



PRELIMINARY STATEMENT

on the Results of Observation on Early Presidential Election in Azerbaijan, February 7, 2024

I. SUMMARY

The Election Monitoring and Democracy Studies Center (EMDS), a non-governmental organization dedicated to promoting free and fair elections, civil liberties, and democratic development in Azerbaijan.

The EMDS undertook an observation of the early presidential election held on February 7, 2024. This observation included all stages from candidate nomination and the pre-election campaign to the voting and vote counting on election day. EMDS, in collaboration with 15 independent observers, conducted long-term monitoring of the pre-election stage and released an Interim Report detailing their findings. On election day, 117 independent observers were deployed in randomly selected polling stations to conduct statistical based observations.

The organization expressed concerns that the decision to hold the presidential election 14 months in advance posed significant challenges for the involvement of all stakeholders, including political parties, presidential candidates, civil society organizations, and international observers.

EMDS notes that the Azerbaijani authority did not implement previous recommendations from local and international bodies to improve election legislation and practices. Furthermore, it highlighted the continued restrictions on freedom of expression, assembly, and association, alongside an increase in politically motivated arrests. This environment led to a reduction in the number of political parties, restricted activities of independent civil society organizations and media, and escalated political persecution.

EMDS observed that the pre-election campaign lacked genuine competition among political forces, diminishing the political engagement in the country and denying voters a real choice among diverse political perspectives, which is essential for a free and fair election.

The organization also identified persistent issues with the election commissions, including unresolved allegations of voter list inaccuracies and obstacles to observer registration and independence. Despite some minor logistical improvements at polling stations, significant problems were noted during voting and counting processes, such as unauthorized voter participation, group voting, local executive interference, multiple voting by individuals, breaches of voting secrecy, and pressure on observers and journalists. These issues were exacerbated by the lack of transparency and openness from some Precinct Election Commissions.

Discrepancies between observed voter turnout and official figures raised concerns about the integrity of the election, with suspicions of artificially inflated turnout through improper practices.

EMDS concluded that the early presidential election on February 7, 2024, was conducted in an environment lacking democratic principles and real political competition, violating national and international standards for free and fair elections.

To end the political stagnation observed around the presidential election dated February 7, 2024, and to foster mutual trust between citizens and the state, the EMDS urges the immediate release political activists and journalists imprisoned on political grounds, the elimination of barriers restricting the operations of political parties, civil society organizations, and independent media, and the improvement of the Electoral Code and election practices based on the recommendations of the Venice Commission of the Council of Europe and the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE.

II. INTRODUCTION

EMDS is a non-governmental organization dedicated to promoting free and fair elections, safeguarding civil and political liberties, fostering the development of civil society, and strengthening democratic institutions in Azerbaijan.

EMDS was re-established on December 1, 2008, by the founders of the Election Monitoring Center (EMC), after its registration was revoked. It worth to note that the registration of EMC was revoked on May 14, 2008, by the Khatai District Court's decision. This decision was made following an unsubstantiated claim by the Ministry of Justice of the Republic of Azerbaijan.

Following this, EMDS pursued the mission and objectives initially laid out by EMC and pursued the same goals and objectives and sought state registration from the Ministry of Justice in 2009. After the Ministry of Justice denied EMDS' application, the decision was challenged in court. With the domestic legal avenues exhausted and the state registration for both EMC and EMDS still unattained, the matter was taken to the European Court of Human Rights (ECHR). The ECHR

rendered judgments on the non-registration cases of EMC on December 2, 2021¹, and EMDS on January 12, 2023². These decisions identified the refusal to register as a breach of Article 11 (the right to freedom of association and assembly) of the European Convention. Despite these rulings from the ECHR, the Supreme Court of Azerbaijan has yet to take the necessary legal steps to comply with the ECHR's judgments and to facilitate the state registration of EMDS.

EMDS (formerly known as EMC) has monitored 15 elections in Azerbaijan since 2001. It has conducted over 600 training sessions for more than 14,000 citizens on election monitoring, providing essential legal and technical support for their accreditation in election commissions.

