



**INTERNATIONAL ELECTION OBSERVATION MISSION
REPUBLIC OF AZERBAIJAN
REPEAT ELECTIONS TO THE MILLI MAJLIS
7 January 2001**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Baku, 8 January 2001 – The International Election Observation Mission (IEOM) for the 7 January 2001 repeat elections to the Milli Majlis (Parliament) of the Republic of Azerbaijan is a joint effort of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe.

PRELIMINARY CONCLUSIONS

The 7 January 2001 partial repeat elections to the Milli Majlis (Parliament) of the Azerbaijan Republic marked some improvement compared to the 5 November 2000 ballot but did not meet a number of international standards for democratic elections.

As a step in the right direction, the Central Election Commission and the Constitutional Court cancelled the results in 11 constituencies where serious violations were found during the 5 November ballot, and ordered repeat elections only for the single-mandate contests. While the decision to cancel these results was prompt and some officials responsible for the violations were dismissed and a few prosecuted under the criminal code, the majority of complaints arising from the 5 November ballot were not addressed transparently and in accordance with the rule of law. In addition, as the repeat elections were limited to the single-mandate contests, some 16% of the electorate were disenfranchised so far as the nationwide proportional ballot was concerned.

The measures undertaken were insufficient to restore full confidence in the electoral process and to convince four of the main opposition parties to participate in the repeat elections. As a result, only one major opposition party with four candidates took part in the repeat balloting. It is regrettable that some of the opposition opted for the boycott of the re-runs. Democracy can only be built through widespread political participation in the democratic institutions.

In a marked improvement, the Central Election Commission addressed complaints on candidate registration more efficiently than during the run-up to the 5 November ballot, reinstating 10 candidates whose registration had been denied.

The local authorities too often interfered in the election process, instructing election commissions prior to elections and in some cases, exerting pressure on their members. The IEOM calls for urgent investigation of all allegations. The independence of election commissions from the local executive powers remains to be established as well as adequate training carried out in order to improve the professional competence of election officials.

On election day, polling took place in a calm and orderly manner, and in contrast to the previous election, observers were generally able to conduct their work unhindered. However, observers again noted a number of irregularities, including some cases of ballot stuffing and a flawed counting and tabulation process.

The IEOM urges the authorities and the CEC to display protocols immediately at all commission levels and to publish detailed and aggregated results for each polling station and constituency in order to raise transparency and confidence in the electoral process.

The OSCE/ODIHR, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe stand ready to continue their dialogue with the authorities and civil society of Azerbaijan, in an effort to address the concerns arising from these parliamentary elections.

PRELIMINARY FINDINGS

Background

In a Preliminary Statement of Findings and Conclusions published on 6 November 2000, the International Election Observation Mission for the 5 November elections to the Milli Majlis (Parliament) of the Azerbaijan Republic concluded that the event constituted progress over previous elections, but fell short of international standards. In particular, the IEOM found:

- Serious deficiencies in regard to the implementation of election legislation;
- Election commissions were subject to interference and pressure from the executive authorities;
- Major problems with the registration of candidates;
- A strong bias in the State-owned media in favor of the incumbents outside the free airtime; and
- Numerous instances of serious irregularities on election day, most importantly a completely flawed counting process.

On 8 November, the OSCE/ODIHR Election Observation Mission addressed a letter to the CEC, detailing serious election day violations in at least 18 constituencies. These included reports of ballot stuffing, manipulated turnout results, manipulation of result protocols, intimidation, harassment and arrest of party proxies and PEC members, unauthorized local officials controlling the process and influencing voters, and international observers denied access to polling stations. The OSCE/ODIHR concluded that, “where ballot stuffing and tampering of protocols was observed, serious consideration should be given to annulling the election results.”

On 9 November, the Committee of Ministers of the Council of Europe invited the Republic of Azerbaijan to join the Organization, conditional on the Government of Azerbaijan presenting “within one month a report responding to the criticisms made by the International Election

Observation Mission and to correct the reported frauds.” The Committee of Ministers of the Council of Europe will re-examine the date of Azerbaijan’s accession on 17 January.

