

**ELECTION MONITORING AND DEMOCRACY STUDIES CENTER**



**REPUBLIC OF AZERBAIJAN**

**PARLIAMENTARY ELECTIONS**

**7 November 2010**

**INTERIM REPORT**

**ON**

**THE ELECTION CAMPAIGNING PROCESS**

**BAKU**

**4 NOVEMBER 2010**

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## I. SUMMARY

Election Monitoring and Democracy Studies Center (EMDS) is a non-partisan and independent non-governmental organization working 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 completed the first stage (8 September – 14 October 2010) of its long-term observation of the 7 November 2010 Parliamentary Elections, which covered the process of nomination and registration of candidates, and disseminated its First Interim Report on 18 October 2010.<sup>1</sup>

The present report has been prepared on the basis of the results of the second stage (15 October – 3 November 2010) of EMDS' long-term observation, which covered the process of election campaigning. In this stage, EMDS observed the organization of the election campaign process in 112 election constituencies as well as at the national level, activities of the election commissions, and election campaigns of candidates. When necessary, the observation information was verified with members of election commissions, voters, candidates and/or representatives of candidates.

EMDS believes that to have a precise assessment of the 7 November 2010 Parliamentary Elections, all periods of the election process – pre-election political environment, election legislation, the level of the freedom of participation in the elections, the process of nomination and registration of candidates, organization of the process of election campaigning, voting, counting of votes, and tabulation – 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 during the second stage of the Parliamentary Elections, i.e. the period of election campaigning, there was no progress with regard to democratization of the political environment, freedom of assembly, political freedoms, and freedom of expression and media in the country.

EMDS notes with concern that during the second stage of the 7 November 2010 Parliamentary Elections, political activism, pre-election political discussions and public interest in elections have been significantly lower as compared to the 6 November 2005 Parliamentary Elections. There was not any political debate between competing parties or their leaders about their election platforms or local- and national-level problems in any of the TV channels broadcast in the country. Thus, the televisions aired at the national level have not met the public need for providing political pluralism and disseminating alternative political views in the country.

Problems that occurred in the first stage of the Parliamentary Elections (nomination and registration of candidates) negatively affected the process of election campaigning. The environment of lack of alternatives, artificially created in some constituencies during the process of nomination and registration of candidates, was accompanied by non-registration of many persons as candidates and thus, resulted in low political competition, little voter interest in the elections and restriction of the opportunities for alternative choice in such constituencies.

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<sup>1</sup> <http://smdt.az/files/file/Interim%20Report%20EMDS.pdf>

During the period of election campaigning, observers cooperating with EMDS noted cases of abuse of administrative resources in favor of certain candidates and pressures against activists of opposition political parties by some representatives of local executive authorities.

EMDS considers that the shortening of the election period did not allow Constituency Election Commissions (ConECs) and the Central Election Commission (CEC) to implement their technical functions in a timely manner. This is demonstrated by the fact that the process of registration of observers by the CEC as well as 9<sup>th</sup>, 10<sup>th</sup>, 20<sup>th</sup>, 64<sup>th</sup>, 65<sup>th</sup> and 110<sup>th</sup> ConECs was accompanied by delays. Some ConECs groundlessly refused registration of local observers.

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 their efforts together for providing free election environment and preventing illegal intervention in the election process on 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 Khatai District Court of Baku on the basis of illegal claims of the Ministry of Justice on 14 May 2008. Founders of EMC appealed the decision of Khatai District Court at the Court of Appeals 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 their accreditation by the election commissions.

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 – Albania, Belarus, Norway, Kyrgyzstan, Kazakhstan, Georgia, Turkey, Afghanistan, Kosovo, Moldova and Ukraine – 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. RESULTS OF THE PROCESS OF REGISTRATION OF CANDIDATES**

#### **A) Official figures**

In the first stage of the 7 November 2010 Parliamentary Elections (nomination and registration of candidates), 1100 citizens put forward their candidacy. 736 of them were registered as candidates. Registered candidates represent the following political parties and blocs of political parties:

1. New Azerbaijan Party (YAP) – 111,
2. “Azerbaijan Popular Front Party (APFP) - Musavat” bloc – 37,
3. “Garabagh” bloc – 32,
4. “Reform” bloc – 31,
5. Classic Popular Front Party – 30,
6. National Independence Party – 25,
7. Democratic Azerbaijan World Party – 22,
8. “For Human Sake” bloc – 21,
9. “Democracy” bloc – 18,
10. Motherland Party – 7,
11. Modern Musavat Party – 7,
12. National Democratic Party – 3,
13. Social Democratic Party – 2,
14. Progress Party – 1;
15. Various initiative groups – 7;
16. Candidates nominated at their own initiative – 380.

