

ELECTION MONITORING AND DEMOCRACY STUDIES CENTER



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INTERIM REPORT
ON THE NOMINATION AND REGISTRATION OF CANDIDATES

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INTERIM REPORT

Nomination and Registration of Candidates

(8 September – 14 October 2010)

I. SUMMARY

Election Monitoring and Democracy Studies Center (EMDS) is a non-partisan and independent non-governmental organization which works for holding free and fair elections and development of civil society and democratic traditions in Azerbaijan. EMDS believes that holding free and fair elections in the country will be a significant contribution to development of democratic traditions, citizens' welfare and protection of human rights.

EMDS has finished the first stage of the observation of the parliamentary elections to be held on 7 November 2010, which covered the process of nomination and registration of candidates. During this period EMDS observed the pre-election political atmosphere, activities of election commissions, nomination and registration of candidates in 125 election constituencies through its 80 long-term observers. In some occasions, the observation information was received from members of election commissions, voters, candidates and/or their representatives and was verified through the third party.

EMDS believes that to have a precise assessment of the 7 November Parliamentary elections, all periods of the election process – pre-election political environment, election legislation, the level of the freedom of participation in the elections, voting and counting of votes – must be evaluated separately and national legislation of the Republic of Azerbaijan and international commitments with regards to free and fair elections should be referred to.

EMDS notes with regret that the problems regarding political conditions, freedom of expression and media, freedom of assembly, and

political freedoms in the country prior to the parliamentary elections do not provide necessary conditions for holding free and fair elections.

EMDS believes that the amendments made to the Election Code in the last two years have not created conditions for improvement of election practice. Moreover, the elimination of the registration deposit, which was the alternative to collecting signatures, by the amendments made on 2 June 2008 has encouraged constituency election commissions to illegally refuse registration of candidates.

EMDS notes with concern that the political activities and public interest in the 7 November 2010 Parliamentary Elections are significantly lower than the 6 November 2005 Parliamentary Elections. At the same time, the pressures on opposition candidates from local executive authorities and unauthorized interference in the election process resulted in lower numbers of candidates. Such lack of alternativeness in parliamentary elections has not been witnessed in the country since 1995 and as a result, there will not be any political debate between competing parties on public television.

EMDS has observed that the Central Election Commission (CEC) conducted its activities technically well and within the timeframe specified in the legislation. However, decisions of the CEC on the complaints about Constituency Election Commissions (ConECs) in the period of nomination and registration of candidates were not objective and properly justified.

EMDS' observation of the first stage of the 7 November Parliamentary Elections – nomination and registration of candidates – shows that the violations of law which occurred in this period cast doubts on the legitimacy of the process, and

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the current period of the Parliamentary Elections cannot be considered as free, fair and democratic.

EMDS hopes that in order to hold free and fair parliamentary elections on 7 November 2010, state bodies, election commissions, registered candidates, political parties participating in the elections, public organizations and mass media will put together their efforts for providing the necessary conditions for free elections, freedom of assembly, freedom of expression and media, for preventing illegal intervention in the election process, and for holding pre-election public discussions in the next periods of the elections (election campaigning and the Election Day).

II. INTRODUCTION

Election Monitoring and Democracy Studies Center (EMDS) is an independent and impartial non-governmental organization which works for holding free and fair elections, and development of civil society and democracy in Azerbaijan.

EMDS was founded on 1 December 2008 by founders and members of Election Monitoring Center (EMC), the registration of which was annulled by of Baku on the basis of illegal claims of Ministry of Justice on 14 may 2008. Founders of EMC appealed the decision of Khatai District Court at the Court of Appeal and Supreme Court. After the national courts refused to satisfy the claims of EMC's founders, the latter applied to the European Court of Human Rights.

EMDS (EMC) carries out the following activities:

- Short-term and Long-term election observation
- Legal initiatives for improvement of the election legislation
- Assistance for increasing voter turnout
- Assistance for enhancing citizen participation in state administration (public policy)
- Voter education
- Assistance for strengthening relations between citizens and elected bodies (parliament and municipalities)

- Monitoring of the activities of elected bodies (parliament and municipalities)
- Promotion of parliamentarism

Members of EMDS (either as EMC or EMDS) have observed 11 elections (including repeat and by-elections to the parliament, referenda, as well as, parliamentary, presidential and municipal elections) conducted in the Republic of Azerbaijan. In total over 9,566 volunteer observers were trained in 481 trainings, and legal and technical assistance was provided for accreditation of volunteers with the election commissions.

In 2006-2009, members of EMDS (either as EMC or EMDS) implemented programs in various election constituencies to strengthen the citizen-government relations, to study voters' opinions on the local and national problems, and to build relations between voters and the parliament. Within the framework of these programs, monitoring of activities of MPs was also conducted. To this end, the opinion of voters about their MPs was studied in the territories of the constituencies and sessions of the parliament were observed.

EMDS is a member of the European Network of Election Monitoring Organizations (ENEMO) which unites 22 national NGOs from 17 OSCE member-states. More than 360 members of EMDS have participated in international election observation missions conducted by ENEMO. In general, EMDS' members have been involved in observation of elections in 11 countries within the international observation missions of ENEMO and OSCE/ODIHR.