Post-Election Complaints

The CEC received 327 complaints alleging serious violations on 5 November. The CEC classified these complaints into 74 constituency groups and considered them collectively. Some 278 of these complaints were referred to the General Prosecutor’s Office whose mandate is limited to criminal offences and prosecution thereof. Thus from the outset, election law remedies were denied in these cases. The General Prosecutor initiated criminal proceedings in only three constituencies. The remaining cases were dismissed. In general, the complainants were not notified about the status of their cases.

On 15 November, the Central Election Commission (CEC) invalidated the election results in four constituencies and, on 22 November, the Constitutional Court in seven constituencies where gross violations were found. On 22 November, the Constitutional Court announced the final results of the 5 November elections and all outstanding election complaints were summarily dismissed. The election disputes resolution process through the election commissions and the courts lacked transparency and compliance with the rule of law. The Courts sometimes refused to consider evidence, to examine the evidence, or to hear witnesses. The appeal and complaint procedures showed a lack of mutual confidence from both the political parties and the authorities.

On 27 November, President Aliyev issued a Decree dismissing the Heads of local executive powers (Governors) in the Yasamal, Hajigabul and Imishli regions for having interfered in the electoral process, exerted pressure on election commission members, and hampered the free expression of the voters’ will. In addition, the CEC dismissed all Chairpersons and some members of the 11 Territorial Election Commissions (TEC) where the election results were annulled.

On 18 December, a Presidential Decree set 7 January 2001 as the date for repeat elections in 11 constituencies where election results for the single-mandate contests were cancelled. The Presidential Decree ordered repeat elections only for the single-mandate contests in the 11 constituencies, but not for the nationwide proportional ballot. Consequently, the votes from only 88 of the 99 constituencies were taken into consideration for the allocation of the 25 seats in Parliament reserved for the proportional ballot. Thus, 480,000 voters in the 11 constituencies where results were annulled, representing according to official figures 16% of those who cast ballots on 5 November, were disenfranchised as far as the proportional ballot was concerned.

Political Developments Following the 5 November Elections

In the 5 November parliamentary elections, the opposition won only 10 seats – considerably fewer than expected. On 14 November, six main opposition parties signed an agreement to boycott the newly elected Parliament and to demand the holding of new elections. However, the opposition split over participation in the repeat elections. While the Popular Front and Civil Solidarity Party took part, Musavat, the Democratic Party, the National Independence Party (ANIP), and the Liberal Party boycotted the 7 January repeat elections.

Thus, the repeat elections took place in an atmosphere of political mistrust and social discontent that provoked demonstrations in major cities of Azerbaijan. A number of political activists from opposition political parties were arrested in a major protest on 18 November. Many of those arrested are still in detention, including 23 from the 18 November incident in Sheki.

Registration of Candidates

Seventy-six candidates out of 147 who applied for the single-mandate constituency contests were registered. The ruling New Azerbaijan Party (NAP) had 22 candidates registered, while the opposition parties registered 10. In addition, 38 were registered as independent candidates. In addition, nine candidates were registered for the National Independence Party. But on 2 January, the party withdrew from the repeat elections.

The CEC orally urged TECs to be more flexible during the verification of signatures supporting candidates. In some cases, the CEC also forwarded a letter to TECs requesting the registration of rejected candidates. However, the TECs did not always consider such letters to be a formal decision and in some cases refused to comply.

Again, questions were raised during the candidate signature collection and verification process. In many cases, the 2,000 required signatures were collected in a single day. In addition, some candidate petitions were checked thoroughly while others were reviewed superficially. The process lacked consistency and transparency.

