candidates preferred more door-to-door meetings over meetings at indoors and outdoors venues allocated by the CEC. None of the participating political parties or election blocs attempted to hold mass demonstrations or rallies.

²⁷ See Appendix 2 – the classification of violations recorded during the election campaign

²⁸ Election Code, Article 55, 69

Other observations regarding venues for public meetings:

- The square allocated for open meetings in the 115th second ConEC of Shaki village is located in the most remote part of that constituency - Turan settlement. This area is located 47-70 km away from Shaki and is unsuitable for candidates due to the poor condition of roads.
- The transport line to the stadium of the Sport and Health Complex, which is intended for open meetings in the 10th Binagadi third ConEC, is not convenient. The location is far from the subway and bus routes, making it difficult to get there. For this reason, no candidate organized a meeting at this venue.
- Inja village stadium for outdoor meetings in the 88th Goychay ConEC is located outside of the constituency. The roads are in poor condition and there is no public transport in the area. No candidate held a meeting there either.
- In the 27th Sabunchu second ConEC, the outdoor venue is located in Balakhani settlement, in the square on M.Ibrahimov Street, which is very far from other villages like Pirshagi.
- There is no direct transport from the surrounding villages to Yeni Suvagil village football field allocated for candidates in the 110th Zagatala ConEC, and the meeting venue is very far from most villages. Only one candidate Elshan Musayev organized a meeting in this venue though abusing administrative resources.

6.2. Election Campaigning through the print materials

Candidates have mostly used two ways to disseminate print materials. ConECs prepared the list of the places and allocated one board in the territory of each polling station for candidate posters to be displayed. In some cases, with the agreement of property owners, it was possible to place posters on houses, shops, and restaurants. At the same time, the candidates organized the mass distribution of printed campaign materials among voters on the streets and door to door.

Observers reported the cases of campaign posters being damaged or removed from the relevant information boards in some constituencies. For example, Mehriban Sadigov, a candidate of Umid party from the 28th Sabunchu third ConEC, lodged a complaint with the police regarding the destruction of her campaign materials but the police did not find the perpetrators. The posters of Valiyaddin Guliyev, running from the 19th Narimanov ConEC, were damaged in the PECs no. 1 and 2 at the high school number 57, and PECs no. 23 and 24 at the high school number 177. Bakhtiyar Hajiyev, nominated his candidacy from 29th Sabail ConEC, appealed to the Main Police Department of Baku to investigate the tearing of posters from campaign boards. Police responded the posters had been torn off by the wind.

EMDS observers reported that candidates' posters were destroyed or damaged in 46 constituencies across the country.

6.3. Election campaign through the media

According to the Election Code, only political parties registered candidates in more than 60 constituencies have the right to use free airtime on channels of publicly funded TV and radios.²⁹ All of the 123 candidates nominated by the ruling NAP were registered giving the party the right to use the

²⁹ Election Code, Article 80

free airtime. The party, however, refused to use the free airtime stating that other parties and blocs did not have the same opportunity.

30 agencies, nine newspapers, and one TV channel applied to join the paid election campaign, all of which were directly or indirectly pro-government.

Only the Public Television (ITV) offered paid airtime but very high prices made it inaccessible to many candidates.³⁰ The cost of one second of political advertising on ITV ranged from 22 to 65 AZN, and on Public Radio - from 7 to 25 AZN.

Lack of debates and coverage of elections on TV resulted in failure to ensure political pluralism and to guarantee impartial coverage of the electoral process. Consequently, most candidates organized their election campaign over social media platforms – Facebook, Youtube, and Instagram. Independent and opposition candidates were especially notable in this regard. Some of them, however, faced cyber-attacks. For instance, on 3 February, Musavat party's Facebook page along with that of a media outlet close to the party "Basta" was hacked and many followers were deleted.

6.4. Pressures during the election campaign period

According to the Election Code, no one can be forced to participate or not to participate in the election, in the election campaign, and to withdraw or not to withdraw their candidacy under intimidation³¹ and such instances may invoke a liability established in law.³² At this stage, EMDS has observed numerous cases of pressure on election participants, especially candidates. The main pressure at this stage is forcing some candidates through local executive bodies to withdraw their candidacies.

Ruhiyya Yagubova, the independent candidate from the 57th Kurdamir ConEC, was forced to withdraw her candidacy by the head of the ConEC Abulfat Mikayilov and the Kurdamir local executive power. Natig Karimov, the head of the territorial administration department of the Kurdamir region's executive power, put pressure on Guliyev, another independent candidate from the same constituency, stating that he would not be elected under any circumstances and therefore had to withdraw his candidacy.

The representatives of the Aghsu local executive power pressured and demanded independent candidates from the 87th Aghsu-Ismayilli ConEC Kamil Hamidov, Ayaz Gojamanov, and Aytan Piriyeva to withdraw their candidacies. Although Kamil Hamidov and Araz Bayramov had to withdraw their candidacy as a result, Ayaz Gojamanov, and Aytan Piriyeva did not withdraw their candidacies.

In some cases, the relatives of the candidates were intimidated to put pressure on the candidates themselves to withdraw from the race. Vugar Seyidov, the deputy chair of the NAP Surakhani organization, invited the mother of Farid Eyvazov, a candidate from the 30th Surakhani first ConEC, who works as a secondary school teacher, to the building and demanded her to force her son to withdraw his candidacy in favor of NAP candidate Sevinj Fataliyeva. However, Farid Eyvazov did not withdraw his candidacy.

Peyman Sadigov, a candidate from the Umid party at the 46th Shirvan ConEC, was threatened with the dismissal of his family member from work. As a result, he was forced to withdraw his candidacy. Similar cases took place in the 88th Goychay and the 106th Tovuz-Gazakh-Agstafa ConECs.

³⁰ Media outlets, provided the CEC with information on joining a paid election campaign - <https://bit.ly/3ci5qB6>

³¹ Election Code, Articles 2.6.17, 115

³² Criminal Code of the Republic of Azerbaijan, Articles 159-161 and Code of Administrative Offenses, Articles 164-179.

In total, observers reported pressure on candidates in 21 constituencies to withdraw their candidacies, with 44 people withdrawing their candidacies because of pressure from local authorities. According to the CEC, 144 people withdrew their candidacies during the election campaign. In some constituencies, there were cases of pressure on voters who came to meetings with candidates.

Ali Shabanov, the executive representative of Yukhari Chardakhlar village, put pressure on those who came to the meeting of Nurlana Jalil, a candidate from the 100th Zagatala ConEC, and threatened them not to go to the meeting. During a meeting of another candidate from the same constituency Fariz Hasanov, in the village of Chobankol, the village executive representative, Tajaddin Jumayev, tried to drive voters away.

