

ELECTION MONITORING CENTER

STATEMENT

**on the results of monitoring over repeat
and preliminary elections conducted to the municipalities
of the Republic of Azerbaijan on October 6, 2006**

BAKU - 2006

I. INTRODUCTION

EMC is an independent and a non-partisan NGO dealing with free and fair conducting of elections and development of civil society and democracy in Azerbaijan. The EMC observed the referendum, presidential, municipality and parliamentary elections as well as the repeat and by-parliamentary elections held in the Republic of Azerbaijan within the last 5 years of its activity.

EMC is a member of European Network of Elections Monitoring Organizations (ENEMO) that unites 19 NGOs from 17 countries. EMC's observers monitored the parliamentary, presidential elections and referendum held in Albain, Belarus, Ukraine and Georgia, Kyrgyzstan, Norway and Kazakhstan within the international observation missions.

There were held the repeat, preliminary, by and new elections to 603 municipalities in 83 constituencies of the Republic of Azerbaijan on October 6th, 2006. EMC implemented Short-Term Observation of repeat and preliminary elections to 146 municipalities all of which it considered being more competitive and important in 40 constituencies through 9 regional coordinators. The EMC mainly conducted the monitoring of 2 phases of these elections – pre-election campaign and period of Election Day.

There have so far been prepared 4 Press Releases on the results of monitoring and disseminated to local and international public in Azeri and English languages. The facts stated in this report have been submitted to EMC's regional coordinators and observers by members of election commissions, candidates, political parties, representatives of election headquarters, and citizens.

EMC rendered legal and technical assistance to 246 people in the country connected with the Short-Term Observation of repeat and preliminary elections to municipalities and helped them to be registered in the Central and Constituency Election Commissions as observers. There was provided condition for the registration of observers in ConECs except Shamkir village ConEC #99. The EMC conducted 12 trainings for the registered observers. There was made an agreement with 212 of them on cooperation with the EMC concerning the activity of Short-Term Observation.

EMC observed the opening of precincts, organization of voting and vote counting process with 212 observers in 273 precincts over 40 constituencies on the Election Day.

EMC expresses its deep gratitude to the members of Precinct and Constituency Election Commissions for providing condition for the activity of observers and creating opportunity for mutual cooperation.

We should note that the monitoring program of the EMC on the repeat and preliminary municipal elections held on October 6, 2006, was implemented with the financial support of the British Embassy.

II. SUMMARY

The EMC observed the repeat and preliminary elections held to 146 municipalities on October 6th, 2006 through its 212 observers in 273 precincts over 40 constituencies. The observations covered the opening of precincts, the process of voting and counting of votes. The EMC twice disseminated Press Releases on the results of monitoring of voting on the Election Day.

The results of EMC's monitoring on the process of voting and counting of vote over the repeat and preliminary municipal elections held on October 6th, 2006, show that precincts had technical opportunities for conducting of voting with a few exceptions and the voting had started at the time defined with the Law. There were not recorded any law violations on allowing of observers in the precincts at the moment the voting started.

But unfortunately, the cases of violations on the interference of local authorities with the process and bipartisan activity of lower election commissions assumed a large character both during the pre-election Statement, Short-Term Observation by EMC, repeat and preliminary municipal elections - 2006

campaign and Election Day connected with the repeat and preliminary municipal elections held on October 6th, 2006. And this had a serious effect on free and fair conducting of elections.

The EMC considers that there were registered serious law violations on the pre-election period and the Election Day during the repeat, by, new and preliminary municipal elections held on October 6th, 2006 and these elections were not conducted in a free and fair condition and as a result, the legislation of Azerbaijan and the requirements of international standards were violated.

There was reported low turnout participation that was characteristic for all of the constituencies in which the monitoring was conducted on the Election Day. According to the EMC's calculations, the turnout participation in the constituencies changed between 12 and 20 % - much less than the figures officially announced. The analyses of the EMC show that in comparison with the previous elections, the sharp decrease in the turnout participation is connected with the weak belief of population in the fair conducting of elections and with the fact that the municipalities have not yet formed as real local governance institutes.

We should note that under the recommendations of local community, OSCE/ODIHR and EU Commission of Venice, the improvement of election legislation, especially lack of efforts in the re-formation of election commissions on the basis of political parity were the factors that caused weaker interest in the elections.

The observation on the activity of Precinct and Constituency Election Commissions show that the election commissions were not able to build their activity to meet the requirements of election legislation in the municipal elections either and did not display objective and independent activity.

Together with this, in comparison with the previous elections, the EMC approves of substantial progressive changes that occur in the field of ConECs and PECs' giving operative information to the public and observers on the election process and the registration of observers.

III. PRE-ELECTION PERIOD

The Central Election Commission (CEC) started conducting the repeat, new, by and preliminary elections to 604 municipalities in the Republic of Azerbaijan on June 7th. But there were not held elections to Nardaran municipality as the nomination process of candidates to this municipality did not take place and the number of municipalities to which the elections were to be held decreased to 603. According to the official information of the CEC, there were held first elections to 23 municipalities and by and new elections to 2 municipalities. The number of municipalities where the results were considered invalid during the municipal elections held on December 17th, 2004 and repeat elections were held, is 141. At the same time, there were only conducted by elections to 37 municipalities and new elections to 405 municipalities.