#### **B) Complaints on the process of registration of candidates**

210 persons, who could not get registered as candidates in Constituency Election Commissions (ConECs) during the period of nomination and registration of candidates for the 7 November

2010 Parliamentary Elections, filed their complaints to the Central Election Commission (CEC). However, the CEC upheld only 40 of the complaints. According to Article 112-1.4 of the Election Code, the Expert Group created within the CEC may conduct investigations using additional evidence and facts, but the Expert Group mainly referred to the decisions of ConECs while investigating the cases. For instance, on 2 October 2010, 15<sup>th</sup> Yasamal First ConEC refused to register candidacy of Abdalov Ixhtiyar Alish. On 13 October, the CEC ruled a decision based on the opinion of Gabil Orujov, member of the Expert Group, and did not provide any additional investigation. The information and grounds for refusal provided by the ConEC were identically reflected on the decision of the CEC. Moreover, analysis conducted by EMDS shows that decisions of the ConECs were not properly substantiated.

**In accordance with Article 112-1.7 of the Election Code, if an applicant expresses his or her desire to attend the meeting of the election commission he or she should be informed of the place and time of the meeting one day in advance.** However, in very rare occasions candidates participated in the process of (meetings on) investigation of complaints. Thus, the CEC violated the above-mentioned article of the Election Code and did not ensure transparency of the process of investigation of complaints. For example, Elnur Majidli, candidate of “APFP-Musavat” bloc from 94<sup>th</sup> Barda Village Constituency, filed a complaint to the CEC about refusal of his registration by the ConEC. Nevertheless, he was not provided with the right to attend the meeting on the investigation of his case.

Some complaints were not properly investigated by the CEC. While one of the grounds for refusal of registration provided by ConEC was investigated, nothing was said by the CEC about another ground. For instance, in the Decision No. 17/74 on the refusal of registration of candidate from 17<sup>th</sup> Yasamal Third Constituency Abdalov Etibar ruled on 13 October 2010, it is said:

- The number of valid signatures collected for the candidate is not enough for registration;
- Candidate informed the ConEC that he has 5 cars; however, he has not presented any documents to confirm this.

The CEC held a hearing on this case on 15 October 2010. During the investigation, members of the Expert Group examined only the signatures. **However, Article 112-1 of the Election Code demands the Expert Group to conduct an all-inclusive investigation.**

According to **Article 112-1 of the Election Code, persons whose election rights have been violated can file a complaint to the Court of Appeals about the decision or activity (inactivity) of the CEC.** 50 persons, whose registration was refused during the process of nomination and registration of candidates, submitted their complaints about decisions of the CEC to Baku Court of Appeals. Only 4 of these complaints were satisfied by the Court. Decisions on the other complaints were adopted without conducting complete investigation of the case.

Some other decisions of the Court of Appeals were adopted in violation of the requirements of the Code of Civil Procedures. For example, on 25 October 2010, Baku Court of Appeals held a hearing on the case of Aliyev Vugar Sabir, candidate nominee of “Garabagh” election bloc from 95<sup>th</sup> Tartar Election Constituency, who submitted a complaint about CEC’s decision. Despite the official petition of the claimant, the Court did not appoint an expert to verify voter signatures he collected. Another ground the ConEC brought for Aliyev’s non-registration was that he had a

private land property in Tartar district but hide this information. Although Aliyev's representative submitted a document which confirmed that Aliyev does not legally own any private land property, the Court did not take into consideration this document.

## **IV. ELECTION CAMPAIGNING**

### **a) Legal basis**

At the initiative of a group of MPs representing the New Azerbaijan Party (YAP), Milli Majlis of the Republic of Azerbaijan adopted the Law on Amendments to the Election Code on 18 June 2010. According to this Law, the election period was reduced from 75 to 60 days and election campaigning period was decreased to 22 days. Also, the provision on funding from state budget allotted for election campaigning of the registered candidates was removed. It should be noted that all of the amendments included in this Law were adopted without learning the opinion of Venice Commission of the Council of Europe as well as without holding any public discussions.

**According to Article 74.2 of the Election Code, election campaigning can be conducted through the following means:**

- a) Mass media
- b) Public events/meetings
- c) Distribution of print, audio, video and other campaign materials
- d) Any other means not prohibited by law

However, EMDS' observations show that shortening of the election period by law created time restriction on utilizing the above-mentioned legal means and methods for election campaigning.

### **b) Conduct of election campaigning through mass media**

Election campaigning can be conducted through TV, radio and print media. In line with Article 80.1 of the Election Code, political parties and blocs of parties which have registered candidates in more than 60 election constituencies have the right to get free airtime for election campaigning on the Public TV and Public Radio. According to the results of the process of registration of candidates for the 7 November 2010 Parliamentary Elections, among all political parties and blocs of parties registered with the CEC, only YAP obtained this right. However, when the election campaigning period started, representatives of YAP declared that they refuse to use free airtime allotted to them.

