

ELECTION MONITORING CENTER

FINAL REPORT

**ON THE RESULTS OF THE MONITORING OF THE
REPEAT ELECTIONS TO THE MILLI MAJLIS OF
THE REPUBLIC OF AZERBAIJAN HELD ON MAY 13, 2006**

BAKU – JUNE, 2006

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I. SUMMARY

The Election Monitoring Center (EMC) is the largest, domestic, non-partisan election monitoring organization working for democracy and free and fair elections in Azerbaijan. During the last five years, EMC has carried out monitoring of parliamentary by-elections, a referendum, and presidential, municipal and parliamentary elections held in the Republic of Azerbaijan.

EMC conducted long-term observation of the repeat parliamentary elections held on May 13th, 2006 in 10 constituencies - Binagadi second ConEC #9, Surakhani second ConEC #31, Nizami (Ganja) ConEC #38, Sumgait second ConEC #42, Sumgait-Absheron ConEC #44, Jalilabad-Masalli-Bilasuvur ConEC #69, Gadabay ConEC #103, Tovuz-Gazakh-Agstafa ConEC #106, Zagatala ConEC #110 and Agdam village ConEC #119.

EMC conducted long-term observation of the repeat elections with 6 regional coordinators and 12 long-term observers and observed the process of nomination and registration of candidates and the pre-election campaign. EMC prepared and disseminated 8 weekly and interim reports on the results of EMC's observation in each of the 10 constituencies. On Election Day, EMC deployed 182 observers, 2 mobile teams, and 10 ConEC coordinators to observe the opening of precincts, the voting and the counting process well as the activity of District Election Commissions on Election Day.

The results of EMC's observation of the repeat parliamentary elections show that the elections were not free and fair. EMC's observations show that, in comparison to the November 6th Parliamentary Elections, there was not an improvement in the conduction of this election. Serious law violations occurred in each of the 10 ConECs and as a result, the elections failed to meet international standards or the requirements of the national legislation of the republic of Azerbaijan.

Election Law

After the November 6th Parliamentary Elections, the International Observation Mission organized jointly with OSCE/ODIHR, Parliamentary Assembly of Council of Europe, NATO Parliamentary Assembly and European Parliament stated that the elections did not meet the standards of OSCE and the Council of Europe. OSCE/ODHIR put forward over 30 recommendations to improve the election code and conduct of the elections. These recommendations were supported by EMC. The Government of Azerbaijan did implement any of these recommendations prior to the repeat parliamentary elections.

Nomination and Registration of Candidates

EMC did not observe any serious violations during the nomination and registration process of candidates and this stage was conducted according to the requirements of law. This was similar to what was observed during the November Parliamentary Elections. Most candidates had the opportunity to collect signatures and file the necessary paperwork without any restrictions.

Pre-Election Period

Shortly after beginning the election campaign, EMC observed serious law violations in each of 10 election districts. EMC observers reported cases of local authorities interfering in the election process, instances of candidates illegally bribing and tempting voters, candidates using administrative resources, and instances of ConECs and PEC's favoring and even openly campaigning for candidates.

During the election campaign period, some candidates were also not allowed to hold campaign events in their election district.

EMC also conducted monitoring of the compilation and updating of voter lists. The voter lists were a significant problem during the November 6th Parliamentary Elections and several thousands of voters were denied the right to vote because of inaccurate voter lists. With only a few exceptions, precinct election commissions did very little work to correct this problem and EMC observers regarded the voters lists in all 10 election districts to have been compiled very badly.

Election Day

EMC did not note serious restrictions or violations during the organization and opening of precincts on the Election Day. Only 4 precincts of the 182 precincts EMC observed did not open on time. Thirty-eight precincts were not provided with the necessary equipment.

However, during the voting process, EMC observers noted many serious violations. These violations included bringing people in buses to several polling stations so they could vote multiple times, intimidation and harassment of voters, interference and intimidation of election observers and election commissioners, ballot stuffing, and issuing ballots to voters without the voter showing proper documentation.

Of the 213 precincts EMC conducted observation in, the following violations were observed:

- **Intimidation and harassment of voters occurred in 93 precincts.**
- **Voting without showing proper identification occurred in 69 precincts.**
- **Voters being bused to multiple polling stations occurred in 118 precincts.**
- **Illegal campaigning immediately outside or in the polling station occurred in 73 precincts**
- **Violation of the secrecy of voting occurred in 79 precincts.**
- **People voting on behalf of others occurred in 62 precincts**
- **Local authorities interfering in the voting process occurred in 73 precincts**

Counting Process

The most serious violations occurred during the counting process. During this process commission members and observers were subject to intimidation and physical pressure by members of precinct election commissions (PECs), local executive authorities, policemen and candidates' supporters. EMC observers noted such cases in 76 election precincts.

EMC observers noted that votes were not counted in the presence of observers or that final protocols were not compiled correctly in 58 of the 178 precincts EMC was allowed to monitor during the counting process. Election results were not announced in these 58 precincts as well.

After the elections, EMC compared the protocols EMC observers obtained from 164 election precincts with the official results published on the website of the CEC. Results of this comparison showed that there were differences and inconsistencies in 11 final protocols compiled in the precincts and the official results announced by the CEC. These inconsistencies included discrepancies in the total numbers of votes cast, different numbers of valid votes cast, and different numbers of votes cast for candidates.

Post-Election

After Election Day, the process of verifying election protocols and results started at the CEC. However, during the process, additional documents (observers' acts, complaints and opinions) received from election districts were not investigated and consideration was only given to the official protocols submitted by the DEC's.

According to EMC's research, 12 candidates submitted complaints to the Court of Appeals on the CEC's handling of election complaints. However, the Court of Appeals did not uphold any of the complaints.

Under the documents submitted by the CEC, the Constitutional Court held a plenary session on June 5th, 2006, and discussed the results of the repeat Parliamentary elections and announced that the results of the repeat Parliamentary elections in all 10 ConECs were valid.

Results of EMC's monitoring of the May 13th, 2006 parliamentary elections show that during the pre-election period, conditions for holding free and fair elections were not created. Equal conditions were not created for all political parties and candidates participating in the elections. EMC found evidence of bias in the majority of the election commissions, including the CEC. The election commissions often functioned under the direct or indirect control of executive authorities.

EMC considers that the May 13th, 2006 parliamentary elections did not reflect the will of the people of Azerbaijan. EMC considers that it is necessary for the government to take serious measures towards the creation of political confidence in the country. In particular, the government should take steps to improve the election legislation and to punish officials responsible for violating election laws.