We should note that 4686 people have taken signature papers to be candidates and only 4638 people (240 women) of them were registered as candidates. 4 people withdrew their nomination. There were 4634 candidates taken part for the membership to municipality.

We should remind that according to the information spread by the CEC, 2143 of the registered candidates are non-party, 2215 of them are from YAP, 23 are from AXCP, 23 are from Musavat, 13 are from Umid, 23 are from AMIP, 23 are from VHP and the rest are from other parties. But the parties included in "Azadlig" bloc as well as AXCP (PFPA) stated that they had boycotted the municipal elections and the party members would not take part in the elections.

The EMC's observations show that there were not recorded serious irregularities connected with the nomination and registration of candidates. In the meantime, the activity of Central and Constituency Election Commissions on the registration of nominees were built independently and in accordance with the requirements of Law.

The EMC regretfully notes that the election campaign in the municipal elections passed in a weak and uncompetitive condition. The people approached the process indifferently. Most of all, there were not observed massive meetings of the candidates with their voters in any of the constituencies though the pre-election campaign was given a start since August 7. And most of the people did not know that there were conducted elections to the municipality in the territory of which they lived in.

During the pre-election campaign, the ConECs could not protect their independence in comparison with all candidates. Such as, there were reported that local authorities interfered with the election process, conducted direct campaign in favor of the candidates and created conditions for some candidates to use administrative resources. Unfortunately, the ConECs did not take initiatives at eliminating such cases and remained passive with the law violations.

During the pre-election campaign, the EMC's observers reported that the candidates conducted illegal campaign among the voters after the pre-election campaign finished on October 5th, 2006 and the PECs did not conduct activity on working days and the voter lists were not posted in PECs 65 days prior to the elections as required with the Law.

In general, the period of pre-election campaign was accompanied with weak competence and voter passiveness. The participation of both political parties, candidates and voters in the election process assumed a passive character. The political parties explained the reason of it with the fact that the election legislation was not improved and as a result, there grew doubt among the people on conducting of fair elections. The EMC's investigations show that the other factor that caused voter passiveness was related to the fact that municipalities had not yet turned into real local municipality institutes and to weakening of the interest in these institutes.

IV. ELECTION DAY

212 observers of the EMC monitored the repeat and preliminary elections held to 146 municipalities over 40 constituencies in the phases of **opening of 210 precincts, voting in 273 precincts and counting of votes in 208 precincts.**

Opening of precincts;

The EMC's observers did not report serious law violations in the organization and opening of precincts. The attitude of election commissions towards the settlement of observers in the precincts was satisfactory and there was provided maximum opportunity for observation in some precincts. There were reported that only in **2 precincts** the observers were not provided with certain conditions and the voting room was too small there.

Voting

The EMC regretfully notes that as in the previous elections, there were also recorded serious irregularities on casting of false ballot papers in the boxes, bringing of special groups and outside interference with the election process in the repeat and preliminary municipal elections held on October 6th, 2006.

The violations, the EMC's observers noted and compiled acts on the cases mentioned-above and others, can be grouped as in the following way according to the number of precincts:

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- **Interference of local authorities and police with the elections:** Such violations were observed in 51 precincts;
- **Bringing of voters in special groups:** Such violations were observed in 93 precincts;
- **Cases of pressures on voters' will:** Such cases were reported in 27 precincts;
- **Campaigning in favor of candidates:** Such cases were recorded in 20 precincts;
- **Participation of voters without their citizen ID cards:** Such violations were observed in 13 precincts;
- **Violation of secrecy of voting:** Such violations were observed in 41 precincts;
- **Absence of voters' names in the voter lists:** Such cases were recorded in 27 precincts;
- **Pressures on voters:** Such cases were recorded in 12 precincts;

Counting of votes:

The EMC's observers recorded cases of violation on the calculating of voting results and counting of votes by the PEC members. Such violations were recorded in 36 precincts. They mainly include non-provision of transparency, removal of observers from the precincts and wrong counting of votes.

V.RESULTS AND RECOMMENDATIONS

The EMC conducted the evaluation of repeat and preliminary municipal elections held on October 6th, 2006 on the basis of information received and the monitoring conducted over the pre-election period and the elections. In the meanwhile, on October 9th, 2006, there were submitted 26 copies of Act to the CEC on the law violations for investigating of documents handed over the monitoring. In general, The EMC evaluated the results of monitoring of these elections after studying the final protocol submitted by the observers on the results of 119 voting, 228 copies of Act, 57 copies of Opinion and 295 copies of Observation Form.