During the meeting of Musavat Party candidate from the 82nd Agjabadi ConEC Rashid Najafli with voters in Mughanli village, chair of the Mughanli village municipality Najafgulu Guliyev threatened voters who came to meet with the candidate and attempted to disperse them.

Nazim Baydamirli, a candidate from the 104th Gadabay-Tovuz ConEC was rudely interrupted by local executive representatives while trying to hold a meeting with voters in Shahdag village on 30 January 30. Nizami Ismayilov, the deputy head of executive power of the village, said that he had received instructions from the Gadabay executive power to intervene in the candidate's election campaign.

On the same day, Anvar Jalilov, a member of the Truth Socialist Movement (HSH) was detained for distributing booklets promoting the boycott of the election and taken to the Khatai District 36th Police Department, where he was fined 50 AZN.

VII Election Commissions

According to the Election Code, election commissions ensure the preparation and holding of elections, determination of voting results and election returns, and the realization, protection, and observation of citizens' right to vote.³³ There are three levels of election commissions: CEC, ConEC, and PEC.

7.1. Composition of Election Commissions

According to the Election Code, 1/3 of the members of election commissions are formed by the political party controlling the majority in the Parliament, 1/3 members by the parties in the minority in the Parliament, and the remaining 1/3 members by non-partisan independent MPs. According to the law, chairpersons of election commissions at all levels must be elected from among persons nominated by the political party that controls the majority of seats in the Parliament. Consequently as the political party with a majority in the Parliament since 1995, representatives of the NAP chair all levels of commissions. It should be noted that political parties that have been in the minority in the Parliament since 2010 do not demonstrate their independent position in the election commissions due to their loyalty to the government. At the same time, the members of the commissions nominated by independent deputies do not show an independent position in the decision-making process in the election commissions, working under the control of the representatives of the ruling political party.

³³ Election Code, Articles 18, 19

7.2. Transparency and continuity in the work of election commissions

Though the CEC has worked in a timely manner in accordance with the law, similar to previous elections, the ConECs have performed a lack of continuity in their working regimes. In some cases, the commission members failed to gather in full or in numbers necessary for a quorum during working hours. This has caused the serious loss of time for candidates during the processes of getting signature sheets and submitting the signature sheets.

During the pre-election period, violations of transparency and accountability in the activities of some ConECs and CEC were observed. Preliminary cases of violations of transparency were registered at the stage of nomination and registration of candidates. Some observers informed EMDS that it was not possible to obtain information on nominees from ConECs.

The online information center of the CEC has failed to work up to date, especially when it came to the process of update of the list of registered candidates, which was delayed until the end of the process. EMDS has submitted an information inquiry to the CEC on the lack of transparency and accountability on the working regime of the information center but has not received a response. The relevant information on the registered candidates has started to be uploaded to the information center on the 11 January 2020, only a day after the end of the period for nominating the candidates.³⁴

For instance, candidates were not informed on meetings of the commission in the 29th Sabail ConEC, even though the meetings were claimed to be held every week. The agendas of the meetings were not displayed on information boards and observers were denied getting information on meeting agendas.

Such restrictions were observed in 16th Yasamal second, 18th Narimanov-Nizami, 19th Narimanov first, 20th Narimanov, 21st Nasimi first, 22nd Nasimi second, 23rd Nasimi-Sabail, 29th Sabail, 31st Surakhani second, 33rd Khatai first, 34th Khatai second, 35th Khatai third, and 88th Goychay ConECs. In many cases, the authorized representatives of the candidates were denied joining or not informed beforehand on the meetings of the ConECs. Moreover, a limit has been applied to the numbers of authorized representatives to join the meetings. Observers have reported such cases across these ConECs: the 21st Nasimi first, the 73rd Lankaran city, the 74th Lankaran village, the 36th Khatai fourth, the 15th Yasamal first, the 9th Binagadi, the 34th Khatai second, the 26th Sabunchu first, the 28th Sabunchu third, and the 63rd Sabiarabad first ConECs.

7.3. The verification of voter lists

According to the Election Code, the PECs must inform the voters and prepare the list of voters for public display for additional updates and verification or create necessary conditions for such display 35 days prior to the election day.³⁵ According to the calendar plan of the CEC, the voter lists should have been displayed on information boards since 5 January. The law stipulates that the voter lists must be displayed on information boards outside the voting premises where they are easily visible and accessible in terms of transport. However, the place and structure of the information boards did not meet the requirements of the law at some PECs.

The 4th and 11th PECs of the 16th Yasamal second ConEC are in the building of the Baku State University. But the entrance to the yard of the university is allowed only for those who can display their student IDs. Thus, the access of the voters to the voter lists is severely restricted. Similar cases

³⁴ List of candidates for the February 9, 2020 parliamentary elections - <https://bit.ly/2DJxIYm>

³⁵ Election Code, Article 48

were reported at PECs of the 22nd Nasimi second ConEC which are located in the building of the Azerbaijan Medical University.

Some PECs are reported not to display the voter lists on information boards. For instance, the 14th PEC of the 15th Yasamal first ConEC, 2nd PEC of the 16th Yasamal second ConEC, 30th PEC of the 31st Surakhani ConEC, and 7th PEC of the 45th Absheron ConEC failed to comply with the legal requirements. Some PECs of 22nd Nasimi second, 23rd Nasimi-Sabail, 29th Sabail, and 110th Zagatala ConECs are also among the commissions which failed to comply with legal requirements.

At some PECs, voters could not find themselves in the voters' lists. At many PECs, the names of deceased people and those who moved from Azerbaijan were still in voter lists. Such cases have been observed across the 10th PEC of 36th Khatai fourth ConEC, 2nd PEC of the 12th Garadagh-Binagadi-Yasamal ConEC, 10th PEC of the 59th Salyan ConEC, 8th PEC of the 23rd Nasimi-Sabail ConEC.

7.4. The accreditation of the observers

Though the CEC has performed in an operative manner in accrediting the people to become observers, it rejected the application of citizens who applied in a special order to observe the meetings of the CEC without providing a reasonable explanation. For example, the Executive Director of the EMDS – Mammad Mammadzada, and volunteers of EMDS – Abulfaz Gurbanli, and Tural Aghayev submitted their applications to observe the meetings of the CEC, however, their applications were rejected.

In some cases, the response to citizens who applied to the ConECs to become observers was delayed. For example, the chair of 113th Shaki City ConEC, Rahman Gadirzadeh, accepted the documents of a person for registering as an observer initially but he intimidated him with being fired from the workplace putting illegal pressure on the applicant. Similar cases were registered in the 117th Oguz-Gabala ConEC and the 81st Beylagan ConEC.