EMDS cooperates with local civil groups, independent mass media and local NGOs in 11 regions of Azerbaijan – Baku, Sumgayit, Ganja, Shaki, Jalilabad, Goychay, Sabirabad, Beylagan, Khachmaz and Nakhchivan.

EMDS' programs are being implemented by the financial and technical support of the US International Development Agency (USAID), US

National Democracy Institute (NDI), US National Endowment for Democracy (NED), Baku office of OSCE, German Marshal Fund (GMF), Canadian Embassy and the British Government.

III. PRE-ELECTION LEGAL AND POLITICAL ENVIRONMENT

1) Legal Framework

The 7 November Parliamentary Elections have had to be held within the different legal framework than the last (6 November 2005) parliamentary elections as the amendments, which significantly limit several election provisions, were made to the Election Code. The proposal of law on the amendments to the Election Code was adopted on 2 June 2010 without holding any public discussions and without support of local and international organizations. Along with technical amendments, the proposal of law also included shortening of the election period from 120 days to 75 days and lifting of registration deposit, the alternative for registration of candidates.

On 18 June 2010, Milli Majlis (parliament) adopted the Law on “Amendments and Changes to the Election Code” introduced by a group of MPs from the ruling New Azerbaijan Party (YAP). The amendment reduced the election period from 75 days to 60 days and eliminated the provision for allocation of funds to candidates from state budget. It should be noted that the above-mentioned amendments were adopted without studying the opinion of Venice Commission of Council of Europe and without holding public discussions.

In general, as result of these two amendments to Election Code, the rules of nomination and registration of candidates has become more complicated and opportunities for election campaigning have been restricted.

40 persons filed a complaint to the European Court of Human Rights (ECHR) with regard to the election results and violations taken place in the 6 November 2005 parliamentary elections. At present, the Court has ruled decision on 3 of these complaints:

Applicant Miraziz Seyidzade filed a complaint on the violation of his election rights. The applicant’s registration was refused in the 2005 Parliamentary Elections since he was a religious figure. However, the ECHR decided that the refusal of the applicant’s registration was illegal, since he resigned from all positions prior to the elections.

In its 6 April 2010 decision on the case of Nemat Aliyev, candidate of “Azadlig” election bloc from 93rd Barda City Election Constituency, the Court ruled that Aliyev’s election rights, provided by the Article 3 of the 1st Protocol to the European Convention, was violated and obliged the Government of Azerbaijan to pay compensation in the amount of 7.500 Euro.

On 30 September 2010, the Court made a decision on the case of Flora Karimova, candidate of “Azadlig” election bloc from 42nd Sumgayit Second Election Constituency. The election officials annulled election results without showing reasons and violated Karimova’s right to be elected. In accordance with Article 41 of the Convention, the Court decided that the Government of Azerbaijan shall pay Karimova 50.000 Euro material compensation, 7.500 Euro moral compensation and 1.600 Euro for court expenses (in total, 59.100 Euro). In 2005, the Central Election Commission annulled election results of the 42nd Sumgayit Second Election Constituency, from which Karimova was elected. There are about 20 cases pending before the European Court, which are connected with the 2005 Parliamentary Elections held in Azerbaijan and on which the communication process has been completed. EMDS believes that if all these complaints are satisfied and if it is confirmed that the applicants’ rights were violated, the decisions of the Court could have a positive effect on the improvement of the Election Code of Azerbaijan.

2) Political Environment

Critical situation in the field of human rights and freedoms, which emerged after previous elections (15 October 2003 and 6 November 2005), has not been overcome. It is noteworthy that the participation of opposition forces in the elections held after 2005 (15 October 2008 and 23 December 2009) was limited. Opposition political parties, which were the main forces competing with the government in the elections held in last 7 years, boycotted the 15 October 2008 Presidential Election and the election was held without alternatives.

After “Azadlig” election bloc’s peaceful rally held on 26 November 2005 in Baku, no peaceful rallies were permitted to be held in the city center in the last 5 years. For example, *Musavat*, Azerbaijan Popular Front and Union for Democracy parties attempted to hold rallies and pickets 9 times in 2010. However, the actions were not permitted by the Baku City Executive Authority and were dispersed by the police. Participants were detained.

3) Situation in the Field of Human Rights and Civil Society

EMDS has not observed any positive shifts in the protection of citizens’ right to freedom of peaceful assembly and freedom of expression and media prior to the elections or during the election period. On the contrary, restriction of fundamental political freedoms has been the case.

The Government did not make any effort to release imprisoned bloggers – Adnan Hajizade and Emin Abdullayev, as well as, Eynulla Fatullayev, Chief Editor of “Daily Azerbaijan” newspaper, and other political prisoners prior to the elections. The verdict of the European Court of Human Rights on Eynulla Fatullayev’s case ruled on 22 April 2010 has not been implemented by the Government. According to the verdict, Fatullayev should be **released immediately** and receive a compensation in the amount of **25.000 Euro**.