EMDS is an active member of several prominent international networks, including the European Network of Election Monitoring Organizations (ENEMO) which brings together civil society organizations from OSCE member countries, the Civil Society Forum of Eastern Partnership countries, the European Platform for Democratic Elections (EPDE), and the Global Network of Local Election Observers. EMDS' operations adhere strictly to the principles outlined in the Global Declaration of Local Election Observation Organizations³.

EMDS is unable to seek accreditation from the Central Election Commission due to unjustified registration denial by the Ministry of Justice, traditionally partners with independent observers registered in election commissions.

Following the announcement of the early presidential election on February 7, 2024, EMDS assisted individuals wishing to become observers by facilitating their registration with the Central and District Election Commissions and educating them on election rules, observer rights and responsibilities, and the standards for conducting unbiased observation. A number of these observers agreed to adhere to the impartial observation principles established by the EMDS and engaged in long-term cooperation with the organization.

EMDS' extensive monitoring efforts encompassed various stages of the electoral process. This included oversight of the preparatory phases, candidate registration, pre-election campaigning, the operations of the Central and District Election Commissions, and how the election process was portrayed in the media. During the pre-election phase, EMDS collaborated with 15 trained long-term observers. The organization's Interim Report, detailing observations from the pre-election campaign, was released on February 2, 2024.⁴

¹ See: Case of of Election Monitoring Centre and others v. Azerbaijan (Application no. 64733/09)

² See: Case of of Election Monitoring and Democracy Education Centre and others v. Azerbaijan (Application no. 70981/11)

³ Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, <https://gndem.org/declaration-of-global-principles/>

⁴ See: https://smdtaz.org/wp-content/uploads/2024/02/EMDS_Interim-Report_02022024-1.pdf

On election day, EMDS deployed 117 observers across the country to monitor the voting and vote counting procedures. These observers were stationed at 105 polling stations, which were selected through a random sampling method based on statistical principles, ensuring a comprehensive and representative overview of the electoral process.

III. LEGAL ENVIRONMENT

The legal framework governing the early presidential election on February 7, 2024, is rooted in an Electoral Code that was adopted two decades ago and has since undergone numerous amendments, many of which have been criticized as regressive. Despite the issuance of multiple recommendations aimed at enhancing both the Electoral Code and election practice by paramount bodies such as the Venice Commission of the Council of Europe, the Office of Democratic Institutions and Human Rights (ODIHR) of the OSCE, and the Committee of Ministers of the Council of Europe, these suggestions have been ignored.

Although the Election Code, which has been in force since May 2003, has been amended many times, the joint recommendations of the Venice Commission of the Council of Europe and the Office of Democratic Institutions and Human Rights of the OSCE have not been taken into account until now.⁵ Notably, on June 2, 2008, amendments were introduced that shortened the election period from 120 days to 75 days, and eliminated the registration deposit (election pledge) as an alternate route for candidate registration. A subsequent amendment on June 18, 2010, further shortened the election period to 60 days and reduced the pre-election campaign duration to just 23 days. This amendment also revoked the provision that had previously allocated state funds for the organization of campaign activities for registered candidates.

On the eve of the early elections, key proposals to reform the Election Code, including penalizing responsible individuals on electoral rights violations, extending complaint submission periods, ensuring election commission independence through parity-based political force representation, and introducing online observer registration, were disregarded.

On December 7, 2023, the President of Azerbaijan, Ilham Aliyev, issued a decree in accordance with Part I of Article 101 of the Constitution of the Republic of Azerbaijan and Article 179 of the Election Code to conduct an early presidential election in the country.⁶ It is important to note that the provision for calling an early election was incorporated into national legislation following the referendum held on 26 September 2016. The Venice Commission of the Council of Europe, in its review of the amendments made during this referendum, raised concerns. The Commission pointed out unclear motives behind the changes, the exclusion of parliament in discussing the referendum

⁵ See - [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2004\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2004)016-e)