In the 110th Zagatala ConEC, members of the ConEC said that the observation IDs would be issued to those who applied to become observers after approval of the local executive authorities in a blatant breach of the legislation. Similar cases related to the registration of observers occurred in the 111th Zagatala-Balakan ConEC and 58th Hajigabul-Kurdamir ConEC.

Rules and regulations of accreditation through both the CEC and the ConECs were proven to be outdated, and there is a need for more advanced and modern tools to facilitate accreditation like online registration.

7.5. Investigation of complaints in the election campaign period

Election participants may file a complaint on the decision, acts, and omissions violating their rights to election commissions within three days, and decisions of election commissions to courts.³⁶ Complaints received by the ConECs during the campaign period were mainly related to early campaigning cases, destruction of candidates' posters, and interference by local executive bodies.

The CEC reviewed 13 complaints related to the breach of campaigning regulations dismissing six of them and granting the appeals of seven. The CEC issued a warning to three candidates as a result. Six of these complaints were against one candidate– Ahmad Shahidov – claiming that his speech in front

³⁶ Election Code, Article 112

of the army units violated the rules of campaigning. The CEC has considered the complaints valid and issued a warning to Ahmad Shahidov.

On 24 January, candidate Bakhtiyar Hajiyev from the 29th Sabail ConEC complained to the ConEC that the meeting of another candidate, Nigar Arpadarai, with teachers of the secondary school no. 6 was against the law. At the same time, Nigar Arpadarai filed a complaint against Bakhtiyar Hajiyev, claiming that he violated the rules of the campaign by conducting a campaign before the official start of the campaign period. The ConEC issued warnings to both candidates.

Faraj Guliyev, leader of the National Revival Movement Party from the 31st Surakhani second ConEC, met with Mehman Huseynov, a candidate from the same constituency, and offered him 15,000 AZN (7,500 EUR) in return for withdrawing his candidacy. Mehman Huseynov submitted an audio recording of the case to the CEC demanding the annulment of Faraj Guliyev's candidacy and criminal liability. After the Prosecutor Office's investigation, the CEC simply warned Faraj Guliyev and did not appeal to the court to annul his candidacy.

VIII. Observations on the election day

8.1. The methodology and deployment of observers on the election day

Since 2008, EMDS has been using a proven monitoring methodology for domestic election observation. The basis of this methodology is the random selection of polling stations for observation for ensuring a nationally representative sample. The methodology also allows observers to use statistical principles and rapid response technology to systematically assess the quality of opening, voting, voting turnout, and counting processes on the election day at a national scale.

During the election day, EMDS deployed 150 observers to a nationally representative random sample of polling stations throughout the country. This enables EMDS to provide the public with accurate and comprehensive information about the conduct of the elections.

On the election day, EMDS collected information through voluntary observers in 150 randomly selected polling stations and was able to provide accurate and detailed information to the public about the legal quality of the elections in the country. It should be noted that the random selection of 150 polling stations based on the EMDS methodology was determined by lottery among all 5573³⁷ polling stations announced by the CEC, which eliminated the possibility of bias and covered all regions of the country. At the same time, all regions and most constituencies were covered, preserving the rule of geographical representation.

8.2. Layout and opening of polling stations

Observers noted minor shortcomings in the layout and opening of polling stations before the start of voting. For example, in 8.3 % of polling stations, the commission members did not demonstrate to observers that the ballot boxes were empty before they were sealed. At the same time, the number of registered voters in 24.8% of polling stations was not announced. In 27.6% of polling stations, the number of received ballots was not announced to observers. In 15.2% of polling stations, the layout of

³⁷ CEC, 'Central Election Commission finalized Elections to Milli Majlis', <https://bit.ly/3ciwboN>

the polling station was not suitable for observing the process while voting started late in 9% of polling stations.

EMDS considers that the violations registered at the initial stage on the election day are mainly technical and are due to the poor knowledge of the rules by election commission members. However, some election commission members ignored the observers' comments on the proper implementation of the rules and were negligent in the voting process.

8.3. Voting

Observers noted violations in the voting process similar to the previous elections. These cases took place in a mass and purposeful manner, aimed at non-compliance with the election actions provided by law. As a result, the violations had a negative impact on the legitimacy of the election process and the results of the voting.

EMDS grouped the violations recorded in the country as follows:

Violation	% of polling stations
Failure to check voters' fingers for invisible ink	48.6%
Voting by non-registered voters	47.9%
Voting without signing voter list	18.3%
Violation of the secrecy of voting	35.2%
One person voting multiple times	29.6%
Ballot-box stuffing	21.8%
Bussing of voters	42.3%

8.4. Voter turnout

Observers working with EMDS counted the number of each voter who cast a ballot in randomly selected polling stations. However, unlike previous elections, the CEC released official data on voter turnout on the election day, not per each polling station, but only per constituencies. Therefore, EMDS was not able to compare the figures received from polling stations with voter turnout on the election day and the following day.

It should be noted that in 2018, EMDS compared the figures provided by observers with the official figures announced by the CEC at the level of PECs during the day and found significant discrepancies between these figures. Thus, the non-disclosure of voter turnout figures in the 2020 elections at the level of PECs casts doubt on the official results announced by the CEC and shows that it does not ensure transparency. In the following days, EMDS analyzed the official protocol data released by the CEC and was able to conduct a comparative analysis of the official voter turnout figures published at

the precinct level only at the end of the election day. The analysis revealed the following shortcomings related to voter turnout:

- *Voter turnout in additional polling stations (additional)*

Based on the analysis of the official information on the website of CEC 131 polling stations were added in 52 constituencies five days before the election day. These polling stations were established mainly in military units and penitentiary facilities. The average voter turnout announced by the CEC was 47.8%, while the average voter turnout at these 131 additional polling stations was at 96.7%.

- *Changing voter turnout figures*

On the election day, the voter turnout figures announced by the CEC for 17:00 in 18 constituencies were higher than those for 19:00. This discrepancy proves that voter turnout figures were subsequently altered.

Election Constituency	Voter turnout (17:00)	Voter turnout (19:00)
8 th Binagadi first EC	30.9%	30.4%
15 th Yasamal first EC	38.4%	22.2%
16 th Yasamal second EC	38.9%	28.0%
17 th Yasamal third EC	29.4%	17.5%
19 th Narimanov first EC	45.4%	42.1%
23 rd Nasimi-Sabail EC	25.3%	25.0%
26 th Sabunchu first EC	42.4%	41.9%
29 th Sabail EC	35.6%	30.6%
41 st Sumgayit first EC	40.6%	26.4%
42 nd Sumgayit second EC	40.6%	34.3%
43 rd Sumgayit third EC	40.8%	36.5%
44 th Sumgayit-Khizi EC	46.1%	34.8%
47 th Mingachevir EC	33.9%	23.1%
51 st Gusar EC	52.7%	52.6%

79 th Imishli EC	42.9%	30.8%
81 st Beylagan EC	51.3%	49.3%
105 th Tovuz EC	50.6%	47.4%
125 th Zangilan-Gubadlı EC	40.2%	31.8%

- *Suspicious voter turnout figures*

Observers cooperating with EMDS recorded 50% lower voter turnout figures than the figures released in the official protocols in 35% of polling stations.