Before the parliamentary elections was officially announced, Zulfugar Kheyirkhabar, journalist of “SalamNews” agency, Avaz Zeynalli, chief editor of “Khural” newspaper, Leyla Ilgar and Elmin Badalov, journalists of “Yeni Musavat” newspaper, Mehman Huseynov, member of the Institute of Reporters’ Freedom and Security, Anar Garayli, editor of “Milli Yol” (National Way) newspaper and “Poligon” news agency, shooting groups of ANS and ATV channels and other journalists faced physical abuse while doing their job.¹

Although impartial NGOs dealing with civil society, as Election Monitoring and Democracy Studies Center, “Human Rights – 2003”, “Center for Development of Television and Alternative Media”, “Support to Development of Municipalities” Public Association, Society for Democratic Reforms, Center for Legal Initiatives, Media Monitoring Institute and others, applied to the Ministry of Justice for state registration, they were refused registration on illegal grounds. According to unofficial figures, there are more than 3500 NGOs in the country and 1000 of them are not registered.

IV. NOMINATION AND REGISTRATION OF CANDIDATES

Unlike the 6 November 2005 Parliamentary Elections, in the first stage of the current elections – nomination and registration of candidates – serious violations has been taken place.

Violations occurred mainly against candidates of all political parties and election blocs, except the ruling YAP (New Azerbaijan Party). As compared to the 2005 Parliamentary Elections, more cases of pressures in the process of registration of candidates have been observed. If in 2005 registration of candidates were annulled by court decisions, in the current elections

¹ http://www.irfs.az/component/option.com_remository/Ite mid,32/func.startdown/id,32/lang.az/

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ConECs have refused to register candidates on various grounds.

EMDS's observation shows that in the first period of the 7 November 2010 Parliamentary Elections, ConECs have demonstrated political discrimination against candidates other than those supported by YAP and attempted to establish the environment of lack of alternatives in some election constituencies. EMDS' studies concluded that the environment with lack of alternatives has been created in 25 election constituencies. (Annex 1)

1) The Legal Provisions on the Nomination and Registration of Candidates

According to Article 53.1 of the Election Code, a candidate can be nominated by himself/herself or by the voters who has active election right. Political parties and blocs of political parties also have the right to nominate candidates (Election Code, Article 54.1). Candidates need to collect 450 voter signatures in the territory of the relevant election constituency, where s/he wants to be elected. Amendments made to the Election Code on 2 June 2008 and 18 June 2010 have affected the process of registration of candidates negatively².

2) Official Information

The process of the nomination and registration of candidates for the current parliamentary elections started on 8 September 2010 and ended on 15 October 2010. According to the CEC, 719 persons have been registered as candidates, registration of 332 persons was refused and 71 persons have withdrawn their nomination. 7 of candidates have been nominated by initiative groups and 364 candidates by themselves.

The nomination of other candidates has been carried out by the following parties and election blocs:

a) YAP – 111,

² The amendments is described in the "Legal Framework" section of the Report

- b) "Azerbaijan Popular Front Party (APFP) - Musavat" bloc – 39,
- c) "Reform" bloc – 31,
- d) "Garabagh" bloc – 32,
- e) "For Human Sake" bloc – 19,
- f) "Democracy" bloc – 15,
- g) Classic Popular Front Party – 30,
- h) National Independence Party – 21,
- i) Democratic Azerbaijan World Party – 20,
- j) Motherland Party – 7,
- k) Modern Musavat Party – 7,
- l) Social Democrat Party – 2,
- m) National Democrat Party – 1,
- n) National Statehood Party – 1,
- o) Progress Party – 1;

In the 6 November 2005 Parliamentary Elections 2063 persons, almost three times more than the current number, were registered as candidates and 661 of them represented political parties.

3) Observation of the Process of Nomination and Registration of Candidates

EMDS has noted and verified violations in 58 election constituencies during the first stage of the 7 November 2010 Parliamentary Elections – the process of nomination and registration of candidates (Annex 2). The violations observed in other election constituencies are currently being investigated.

EMDS has grouped these violations in the following order:

a) Discrimination Against Candidates during Their Nomination

In accordance with Article 55 of the Election Code, equal status should be ensured for candidates during their nomination. However, some Constituency Election Commissions (ConECs) have not followed this provision and demonstrated discrimination against candidates. Following are the examples of the above-mentioned violations:

- On 24 September 2010, 96th Goranboy-Naftalan ConEC requested additional documents from Kamran Asgarov, candidate

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nominated by “Garabagh” bloc. Besides the documents specified in the Election Code, the candidate was requested birth certificate of his children, diploma and officially approved copy of his identification card.

- On 21 September, Muhammad Majidli, member of APFP, faced illegal demands in 120th Jabrayil-Gubadli ConEC during his nomination. The ConEC stated that he needs to resign from party membership and can only be registered after bringing the document about resignation. However, on 22 September, the ConEC said that it was a misunderstanding and Majidli’s documents were accepted.
- Shahverdiyeva Xalisa was requested the copy of her diploma and curriculum vitae by 120th Jabrayil-Gubadli ConEC in the process of nomination.

Identical cases occurred in 120th Jabrayil-Gubadli, 23rd Nasimi-Sabail, 26th Sabunchu First, 50th Gobustan-Khizi-Sumgayit ConECs.

b) Abuse of Administrative Resources

In accordance with Article 55.2 of the Election Code, abuse of one’s official position for gaining an advantage is prohibited. Moreover, Article 57.1 specifies that state bodies, municipalities, legal entities, regardless of their type of property should be prohibited to participate in the process of collection of signatures. There are the examples of the violation of above-mentioned provisions:

- On 22 September, Tofiq Sadigov, Head of Beylagan Department of Education, Madatov Sahibkhan, employee of department of education, Guliyeva Tofiga, Head of the Labor Union of Department of Education, Mamamdguliyev Elmidar, Head of City Post Service, Pashayev Elburus, doctor of Central City Hospital, Shafiyev Emin, employee of City Financial Department, and others collected signatures for YAP candidate Ayaz Orujov in state-funded organizations, schools and hospitals.