⁶ The text of the presidential order, <https://president.az/az/articles/view/62417>

act, and criticized the lack of a regulated procedure for the enactment of the constitutional amendments.⁷

In its response to the announcement of the early presidential election, the EMDS notes that the issuance of decree on the holding of the early presidential election without substantial political justification and open public discussions has complicated the involvement of all election stakeholders, including political parties, presidential candidates and hindered the adequate preparation of civil society organizations and international election observation groups for the election.⁸

The "Law on Media," adopted in February 2022, mandates the establishment of a unified registry for media entities and journalists, introducing several new regulations for media operations. Independent journalists have interpreted the enactment of this law as an attempt to take a control of free media in the country. The Venice Commission of the Council of Europe, in its expert opinion, expressed concerns that this legislative act would further limit the already constrained space for independent journalism and media in Azerbaijan, creating an additional "chilling effect."⁹ The Commission also noted that the law falls short of European standards for freedom of expression. It should be noted that, unlike to previous elections, the adoption of this law will now make it impossible for all journalists to cover the early presidential election. Only journalists registered in the media registry will have the opportunity to follow the voting process on election day.

In January 2023, 29 out of the 58 political parties operating in Azerbaijan ceased their activities within six months after the new law "On Political Parties" came into effect. Some parties attributed this to the restrictive circumstances created by the new law. It should be noted that under the new law, the minimum number of members required for party registration has been increased to 5,000. According to the law, if the number of members in a state-registered political party falls below 4,500, its legal status can be revoked through a court decision.¹⁰

IV. PRE-ELECTION POLITICAL ENVIRONMENT

In the lead-up to the early presidential election on February 7, 2024, there was a noticeable intensification of political persecution and a significant clampdown on political freedoms.

Human rights organizations reported that, before the election, over 200 individuals were incarcerated for politically motivated reasons. EMDS' research, based on publicly available

⁷ The Venice Commission of the Council of Europe -Opinion, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)029-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)029-e)

⁸ EMDS Statement, 12 December 2023, <https://smdtaz.org/wp-content/uploads/2023/12/SMDT-b%C9%99yanat-12122023.pdf>

⁹ Draft Joint Opinion on the Law on Media: [https://www.venice.coe.int/webforms/documents/?pdf=CDL\(2022\)017-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL(2022)017-e)

¹⁰ Law on Political Parties, <https://e-qanun.az/framework/53163>

sources, revealed that in 2023 alone, 85 people faced politically motivated criminal charges, with arrest warrants issued against them. Additionally, 39 individuals were subjected to administrative arrests on political grounds that same year, highlighting a concerning trend of repression against political dissent.

It should be noted that among those who were arrested on various charges in 2023 are the Chairman of the Azerbaijan Democracy and Prosperity Party, renowned economist, and scientist Gubad Ibadoglu, and a member of the National Council of Democratic Forces, former political prisoner Tofiq Yagublu. According to some observers Gubad Ibadoglu's arrest prevented him from participating in the early presidential election as a representative of the opposition political forces.

Prior to the election, there was a significant escalation of political and legal pressure targeting employees of the new online media platforms "Abzas Media" and Kanal13 online TV.

Since 2020, no significant progress has been made concerning the cases of *the Mammadli group* of cases which is connected with politically motivated arrests in Azerbaijan and falls under the supervision of the Committee of Ministers of the Council of Europe. The Mammadli group encompasses cases of political persecution and arrests involving civil society activists, journalists, and human rights defenders in Azerbaijan from 2013 to 2016, all of whom were targeted due to their activities and critical stances against the government. The group includes cases of Anar Mammadli, Intigam Aliyev, Khadija Ismayilova, Giyas Ibrahimov, Bayram Mammadov, Arif Yunus and Leyla Yunus.¹¹

The restrictions imposed on civil society organizations (CSOs) have not abated, owing to the inclusion of restrictive provisions in laws governing NGOs and grants for 2013-2014 years. These restrictive laws have hampered the establishment of NGOs, their capacity to function independently, and their ability to secure financial support for their public initiatives from both domestic and international donors.