EMDS recorded suspicious voter turnout in various constituencies. For example, 100% voter turnout was in 36 polling stations and 95-99 % was in 73 polling stations. In all these polling stations, the leading candidates in the constituency won.

EMDS recorded exactly the same voter turnout number in 14 constituencies (34, 36, 37, 38, 39, 40, 48, 58, 66, 88, 92, 116, 118, 119), and in some cases, it recorded a suspiciously close rate in most polling stations of constituencies. *Check the website of EMDS analyses by EMDS based on official information during the election day.*³⁸

8.5. Vote counting

Observers noted the serious violations during the vote-counting process which had a significant negative impact on the quality of the electoral process. EMDS grouped the violations recorded at this stage across the country as follows:

Violation	Recorded in % of polling stations
Failure to destroy unused ballots	30.6%
Incorrect reflection of results in the protocol	52.4%
Vote counting carried out in a closed manner	38.1%
Observers were denied a copy of the protocol	37.3%

Overall, the summary of the election day observations shows that the work of observers was obstructed in 32.2 % of polling stations. In 40.9% of polling stations, outsiders (police, executive and municipal representatives, employees of state-funded organizations, and other unidentified persons) interfered with the voting and counting processes. In 10.8% of polling stations, the voting or counting process was suspended.

³⁸ Observations of EMDS on suspicious voter turnout figures, <https://bit.ly/3hRlo6r>

8.6. Analysis of protocol data

Observers faced challenges in obtaining copies of final protocols. EMDS conducted a comparative analysis of the official data announced by the CEC with the copies of final protocols received by observers from 89 polling stations. As a result, discrepancies between the protocol information and that published on the CEC website were identified in the data of 29 polling stations.

These discrepancies were mainly in the number of, voter turnout, the number of votes of the leading candidate, and the number of votes received by the second-place candidate.

Examples of such discrepancies:

- In the final protocol of the 24th PEC of 15th Yasamal first ConEC, the total number of voters was 1446, while on the CEC website this figure was 1500.
- While the total number of voters was 1489 in the protocol of 17th PEC of the 108th Agstafa ConEC, the CEC indicated it as 1448 people.
- In the 6th PEC of the 40th Kapaz second ConEC, the number of voters who received ballot papers was 309, while on the CEC website this number was 669.
- In the protocol of the 9th PEC of 16th Yasamal second ConEC, the number of voters who received ballot papers was 139, while the CEC showed the same number as 439.
- In the protocol of the 41st PEC of the 50th Absheron-Gobustan ConEC, the number of votes of the second-place candidate was indicated as 26, while on the CEC website this number was mentioned as 66.
- In the final protocol of the 31st PEC of the 23rd Nasimi-Sabail ConEC, the number of votes of the second-place candidate was indicated as 188, while on the CEC website, this number was indicated as 40.

8.7. Observations on the CEC webcams

The CEC broadcasted live the election process in 1,000 polling stations on the election day during

A team of professionally trained five citizens cooperating with EMDS conducted online observation in 175 polling stations randomly selected among the 1,000 polling stations. The team observed three hours of the voting process selected by lot and one hour of vote counting at each polling station.

Observers noted procedural violations in 21% of polling stations via monitoring through web cameras. Serious election violations such as ballot-box stuffing, multiple voting by a single person, PEC members adding ballots during the counting process, and bussing of voters were observed in several polling stations of several constituencies (Constituencies 1, 2, 8, 15, 41, 42, 46, 113).

The ratio of violations recorded on the election day in the polling stations monitored by EMDS through the CEC webcams was as follows:

Violation	% of polling stations
Ballot-box stuffing	41%

Bussing of voters	27%
One person voting multiple times	15%

8.8. Cases of pressure on the election day

EMDS investigated the cases of pressure on election participants by election commission members, representatives of local executive bodies, and police, and found that these cases violated the legitimacy of the election process. Information on cases:

In the 8th polling station of the 21st Nasimi first ConEC, observer Sarvin Aslanov identified the people who came to vote in a group as IDPs from the occupied territories and objected to their participation in the voting. Following this, a person who introduced himself as an employee of the State Security Service approached him and demanded him not to interfere with the voting attempting to intimidate him.

In the 16th polling station of the 113th Shaki city ConEC, observer Abdulali Alikhanzadeh was called by the Shaki District Education Department and was demanded to leave the polling station. He was told that he would be fired otherwise.

In the 2nd polling station of the 32nd Surakhani third ConEC, observer Namig Karimov protested a voter who wanted to vote for the second time. However, other observers, as well as members of the election commission, ignored him and threatened to remove him from the polling station.

Observer Kazim Hasanov, who protested the grouping of voters in the 21st polling station of the 75th Lankaran-Masalli ConEC, came under pressure. The head of the PEC demanded that he stand 30 meters away from the ballot box and did not allow him to observe effectively.

In the 9th polling station of the 16th Yasamal second ConEC, the head of the PEC – Sadagat Seyidzada attached observer Gunay Bodurova and took her cellphone when she wanted to capture the video of voter who had the ink in their finger and were still allowed to vote.

In the 29th polling station of the 26th Sabunchu first ConEC, observer Novruz Gojayev protested against bussing-voters. After that, at the request of the PEC chairman, representatives from the CEC started to question the observer. An act was drawn up against him and he was taken away from the observation post by the police.

In the 5th polling station of the 67th Jalilabad city ConEC, observer Anar Malikov was not given the protocol when he asked for. He has gone to the ConEC to file a complaint, however, the ConEC has not taken his complaint seriously and even called the police. Police took Anar Malikov to the police station. He was later released at 10 pm.

In the 16th polling station of the 76th Lankaran-Astara ConEC, physical pressure was put on Jala Bayramova, a member of the PEC with consultative voting rights. While filming the election process, a person named Azada Karimova attacked her and inflicted physical injuries on her head and face. Although Bayramova gave a statement to the police about the incident, Azada Karimova was not prosecuted.

In the 14th PEC of the 79th Imishli ConEC, persons whose names were not on the voter list were brought in group voting. When candidate Ziya Rzayev and some observers protested it, tensions erupted

between the head of PEC, other commission members, and the candidate. At the call of the PEC chairman, Imishli District Police officers came to the polling station and drove away from the protesters.

In the 38th polling station of the 82nd Agjabadi ConEC, observer Mirbaba Mirzayev had an argument with a group of unknown persons who committed ballot-box stuffing. The group brutally beat him in the polling station building.