- On 25 September, in the territory of 100th Shamkir-Dashkasan ConEC, Aflatun Aliyev, Deputy Head of Executive Authority of Tazakand village and Ziraddin Musayev collected identification cards from the villagers and used them for collecting signatures for Mubariz Gurbanli, YAP’s candidate.
- On September 24, identification cards of group of voters living in Ali Nazmi street in Kapaz district of Ganja city were collected by Ilgar Mammadov, Head of Communal Management Office No. 11, and used for collecting signatures for Khanlar Fatiyev, YAP’s candidate from 39th Kapaz First Election Constituency.
- On 30 September, Head of Khudat Executive Authority Murad Hajizade gathered local elders of 56th Khachmaz Village Election Constituency and tasked them to start the campaign for YAP’s candidate Ilham Aliyev. He also assigned school directors of the constituency to participate in collecting signatures.

- Elshan Abbasov, school director in Giyasli village of Samukh region, gathered identification cards from school teachers and used them for collecting signatures for Valeh Alasgarov, candidate from 102nd Samukh-Shamkir Election Constituency. Ilham Hasanov, Chief Doctor of Samukh region’s central hospital, also gathered identification cards among employees to use them in collecting signatures for the same candidate.
- On 22 September, Gadir Aghayev, Head of the Local Executive Authority of Gavuran village of Yardimli region, and Ilgar Aghayev, Head of the Local Municipality, collected signatures for Sabir Rustamkhanli in the area of 72nd Yardimli-Masalli Election Constituency.

c) Violation of Transparency in the Process of Verification of Signatures

In accordance with Article 59 of the Election Code, candidates, their authorized representatives, authorized representatives of

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political parties (blocs) may be present at the process of verification of signatures. Moreover, Article 59.3 indicates that relevant election commissions should inform the above-mentioned persons of examination of documents in advance. Despite this requirement of law, election commissions did not inform the relevant persons in advance. There are the following examples of such violations:

- Rashid Abbasov, candidate of “Insan namina” bloc from 40th Kapaz Second Election Constituency, was not informed of verification of signatures in advance. On 12 October 2010, the ConEC decided to refuse his registration as a candidate on the grounds that 235 out of 600 signatures provided by the candidate were not valid and that he failed to provide 450 signatures necessary for registration.
- Candidate from 39th Kapaz First Election Constituency Parviz Hashimli’s request to participate in the process of verification of signatures was turned down. The ConEC did not invite him or his representative to the meeting held on 8 October and declined his application for registration, considering 171 out of 554 signatures provided by him as invalid.
- Iltizam Akbarov, current MP and also candidate from 79th Imishli Election Constituency, expressed his will to participate in ConEC meeting, but was not invited to the meeting of the ConEC held on 12 October. 287 out of 600 signatures collected by Akbarov were declared invalid and he was not registered.
- Baxtiyar Alizade, candidate from 40th Kapaz Election Constituency, was refused registration as a candidate on the grounds that 150 signatures provided by him were invalid. Despite the appeal of the candidate he was not permitted to observe the process of verification of signatures.

d) Interference in the Election Process

Article 115 of the Election Code prohibits, in all periods of elections, any interference which may affect election results as well as citizens’ right to

elect and to be elected. Following are the examples of violation of the above-mentioned provision of the law:

- ConEC refused to receive signature sheets from Ragiba Rahimova, candidate from 89th Goychay-Aghdash Election Constituency and member of YAP (nominated as candidate by herself). On 2 October, Rahimova was asked to withdraw her candidacy by Ramiz Ibrahimov, First Deputy Head of the Local Executive Authority, at a meeting held in the local office of YAP. She was offered the position of kindergarten director, which she did not accept. On 4 October, Nizam Maharramov, Chairman of 89th ConEC, imposed pressure against 3 persons who signed Rahimova’s signature sheets and made them to withdraw their signatures. Huseynbala Miralimov, Chairman of Khatai regional office of YAP called Rahimova and demanded her to withdraw her candidacy, and threatened that otherwise she would be expelled from the party. On 8 October, Rahimova received a telegram saying that she was expelled from the party.
- There was interference in the process of registration of Iltizam Akbarov, “APFP-Musavat” candidate from 79th Imishli Election Constituency. Deputy Head of Imishli region’s executive authority Saleh Samadov, officer of the Criminal Investigations Department Sahib Samadov and Executive Director of “Araz” Ltd. Mehman Mammadov collected petitions from 61 voters about withdrawal of their signatures through pressures and intimidations. On 12 October, the ConEC announced that 150 persons withdrew their signatures and so, I.Akbarov’s registration was refused.
- On 8 October, a petition on behalf of 9 voters who signed Dunyakhanim Jarullayeva’s (“APFP-Musavat” candidate from 89th Ismayilli Election Constituency) signature sheets was prepared. The candidate met with those voters from Garagaya village and they said that they have not signed any petition. The petition about the withdrawal of signatures was prepared by Galib Gasimov, Director of Children Art School of Ismayilli