Thus, we can come to the following CONCLUSION on repeat, by, new and preliminary municipality elections held on October 6th, 2006 on the basis of information stated above:

The voter activeness was much low in these elections in comparison with the previous years and this negative tendency can create serious problems for the next elections;

The election commissions conducted their activity under the control of Executive Bodies instead of being objective and independent;

There were admitted serious violations in the processes of voting and counting of votes on the Election Day which could badly influence the results of elections;

The repeat, by, new and preliminary elections held to some municipalities on October 6th, 2006, were not free and fair and did not meet the democratic standards;

It is proposed to implement the followings by drawing a conclusion on the facts stated-above:

- All persons violating the election rights must be involved in criminal responsibility and punished;
- There must be made principal and fundamental changes in the direction of improvement and democratization of legislation in the Election Code;
- The composition of election commissions must be organized with the equal representation of main political forces under the principle of parity.
- There must be defined democratic and improved rules on filing and reviewing of complaints on the election rights. The clauses on violation of election rights in criminal and administrative legislation must be enlarged and stipulated with the character of crime.
- There must be implemented serious legal and political reforms in the direction of turning of municipalities into independent and real state authority bodies for increasing the trust of citizens in local governance bodies – municipalities.

VI. OBSERVATIONS:

Examples on the violations that the EMC observed on the Election

Day:

- In PEC #19 which held elections to Hasanli municipality over Masalli city ConEC #70, the candidate Gudrat Sabzaliyev and his observers marked the ballot papers instead of voters.
- In PEC #2 which held elections to Arkivan municipality over Masalli village ConEC #71, Ayig Samadov, chief of the department in Masalli Executive Body, gave instructions to the visiting voters. A.Samadov stayed in the PEC till the end of the voting process. The candidate Rizvan Allahverdiyev was busy with conducting of his campaign in the territory of PEC #4 over this ConEC.
- In PEC #5 which held elections to Sabirabad municipality over Sabirabad first ConEC # 63, the PEC chairman Masim Masimov gave a voter more than one ballot paper and created conditions for some voters to vote for their family members. According to the information given by the observers, the number of voted people were shown as 172 in the final protocol despite the fact there were only 157 voters taken part in the polling process. Though there were only 103 people taken part in the voting in PEC # 9 of this ConEC, the number of voted people were shown as 255.
- In PEC #7 which held elections to Sabirabad municipality over Sabirabad first ConEC # 63, the PEC chairman Nizami Gasimov several times stuffed ballot papers in the immovable ballot box. Though there were only 88 voters taken part in the elections, the number of them were shown as 332 in the protocol. And 41 people voted in PEC #1 of this ConEC but their number was shown as 631 in the final protocol.
- In PECs #4 and 6 which held elections to Salyan municipality over Salyan ConEC #59, the candidate Sardar Sadigov put pressures on the will of visiting voters and demanded them to vote for him and the candidates close to him.
- In PEC #37 which held elections to Hanifa municipality over Zagatala-Balakan ConEC # 111, the unused ballot papers were not counted and cancelled during the vote counting process. The ballot papers were counted in favor of the candidate Ogtay Mehdiyev while the votes were calculated.

- In PEC #39 which held elections to Govlarsari municipality over Samukh-Shamkir ConEC #102, VAZ 2106 modeled cars with the state numbers of 63 BA 146 and 56 VB 626, several times brought voters to the PEC in special groups. But in PEC #3 that held elections to Garayeri municipality over this ConEC, the commission members did not give an opportunity to the observers to monitor the voting with the mobile ballot box.
- In PEC #7 which held elections to Duz-Ghirikhli municipality over Tovuz city ConEC #105, the seal of immovable ballot box was removed at 15:20. And while the box was opened, the PEC chairman Valeh Naghiyev removed all the observers from the precinct. Generally, the voters were issued over 1 ballot papers in that precinct. In the meantime, there was conducted the campaign of the candidates Gudrat Jafarov, Lachin Guliyeva, Tufan Ahmadov and Murshud Musayev.
- In PEC #31 which held elections to Yalama municipality over Khachmaz village ConEC #56, there were brought voters in special groups several times on the Election Day. And in PEC #6 that held elections to Mukhtadir municipality over this ConEC, the PEC chairman Ganjali Hajiyev directed the choice of voters on the pretext of teaching latin alphabet to the people who did not know it. But during filling out the final protocol on the results of voting, he gave instructions to mark the votes of the candidate Maliddin Shikhkarimov as 41 votes, a man who took the first place in the same precinct by winning 524 votes.
- In PEC #32 which held elections to Digahoba municipality over Khachmaz village ConEC #56, Shola Mirzayeva, the village executive representative, stood around the PEC with some people, pressured and affronted the voters. In PEC #10 that held elections to Alekseyevka municipality over this ConEC, the secrecy of voting was not ensured and the voters marked the ballot papers without entering the voting compartments.
- In PEC #17 which held elections to Buzovna municipality over Azizbayov first ConEC #13, the PEC chairman Nursevar Yahyazade attempted to take the ballot boxes to his room after the voting process was over. The observers and the candidate Boyukaga Gadirov who were present during the incident, objected to secret counting of votes. But the PEC chairman called Intigam Mirsaliev, chief of the second Police Department to the precinct and the police removed the candidate B.Gadirov from the PEC. Though 150 voters took part in the elections in PEC #21 over this ConEC, their number were shown as 549 people.