In a marked improvement, the CEC adequately addressed most complaints on candidates' registration within the deadline envisaged in the Law. Thus, the CEC received 19 complaints regarding registration, all were considered and ten candidates were reinstated. In the case of one candidate's complaint from Shemkir whose registration was denied by the TEC, the CEC initially refused to register the complaint as the Law requires and then rejected it with no reference of any provisions of the Law.

The vulnerability of election commissions' members to interference and pressure from the local authorities raised serious concerns. They too often interfered in the conduct of the election process and in the work of the commissions. In Sumgait, the Chairman of a polling station was dismissed allegedly because he did not follow instructions of the local authorities. He was then subject to intimidation and threats. Likewise, in Shemkir and in Astara, the TECs were under pressure to refuse registration to certain candidates. The IEOM calls for urgent investigation of all these allegations. The independence of election commissions from the local executive powers remains to be established as well as adequate training carried out in order to improve the competence of election officials.

Election Day (polling)

On election day, polling took place in a calm and orderly manner. Observers reported that polling station members generally performed rather well. However, the process was marked by a number of irregularities including some cases of ballot stuffing, questionable turnout figures and the presence of unauthorised personnel. Some observers were obstructed in their work. When reviewing the voter lists, they often noted what appeared to be groups of identical signatures.

In the majority of polling stations where counting procedures were observed, the process was flawed. Signatures from the voter registers were often not counted. At nearly one-third of the counts observed, monitors reported stacks of ballots inside the ballot box – a sure indication of ballot stuffing. In some instances, there were more ballots than voters who signed the registers. In the majority of the cases, protocols were not displayed at polling stations.

In an improvement over the 5 November elections, observers had full access to all 11 TECs, including the computer rooms and other areas where the tabulations took place.

The authorities did not take appropriate measures to update the voter registers in incorporating the 5 November election supplementary voter lists. They also failed to strengthen the security of sensitive election material such as ballot papers and protocols that were misused during the previous elections.

For the first time, electronic voting procedures were implemented on an experimental basis in 13 polling stations, with at least one per constituency. Observers reported that the voting process using the electronic machines went very smoothly and despite a lack of adequate training, did not create confusion. The EOM commends the authorities for this effort to improve the efficiency of the electoral process.

Tabulation of results at constituency level

The CEC refused to publish detailed and aggregated results of the 5 November elections, further undermining the transparency of and confidence in the electoral process. However, for the repeat elections, the authorities and the CEC assured the OSCE/ODIHR and the Council of Europe that results would be displayed immediately at all commission levels. Unfortunately, this was not implemented in all 11 constituencies. The IEOM urges the authorities and the CEC to publish detailed and aggregated results for each polling station and constituency.

*The statement is also available in Azeri language.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGMENTS

Ms. Paula Kokkonen, OSCE Chairman-in-Office's Special Representative for the elections in Azerbaijan, leads the OSCE Election Observation Mission. Ambassador Charles Magee heads the OSCE/ODIHR Election Observation Mission. Mr. Andreas Gross leads the Parliamentary Assembly delegation of the Council of Europe.

The OSCE/ODIHR Election Observation Mission was established on 18 December in Baku with 12 international experts and long-term observers, covering all 11 single-seat constituencies where election results were canceled. Their findings include monitoring of CEC activities, pre-election preparations, election complaints handling and the election campaign. On election day, the International Election Observation Mission deployed more than 100 short-term observers, including five parliamentarians from the OSCE Parliamentary Assembly and 13 from the Parliamentary Assembly of the Council of Europe. Observers

reported from over 400 polling stations out of the 544 in the 11 constituencies, and from 11 Territorial Election Commissions.

This statement of preliminary findings and conclusions is issued before electoral complaints and appeals were addressed, before the final certification of results, and before a complete analysis of the observation findings. The OSCE/ODIHR will issue shortly a comprehensive report covering the 5 November and 7 January repeat elections.

The International Election Observation Mission wishes to express appreciation to the Office of the President, the Ministry of Foreign Affairs, and the Central Election Commission of Azerbaijan for their assistance and cooperation during the course of the observation.

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