II. INTRODUCTION

The Election Monitoring Center (EMC) is a union of 10 non-governmental organizations and civil groups working for free and fair elections and democracy in Azerbaijan. EMC conducted observation of the May 13th repeat Parliamentary Elections through its 6 offices – Baku, Ganja, Sheki, Sumgait, Yevlakh and Jalilabad and thus covered all 10 election districts.

Nowadays the following 10 NGOs were united in the EMC on the confederative base:

- Political Pluralism Institute;
- Organization of the Protection of the Women Rights after D.Aliyeva;
- Secular Progress Youth Association;
- “INAM“ Pluralism Center;
- Law and Development Public Association;
- Social Strategic Researches & Analytical Investigations Association;
- Trade Union of Journalists;
- “Civilization” Monitoring and Investigations Public Union;
- Society for Democratic Reform;
- Democratic Association of Sumgait Youths;

In Azerbaijan, EMC has observed the parliamentary by-elections held in 2001 and 2003, the referendum held on August 24th, 2002, the 2003 presidential elections, the 2004 municipal elections, and 2005 parliamentary elections.

EMC is a member of the European Network of Election Monitoring Organizations (ENEMO) which unites 18 NGOs from 16 OSCE-member countries. EMC observers have observed the presidential, parliamentary elections and referendum held in Albania, Belarus, Norway, Ukraine, Georgia, Kyrgyzstan and Kazakhstan.

After the date of the repeat parliamentary elections was officially announced, EMC conducted long-term observation in each of the 10 election districts. The long-term observation was conducted from February, to May 11th, 2006. EMC released 8 Weekly Reports on the results of the monitoring. EMC also prepared and released reports on the first stage of the repeat parliamentary elections that covered the nomination and registration of candidates and monitoring of pre-election campaign.

EMC conducted 11 trainings for 212 registered observers. On Election Day, EMC deployed 182 observers and 2 mobile teams to observe the process of opening of election precincts, organization of voting, counting of votes as well as the activity of District Election Commissions (DEC) in 213 election precincts. Observers of EMC compiled 300 acts, 8 complaints and 47 opinions on the law violations which occurred during the Election Day and submitted these documents to precinct and district election commissions. Afterwards, on the basis of these documents, EMC sent documentation to the CEC detailing the violations which occurred in 127 election precincts.

III. PRE-ELECTION POLITICAL SITUATION

Azerbaijan is a presidential republic according to its judicial and political system. The division of powers in the republic of Azerbaijan is established between 3 main branches: President (Executive), Judiciary (judicial control), and Parliament (Legislative). Municipal, presidential and parliamentary elections are held every 5 years.

There were two previous elections to the Milli Majlis (parliament) of Azerbaijan in 1995 and 2000. Previous parliamentary elections were held with a mixture of two systems - a single majority constituency (single majority system) and election from party lists (proportional system). However, the Constitutional Referendum of August 24th, 2004, made amendments to the Constitution of the Republic of Azerbaijan and for the first time since independence of Azerbaijan, all 125 members of the Parliament were to be elected in accordance with single majority system during the elections held on November 6th, 2005.

After the November 6th Parliamentary Elections, the International Observation Mission organized jointly with OSCE/ODIHR, Parliamentary Assembly of Council of Europe, NATO Parliamentary Assembly and European Parliament stated that the elections did not meet the standards of OSCE and the Council of Europe.

Though it was hoped that the CEC would consider the faults found by both local organizations and the international community and investigate the complaints, the CEC verified the results of the elections in 121 election districts and sent them to the Constitutional Court. The protocols and other documents submitted by the CEC were discussed in the plenary session of Constitutional Court on December 2nd, 2005 and the voting results in 115 election districts were considered valid and asserted.

The major opposition political parties stated in advance that the conduction of repeat elections in 10 constituencies would not change the balance of power in the parliament and some parties announced their intention to boycott the elections. The political composition of the new Parliament was as follows after the results of Parliamentary elections were confirmed in 115 constituencies under the decision of Constitutional Court:

- New Azerbaijan Party – 56 seats;
- “Azadlig” political party bloc – 6 seats;
- “New Policy” election bloc – 2 seats;
- Ana Vatan Party - 2 seats;
- Civil Solidarity Party – 2 seats;
- Liberal Party – 1 seat
- Non-party – 40 seats;
- Other political parties - 6 seats;

Lala-Shovkat Hajiyeva, chairwoman of National Unity Movement and representatives of the parties included in “Azadlig” bloc, did not join the first meeting of new Parliament held on December 2nd, 2005. Final Report, Repeat parliamentary elections – 2006, EMC, Azerbaijan

The Azadliq bloc and the National Unity Movement stated that the new Parliament was not legitimate and that they would not take part in the Milli Majlis. The parties included in “Azadliq” bloc and leaders of National Unity Movement regarded the annulment of the results in 6 election districts politically motivated and refused to take part in the repeat elections. Musavat, Milli Istiglal, Umid and other political parties decided that they would join the repeat parliamentary elections.

After the “Musavat” Party left “Azadliq” bloc, the party created another political bloc with the participation of the National Independence, Popular Front and Democrat Parties.

IV. LEGISLATION AND LEGAL ENVIRONMENT

After the November 6th, 2005 elections the Government of Azerbaijan was criticized by international organizations. This caused many observers to conclude that there would be made changes in the conduction and legal framework of the May 13th repeat elections. But the statements made by authority officials on the eve of May 13 elections showed that the government was not interested in the making any amendments to the election legislation.

On February 1st, 2006, OSCE/ODHIR released its Final Report on the monitoring of the last Parliamentary elections. In the report, OSCE/ODHIR put forward a set of 30 recommendations which included proposals to reform election commissions, install better procedures to deal with election complaints, introduce new ways to compile of voter lists, and other recommendations covering the voting and vote counting processes. The Government of Azerbaijan did not implement any of OSCE/ODHIR’s recommendations. As a result no changes were made to the election law prior to these elections.

Thus, the proposals put forward by OSCE, Council of Europe and some other local organizations that conducted monitoring of elections as well as EMC on the eve of May 13 elections, were not regarded and there were not made amendments and improvements in the election legislation.

V. REGISTRATION OF VOTERS AND VOTER LISTS

According to the Election Code of the Republic of Azerbaijan and Calendar Plan approved by the CEC, the correction of voter lists, distribution of voter cards and familiarization of voters with the voter lists should be completed 65 days before Election Day. For this election that day was March 9th, 2006.

EMC monitored the correction of voter lists in each of the 10 election districts. The information, complaints and acts received from these districts allowed EMC to carry out an analysis of the registration of voters.