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region and Aziza Vahabova, Chairwoman of YAP's Ismayilli office.

e) Pressures against Election Participants

In accordance with Article 57 of the Election Code, to make voters sign signature sheets, to prevent them from signing, or paying any kind of reward during the process of collecting signatures are prohibited. According to the observers who cooperated with EMDS, most of the citizens, whose election rights were violated, refused to appeal to the CEC due to possible pressures from the local executive authorities and police. There were the following violations observed:

- Khalig Nuriyev, who collected signatures for Elnur Majidli, candidate from 94th Barda Village Election Constituency, faced pressures in Khasili village from Shahin Bakhishov, Head of the Local Executive Authority of the village.
- On 11 October, 72nd Yardimli-Masalli Election Constituency refused to register Elshad Pashasoy as a candidate. The candidate presented 590 signatures to the ConEC. However, the representatives of Yardimli Region's Executive Authority through pressures and intimidations made voters who signed his signature sheets file a petition about withdrawal of their signatures. Some of the people who refused to sign the petition were fired from their jobs. As a result, about 220 voters filed a petition to the ConEC and withdrew their signatures, and the candidate was not registered.
- On 4 October, Mubariz Ismayilov, candidate from 110th Zagatala Election Constituency, faced intimidations while collecting signatures in Suvagil village of Zagatala region. Local municipality and executive authorities demanded him to leave the village. Moreover, during the day signature collectors were followed by two 45-50 year-old men in the car – *Niva*, with plate number 62 BD 626.
- On 1 October, Asif Mammadov, Head of the Local Executive Authority and Akif Mammadov, Chairman of the Local Area

Administration Department, imposed pressures on Gulara Muradova, candidate from 109th Balakan Election Constituency, to withdraw her candidacy.

- Mailkhan Aliyev, independent candidate from 72nd Yardimli-Masalli Election Constituency, withdrew his candidacy after the pressures by Mahir Mirzayev, assistant of the Head of the Local Executive Authority. The candidate was threatened that if he refused to withdraw his candidacy, his brother, who is a public servant, would lose his job.
- On 8 October, Ali Abdullayev, authorized representative of candidate from 113th Shaki City Election Constituency Sahib Karimov, was detained and taken to police station. Moreover, small business owned by Abdullayev was closed. Ilyas Hasanov, Director of Shaki City Stadium, was called to the office of the Local Executive Authority. Hasanov was told that he lost his job, because he signed Karimov's signature sheets.
- Despite pressures and intimidations, Umudov Lazim, who nominated himself from 65th Saatli-Sabirabad-Kurdamir Election Constituency and is member of the ruling YAP party, did not withdraw his candidacy. Pressures were made by Chairman of YAP's Saatli regional office Lutvali Shikhaliyev and his Secretary Musa Ismayilov. Moreover, Head of the Local Executive Authority of his village and Head of the municipality, accompanied by 4 policemen, cut the water supply to 15 hectare land owned by Umudov.
- In Bahramtapa settlement of Imishli region and Dunyamalilar village of Beylagan region, voters who signed the signature sheets of Ali Gasimli, candidate from 80th Imishli-Beylagan Election Constituency, faced pressures and intimidations by heads of Local Executive Authority of these villages, Ramiz Ahmedov and Murshud Khudaverdiyev respectively. They forced voters to withdraw their signatures.

V. ACTIVITIES OF ELECTION COMMISSIONS

1) Formation of the new composition of the CEC

Prior to the 7 November Parliamentary Elections, the Central Election Commission (CEC) was formed in full composition. In accordance with Article 24 of the Election Code, the CEC should consist of 18 members. However, it had been operating with 16 members since 2006. 6 members of the CEC belonged to the ruling YAP, 6 to the independents and 4 to the minority parties in the parliament.

The group of Musavat Party's MPs refused to send its 2 representatives to the CEC on the grounds that the CEC was not formed on the basis of the principle of parity. Rovshan Ismayilov, the representative of Citizens' Union, Social Welfare, and Motherland parties in the CEC, was appointed as a Judge to Constitutional Court and one seat in the CEC became vacant. Thus, overall, 3 seats were vacant in the CEC. At Milli Majlis session held on 8 October 2010, the parliament decided to give the 2 seats remaining vacant from Musavat Party to the Whole Azerbaijan Popular Front Party, and the third seat, to the group of independent MPs. This act is a direct violation of Article 24.3 of the Election Code.

2) Preparations of Voters List

In accordance with the Election Code, permanent voter list of each election precinct should be confirmed in the form established by the CEC until 30 May. At the same time, citizens who live at least 6 months in the area of a particular election constituency should be added to the permanent voter list before announcement of the elections date.

Several observers cooperating with EMDS have reported that wrong information as well as names of deceased persons and those who left the country were included in the voter lists of the 7 November 2010 Parliamentary Elections.