In addition to these legal restrictions, the years since 2013 have witnessed political repression and smear campaigns targeting civil society activists. This has resulted in the fragmentation of independent citizen groups within the country, a shift towards government control, a loss of institutional expertise, and increased emigration among civil society actors.

In addition to the legal norms, since 2013, political repression and smear campaigns against civil society activists have led to dismantling of independent citizen groups within the country, a transition toward government's political control, the erosion of institutional expertise, and emigration.

¹¹ Mammadli Group cases v Azerbaijan - <https://shorturl.at/botKQ>

The arrests of Bakhtiyar Hajiyev¹² - a founder of Caspian Platform and members of the Working Table Trade Unions Confederation, Afieddin Mammadov,¹³ Elvin Mustafayev¹⁴ and Aykhan Israfilov,¹⁵ prior to the early presidential election are regarded as part of a broader pattern of political repression targeting civil society activists in recent years. For instance, public figure Araz Aliyev was detained on December 24 and subsequently subjected to a 25-day administrative arrest. Following his release, he informed that he had been interrogated about the purpose and activities of the newly established Third Republican Platform during his time in police custody.¹⁶

As a result of measures of total political control over civil society, holding open public discussions in the regions and Baku has been restricted.

In violation of national laws and international commitments, government authorities unreasonably denied opposition parties and independent groups the right to hold peaceful demonstrations in the city center, invoking freedom of assembly. Since the 2020 parliamentary elections, no street marches or protests by opposition parties have been permitted in Baku or other regions, with police often intervening to suppress peaceful protests.

V. NOMINATION AND REGISTRATION OF CANDIDATES

According to the Election Code, at least 40,000 voter signatures must be collected to support a presidential candidacy. Voter signatures must be collected with at least 50 voter signatures in the territory of at least 60 constituencies.

According to the official information provided by the CEC, out of the 17 individuals who had taken signature sheets for presidential candidacy, 10 did not return their signature sheets. However, three individuals on the list—Matlab Mutallimli, Namizad Safarov, and Sarvan Karimov—filed a collective application with the CEC, contending that their presidential candidacy applications were not timely accepted. They argued that because their applications were not processed within the legally stipulated timeframe of 5 days leaving them with insufficient opportunity to fill the signature sheets. Moreover, they claimed that individuals who had supported their candidacies were contacted by authorities and subjected to threats.

The New Azerbaijan Party (NAP) nominated the current head of the country, Ilham Aliyev, and announced that it supported him to lead the country for the fifth time. In addition to the NAP, some political parties have declared that they support the candidacy of Ilham Aliyev in the presidential election, and that they did not nominate a candidate.¹⁷

¹² More details- <https://www.bbc.com/azeri/azerbajian-63947666>

¹³ More details - <https://turan.az/az/cemiyvet/isci-masasi-hemkarlar-ittifaqlari-konfederasiyasinin-sedri-afieddin-memmedov-768135>

¹⁴ More details - <https://turan.az/az/siyaset/mehkeme-hemkarlar-ittifaqi-fealini-3-il-azadliqdan-mehrumentme-cezasina-mehkum-edib>

¹⁵ More details - <https://turan.az/az/cemiyvet/aykhan-israfilov-hebs-edilib-venilenib-768346>

¹⁶ More details - <https://www.amerikaninsesi.org/a/7444096.html>

¹⁷ See - <https://report.az/daxili-siyaset/azerbaycanda-bir-sira-siyasi-partiyalar-ilham-eliyevin-prezidentliye-namizedliyini-destekleyibler/>

The list of presidential candidates registered by the CEC:

No	Candidate	Political affiliation	Past Electoral Involvement
1	Ilham Aliyev	New Azerbaijan Party	2003, 2008, 2013 and 2018 presidential elections
2	Zahid Oruj	Independent	2013 və 2018 presidential elections
3	Razi Nurullayev	National Front Party	2018 presidential elections
4	Fazil Mustafa	Great Order Party	2008 presidential elections
5	Gudrat Hasanguliyev	United Azerbaijan Popular Front Party	2003, 2008, 2013 and 2018 presidential elections
6	Fuad Aliyev	Independent	2008 presidential elections
7	Elshad Musayev	Great Azerbaijan Party	N/A

According to reports from independent observers, the presidential candidates did not conduct a vigorous national signature collection campaign. Despite allegations of local government officials, high school teachers, and municipal employees participating in signature collection efforts for certain presidential candidates, there were no recorded complaints or formal objections raised regarding this issue.