Information received from the long-term observers of EMC show that inaccuracies in the voter lists were not corrected in 76 PECs in 10 ConECs by Election Day.

Observations show that some voters were registered in the precincts where they did not live. In several PECs the names of deceased people appeared on voter lists. However, the main problem reported by EMC observers was the number of eligible voters who were left off the voter lists. For the most part, precinct election commissions did very little work to correct this problem.

Observed examples of such cases:

- There was not done any work to update the voter lists in PECs #1, 2, 3, 4, 5, 9 and 15 of Tovuz-Gazakh-Agstafa ConEC # 106 and PEC # 3 of Binagadi Second ConEC # 9 until March 31st.

- Old voter lists were displayed in PECs # 1, 2, 3, 4, 11, 12, 15, 17 and 21 of Gadabay ConEC #3.
- Voter lists were posted in all precincts of Surakhani Second ConEC # 31 but only after March 29th.
- On April 26th, although the voter Mehriban Pashayeva Salman applied to the CEC, her name was not included in the voter lists displayed in PEC # 27 of Sumgait Second ConEC # 42;

VI. ELECTION ADMINISTRATION

EMC's observations throughout all the stages of the election show that lower and higher election commissions did not act impartially and independently.

The analysis of the information on the activity of the election commissions received by EMC show that improvements in the work of the commissions were not observed since the last election. Local executive authorities continue to influence and control the election commissions. This interference makes it very difficult for election commissions to carry out their duties in accordance with the law.

Observations show that serious violations of the rules of election campaigning took place in the majority of election districts. However, neither DEC's nor the CEC demonstrated a willingness to investigate or prosecute these complaints and as a result the requirements of Articles 88.7 and 113 of the Election Code were not fulfilled.

In the majority of precinct election commissions did not fulfill their duties and in many cases, they simply did not show up for work.

According to the information of EMC's long-term observers, 218 PECs in 10 ConECs were not open one month prior to re-elections.

During the process of compiling voter lists and distribution of voter cards, as well as registration of observers, it was observed that some members of the DEC's and PEC's were not aware of their rights and responsibilities.

Some voters did not receive a voter card until Election Day while other people received more than one voter card. In the majority of election districts, precinct election commissions carried out the process of distribution of voter cards in a disorganized and unsystematic way. In 56 precincts in the 10 election districts observed by EMC, members of PEC's did not distribute voter cards. Many precincts were not open during business hours making it very difficult for voters to check their names in the voter lists.

During the election campaign, election commissions also failed to show impartiality to all candidates, political parties and election blocs. On Election Day and during the post-election period, the members of DEC's and PEC's did not take measures to prevent the interference of local executive authorities and the police in the election process.

Observations of EMC conducted through all phases of the parliamentary elections show that, contrary to the law, in a majority of precincts, members of the PEC's continued to work in two positions – in their previous place of work as well as at the PEC. By holding both positions, these individuals violated Article 17 (status of members of election commissions), Article 30 (organization of district election commissions) and Article 36 (organization of precinct election commissions) of the Election Code.

Examples on the composition and activity of election commissions:

- On April 27th, PECs # 13 and 14 of Sumgait-Absheron ConEC # 44 were not open;
- On April 26th, PECs # 3, 4, 8, 10, 15 and 30 of Binagadi Second ConEC # 9 were not open;
- On April 26th, PEC # 5 of Zagatala ConEC # 110 was not open;
- On March 3rd and 4th, PECs # 21, 22 and 35 of Tovuz-Gazakh-Agstafa ConEC # were not open;
- On April 4th and 5th, PECs # 2 and 4 of Tovuz-Gazakh-Aghstafa # 106 were not open;
- On April 6th, 9 PECs of Binagadi Second ConEC # 9 were not open;
- On April 4th, PECs # 3 and 14 of Sumgayit Second ConEC # 42 were not open;
- On March 23rd, PECs # 1, 5, 9 and 14 of Nizami (Ganja) Second ConEC # 38 were not open;
- On March 30th, PECs # 2, 3, 11, 12, 13, and 14 of Sumgait-Absheron ConEC # 44 were not open;
- On March 31st, PECs # 4 and 14 of Binagadi Second ConEC # 9 were not open;
- On March 15th, PECs # 1, 14, 12, 15, 22 and 23 of Tovuz-Gazakh-Agstafa ConEC # 103 were not open;
- On March 15th, PECs # 3, 15, 16, 17, 19, and 20 of Binagadi Second ConEC # 9 were not open;
- On March 16th, PECs # 11 and 12 of Sumgait-Absheron ConEC # 44 were not open;
- On March 14th, PEC # 30 of Second Binagadi Election District No: 9 was not open;

VII. NOMINATION AND REGISTRATION OF CANDIDATES

In accordance with the Election Code and approved Calendar Plan of the CEC, the process of registration of candidates ended on March 4th, 2006. According to the official information of the CEC, 218 people were nominated in the repeat elections. 215 of them received signature lists from DEC's. 196 people submitted signature lists and other accompanying documents to the relevant DEC's. 17 people withdrew their nomination and DEC's refused to register 21 people.

A total of 158 people were registered as candidates. Later on, 28 more people withdrew their candidacy. The candidacy of 6 people was annulled by the Court of Appeals leaving 124 candidates to run for 10 parliamentary seats.

Analysis of the information received by EMC shows that there were few complaints submitted to either the CEC or the Court of Appeals during this process.. The process went smoothly and candidates did not face any serious problems.

The main problems during this phase occurred during the checking of signature lists by the DEC's. DEC's did not check the signatures in a transparent manner. As a result, candidates expressed dissatisfaction when signatures were disallowed.

Observed examples of such cases:

- Sumgait–Absheron ConEC # 44 refused to register the candidacy of Dunyamin Ahmadov, claiming that 390 out of 550 signatures the candidate submitted for registration were false. According to the information given by D.Ahmadov, the DEC experts even considered the signatures of his family members false. We should note that though there are only 50 signature lines in every signature sheet, the DEC ruled that 75 of the signatures in D. Ahmadov’s sheet #3 were false.
- The candidacy of YAP member Ali Alirzayev was not registered in Surakhani Second ConEC # 31. The reason given is that he did not report his salary in the documents submitted to the DEC. But A.Alirzayev denied this and claimed that the ConEC’s rejection of his candidacy was politically motivated. He stated that YAP supports the candidacy of Ahmad Valiyev, the rector of Odlar Yurdu University and considered his candidacy undesirable. A.Alirzayev told EMC that he was told about the problem on the last day defined for the submission of signature sheets. He tried to submit references from his last work place but the DEC did not consider them.

