

## **ELECTION MONITORING CENTER**

### **PRELIMINARY REPORT**

**on**

## **The Results of Election Day Observation of Repeat Elections to Milli Majlis (Parliament) of the Republic of Azerbaijan Held on May 13, 2006**

### **I. INTRODUCTION**

Election Monitoring Center (EMC) is the largest impartial and unbiased non-governmental organization working for democracy and free and fair elections in Azerbaijan. During last five years of its activity, EMC carried out monitoring of parliamentary by-elections, a referendum, and presidential, municipal and parliamentary elections held in the Republic of Azerbaijan.

EMC is a member of European Network of Election Monitoring Organizations (ENEMO), which unites 18 NGOs from 16 countries.

Within the framework of international observation missions, EMC's observers have monitored parliamentary and presidential elections, as well as, referenda held in Albania, Belarus, Ukraine, Georgia, Kyrgyzstan, Norway and Kazakhstan.

With regard to the repeat elections to Milli Majlis of the Republic of Azerbaijan held on May 13, 2006, EMC conducted long-term observation in 10 election districts (constituencies) through its 6 regional representative offices. This process covered monitoring of all stages of the elections, including campaign period, Election Day, and post-Election Day period. Within the framework of its long-term observation of repeat parliamentary elections, EMC prepared 8 weekly reports and a preliminary report on the campaign period, and disseminated them among the local and international communities in the Azerbaijani and English languages. The facts reflected in these reports were submitted to EMC's regional coordinators and observers cooperating with EMC by members of election commissions, candidates, political parties, members of election headquarters and ordinary citizens. The incoming information was then analyzed and classified.

During the process of preparations for the monitoring of repeat parliamentary elections, EMC extended legal-technical assistance to 212 persons countrywide, helping them to register with the Central and district election commissions as observers. EMC held 11 trainings for registered observers and reached an agreement with 204 observers to cooperate with EMC on the Election Day.

On the Election Day, with its 182 observers and 10 election district coordinators, EMC observed opening of election precincts, voting and counting of votes in 213 election precincts across 10 election districts.

## **II. SUMMARY**

Through 182 observers cooperating with it, EMC observed repeat parliamentary elections held on May 13, 2006 in 213 election precincts across 10 election districts. Observation covered the processes of opening of precincts, voting and counting of votes. On the basis of the results of observation, EMC prepared and distributed 2 press-releases during the Election Day.

Results of EMC's observations on the processes of voting and counting of votes during May 13, 2006 repeat parliamentary elections show that this stage of the elections was characterized by serious violations of law. In each of the 10 election districts observed, pressures on the will of the voters, cases of campaigning on behalf of candidates and interference by local executive authorities were noted.

EMC considers that on the Election Day ability of voters to express their will freely was hindered and candidates were not treated in an impartial way. As a result, the same harsh violations of law noted during the last parliamentary elections were observed during the repeat parliamentary elections on May 13, 2006. In general the repeat elections were not held freely and fairly, and requirements of law were harshly violated.

EMC's observers did note observe serious violations of law during organization and opening of election precincts. Allowance of observers to the election precincts by election commissions was satisfactory in general and in some precincts maximum conditions/opportunities for observation were created.

EMC notes with regret that, as in the previous elections, in the repeat parliamentary elections held on May 13, 2006, mostly noted violations of law were the bringing of special groups of people for voting and campaigning in favor of certain candidates.

EMC's observers noted violations of procedures during counting of votes and documentation of election results.

EMC notes with great concern that low voter participation was observed in election districts, except Second Sumqayit Election District No: 42 and Zaqatala Election District No: 110. In general, in a very few of the observed precincts, voter participation reached 10-12 percents. This can be explained by the decreasing confidence among the people of the country in free and fair elections.

Thus, an analysis of the information received on the Election Day shows that serious violations of law were observed during voting, counting of votes and documentation of the election results. These violations of law can be categorized as follows:

- **Interference by local authorities and the police in the elections:** This kind of violations was observed in 63 election precincts.
- **Bringing special groups of voters for voting and participation of voters residing in other territories in the voting process:** This kind of violations was observed in 118 election precincts.
- **Pressures on the will of voters:** This kind of violations was observed in 91 election precincts.
- **Campaigning in favor of certain candidates:** This kind of violations was observed in 73 election precincts.
- **Participation of voters in the voting process without ID cards:** This kind of violations was observed in 66 election precincts.
- **Violation of secrecy of voting:** This kind of violations was observed in 79 election precincts.
- **Violations that occurred during voting and counting of votes:** This kind of violations was observed in 58 election precincts.
- **Pressures on observers:** This kind of violations was observed in 76 election precincts.

EMC declares that the above-presented classification was prepared on the basis of the information and documents received by the end of the Election Day. At the same time, investigations on the observation documents are continuing and presentation of the documents on violations of law to the District Election Commissions and Central Election Commission is planned.