VI. PRE-ELECTION CAMPAIGN

According to the Election Code, the pre-election campaign for the February 7, 2024, early presidential election started on January 15, 23 days before the voting day, and ended 24 hours before the start of voting.

As in the 2018 presidential election, the pre-election campaign has turned into a process where there is no real political competition, there is a lack of alternative political forces, and political revival and active political discussions do not take place.

a) Pre-election Campaigning in the Media

During the pre-election period, there was an absence of direct and focused criticism towards the political establishment, including the current president, the Cabinet of Ministers, and the Prime Minister, by presidential candidates across both public and private television channels.

The CEC conducted a lottery to schedule free airtime for presidential candidates on the Public Television and Radio Broadcasting Company (ITV). According to the resulting timetable, candidates were provided with television and radio slots in a Round Table format three times a

week, amounting to a total of 10 appearances, each lasting 8 minutes and 57 seconds. Observations by EMDS of 6 TV debates hosted on ITV indicated that none of the participating candidates attempted to levy criticism against the current leader, position themselves as a genuine alternative, or embody the role of a challenger representing an alternative political force with aspirations for governmental change.

b) Public Events and Meetings with Voters

The CEC announced a list of designated venues for the pre-election campaign's public meetings. This list encompasses 281 venues for candidate-voter meetings, split between 139 open-air and 142 enclosed spaces.¹⁸

Observations by EMDS-affiliated monitors across 27 constituencies note that the majority of these allocated venues are apt for meetings with voters. Nonetheless, they point out that some open-air meeting locations are inconveniently situated far from residential communities.

During the pre-election campaign, observers noted that local executive power structures were involved in the organization of meetings between some presidential candidates and voters within the boundaries of 8 constituencies.

Overall, at this point in the campaign, open spaces were scarcely used for large-scale gatherings of candidates with voters. There were no instances of candidates holding rallies or mass meetings that attracted thousands. Thus, the pre-election campaign across the country was marked by a lack of enthusiasm and failed to ignite a political activism.

VII. ELECTION ADMINISTRATION

Election commissions, tasked with overseeing the electoral process, are established on a five-year cycle.

EMDS' observations reveal that despite complaints concerning the conduct of both lower and upper-tier election commissions, including the CEC, the personnel within these bodies have remained largely unchanged for numerous years. Notably, individuals within the commission who have been implicated in legal violations, as evidenced by rulings from the European Court of Human Rights in cases related to the Nemat Aliyev group¹⁹, continue to hold positions in election management, underscoring a significant concern regarding accountability and integrity within the electoral administration framework.

a) Registration of voters

¹⁸ Elections Information Center, CEC - <https://www.msk.gov.az/az/elections/view/1250>

¹⁹ See: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-98187%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-98187%22]})

Persistent skepticism surrounds the accuracy of voter lists provided by the CEC has not waned over the years. For instance, the CEC's most recent disclosure indicates that over 6 million citizens are eligible to vote, a substantial increase from the 5,238,000 voters reported in the early parliamentary elections three years prior. This significant growth of more than 1 million voters in such a short period lacks a clear and rational justification, further fueling doubts regarding the integrity of the voter registration process.

It is important to highlight that, according to the State Statistics Committee's data regarding the population size, the number of citizens eligible to vote (aged over 18) exceeds 7 million. This statistic presents a noticeable discrepancy when compared to the voter numbers provided by the CEC. Regrettably, the CEC has not addressed or clarified the allegations concerning this inconsistency in voter data.

b) Registration of Observers

Observers registered with the CEC reported delays in the accreditation process, despite legal requirements for observation applications to be processed within three days. These delays sometimes extended for days, indicating inefficiencies in the registration system for observers at the CEC.