Such cases violate requirements of Article 17.3 (impermissibility of interference in the activity of election commissions), Articles 17.6.2 – 17.6.4 (equal treatment of all candidates by members of election commissions, unbiased attitude and impermissibility of discrimination) and 60 (registration of candidates) of the Election Code.

VIII. ELECTION CAMPAIGN

According to the official information of the CEC, the election campaign started with 158 candidates running for 10 seats. The Court of Appeals canceled the candidacy of 6 people and 28 people withdrew their candidacy. Thus, the voting on Election Day was conducted among 124 candidates.

The analysis of information received in this stage shows that, serious law violations took place in the election campaign compared to the stage of nomination and registration of candidates.

The law violations that took place in this stage can be grouped in the following way:

Candidates Illegally Bribing and Tempting Voters;

As in the Parliamentary elections held on November 6th, 2005, there were cases of candidates obtaining voters’ support and sympathy through illegal means in all 10 election districts. Such cases started 1 or 2 weeks after the election campaign started and increased as Election Day neared. In the majority of the election districts, candidates distributed goods, provided free services, and in some cases even handed out money as a means to buy votes. In this process, the renovation of neighborhoods and common yards by wealthy candidates, as well as the repairing of local roads as a means to entice voters to vote for them occurred in all 10 election districts. This is a violation of the requirements of Articles 88.14.1. – 88.4.5. (inadmissibility of abuse cases in the election campaign) of the Election Code.

Observed examples of such cases:

- Majid Karimov, a candidate from Sumgayit Second ConEC # 42 had the yard repaired in front of the building he was using for his voter meeting. He also arranged to have the asphalt repaired on the roads in front of buildings 7/11b and 9/17 and the meeting houses repaired in the 2nd micro district of Sumgait city. In his meeting held on March 30th, he also said that he had started solving the people’s problems and asked any unemployed person to apply him for a job.

According to the information given by the citizens of hostel #1 of Perfunctory Active Substances Plant, Hostel #4 of Synthesis Rubber Plant and Hostel #5 of Upper Textile Factory, the roofs of these hostels have been repaired by Majid Karimov. The citizens of those hostels were asked to vote for the above-mentioned candidate and were offered 100,000 manats (approximately US \$20) if they did.

- Ahmad Valiyev, the rector of Odlar Yurdu University and a candidate from Surakhani Second ConEC #31, had new roads laid in the territory of this ConEC. The roads were mainly built in the following addresses: Yeni Guneshli settlement, massive A/B, building 14-16, massive V, building 5.
- On March 15th, the representatives of Elshad Abdullayev, a candidate from Binagadi Second ConEC # 9 held a voter meeting in the blocks situated in the territory (Azadlig avenue 6) of PECs # 1 and 2 of that ConEC. The attendees were told that they would be given money if they brought extra people to future meetings.
- The campaign of Baba Taghiyev Ali, a candidate from Sumgait-Absheron ConEC # 44, was conducted by the employees of Apartment Exploitation Department No:14 in micro district 17 and No:12 in micro district 18. The candidate also had asphalt roads repaired and meeting houses repaired in front of the buildings No: 22 and 23 of micro district 17.

Use of administrative resources in the election campaign and outside interference;

EMC observers reported many instances of candidates illegally using government resources in their campaigns. EMC's analysis shows that local government organizations frequently interfered in the election process in all 10 election districts. Campaigning on behalf of candidates by local government officials occurred both directly and indirectly. Representatives of local executive authorities, representatives of local education, finance and other government institutions illegally participated in the campaigns of candidates.

These cases violate Article 17.4 of the Election Code (impermissability of the interference of state and municipal organizations in the elections).

Observed examples of such cases:

- On March 24th, at 11:30, Asaf Hajiyev, a candidate from Nizami Second ConEC #38, held a voter meeting with the teachers and students of the Azerbaijan Academy of Agriculture in Ganja city. During the meeting the rector, Mammadtaghi Jafarov, campaigned in favor of the candidate and asked all of the meeting participants to vote for him. A. Hajiyev also conducted a voter meeting in Gulustan settlement of Ganja city on April 7th. The chief of kindergarten No: 23, Mrs. Sveta, made her employees go to the meeting. Some nurses refused and were told that the chief of the Ganja Education Department, Jalal Fatullayev, ordered that everyone must attend. The employees of the kindergarten gave this information to an EMC observer.
- On April 12th, there was a voter meeting of Ilyas Ismayilov, a candidate from Tovuz-Gazakh-Agstafa ConEC # 106 held in the Culture House. The employees of the Tovuz region Health and Education Department, the PEC chairmen and commission members of the region all took part in the meeting. Huseyngulu Mammadov, head doctor of the Tovuz region, made a speech in the meeting and told his employees to vote for Ilyas Ismayilov. Gambar Hasanov, the school principal and chairman of PEC # 9 of Tovuz-Gazakh-Agstafa ConEC # 106, held a voter meeting for I. Ismayilov with the school teachers and pupils of his school. Gambar Hassanov also told all of the teachers to vote for Ilyas Ismayilov in the meeting.

- Eldar Agayev, an executive representative in Goytapa area of Jalilabad region, actively campaigned in favor of Fazail Ibrahimli, a candidate from Jalilabad-Masalli-Bilasuvur ConEC # 69. Eldar Agayev helped F. Ibrahimli organize voter meetings and campaign among voters.
- Since April 7th, representatives of the local executive authorities and municipality participated in the campaign of Bakhtiyar Sadigov, a YAP candidate from Agdam village ConEC # 119 by posting his campaign placards.

These people include:

- Chinghiz Guliyev, chairman of Guzanli settlement Municipality Council;
 - Fikrat Islamov, Territorial executive representative of Guzanli settlement,
 - Arzuman Muradov, Territorial executive representative of Garadagli village (used his Az 10 BE 111 numbered car);
 - Asif Aliyev, Territorial Executive representative of Uchoglan village;
 - Allahveran Aliyev, Territorial executive representative of Chamanli village;
 - Afina Aliyeva, Territorial executive representative of Guzanli Camp city;
- On May 5th, at 11:00, Rafiq Mammadhassanov, a candidate from Gadabay ConEC # 103 held a voter meeting in the Culture House of Gadabay region. The meeting was organized by Ramazan Muradov, chief of the Territory Management Department of Gadabay region Executive Power and YAP branch chairman. The teachers, chiefs of offices and establishments and YAP members also took part in the meeting. Ramazan Muradov made a speech in the meeting and called his employees and other voters to vote for the candidate Rafiq Mammadhasanov.