### **III. CONCLUSION**

EMC has come to the following conclusions with regard to evaluation of the repeat elections to Milli Majlis of the Republic of Azerbaijan held on May 13, 2006:

- In the repeat parliamentary elections held on May 13, 2006, serious violations of law that could affect election results occurred during the processes of voting, counting of votes and documentation of election results on the Election Day.
- Interference of local executive authorities in voting and, in general, in the election process occurred and this created serious obstacles on holding free elections.

- On the Election Day, election commissions could not fulfill their duties in accordance with the requirements of law and show impartiality in their activity.

**Analyzing results of its observations, EMC comes to the following conclusions concerning the elections:**

- Repeat elections to Milli Majlis of the Republic of Azerbaijan held on May 13, 2006 were not free, fair and democratic.
- Character and scale of the violations of law occurred in these elections cast serious doubts on the election results and do not express free will of the voters.

**IV. INFORMATION ON THE OBSERVED VIOLATIONS OF LAW**

**Organization of election precincts:**

**Voting:**

**Counting of votes:**

- In Jalilabad-Masalli-Bilasuvar Election District No: 69, Chairwoman of the 21<sup>st</sup> Precinct Election Commission Goychak Alasgarova and Chairman of 24<sup>th</sup> Precinct Election Commission Alijabbar Safarov refused to give a copy of the final protocol on the election result to the observers cooperating with EMC. In the same election district, Chairman of the 28<sup>th</sup> Precinct Election Commission Mubariz Eyniyev did not give copies of election protocol to the observers under the pretext that they did not have any extra copies. The same situation was observed at the 6<sup>th</sup> and 22<sup>nd</sup> precincts of the same election district.
- At 8<sup>th</sup> election precinct of Second Nizami (Ganja) Election District No: 38, copies of election protocols were not given to observers. Chairwoman of the Precinct Election Commission Malahat Shukurova told the observers that she would give copies of protocols to the observers the next day. Observers that objected to this were forcibly ousted from the precinct by the policemen called to the precinct. In this election district, Chairwoman of the 7<sup>th</sup> Election Precinct Commission Faida Kalilova also refused to give copies of final election protocols to the observers.
- Transparency was violated at 25<sup>th</sup> election precinct of Zaqatala Election District No: 110 during the process of counting of votes. Chairman of the Precinct Election Commission Rauf Osmanov did not allow observes to observe the process of counting of votes. At the 24<sup>th</sup> election precinct of this election district, the observers were excluded from the process of counting. Chairman of the Precinct Election Commission Mais Muradov called the police and instructed them to kick out the observers.

- At the 2<sup>nd</sup> election precinct of Zaqatala Election District No: 110 (Aliabad village polling station), 200 envelopes came out of the stationary ballot box while counting votes. When the envelopes were opened, it “appeared” that 3 of the ballots were marked in favor of candidate Arif Hajili, 7 – in favor of candidate Hajibey Ibrahimbeyov, and 190 – in favor of the YAP candidate Hikmet Atayev.
- Chairman of the 16<sup>th</sup> Precinct Election Commission in Second Surakhani Election District No: 31 Barat Quliyev created obstacles on observation of the counting process. He did not allow observers to observe the process from a closer distance, where ballots could be clearly seen, and the ballots were not shown to the observers. When some of the observers objected to this, he called the policemen and ousted those observers from the precinct.
- At the 14<sup>th</sup> election precinct in Second Surakhani Election District No: 31, transparency was not observed while counting votes. Chairwoman of the Precinct Election Commission Natella Musayeva called the police and tried to oust observer Jeyran Zeynalova, who objected to this. It should be noted that the process of counting of votes in this precinct was carried out despite presence of the policemen inside the precinct.
- Chairman of the 23<sup>rd</sup> Precinct Election Commission in Second Surakhani Election District No: 31 Nizamaddin Mammadov refused to give a copy of the act on received ballot papers to observers at the opening of the precinct. Also, despite, objections of the observers, an act on the number of ballot papers was not written during counting of votes. As a result, it was impossible to determine total number of the voters who actually voted. It should be noted that at 2<sup>nd</sup> and 25<sup>th</sup> precincts of this election district, the number of the received ballot papers shown in the protocols were wrong. There were discrepancies between the numbers shown in the acts on received ballot papers and the final protocols.
- At the 2<sup>nd</sup> election precinct in Second Surakhani Election District No: 31, Chairwoman of the Precinct Election Commission Minaya Quliyeva did not start the process of counting once the voting process was over. Counting of votes and preparation of final protocols were artificially delayed. Counting of votes was completed at 4 a.m. in this precinct.
- At the 10<sup>th</sup> election precinct in Second Binaqadi Election District No: 9, number of total ballot papers was not announced and procedures of counting of votes were not followed. In this election district, Chairman of the 14<sup>th</sup> Precinct Election Commission Tanriverdi Orujov did not allow to start counting of votes after completion of the voting process. He left the precinct for the District Election Commission and allowed to start counting of votes only when he came back after two hours.