For the presidential election held on February 7, 2024, similar to past elections, there was no establishment of an electronic application-based accreditation system to ease the registration process for local observers. Consequently, individuals wishing to observe in multiple electoral districts and polling stations faced significant logistical and technical challenges in registering as observers with the CEC and SSC, making the process neither swift nor straightforward.

Additionally, some District Election Commissions engaged in unauthorized practices by issuing small name and number plates for polling stations to prospective observers on election day. Such Moreover, individuals seeking to become independent observers at some District Election Commissions were subjected to inappropriate inquiries regarding their employment, political affiliations, and motives for wanting to observe the election. Efforts to deter citizens from participating in observation included pressure exerted through their workplaces and educational institutions.

V. ELECTION DAY OBSERVATION

a) Observation methodology and deployment of observers

EMDS received data from independent observers stationed at randomly chosen polling stations across the country for Election Day observation, employing the Statistically Based Observation (SBO) methodology. This approach, which hinges on statistical representation, it allows to provide

accurate information to the public about the organization and quality of the election process at the national level based on the collected data.

In the lead-up to the extraordinary presidential election on February 7, the Election Monitoring and Democracy Study Center (EMDS) provided legal assistance to 154 citizens across the country for their registration as independent observers with the Central Election Commission (CEC) and local district election commissions. Despite 141 observers agreeing to adhere to EMDS's impartial election observation conduct rules and volunteering for election day, a targeted smear campaign led to 24 volunteers withdrawing their offer to observe the elections. This campaign was strategically aimed at undermining EMDS's efforts to ensure citizen participation in election observation.

Nevertheless, EMDS successfully deployed 117 observers throughout the country who monitored the voting and vote counting processes.

The findings presented in this report are derived from observations conducted at 105 polling stations. These stations were randomly selected to ensure a comprehensive national overview as per the SBO method. The collected data spans various critical phases of the electoral process, including the setup and preparation of polling stations with necessary equipment, the voting process itself, voter turnout, the counting of votes, and the subsequent announcement of results. Observer data were consistently gathered online, utilizing a standardized questionnaire, to facilitate real-time analysis and reporting.

b) Entry of observers into Polling Stations and pressures

On election day, some observers were not allowed to observe polling stations. A number of observers faced barriers at 25 percent of polling stations. These challenges ranged from psychological to physical pressure, resulting in some observers being forcibly removed or hindered from effectively monitoring the voting process.

One such case involved Selcan Haji, an observer at polling station No. 36 in the Binagadi first electoral district No. 8, who experienced psychological pressure and was compelled to exit the polling station after raising concerns about voting irregularities.

Similarly, Hikmet Vakilov, stationed at polling station No. 37 in the Zagatala-Balakane electoral district No. 111, faced repeated pressures from polling station members and fellow observers, leading to an interrogation. Vakilov, who was threatened for noting down observations on the voting process, was eventually expelled from the polling station.

In the Garadagh electoral district No. 37, at polling station No. 9, observer Alibakhish Rashidzadeh, along with Ramazan Taghiyev at polling station No. 47 in the Jalilabad electoral district No. 71, were pressured for documenting the vote progress and communicating with

commission members. Rashidzadeh recounted an incident where he was slapped during a dispute, forcing both him and Taghiyev to leave their respective polling stations.

c) Establishment and Opening of Polling Stations

Observers noted some problems during the organization and opening of polling stations. For example, in 5 percent of the polling stations, the ballot boxes were not shown to be empty before they were sealed. The number of registered voters was not announced in 25 percent of the observed polling stations. 98 percent of the observed polling stations are equipped with the necessary equipment, and 91 percent have conditions for the secrecy of voting.