Lack of equal conditions for all candidates;

According to EMC's observations, in 8 election districts equal conditions were not created for all candidates. In some election districts, some candidates were given permission and facilities to conduct meetings with voters while candidates in the same district were often denied the right to hold meetings or were provided with inadequate meeting facilities. All of this mean violation of the requirements of Article 55 (provision of equal status for candidates) of the Election Code.

Observed examples of such cases:

- According to the information given by Elnura Madatova, a candidate from Zagatala ConEC # 110, the representatives of Zagatala region Executive Power have interfered with all of her voter meetings. The candidate stated that she was followed by the representatives of the Executive Power and Police Department in all of the villages where she has held her voter meetings. This has negatively influenced the gathering of voters and their attendance in her meetings. Though E.Madatova complained to the DEC, no measures were taken.
- According to the information given by Hajibay Ibrahimov, a candidate from Zagatala ConEC # 110, the leadership of the region hinders his ability to hold voter meetings. The candidate stated that the executive representatives stationed people outside of his voter meetings and prevented and intimidated voters from attending his meetings.
- The pictures of Mirmahmud Fattayev, a candidate from Sumgait Second ConEC # 42 and an announcement for a voter meeting he had planned to hold, were torn down by the workers of Apartment Exploitation Department of block 41a in Sumgait city. The field officers also prevented the voters from attending the candidates' meeting. The police officer Rahim Salimov stood at the entrance of his meeting effectively intimidating any voter who wished to hear the candidate's views.

- On April 17th, the campaign placards of Sabir Mammadov, a candidate from Gadabay ConEC # 103 and a Musavat Party member, posted in front of his election headquarters located in M.A.Rasulzade Street of Gadabay region, were torn down. According to the information given by Shahin Alakbarov, the authorized agent of the candidate, the pictures were torn down by the officers of Police Post-Patrol Service.
- According to the information given by Hokuma Ibrahimli, a candidate from Surakhani Second ConEC #31, the workers of Apartment Exploitation Department and school tore down her campaign placards.
- According to the information given from the election headquarters of Arif Hajili, a candidate from Zagatala ConEC # 110, the candidate's pictures were torn down by the village executive representatives and PEC chairmen. For instance, the chairwoman of Jar vilage PEC Jannatkhanim Hajizade and village executive representative Rajab Tintinov tore down Arif Hajili's pictures. According to the words of Saleh Soltanov, an authorized agent of the candidate A.Hajili, the voter meetings of single YAP candidate Hikmat Atayev, are organized by village executive representatives and municipality chairmen. Elman Ramazanov, employee of the regional Executive Body, Tahir Mammadov, chief of Education Department, Fatma Israfilova, director of school # 1 and other official people took part in the voter meeting of Hikmat Atayev organized in Yukhari Tala village.
- According to the information given by Hurru Aliyev, a candidate from Surakhani Second ConEC # 31, the chief of Apartment Exploitation Department near his headquarters repeatedly tore down his placards.
- On April 15th, about 20 unidentified people attacked and destroyed the election headquarters of Elshad Abdullayev, a candidate from Binagadi Second ConEC # 9 and chairman of Boyuk Azerbaijan Party. E.Abdullayev claimed that this attack was organized by Fizuli Ismayilzade, chief of YAP Binagadi branch and Ali Gojayev, head of the regional Executive Body. He stated that he had appealed to the CEC about this incident.

IX. ELECTION DAY

EMC observed the repeat Parliamentary elections held on May 13th, 2006 in 213 precincts in each of the 10 election districts with 182 registered observers and 2 mobile teams.

EMC provided its observers with monitoring report forms as well as with guidelines on Election Day procedures and an observers code of conduct and reporting rules. Each observer was also provided with act forms, and complaint and comment forms for reporting violations of the election law.

EMC's experts analyzed all three processes of the Election Day – organization and opening of the election precincts, the voting process, and the tabulation of votes. EMC observers submitted 300 act forms, 8 complaints, and 47 comment forms. EMC observers were able to obtain the final protocols in 164 precincts.

Having received documents from each of the election districts and 62 percent of all the election precincts, EMC was able to thoroughly evaluate and analyze the election.

EMC prepared and distributed two press releases on the results of its Election Day monitoring in Azeri and English. EMC also held a press conference presenting its Preliminary Report on the elections.

1) VOTING

A) Opening of precincts and organization of voting

Voting started at the time determined by the law, 8:00, in the majority of precincts EMC observed. Only 4 election precincts of the 213 precincts did observers note that voting started 15 to 30 minutes later.

In some election precincts, PEC chairmen restricted the observation of the process of sealing of the stationary and mobile ballot boxes. This occurred in only 2 of the 213 observed election precincts.

Also in some election precincts observers did not see information boards displaying the rules for filling out ballots and information on the candidates whose nomination was cancelled or withdrawn. This was reported in 38 out of 213 election precincts (11% of election precincts).

B) Violations of law during voting

After about 2 or 3 hours after the voting process started most EMC observers began to notice election law violations that could seriously affect the voting process and restrict the election participants' rights. In several election precincts procedures were not followed during voting, and the process gradually assumed a chaotic and unmanageable character. In such cases, the chairmen of the PECs completely lost control over the process.

Attitude of PEC chairmen towards the recommendations of observers on these cases were not inadequate.

Violations of law observed during the Election Day can be divided into groups as follows;

- ***Exclusion of voters' names in the voter lists:***

EMC observers observed that in 64 election precincts on Election Day voters' names were missing in the voter lists. The voters who did not find their names in the lists could add their names to the lists and vote only by appealing to the courts. However, most voters who did not find their names in the lists did not go to the Courts to have them included. Conservatively, EMC estimates that around 590-600 voters could not find their names on the voter lists nationwide.

- ***Voting without appropriate documents***

According to the Election Code, every voter can receive a ballot and participate in voting by presenting a personal identification card or another identification document (military ID card, temporary personal ID card, ID card for internally displaced persons). However, on the Election Day these procedures were not followed in the many election districts and some voters received ballots without showing any documents.

Such cases were observed in 69 out of 213 (32.4%) election precincts monitored by EMC.

- ***Giving extra ballots and envelopes to voters***

Another violation of law that occurred during the Election Day was giving extra ballots or envelopes to voters. EMC observers noted that some voters received 5 to 6 ballots and in some election precincts over 6 extra ballots were given to the voters. In some cases these ballots had already been pre-marked in favor of a candidate.

Such violations were observed in 23 out of 213 (11.8%) election precincts monitored by EMC.