Observation information concerning voter lists:

- The name of Safarova Saadat Rashid, registered with the 21st Precinct Election Commission (PEC) of 100th Shamkir-Dashkasan Election Constituency, is also in the voter list of the 28th PEC.
- The name of Atakishiyev Gahram Nizami, citizen of the Russian Federation, appears in the voter list of 21st PEC of 100th Shamkir-Dashkasan Election Constituency.
- The name of Muradov Firsat Amirxan, citizen of the Russian Federation, appears in the voter list of 24th PEC of 100th Shamkir-Dashkasan Election Constituency.
- 89th PEC of Goychay-Agdhash Election District still has the names of the voters, who died 3 years ago, in the voter lists. For example, although Ibrahimova Hayat Babaxan, Mammadov Niman Suleyman, Musayeva Zeynab Mustafa, Bagirov Sabir Rza, Hajiyev Aga Mammad have died long time ago, their names are still in the voter lists.

3) Activities of the Election Commissions regarding verification and registration of signature sheets

In the first stage of the 7 November 2010 Parliamentary Election, registration of 330 people as candidates was refused. ConECs' grounds for refusing registration were that the majority of the signature sheets had flaws in them. In some cases, the numbers presented by the Working Group were different from the final numbers of the ConECs. At the same time, the Working Group discarded a big number of signatures, claiming that some of the signatures were put down by the same one person. As a result, a number of candidates were not registered. Taking into the account that the opinion of members of the

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Working Group plays a significant role in candidates' registration – EMDS considers that the Working Group should consist of professional and impartial people.

In accordance with Article 59.2 of the Election Code, as well as, according to the Statute of the Working Group, experts from the Ministries of Justice, Finance, Internal Affairs, and Taxes as well as from the State Service for Registry of Immovable Property, State Committee for Property Management, and State Committee of Statistics may be included in the process of verification of accuracy of the information in signature sheets and other election documents.

EMDS observed deliberate violations of legal norms and incompetence of the members of ConECs in the process of registration of candidates. At this stage, activities of some ConECs concerning verification of signature sheets of the nominated persons were accompanied by gross violations. For instance on 6 October 2010, 95th Terter ConEC refused to register Vugar Aliyev as candidate. As a ground for rejection, the Working Group indicated lack of sufficient valid signatures. Numbers shown in the decision of the ConECs, protocol, and Working Group's opinion differ from each other dramatically. In the opinion of the police inspector, the number of signatures that didn't belong to citizens is 237; in the protocol it is 231; and in the decision of ConEC it is 114. Number of wrong ID card numbers and addresses is 22 in the police report, 24 in the protocol, and 14 in the table. The number of signatures by the persons living outside the territory of the ConEC is 14, while it is 3 in the table. The above-mentioned discrepancies in the protocol and decision of the ConEC demonstrate that serious faults occurred in the process of registration of candidates.

Other cases of similar violations noted by EMDS:

- 94th Barda Village ConEC held a meeting on 13 October and made a decision not to

register Elnur Majdli as a candidate. Exact grounds for the decision of the ConEC to refuse registration were not shown. It was noted in the decision that sufficient number of valid signatures was not collected and the relevant article of the Election Code of Azerbaijan was not referred to.

- On 11 October 2010, 43rd Sumgayit ConEC made a decision to refuse registration of Intiqam Aliyev. The number of valid signatures submitted to the ConEC was less than required. Out of 596 signatures that Aliyev submitted, ConEC experts considered 413 signatures valid, 186 – invalid.
- On 11 October 2010, in 23rd Nasimi-Sabail ConEC, Razi Nurullayev was refused of registration. The candidate presented 700 signatures to the ConEC. But the ConEC considered 302 of them invalid and decided to refuse registration. It should be noted that at its meeting on October 16, the Central Election Commission made a decision to register this citizen as a candidate.
- On 13 October 2010, candidacy of Mahammad Talib was not registered at the meeting of the 25th Nizami Second ConEC. The main ground for refusal of registration was that among 551 signatures presented, 125 looked similar.
- On 10 October, Ilgar Huseynli, candidate from 79th Imishli Election Constituency, was not registered. The ConEC considered 432 of the signatures valid. It claimed that 14 of the signatures were fake. Nevertheless, Ilqar Huseynli appealed to the Prosecutor's Office and the CEC, providing the supporting documents for signatures. On 16 October, the CEC annulled the decision of the ConEC.
- On 11 October, 62nd Saatli Election Constituency refused to register candidate Annaghi Hajibayli. Out of 675 submitted signatures, only 340 were considered as a valid. As a follow up, he appealed to the Central Election Commission, with additional 468 signatures. Reply from the CEC is still pending.
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4) Attendance in the Election Commissions

EMDS' observations conducted in 125 constituencies show that in comparison with the previous elections, no significant progress was noted in the Constituency and Precinct Election Commissions in this field. For example, from 1 to 5 October none of the members of PECs but secretaries and chairman were present in the 6th and 9th PECs of Kapaz First Constituency, respectively. On 30 September, in the 1st, 3rd and 4th PECs of 87th Ismayilli-Aghsu Election Constituency only chairmen of the precincts were present. This is a clear violation of Articles 38.1 and 33.1 of the Election Code as well as Article 179.1 of the Labor Code.