Voting started late in 3 percent of polling stations with observers.

d) Voting Process

During the monitoring of the voting process, observers reported various violations to EMDS. The EMDS analyzed the data collected from observers, categorizing the findings by the number of affected polling stations:

- In 14 percent of the polling stations, voters were allowed to vote without signing the voter list.
- Allowing voters to vote without checking their fingers for ink and permitting them to vote without having their fingers marked with ink were reported in 46-47 percent of polling stations.
- Cases where voters, not listed on the voter registry, were allowed to participate were recorded in 42 percent of the monitored polling stations.
- Group voting was observed in 45 percent of polling stations.
- Ballot stuffing was reported in 31 percent of polling stations.
- Multiple voting by one person were noted in 42 percent of polling station.
- Additionally, in 20 percent of polling stations, there were instances of voters being incited to vote in favor of a particular candidate.

e) Closing of precincts and counting of votes

Observers noted that in 12 percent of polling stations, the process of counting votes was not carried out openly, in 43 percent of polling stations, the results of voting were not correctly reflected in the protocol, and in 46 percent, copies of protocols were not given to observers.

f) Voter turnout

The information collected from the observers differed from some of the figures posted on the CEC website for polling stations. Such results call into question the reliability of the overall results by

observing irregularities in many polling stations and giving grounds to claim that voter turnout was artificially inflated.

The difference between the election activity observed by EMDS and the official figures varied depending on the polling stations. More than 20% difference between the figures provided by the observers and the official figures was recorded in some polling stations.

V. CONCLUSIONS AND RECOMMENDATIONS

EMDS presents the following preliminary conclusions and recommendations based on the observations of the extraordinary presidential election held on February 7, 2024:

a) Results:

- The early presidential election on February 7, 2024, was scheduled without adequately assessing the political needs surrounding the elections, disregarding the principle of periodic elections, and failing to notify all civil and political parties in advance.
- Despite recommendations from the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights, no improvements have been made to the Electoral Code, or the laws governing NGOs, media, and political parties.
- Since the 2020 parliamentary elections, the opportunities for political activity has further diminished, with an uptick in politically motivated arrests. Decisions by the European Court of Human Rights on such arrests, the right to a fair trial, and violations of electoral rights remain unenforced, despite ongoing calls for action by the Committee of Ministers of the Council of Europe.
- Political stagnation has deepen, with the number of political parties dropping by half. Restrictions on independent civil society organizations and media have grown, along with increased persecution of journalists and civil activists. This climate hindered active participation from civil society organizations and political parties in the February 7 election, undermining the expression of citizens' free will.
- The pre-election campaigning failed to foster a genuine contest among opposing political forces, leaving voters without a real choice among diverse political perspectives. The debates broadcasted on Public Television and radio were insufficient to promote political pluralism, including addressing voters' desires and needs.
- Shortcomings were noted in the CEC's handling of election organization, specifically in compiling voter lists, guaranteeing transparency, and registering local election observers.

- Election day witnessed traditional/serious legal violations across polling stations across the country, including multiple voting by individuals, the mobilization of voters through administrative resources and pressures on observers.
- Given the absence of a conducive democratic environment, lack of equal and authentic political competition, failure to amend the Election Code, and persistent legal infringements, the early presidential election on February 7, 2024, cannot be deemed free and fair.

b) Recommendations:

- The Government needs to show commitment to upholding freedom of expression, assembly, and association, end the suppression of political opponents to overcome political stagnation, and embrace tolerance towards free media and an independent civil society.
- Release of civil activists, journalists, and political figures detained on political grounds must be ensured , and a favorable democratic environment should be created for the development of citizen-state relations in the country.
- A political will aimed at improving the Electoral Code and electoral practices, taking into account the recommendations of the Venice Commission of the Council of Europe, the Office of Democratic Institutions and Human Rights of the OSCE, including local civil and political organizations.
- Election commissions must publicly disclose their decisions regarding the accountability of individuals responsible for documented violations on election day.
- Election commissions should demonstrate efforts to ensure transparency in the election process and create conditions for all citizens to observe the election process without hindrance.

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