In the 30th polling station of the 76th Lankaran-Astara ConEC, Kamran Mammadli, an observer, had a dispute with PEC chairperson Ramiz Aliyev over video recording. The chairperson Aliyev slapped the observer twice on the face in protest of the observer's filming on his mobile phone, took the observer's mobile phone, and removed him from the polling station. Abulfat Bakhshali, an observer in the 11th polling station of the same constituency, was also subjected to physical pressure. Five-six unidentified people hit him and journalist Elmaddin Shamilzadeh injuring the both

During the vote-counting in the 14th polling station of the 9th Binagadi second ConEC, PEC chairperson Masud Babayev illegally opened the door of the polling station room and invited four people in civilian clothes. People in civilian clothes attacked candidate Ulvi Hasanli and blogger Ali Safarli, who was filming. They were forcibly removed from the polling station. Although both victims appealed to the police, however, the police took away them from the polling station on the basis of an act prepared by the PEC chairman. Ulvi Hasanli said that he witnessed the PEC chairperson keeping

ballot papers in the pocket of his jacket.

In the 38th PEC of 8th Binagadi first ConEC, PEC members did not allow observer Maryam Atakishiyeva to check voter lists. Journalist Rafael Huseynzadeh, who prepared a video on the case and disseminated it on social media, came under pressure from PEC members. The chairman of the PEC called the police to the polling station and drove away from the journalist from the polling station.

In the 35th polling station of the 35th Khatai third ConEC, the PEC chairman called the police to the polling station because Shamistan Haziyevev, an observer was filming. The police left the station after explaining the observer's right to film. However, the voting process was not stopped while the police officer was at the polling station.

Ballot boxes were opened, and vote counting started in the 22nd polling station of the 17th Yasamal third ConEC approximately two hours after the end of the voting process. During this period, police officers entered the polling station on the instructions of the PEC chairman and took away all observers.

Ms. Mustafayeva, an observer at the 14th polling station of the 76th Lankaran-Astara ConEC, had a dispute with PEC chair Uzraya Asadzadeh. At that time, the chair of the PEC attacked the observer and hit him several times on the head.

IX. Post-election complaints and official results

9.1. Official results announced by the CEC

On 10 February 2020, the CEC announced the preliminary results of the elections.³⁹ According to this information, results were obtained from 4823 polling stations in 118 constituencies (87% of polling stations), and the leading candidates were identified. The leading candidates from seven constituencies

³⁹ Cental Election Commission announced the initial results of the Parliamentary Elections, <https://bit.ly/32Pkrap>

– the 17th Yasamal third ConEC, the 35th Khatai third ConEC, the 44th Sumgayit-Khizi ConEC, the 42nd Sumgayit second ConEC, the 77th Astara ConEC, the 123rd Kalbajar ConEC, and the 125th Zangilan-Gubadli ConEC have not been identified.

According to the preliminary results, 66 of the leading candidates were representatives of the ruling NAP, 43 were independent, three were from the Civil Solidarity Party, while the Great Establishment Party, the Democratic Reforms Party, the Motherland Party, Unity Party, the Azerbaijan Democratic Enlightenment Party, and the Azerbaijan Popular Front Party each had one candidate leading in their constituencies.

At its meeting on 13 February 2020, the CEC annulled the results of four constituencies – the 33rd Khatai first ConEC, the 35th Khatai ConEC, the 74th Lankaran village, and the 80th Imishli-Beylagan ConECs. The CEC cited the following cases as grounds for annulment of the results of the mentioned constituencies:

- As a result of the survey, identification of discrepancies in the statistics on voter turnout and the information on the distribution of votes between candidates;
- failure to compile protocols in polling station;
- failure to announce voting results in polling stations;
- failure to provide copies of protocols to observers;
- undue interference with the electoral process;
- the above-mentioned violations do not allow to determine the will of the voters.

In addition, the CEC declared the election results invalid in 328 polling stations across the country. The circumstances that led to the invalidation of the results in the polling stations are similar to the violations that occurred in the polling stations of the constituencies where the results were considered invalid. The CEC concluded that the polling stations considered invalid were not sufficient to annul the results of their respective constituencies. For example, the results of the elections 11 polling stations at each of the 11th Garadagh-Binagadi-Yasamal ConEC and the 125th Zangilan-Gubadli ConEC, seven polling stations at the 34th Khatai second ConEC, six polling stations at the 29th Sabail ConEC, five polling stations at the 79th Imishli ConEC, five polling stations at the 30th Surakhani first ConEC, four polling stations at the 23rd Nasimi-Sabail ConEC, and three polling stations at the 32nd Surakhani third ConEC were considered invalid.

At the meeting of the CEC held on 25 February, it was decided to draw up a protocol on determining the general results of the parliamentary elections.⁴⁰ With this decision, the verification of the protocols of the ConECs and other election documents on determining the general results of the elections to the Parliament was considered completed. The CEC also announced the dismissal of 87 PECs for shortcomings in the preparation, conduct, and determination of the results of the elections.⁴¹

According to the final protocol of the CEC, the total number of voters included in the voter lists was 5,359,015, and the number of voters participating in the voting was 2,510,135.

On the same day, the CEC decided to submit the final protocol to the Constitutional Court of the Republic of Azerbaijan.⁴²

⁴⁰ CEC Resolution No. 33/441, February 25, 2020 - <https://bit.ly/30MrVtU>

⁴¹ List of PECs released in the elections to the Parliament held on February 9, 2020 - <https://bit.ly/3gLIqw1>

⁴² CEC Resolution No. 33/441, February 25, 2020 - <https://bit.ly/30JUuYP>

9.2. The investigation of complaints

According to the Election Code, election participants may file complaints about decisions and actions (lack of actions) which violate citizens' right to vote within three days of the date the decision is published or made, or the date actions (lack of actions) occurred, or the interested person is informed about it.⁴³ If complaints of the persons are initially not considered by a superior election commission, such persons may consequently take the complaint on the decision of ConEC to the CEC; on the decision or the action (inaction) of the CEC to the Court of Appeal; on the decision or the action (inaction) of the Court of Appeal to the Supreme Court. In order to investigate these complaints, relevant expert groups shall be created at the CEC composed of nine members, and at the ConEC composed of three members. The fact that expert groups are mainly composed of commission members and staff, and that outside experts are not included in the commissions, is a major factor undermining their independence.

a) Complaints to ConECs

The overwhelming majority of complaints lodged on the election day were submitted to the CEC. The CEC sent the complaints back to the ConECs on the grounds that they were related to the violations of destination rules. For this reason, most cases considered by the ConECs were complaints delegated by the CEC.