Other observation information in this field:

- On 30 September, PECs # 3, 4, 5, 6 of 68th Jalilabad Village Constituency were closed all day.
- On 1 October, none of the commission members of PECs # 1, 2, 3, 4 of 75th Lankaran-Masalli Election Constituency was present from 15:00 to 16:30.
- On 1 October, 67th Jalilabad Election Constituency, was closed from 15:00 to 15:30.
- On 30 September, PEC # 1 of 87th Aghsu-Isamayilli Election Constituency was not open.
- On 7 October, PECs # 7,11,16 of 1st Sharur-Sadarak Election Constituency was closed. On the same day, in the PECs # 5,8,12 of the same constituency none of the commission members was present.
- On 8 October, PECs # 20 and 22 of 4th Nakhchivan Election Constituency were closed.
- From 1 to 4 October, in 112th Gakh Election Constituency PECs # 4, 7 and 8 were open for only 2-3 hours, with only one member of commission on duty.
- On 4 October, PEC # 10 of 16th Yasamal Second Election Constituency was closed from 11.30 to 12.00
- On 1 October, PECs # 16, 25 and 29 of 109th Balakan Election Constituency were closed.
- On 30 September, in the PEC # 8 of 39th Kapaz First Election Constituency, there was

no commission member but the chairman of the PEC. In the PEC # 7 of the same ConEC, from 12:25 to 13:00 there was no member of commission but the chairman, Mammadov Mammad Ibrahim. When asked where the rest of the commission members were, the observers were told that the rest will join them few days before the Election Day.

- On 4 October, none of the commission members was present from 15:00 to 15:30 in the PECs # 16, 25 and 28 of 31st Surakhani Second Election Constituency. At 16:10, only one member of the election commission, Elnure Bagirova, was present in PEC # 2 of the same constituency.

5) Investigation of complaints

According to Article 112-1.4 of the Election Code, Expert Group of the CEC has a right to send requests to state bodies to get additional information on investigating complaints. However, in the first stage of the 7 November 2010 Parliamentary Elections, in the process of nomination and registration of candidates, vast majority complaints on actions and inactivity of ConECs were not investigated objectively. According to the CEC's official website, in this stage of the parliamentary elections, the CEC received 62 complaints. 2 of them were fulfilled; 26 complaints, not relevant to the CEC's competence, were sent to the relevant state bodies; 8 complaints were terminated; 28 complaints were rejected as ungrounded.

There was no comprehensive investigation on the complaints and no additional investigation by members of the Expert Group regarding decisions of ConECs. For example, in the case of Parviz Hashimli, candidate from the "APFP-Musavat" bloc in 39th Kapaz First Election Constituency, it is clearly seen in the opinion of Ramiz Ibrahimov, member of the Expert Group, that no investigations have been carried out. Similar situation occurred in the case of Mubariz Aziz oglu Aliyev, candidate from 122nd Khankendi Election Constituency. Opinion on this case was

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prepared by member of the Expert Group Valida Kazimova.

Bahar Rustamova and Parviz Hashmli, whose registration was rejected, appealed the CEC's decision at the Court of Appeals.

According to observations, some ConECs did not present to the candidates their decisions on refusal of registration in a timely manner. At the same time, in some of the decisions presented to candidates, earlier dates were put. As a result, the period for appeal to a higher instance expired. It is worth noting that according to the Election Code, the period to appeal with a complaint regarding violation of election rights is 3 days from the date of violation.

VI. PREPARATIONS FOR THE CAMPAIGNING PHASE

Political parties and election blocs, except YAP, did not obtain free airtime on television channels during the campaigning period due to the fact that many candidates were refused registration in the initial stage of the 7 November 2010 Parliamentary Elections.

Political parties and election blocs with candidates registered in over 60 single-mandate election constituencies have the right for free airtime according to Article 80.1 of the Election Code (In total, there are 125 election constituencies in Azerbaijan). Thus, the opportunities for holding open, fair and equal campaign have diminished.

On 15 October 2010, the CEC decided to allocate 4 minutes of free airtime for the registered candidates on Public Television. EMDS notes with regret that this decision does not have any legal basis and is not mentioned in the existing laws. On the contrary, according to Article 80.1 of the Election Code, only the political parties and election blocs with candidates registered in over 60 districts have right for free airtime.

The price of paid airtime on televisions cannot be higher than the maximum advertising prices on televisions. For instance, on 1st, 2nd and 3rd days of the week, the price of airtime for campaigning on Public Television changes from AZN 13 to AZN 29 per second, depending on the time of day; on 2nd, 4th, 6th days of the week, it changes between AZN 4-14. Airtime for campaigning on regional television channel *Kapaz TV* costs between AZN 200-500 per minute from 8 a.m. till 11p.m.

The CEC came up with the list of places for candidates to meet with their voters and hold townhall meetings in the campaigning period. 4930 of these places are outdoor and 2254 are indoor. The list also includes information on how many people the places can host. This is not stipulated either in the Election Code or in any instruction of the CEC.