- ***Voting in groups and voting by residents of other precincts:***

On Election Day, EMC's monitors observed groups (10-20 people) of voters being brought to precincts by

local executive authorities and candidates. These voters had often already been instructed to vote for a candidate. In some cases local government officials provided buses for transporting these voters.

Such cases were observed in 118 of the 213 (55%) election precincts monitored by EMC.

• *Intimidation of voters:*

Intimidation of voters at the polling stations was observed in the majority of election precincts. Employees of government organizations and unidentified people took part in this process.

This kind of violations was observed in 79 of the 213 (37.1%) of the election precincts EMC monitored.

• *Violation of the confidentiality of voting:*

Chairmen and members of some election precincts did not secure the secrecy of voting on Election Day. Often several people would enter the voting compartments and mark ballots together. In some cases, voters marked ballots outside the voting compartment.

EMC's observers noted such violations in 79 of the 213 (37.1%) election precincts EMC monitored.

• *Voting on behalf of other persons*

EMC's observers noted cases of people voting on behalf of family members and relatives, as well as voting by commission members on behalf of voters.

Such cases were observed in 62 of the 213 (29%) election precincts monitored by EMC.

• *Ballot stuffing*

During the voting process ballot stuffing by commission members, authorized agents of candidates and other observers was observed.

This type of violation was observed in 26 of the 213 (36%) election precincts monitored by EMC.

• *Interferences of local executive authorities and the police in the elections:*

In some of the election precincts local executive authorities, municipality and police officers interfered with the election process by removing observers or pressuring election commissions.

Such violations were observed in 65 of the 213 (30.5%) election precincts monitored by EMC.

• *Campaigning in favor of candidates:*

In some election districts, election campaigning during the voting process occurred both in front of the precincts and inside polling stations.

Such cases were observed in 73 of the 213 (34%) election precincts monitored by EMC.

Examples of law violations observed during the voting process:

• According to the information given by Kamran Gaziyev, an EMC observer, the candidate Hikmat Atayev's people brought voters to Bahmanli village PEC #24 of Zagatala ConEC #110 in minibus with the state number of 10 TC 480 and a 21099 modeled car with the state number of 10 HP 275.

• Arif Hasanov and Sahib Sadigovs, the chairmen of PECs #17 and 18 of Gadabay ConEC #103, told the voters coming to vote in favor of the candidate Rafiq Mammadhasanov. The school director Mahammad Naghiyev and chief of Gadabay branch of AR National Bank campaigned in favor of Rafiq Mammadhasanov and demanded that voters vote for him at PEC #26 of the same ConEC located in Gargar village.

- Alakbar Akbarov, the executive representative in Privolnoe village of Jalilabad region, collected the documents of 240 people included in the voter lists of PEC #6 of Jalilabad-Masalli-Bilasuvar ConEC #69 with the pretext of preparing their citizen ID cards several months ago but did not give the same documents back until the Election Day. But on that day, he stood at the door of PEC intimidating the voters and demanding that they vote for the candidate Fazail Ibrahimli.
- According to the information given by Hikmat Salimov, an EMC observer, a voter cast 3 ballots in the box at 10:00 in PEC #30 of Sumgait second ConEC #42.
- Khayyam Mammadov and Ismayil Ahmadov, the authorized representative of Elnura Madatova, a candidate from Zagatala ConEC # 110 in Raldar village PEC #20 and Mahmanli village PEC #25 were removed from the PEC by the police when they asked questions about the total number of ballot papers at the precinct.
- A man voted for 2 other people (for his children) in PEC #2 and another voter cast votes for 3 other people in PEC #19 of Nizami (Ganja) second ConEC #38.
- A group of voters boarded the mini-buses with plate numbers 32-BB 050 RAF, 10 HR 241 GazEL, 10 HD 229 GazEL, 45 BC 562 RAF, and went to all of the PECs in Nizami (Ganja) Second ConEC # 38. This operation is conducted by Khanlar Guliyev, the supporter of the candidate Asaf Hajiyeu.
- Sahib Guliyev, the village executive representative in Hajali village PEC #13 of Tovuz-Gazakh-Agstafa ConEC #106, took voters to the precincts and made them vote for the candidate Ilyas Ismailov.
- Amina Ibrahimova, the EMC observer in PEC #10 of Gadabay ConEC #103, was harassed by Rashid Musayev, the Zahmat village executive representative and was removed from the PEC. The observer was told that her brother would be dismissed from work if she refused to obey.
- Supporters of Baba Taghiyev, a candidate from Sumgait-Absheron ConEC #44 brought a group of voters in minibuses with plate numbers 10 DR 812, 10 BA 829 and 10 FA 143 to PECs # 16, 18 and 20 of the same ConEC.
- In PEC#16 of Sumgait second ConEC #42, commission members restricted the normal activity of observers from 09:00 till 12:00. The PEC chairman Gulmammad Gulmammadov did not let the observers freely observe the voting in the PEC.
- Ibrahim Ibrahimov, chief of the municipality in Mosul village PEC #23 of Zagatala ConEC #110, brought voters in cars with the state number of 62 BB 689 VAZ-2107 and 62 BA 684 VAZ-2106 to the PEC.
- According to the information given by Sahib Akbarov, an EMC observer, the number of commission members in PEC #20 of Gadabay ConEC #103 was only 3 until 12:00. The PEC chairman Albuz Husseynov ordered ballots to be stuffed after seeing how few voters had turnout to vote in the precinct at 14:00. At 16:00, he removed the observers from the PEC and announced that the voting process was over.

2) COUNTING OF VOTES AND CALCULATION OF VOTING RESULTS

After the voting process was complete, the counting of ballot papers and tabulation of the voting results started at 19:00. We should note that in these elections the counting process was more organized

compared to previous elections and most observers were able to obtain election protocols. However, many violations of law did occur that cast doubt on the fairness of the counting process.

The Election violations observed by EMC are divided into the following groups:

Violation of Transparency and restrictions on observation:

During the vote counting process, the transparency of the process was violated and free observation was not allowed in some precincts. In such cases, chairmen of PECs counted votes and finalized protocols in their rooms or in a place where observers could not observe. For example, such cases happened in PEC #9 of Binagadi second ConEC #9, PECs #7, 12, 13, 14, 15, 16 and 24 of Surakhani second ConEC #31, PEC #4 of Nizami second (Ganja) ConEC #38, PECs #14, 31 and 34 of Tovuz-Gazakh-Agstafa ConEC #106 and PECs #24 and 25 of Zagatala ConEC #110 where EMC monitored.