ConECs dismissed all 500 complaints lodged by election participants. Complaints were mainly related to the election day violations like multiple voting by one person, group voting by moving from one polling station to another, ballot-box stuffing, the participation of unregistered voters in voting, pressure on observers, incorrect recording of voting results on protocols, and refusal of polling stations, including ConECs to provide protocols on the results of the voting.

ConECs dismissed the complaints without examining the facts of violations presented by the complainants such as video recordings, protocols, acts, and other evidence confirming these facts; summoning and hearing witnesses in the cases; satisfying the motions of the complainants; and reasonably substantiating the conclusion.

b) Complaints to the CEC

Complaints against decisions, actions, and inactions of ConECs are submitted to the CEC. The CEC received at least 397 complaints about election irregularities and election results related to the Early Parliamentary Elections and sent the vast majority of these cases to ConECs for consideration. For this reason, around half of the 397 complaints were previously filed with ConEC, and after ConECs considered them, the applicants appealed their decisions to the CEC.

The CEC concluded that violations in only four of the complaints affected the results of the constituency and annulled the results in four constituencies. Although the CEC annulled the results in more than 100 polling stations from different constituencies, this did not affect the overall results in those constituencies.⁴⁴

⁴³ Election Code, Articles 112.1, 112.3

⁴⁴ Report, 'The number of polling stations of which results are annulled has passed 100 - List', <https://bit.ly/32PleIp>

EMDS reported that the CEC did not carry out the investigation of complaints properly and executed this process only as a formality. Thus, the determination of the merits of the complaints, the investigation of materials on violations, including video footage and acts, was not carried out in detail. The decision-making process was carried out quickly, with formal adherence to the rules for reviewing complaints.

Similar to previous elections, shortcomings in the investigation of complaints at the CEC were observed. Circumstances leading to violation of Protocol No. 1 to the European Convention on Parliamentary Elections in Azerbaijan in 2005 and 2010 - rejection of complaints and evidence by election commissions without giving any reasons, statements against witnesses, and acceptance of testimonies of witnesses as evidence, without examining their authenticity and reliability, denying motions without giving a valid reason, and other cases were observed in these elections, too.

c) Complaints to Courts

In accordance with the legislation on administrative procedures, claims related to the protection of election rights are submitted to the Courts of Appeal. However, the Courts of Appeal consider election disputes as a court of the first instance.

The main shortcomings noted by EMDS are the prevalence of excessive formalism in court proceedings, the duplication of decisions of election commissions, the failure to satisfy appeals filed by complainants, and to substantiate court decisions. At the same time, in many cases, the complainants' participation in court hearings was not ensured and decisions were made within a short period of time.

In total, 148 appeals were received by the Courts of Appeal after the election day and before the decision of the Constitutional Court. The Supreme Court received 78 appeals against the decisions of the courts of appeals, none of which were upheld. In only two cases, the complainants' claims were partially upheld, which did not affect the election results in those constituencies.

It should be noted that the CEC shall check protocols of ConECs, as well as documents attached to the protocols in accordance with the Election Code, at the latest 20 days after the election day, and then submit them to the Constitutional Court within 24 hours. The Constitutional Court shall issue a final decision within 10 days after receiving the aforementioned documents (this period may be extended). However, the announcement of the Constitutional Court's decision without a full investigation of alleged electoral irregularities, and providing the court with the limited time, restricts effective use of local administrative and juridical remedies by candidates.

Statistics on election complaints considered before the decision of the Constitutional Court						
	The Court of Appeal	# of complaints	Granted	Dropped	Referred to the relevant bodies	Rejected
	Baku Court of Appeal	72	0	43	13	16
	Sumgayit Court of Appeal	20	0	12	1	7

Ganja Court of Appeal	19	0	15	4	0
Shirvan Court of Appeal	21	0	16	1	4
Shaki Court of Appeal	18	0	15	0	3
Nakhchivan AR Supreme Court	1	0	1	0	0
Election complaints considered by the Supreme Court before the decision of the Constitutional Court					
The Court of Cassation	# of complaints	Granted	Dropped	Referred	Rejected
Supreme Court	78	0	67	2	9

d) The final result announced by the Constitutional Court

On 5 March 2020, the Plenum of the Constitutional Court of the Republic of Azerbaijan adopted a decision on the verification and approval of the results of the parliamentary elections.⁴⁵ The Constitutional Court noted that it had appealed to the Court of Appeal, the Supreme Court, and the Prosecutor General's Office to provide information on complaints and applications regarding the protection of the election right and violations of election legislation.

The prosecutor's office received a total of 67 appeals related to the violation of election rights and the election process and sent those appeals to the CEC. Considering that the decisions of the courts had no effect on the results, the Constitutional Court approved the final protocol of the CEC and the attached documents in accordance with the articles of the Election Code.

X. Post-election political environment

10.1. Position of political parties and independent election groups

The National Council of Democratic Forces, which boycotted the elections, said in a statement the next day that the elections were marred by massive fraud and irregularities, and that the results were completely falsified and did not reflect the true will of the people.

The Musavat party said in a statement that the Early Parliamentary Elections were held without a democratic election environment, legal framework, and equal political competition, and that the voting and counting process was conducted with mass violations, and demanded the annulment of the election results and holding new elections.

⁴⁵ Decision of the Constitutional Court on verification and approval of the results of the elections of the Parliament of the Republic of Azerbaijan held on February 9, 2020, March 5, 2020 - <https://bit.ly/2DQ3zX9>

The ReAl, which took part in the elections with a coalition called “Real Republicans”, said the elections were not in line with democratic standards and Azerbaijan's international commitments to the Council of Europe and the OSCE, citing domestic and international observers.

The Democratic Party, Citizen and Development Party, Unid Party, Greater Azerbaijan Party, National Independence Party, NIDA, and D18 movements, which nominated candidates in various constituencies, demanded that the results be considered invalid and that new parliamentary elections be held.

10.2. Review of international observers

According to the CEC, 883 international observers from 59 international organizations and 58 countries observed the elections. However, the CEC did not publish a list of international election observation organizations or registered international observers.

The OSCE/ODIHR joint mission with the OSCE Parliamentary Assembly and the PACE were represented by 358 observers on the election day. The Commonwealth of Independent States (CIS) organization had 252 observers. Other international observers mainly represented the Shanghai Cooperation Organization (SCO), the Parliamentary Assembly of Turkic-speaking countries (TURKPA), the Organization of Islamic Cooperation (OIC), the Parliamentary Assembly of the Black Sea Economic Cooperation Organization, GUAM Organization for Democracy and Economic Development and others.