VII. CONCLUSIONS AND RECOMMENDATIONS

Having analyzed the results of its observation of the first period of the 7 November 2010 Parliamentary Elections, EMDS comes to the following conclusions:

- On the eve of the parliamentary elections, the situation in the country with respect to political freedoms, freedom of expression and media, and freedom of assembly does not provide conditions for holding free and democratic elections.
- The amendments made to the Election Code in the last two years have not created conditions for improvement of the election practice. Moreover, elimination of the registration deposit, which was the alternative to collecting signatures, by the 2 June 2008 amendments has encouraged constituency election commissions to illegally refuse registration of candidates.
- Pressures of local executive authorities against candidates, violation of transparency, equality and legality principles in the activities of constituency election commissions, and interference in election processes have been observed during the period of nomination and registration of candidates for the 7 November Parliamentary Elections.
- The Central Election Commission conducted its activities technically well and within the timeframe specified in the legislation. However, decisions of the CEC on the complaints about constituency election commissions in the period of nomination and registration of candidates were not objective and properly justified.
- Violations which occurred in the first stage of the 7 November Parliamentary Elections –

in the process of nomination and registration of candidates – cast doubt on legitimacy of the process and therefore, the current period of the parliamentary elections cannot be considered as free, fair and democratic.

EMDS recommendations regarding the first stage of the 7 November Parliamentary Elections:

- Proper and comprehensive investigation of violations, which took place during pre-election period (nomination and registration of candidates), should be conducted and fair and completely justified decisions should be made.
- All persons who violate the election rights, particularly representatives of local executive authorities should be fully liable for their actions and be punished in accordance with law.
- In the next stages of the parliamentary elections –election campaigning and the Election Day – free and fair election environment, in particular freedom of expression and media as well as freedom of assembly should be ensured for all subjects of elections, any interference in election processes should be prevented, and conditions for holding public debates prior to the elections should be provided.

Executive Board,

**Election Monitoring and Democracy Studies
Center**

18 October 2010

Annex 1.

Election constituencies where the environment of lack of alternatives was superficially created during the first stage of the 7 November 2010 Parliamentary Elections

LIST

N	Constituency Election Commissions	Number of nominated candidates	Number of registered candidates
1	23 Nasimi-Sabail ConEC	7 persons	3 persons
2	24 Nizami First ConEC	12 persons	4 persons
3	29 Sabail ConEC	14 persons	8 persons
4	36 Khatai Fourth ConEC	10 persons	6 persons
5	38 Nizami Second ConEC	12 persons	6 persons
6	39 Kapaz First ConEC	8 persons	5 persons
7	43 Sumgayit Third ConEC	13 persons	7 persons
8	47 Mingachevir ConEC	8 persons	4 persons
9	48 Yevlakh ConEC	5 persons	4 persons
10	50 Qobustan-Khızı-Sumgayit ConEC	6 persons	4 persons
11	54 Shabran-Siyazan ConEC	8 persons	4 persons
12	62 Saatlı ConEC	7 persons	5 persons
13	66 Bilasuvar ConEC	8 persons	4 persons
14	67 Jalilabad city ConEC	7 persons	4 persons
15	71 Masallı village ConEC	12 persons	9 persons
16	72 Yardımlı-Masallı ConEC	10 persons	4 persons
17	73 Lankaran city ConEC	9 persons	4 persons
18	78 Lerik ConEC	6 persons	4 persons
19	79 Imishli ConEC	15 persons	4 persons
20	84 Fuzuli ConEC	10 persons	4 persons
21	92 Zardab-Ujar ConEC	10 persons	5 persons
22	94 Barda village ConEC	8 persons	4 persons
23	95 Tartar ConEC	10 persons	4 persons
24	100 Shamkir-Dashkasan ConEC	6 persons	4 persons
25	122 Khankəndi ConEC	14 persons	4 persons

Annex 2.

Number of ConEC	Types of Violations				
	Violation of the principle of transparency	Pressures	Abuse of administrative resources	Problems with voter lists	Problems with signature sheets
11 ConEC	X		X	X	X
13 ConEC	X	X	X		
14 ConEC	X	X			
16 ConEC				X	
18 ConEC				X	X
19 ConEC				X	
22 ConEC				X	
23 ConEC	X				X
24 ConEC	X		X		
26 ConEC	X			X	
27 ConEC	X			X	
30 ConEC				X	X
31 ConEC			X	X	
33 ConEC	X			X	
34 ConEC	X			X	
35 ConEC	X				
36 ConEC	X				
37 ConEC			X	X	
38 ConEC			X	X	X
39 ConEC			X	X	X
40 ConEC			X		X
43 ConEC	X			X	X
46 ConEC	X				
47 ConEC				X	
48 ConEC				X	
56 ConEC			X	X	
57 ConEC	X			X	
60 ConEC				X	
61 ConEC				X	
62 ConEC	X		X	X	X
63 ConEC	X		X	X	
64 ConEC	X			X	X
65 ConEC	X	X		X	
66 ConEC				X	
67 ConEC		X		X	
69 ConEC	X	X		X	

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77 ConEC			X	X	
78 ConEC				X	
79 ConEC	X				
80 ConEC	X	X		X	
81 ConEC	X			X	
85 ConEC	X			X	
87 ConEC	X	X		X	X
94 ConEC	X			X	
98 ConEC	X			X	X
99 ConEC	X			X	
100 ConEC	X	X		X	
101 ConEC			X	X	
103 ConEC				X	
109 ConEC	X				
110 ConEC	X	X		X	
111 ConEC	X			X	
112 ConEC	X			X	
113 ConEC	X	X		X	X
114 ConEC	X			X	
115 ConEC	X			X	X
116 ConEC	X			X	
117 ConEC	X	X		X	