EMC's observers found the violation of transparency and restrictions on free observation in 58 (27%) of the 213 election precincts monitored by EMC.

Lack of announcing the results of voting and displaying election protocols:

In some precincts the chairmen of the PECs refused to give copies of the final protocols to observers and

authorized representatives of candidates after the counting of votes was completed. Final protocols were also not displayed to the public in some precincts.

According to EMC's observations, election results were not announced and final protocols were not displayed in 49 election precincts. This constitutes 23% of the 213 election precincts monitored by EMC.

Incorrect counting of votes:

In some precincts, EMC observers witnessed chairmen and members of PECs counting ballots incorrectly

and often falsifying the results in favor of certain candidates. In many cases, members of the PECs attempted to mix valid ballots in the ballot boxes with the ballots that they had prepared beforehand.

EMC compared 167 final protocols it obtained on Election Day with the official results published on the website of the CEC's "Elections" Information Center. There appear to be inconsistencies in 11 protocols. These inconsistencies included differences in the total number of voters who voted, the number of valid votes cast, and the number of votes received by candidates.

In general, EMC observers observed falsifications in the tabulation of votes and final protocols in 23 of the election precincts monitored.

Examples of violations of law occurred during counting process and falsification of final protocols:

- Goychak Asgarova, chairwoman of PEC #21 of Jalilabad-Masalli-Bilasuvar ConEC #69 and Alijabbar Safarov, chairman of PEC #24 of the same ConEC, refused to give the final protocols on the results of voting to EMC observers. Mubariz Eyniyev, chairman of PEC #28 at the same ConEC, did not give the copy of the protocol to the observers. The same case took place in PECs #6 and 22 as well.

- During the process of counting, the principle of transparency was violated in PEC #25 of Zagatala ConEC #110. The PEC chairman Rauf Osmanov did not allow the observers to observe the counting process closely. In PEC #24 of the same ConEC, observers were removed from the precinct during the vote counting process. The PEC chairman Mais Muradov called the police and ordered them to remove the observers from the precinct.

- Barat Guliyev, chairman of PEC #16 of Surakhani second ConEC #31, restricted observation of the vote counting process. Such as, the observers were not allowed to observe the counting process. Any observer who complained was removed from the precinct with the help of police. In PEC #14 of the same ConEC, transparency was also not provided while the ballots were counted. The PEC chairperson Natella Musayeva attempted to remove the observer Jeyran Zeynalova who objected with the help of police. We should note that the process of vote counting was conducted with the presence of the police in the precinct.
- Nizamaddin Mammadov, chairman of PEC #23 of Surakhani second ConEC #31, refused to show the observers the act on the number of ballots received when the PEC opened. During the counting process, the act on the number of ballots was not handed out despite the observers request. As a result, it was impossible to determine the total number of votes cast.
- The number of ballots was not announced and the counting procedures were not observed while votes were counted in PEC #10 of Binagadi second ConEC #9. The PEC chairman Tanriverdi Orujov did not start the counting of votes right away after the voting process was completed. He left the PEC and went to the ConEC and allowed the counting of votes to begin only after coming back 2 hours later. Isa Jahanov, chairman of PEC #3 of this ConEC, refused to sign the protocol though the counting of votes was completed and the observers were removed from the PEC.
- During the vote counting process, ballots were deliberately dropped on the floor in PEC #16 of Sumgait second ConEC #42. Then, extra pre-prepared ballots were also dropped on the floor and picked up from the ground and the counting process continued. When an observer, Zohrab Valibayli expressed his objection to the voting process in PEC #17, the police removed him from the precinct and took him to the ConEC.

3) PRESSURES ON MEMBERS OF COMMISSIONS AND OBSERVERS:

On Election Day members of the PECs, local executive authorities, policemen and supporters of candidates subjected other commissioners and observers to verbal and physical intimidation. This happened when an observer or a commissioner would object to an Election Day law violation.

For example, observers were removed from the counting process in PEC #24 of Zagatala ConEC #110. The PEC chairman Mais Muradov called police and removed the observers from the PEC. Ikram Hassanov, chairman of Mukhakh village PEC #28, removed EMC observer Hafiz Heydarov from the PEC when he discussed a violation with other observers in the precinct.

The copy of the final protocol was not given to observers in PEC #8 of Nizami (Ganja) second ConEC #38. The PEC chairperson Malahat Shukurova told the observers that copies of the protocols would be given to them the following day. Then she called the police and removed them from the PEC by force.

In PEC #17 of Sumgait second ConEC #42, when an EMC observer objected to the fact that a voter signed for another voter and voted for him, police removed him from the precinct and took him to the ConEC. Kifayat Gurbanova, a member of PEC #3 of the same ConEC, pressured the EMC observer Leyla Iskandarova and prevented her from observing the voting processes closely

We should note that such cases were observed in 76 out of 213 election precincts EMC monitored.

X. OFFICIAL RESULTS, COMPLAINTS AND POST-ELECTION SITUATION

1) Official results:

In accordance with the Election Code, the CEC started verification of the final protocols of district election commissions on May 14th, 2006 and completed the process 13 days later.

On May 27th, 2006, the CEC sent its final protocol on the election results and the documents of the district election commission to the Constitutional Court for final approval. The CEC validated the results of every district and defined the candidates elected in these ConECs.

The CEC also annulled the election results in 4 PECs - PEC #3 of ConEC #103, PEC #14 of Zagatala ConEC #110 and PECs #10 and 37 of Agdam village ConEC #119.

The CEC sent its final protocol and final protocols of the election districts on the general results of the elections to the Constitutional Court on May 27th, 2006. The Court will then confirm the results of the repeat elections held to the Milli Majlis of the Republic of Azerbaijan.