The OSCE/ODIHR, the OSCE Parliamentary Assembly, and the PACE Joint Mission said in a preliminary statement released the day after the election that the restrictive legislation and political environment prevented real competition in the Early Parliamentary Elections in Azerbaijan and did not reflect the free will of the population.⁴⁶

However, some international observers issued statements before the end of the election day in gross violation of the requirements of the Declaration on the Principles of International Election Observation. For example, the head of the CIS Observation Mission, Viktor Guminsky, and another member, Igor Komarovskiy, said the elections were held at a high level before the voting process was completed.⁴⁷ Similar statements were made by the head of the Shanghai Cooperation Organization Mission Sherol Cononov and the head of the TURKPA Mission Ismet Uchma before the end of the election day.

10.3 Post-election political situation and pressures

Some opposition and independent candidates protested the conduct and the results of the elections organizing a series of demonstrations. However, due to the lack of a unanimous position between the opposition parties and groups participating in the elections, the protests were organized in the form of individuals and small groups.

Some candidates protested the election results by holding a rally in front of the ConECs. For example, on 11 February, candidates from the 33rd Khatai first ConEC, Ruslan Izzetli, and Ahad Mammadli were

⁴⁶ OSCE / ODIHR Joint Mission Statement - <https://bit.ly/32QiMBx>

⁴⁷ Statement of the CIS observation mission - <https://bit.ly/33IJATA>

taken to the 34th Police Department while holding a press conference in front of the relevant election commission building. They were released later on the same day.

The office of the D18 Movement, led by Ruslan Izzetli, was raided by police on 8 March. The organization's office was subsequently closed down. Two months later, Ruslan Izzetli was conscripted to the military service despite having exemption from the mandatory military service due to a medical condition. Aghdam Central Clinic changed the previous diagnosis of Izzetli and deemed him fit for service. Izzetli, who began the military service on 25 May, linked his conscription to his political activities.

The protest demonstrations started on 11 February by candidates Rabiya Mammadova, Elman Guliyev, and public activist Vafa Nagiyeva in front of the CEC building. The protesters demanded a fair investigation of the election complaints, saying that the facts they submitted to the CEC were not seriously investigated. The number of protestors grew by the evening but they were dispersed by the police and plain-clothed individuals using excessive force. Some journalists and political activists received various injuries as a result.

Opposition forces and independent candidates called for a rally on 16 February. However, more than 100 activists, including candidates, were detained by the police prior to the rally and released outside of the city. Some political activists, including Ilgar Mammadov, chair of the ReAl party, and Arif Hajili, chair of the Musavat party, were detained by plainclothed men in front of their houses. They were released after the rally.

Protest demonstrations of candidates held in front of the CEC was suppressed through a police crackdown on the following days.

The authorities also persecuted activists for criticizing the conduct of elections following the election day. For example, graphic designer Rasul Hasan was detained on 18 February and taken to the Department for Combating Organized Crime of the Ministry of Internal Affairs after making a short animated film about police behavior during a rally in front of the CEC building. His mobile phone was confiscated and the video that he made was deleted from his Facebook account.

On 21 February, activist Fuad Ismayilov was detained for writing a protest slogan on a wall near the CEC building and was later released. However, two weeks later, Fuad Ismayilov was arrested and charged with minor drug charges and was sentenced to two months of administrative detention. Shortly after his release, on 22 May, the Surakhani District Court sentenced him to another two months of detention under the same charges. Ismayilov stated that his detention was politically motivated.

The negative attitude of both the candidates and the political parties that participated in the most of the elections during the last 30 years showed that the 9 February elections failed to become an opportunity for political dialogue between citizens and the government and for creating conditions for the participation of groups with diverse political positions in the governance.

the ruling party once again maintained its overwhelming control over the elected authorities through gross violations during the elections, thus restricting citizens' opportunities for democratic participation. It is also an indication that the government lacked the political will to ensure a peaceful transition to democratic governance.

XI. Conclusions and Recommendations

EMDS evaluated the results of the 9 February 2020 Early Parliamentary Elections considering the legal norms governing the election process, the public need for declaring early elections, and the pre-election political environment as necessary factors in the overall election process. By analyzing the findings of the monitoring of the nomination and registration of candidates, the situation of voter lists, election campaign, voting, and counting processes on the election day, EMDS came to the following conclusions:

- The changes that were made to the Constitution as a result of the 26 September 2016 Referendum gave the President the right to declare extraordinary elections and created a possibility for this authority to be abused. As a result, the execution of this to declare the 9 February 2020 Early Parliamentary Elections, 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, media, 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 the rule of law prior to or during the elections. On the contrary, on the eve of the elections, the political environment was further restricted, and the number of prisoners imprisoned increased to 112.
- The recommendations of the OSCE/ODIHR and the Venice Commission on the improvement of the Election Code have not been addressed.
- The CEC did not bring any clarity to the nearly two million voter difference in the number of people indicated in the voter list of the CEC and the number of eligible voters announced by the State Statistics Committee.
- The CEC has not taken any steps towards adopting the practice of online and speedy accreditation of domestic observers and ensuring transparency in the electoral process.
- The process of registration of candidates was accompanied by political discrimination against some opposition and independent candidates by both ConECs and local executive authorities. In some cases, as a result of political pressure on candidates, people withdrew their candidacy or suspended their election campaigns.
- The election campaign was characterized by a low profile and took place without holding national-level campaigns and large-scale public gatherings. Candidates preferred door-to-door meetings and campaigning on social media. There was no serious political competition between the candidates in one-third of all constituencies due to the lack of political alternatives and opposing candidates.
- During the election campaign, state and private television channels did not cover discussions between candidates and opposing political forces. The coverage of the elections was focused mainly on the events and activities of the CEC.

- Gross violations of the law took place on the election day during voting, vote counting, and documentation of the final results. Ballot-box stuffing, one person voting multiple times, voting in groups organized by the local executive authorities, and altering the results of the elections during vote tabulation were recorded in a significant number of polling stations across the country.
- The transparency of the electoral process was not ensured. Registration of observers both at the CEC and ConECs was delayed, and in some cases denied without reasonable justification. PEC members on observers and in some cases removed them polling stations on the election day.
- The election process failed to address the gap between the state and citizens and missed a chance to create an environment of political dialogue or facilitate meaningful discussions on the political needs and views of citizens.

Summarizing the overall findings of the monitoring of the 9 February 2020 Early Parliamentary Elections, EMDS concludes that the elections were not free, fair, or democratic. Shortcomings were recorded in every aspect of the elections. Conditions for the election campaign were not adequate for ensuring the environment of free and real competition, and thus the outcome of the elections did not reflect the true will of the Azerbaijani people.