The followings were defined in those protocols:

- Total number of eligible voters – 392,033
- Total number of voters who took part in the voting – 141,559
- Number of election precincts, the results of which were annulled – 4

- Binagadi second ConEC #9 - Rafael Jabrayilov Kamil, independent;
- Surakhani second ConEC #31 – Ahmad Valiyev Abdulkarim, YAP;
- Nizami (Ganja) second ConEC #38 – Asaf Hajiyev Haji, independent;
- Sumgait second ConEC #42 – Majid Karimov Zahid, YAP;
- Sumgait-Absheron ConEC #44 – Baba Taghiyev Ali, independent;
- Jalilabad-Masalli-Bilasuvur ConEC #69 – Fazail Ibrahimli Feruz, Civil Solidarity Party;
- Gadabay ConEC #103 – Rafiq Mammadhassanov Musa, YAP;
- Tovuz-Gazakh-Agstafa ConEC #106 – Ilyas Ismayilov Abbas, Adalat Party;
- Zagatala ConEC #110 – Hikmat Atayev Ismayil, YAP;
- Agdam village ConEC #119 – Bakhtiyar Sadigov Yusif, YAP;

Under the documents the CEC submitted, the Constitutional Court held a plenary session on June 5th, and confirmed the results of the repeat Parliamentary elections by considering the results of 10 election districts valid. The decision of Constitutional Court mentions that the protocols of Binagadi second ConEC #9, Surakhani second ConEC #31, Nizami (Ganja) second ConEC #38, Sumgait second ConEC #42, Sumgait-Absheron ConEC #44, Jalilabad-Masalli-Bilasuvur ConEC #69, Gadabay ConEC #103, Tovuz-Gazakh-Agstafa ConEC #106, Zagatala ConEC #110 and Agdam village ConEC #119 meet the requirements of the Election Code and the results in those ConECs shall be confirmed.

2) Consideration of complaints:

In accordance with the Election Code, the process of verification of the final protocols of DEC's was carried out by the CEC. However, it is EMC's opinion that the CEC did not investigate the observer acts and comments on election violations fairly and transparently.

The observation EMC conducted after the elections shows that the complaints that were received by the CEC were concerned with intimidation of voters, interference with the election process and counting of votes and these cases could be called violations that could affect the results of elections directly. However, Final Report, Repeat parliamentary elections – 2006, EMC, Azerbaijan

the information received by the EMC shows that in reality the number of complaints was much higher but the CEC sent many complaints to the DEC for investigation and simply ignored others.

After the elections, EMC's observers filed complaints in Binagadi second ConEC #9, Surakhani second ConEC #31, Nizami (Ganja) second ConEC #38, Sumgait second ConEC #42, Sumgait-Absheron ConEC #44, Jalilabad-Masalli-Bilasuvar ConEC #69, Gadabay ConEC #103, Tovuz-Gazakh-Agstafa ConEC #106, and Zagatala ConEC #110. None of the complaints filed by EMC observers were investigated.

After the Election Day, EMC sent acts and complaints regarding the election violations that occurred in 10 election districts to the CEC in order to assist them in the process of reviewing the DEC's final protocols and investigating complaints. But the CEC did not investigate any of the documents submitted.

As it had been the case in the previous elections, the process of preparing and submitting petitions on violations of election rights was not improved. According to EMC's observations, many candidates did not attempt to submit their complaints to all judicial levels. The reason is that the period for submitting complaints to the election commissions established in the Election Code is very short – only three days. In some cases, candidates missed the deadlines for appealing activities or decisions of DEC's and the CEC at higher levels.

3) Post-election situation:

After the repeat Parliamentary elections, on May 15th, the Limited Observation Mission of OSCE/ODIHR issued a press release stating that though the elections showed some improvement in some aspects of the process, they stressed the need to continue election reforms.

The US Embassy to Azerbaijan also released a statement on May 16th stating that the repeat elections should be regarded in the context of Parliamentary elections held on November 6th, 2005. The US Embassy also stated that they will continue to work with the Azerbaijan government to implement the recommendations of OSCE/ODIHR.

The statement of the ambassadors of the EU member states emphasized that many law violations and election irregularities occurred and suggested that the government should investigate the complaints in a timely manner.

NGOs and other human rights organizations also made statements denouncing the law violations which occurred in the repeat elections.

On June 5th, 2006, the Constitutional Court approved the results of the parliamentary elections in 10 districts. With it, the political composition of 124 seated parliament (Lala Shovkat, a candidate elected from Yasamal third ConEC #17, renounced her mandate) became as follows:

- New Azerbaijan Party – 61 seats;
- «Azadlig» political bloc – 6 seats;
- Civil Solidarity Party – 3 seats;
- «Yes» bloc – 2 seats;
- Ana Vatan Party - 2 seats;
- Adalat Party – 1 seat;
- Independents – 43 seats;
- Other political parties - 6 seats;

Several opposition parties as well as Musavat, Umid parties and “Azadlig” bloc declared that they considered the results of repeat parliamentary elections illegitimate.

XI. CONCLUSIONS AND RECOMMENDATIONS

Based on the monitoring of all phases of the May 13th, 2006 Elections to the Milli Majlis of the Republic of Azerbaijan, including the observation conducted on Election Day, EMC draws the following conclusions;

- Normal conditions were not created for holding free and fair elections in the country;
- The suggestions of OSCE/ODIHR and the Venice Commission of the Council of Europe regarding changes to the Election Code were not accepted. As a result, a democratic and comprehensive legal basis that would provide the framework for the conduction of free and fair elections in the country was not created.
- Most election commissions, including the Central Election Commission, showed a biased attitude and functioned under the direct or indirect control of the executive bodies.
- Voter lists were compiled on the basis of old information and the process of updating the lists was very weak. There were many cases that the names of eligible voters were not included in the lists.
- During the election campaign, many serious violations of law were allowed. These violations included vote buying by candidates, illegal use of administrative resources, and participation of local executive authorities in candidates campaigns.
- Freedom of assembly was violated many times during the elections and several candidates and their supporters were arrested and subjected to physical and verbal intimidation.
- On Election Day, violations of the law that seriously affected the election results took place during the process of voting and tabulation of votes.
- In election commissions, courts and Prosecutor's Office, complaints about elections were investigated superficially or not at all.

Therefore EMC concludes that;

- The elections to the Milli Majlis of Azerbaijan held on May 13th, 2006 were not free, fair and democratic. As a result of irregularities that occurred in all phases of the elections, the elections did not reflect the will of the people.
- The political authority of Azerbaijan did not show a sincere political will to hold democratic and legal elections.

EMC recommends implementing the followings:

- In order to prevent violations of law in the elections and the deepening of political polarization in Azerbaijan, the results of the elections to the Milli Majlis of the Republic of Azerbaijan, held on November 6th, 2005 and the repeat parliamentary elections held on May 13th, 2006, should be thoroughly investigated.
- Persons violating the election law should be subject to legal charges and punished.

- Fundamental amendments to improve and democratize the Election Code should be carried out.
- Election commissions should be formed on the basis of parity between major political forces.
- Democratic and comprehensive rules on submission and consideration of complaints about violation of election rights should be established. Provisions related to violations of election rights should be expanded in the Criminal and Civil codes, and the punishment for such violations should be strengthened.
- There should be implemented measures that create serious and substantial political dialogue between the opposition and the ruling parties in the country

Board of Election Monitoring Center