EMDS recommends the following measures in order to build a democratic and free electoral environment, and address the existing shortcomings:

a) Election legislation

- The recommendations of domestic civil society organizations and international institutions, including the Venice Commission 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.
- Regulations governing the voter registration process should be improved, and the discrepancy between the demographic numbers reported by the State Statistics Committee and the number of people in the voter list should be eliminated.
- The rules of nominating and registering candidates should be simplified, and the financial deposit rule should be reinstated as an alternative option of registration.
- The election campaigning period should be prolonged, and the access to the media during the period election campaign period and the period between elections should be improved for all political groups.

b) Guarantee of political freedom

- The laws restricting freedom of expression should be improved, criminal liability for defamation and the rules allowing for blocking internet portals should be abolished, the government should cease persecution of social media activists, bloggers, and journalists.

- Existing laws on freedom of assembly and association should be improved and brought in line with the recommendations of the Venice Commission, and provisions restricting the activities and funding of political parties and civil society organizations should be abolished.
- All persons deemed political prisoners by human rights organizations in accordance with the criteria of the Parliamentary Assembly of the Council of Europe should be released.
- In order to prevent sharp political polarization of the society, the government of Azerbaijan should undertake serious efforts to promote political trust between citizens and the ruling political force, and conditions should be created for alternative public organizations and political groups to participate in local and national governance.

c) Election complaints

- The deadline for filing and reviewing complaints about violations of the election right to judicial and non-judicial institutions should be extended, and improved rules for reviewing complaints should be established.
- 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 the CEC and other election commission members, should be expelled from election administration.

d) Ensuring the activities of local observers:

- The CEC should implement innovative initiatives for the online registration of domestic observers and remove technical restrictions in this area.
- Domestic observers should be able to observe the meetings of commissions at all levels, including the Central and Constituency Election Commissions.

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Appendix 1. Voter turnout figures in 131 additional polling stations added in last five days prior to election.

#	Enlectoral Constituency	Polling station	Number of voters registered in the polling station	Number of voters obtained ballot paper during E-day	Voter Turnout
1	1	34	398	386	97.0%
2	1	35	290	273	94.1%
3	2	53	251	239	95.2%
4	3	47	705	692	98.2%
5	3	48	539	523	97.0%
6	3	49	115	110	95.7%
7	5	38	710	699	98.5%
8	5	39	587	574	97.8%
9	5	40	309	296	95.8%
10	5	41	210	193	91.9%
11	5	42	217	203	93.5%
12	5	43	139	126	90.6%
13	5	44	100	87	87.0%
14	5	45	97	89	91.8%
15	5	46	195	184	94.4%
16	6	40	285	273	95.8%
17	6	41	875	851	97.3%
18	6	42	835	819	98.1%
19	6	43	390	377	96.7%
20	6	44	181	173	95.6%
21	7	49	251	246	98.0%
22	7	50	269	263	97.8%
23	7	51	60	57	95.0%
24	7	52	56	53	94.6%
25	8	40	1006	945	93.9%
26	10	36	310	310	100.0%
27	11	38	224	224	100.0%
28	11	39	725	725	100.0%
29	11	40	500	500	100.0%
30	11	41	653	653	100.0%
31	11	42	630	621	98.6%
32	11	43	800	800	100.0%
33	12	33	844	844	100.0%
34	12	34	1300	1300	100.0%
35	12	35	282	281	99.6%
36	12	36	832	827	99.4%
37	12	37	1020	998	97.8%
38	13	38	1000	981	98.1%

39	13	39	390	385	98.7%
40	14	38	1067	1051	98.5%
41	14	39	1020	1010	99.0%
42	14	40	320	315	98.4%
43	14	41	900	888	98.7%
44	16	30	346	329	95.1%
45	18	33	1500	1220	81.3%
46	18	34	660	599	90.8%
47	18	35	1000	824	82.4%
48	24	32	392	390	99.5%
49	24	33	919	917	99.8%
50	24	34	1101	1098	99.7%
51	24	35	786	783	99.6%
52	28	39	850	846	99.5%
53	28	40	1400	1394	99.6%
54	29	31	540	540	100.0%
55	29	32	1300	1300	100.0%
56	30	28	546	530	97.1%
57	32	31	718	718	100.0%
58	33	40	853	808	94.7%
59	35	31	936	912	97.4%
60	35	32	770	748	97.1%
61	35	33	928	903	97.3%
62	36	37	357	350	98.0%
63	36	38	1402	1371	97.8%
64	37	25	570	570	100.0%
65	38	25	500	500	100.0%
66	39	30	1420	1255	88.4%
67	39	31	940	938	99.8%
68	44	44	450	441	98.0%
69	44	45	752	740	98.4%
70	44	46	805	788	97.9%
71	44	47	1070	1056	98.7%
72	48	32	1200	1189	99.1%
73	49	39	1432	1420	99.2%
74	49	40	417	414	99.3%
75	49	41	400	400	100.0%
76	50	50	1182	1170	99.0%
77	50	51	1073	1062	99.0%
78	51	63	1300	1274	98.0%
79	57	42	650	650	100.0%
80	58	49	270	236	87.4%
81	60	40	114	95	83.3%
82	60	41	144	108	75.0%

83	60	42	812	619	76.2%
84	69	36	1100	898	81.6%
85	81	40	727	727	100.0%
86	81	41	1079	1079	100.0%
87	81	42	1118	1118	100.0%
88	81	43	1187	1187	100.0%
89	81	44	559	559	100.0%
90	81	45	506	506	100.0%
91	82	47	686	686	100.0%
92	82	48	790	790	100.0%
93	82	49	1200	1200	100.0%
94	83	43	1322	1322	100.0%
95	83	44	600	600	100.0%
96	84	72	1149	1149	100.0%
97	84	73	1146	1146	100.0%
98	93	51	481	435	90.4%
99	93	52	645	638	98.9%
100	95	39	1316	1292	98.2%
101	95	40	633	629	99.4%
102	95	41	1030	1029	99.9%
103	96	46	610	596	97.7%
104	96	47	783	768	98.1%
105	96	48	200	195	97.5%
106	96	49	360	360	100.0%
107	97	57	560	554	98.9%
108	97	58	981	972	99.1%
109	97	59	506	496	98.0%
110	97	60	880	871	99.0%
111	97	61	612	597	97.5%
112	97	62	594	591	99.5%
113	98	34	1450	1428	98.5%
114	99	40	160	155	96.9%
115	101	75	350	340	97.1%
116	101	76	953	930	97.6%
117	101	77	394	384	97.5%
118	101	78	924	878	95.0%
119	101	79	243	231	95.1%
120	104	63	659	659	100.0%
121	104	64	450	450	100.0%
122	104	65	149	149	100.0%
123	105	41	798	798	100.0%
124	106	38	1409	1409	100.0%
125	107	37	1239	1231	99.4%
126	108	39	1095	994	90.8%

127	108	40	564	524	92.9%
128	113	30	880	880	100.0%
129	119	43	598	526	88.0%
130	119	44	518	455	87.8%
131	119	45	576	507	88.0%