In its meeting held on 15 October 2010, the CEC made a decision to allocate 4-minute free airtime on the Public TV (*ITV*) to all registered candidates. It should be noted that this decision is not regulated by law and does not comply with the Election Code provisions on election campaigning through TV and radio.

Prices of the mass media which offered paid airtime for election campaigning was not affordable for all candidates. EMDS notes with regret that the price for paid airtime was the same as the maximum price for commercials. For example, For instance, on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> days of the week, the price of airtime for campaigning on the Public TV (*ITV*) changes from AZN 13 to AZN 29

per second, depending on the time of day; on 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup> 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 8:00 till 23:00.<sup>2</sup> It is worth noting that amongst the nationally broadcast TV channels, only *ITV* and *Lider TV* offered paid airtime for election campaigning, and only 3 candidates used this paid service of *ITV*.

According to the results of the monitoring of the Institute of Reporters' Freedom and Security (IRFS), during the election campaigning period, the majority of TV channels were one-sided in the coverage of political parties. President Ilham Aliyev, Chairman of YAP, was shown more and positively. While events and activities of the election blocs uniting opposition political parties were not covered, YAP events were shown by all TVs.<sup>3</sup>

According to the monitoring of the IRFS, although radio stations *Ictimai* (Public), *Lider* and *Anten FM* applied to the CEC and expressed their intention to offer paid airtime, no paid campaign material was heard in any of them. Apart from this, none of the radio stations in the country aired social advertisements in connection with the Parliamentary Elections.<sup>4</sup>

Differently from the 6 November 2005 Parliamentary Elections, during the present parliamentary elections TV channels did not give any place to political discussions and public debates in their programs. As to the 4-minute free airtime allotted to the candidates by the Public TV, no political debate occurred in this program.

During the election period, *Lider TV* conducted a Black PR campaign against opposition parties. In its "Sada" program broadcast during primetime at 19:00 on 25 October 2010, an intimate encounter of the Director of "Azadliq" newspaper Azer Ahmadov with a female friend was shown. Many human rights organizations and civic activists considered this as an illegal interference in private life and moral-political pressure.

### **c) Conduct of election campaigning through public events**

**Article 86 of the Election Code stipulates that state bodies and municipality institutions shall assist political parties in allotting places for organizing and conducting meetings with voters and public debates during the election campaigning period.**

Without any legal basis, the CEC prepared a list of places for the candidates to hold meetings with voters and public discussions. The list includes 4930 places located in the territory of 118 election constituencies. 2676 of them are outdoor and 2254 are indoor places.<sup>5</sup> The CEC's list also indicates the capacity of each place. It should be noted that neither in the Election Code, nor in any instruction of the CEC, there is any provision concerning the capacity of places allotted for election campaigning.

Starting from 16 October, long-term observers of EMDS carried out the monitoring of these places. It was revealed that the area of 511 places was not appropriate for holding meetings with voters. For example, in 46<sup>th</sup> Shirvan Election Constituency, indoor place allocated for meetings with voters is located in an old Cultural House. According to the CEC's list, the capacity of this

<sup>2</sup> <http://www.cec.gov.az/az/parlament2010/kiv/kiv.htm>

<sup>3</sup> [www.irfs.az](http://www.irfs.az),

<sup>4</sup> [www.irfs.az](http://www.irfs.az),

<sup>5</sup> [http://www.cec.gov.az/az/main\\_az.htm#](http://www.cec.gov.az/az/main_az.htm#)

place is 300 seats; however, in reality, this place can have a capacity for a maximum of 200 persons. Similar cases were noted during the observation of indoor and outdoor places in 67<sup>th</sup> Jalilabad City, 48<sup>th</sup> Yevlakh, 49<sup>th</sup> Yevlakh-Mingachevir and 93<sup>rd</sup> Barda election constituencies. It was also observed that 190 places were located far from settlement areas, inconvenient for the people to go.

Differently from the last parliamentary elections, during the present elections it was impossible for the political parties to hold rallies-meetings. For example, Baku City Executive Authority did not allow “APFP-Musavat” election bloc to hold its rally planned for 17 October 2010.

#### **d) Election campaigning through print, audio, video and other campaign materials**

**According to Article 74 of the Election Code, election campaigning can be conducted using print, audio and video materials as well as other methods not prohibited by law.**

Differently from previous elections, candidates used new media tools in the 7 November 2010 Elections, such as, *Facebook*, *Youtube*, *Twitter*, etc. One of the reasons for this was that prices for paid airtime on TV and radio were not affordable for all candidates. Also, many TV channels did not participate in the election campaigning process.

Although the volume of election-related information increased in “Azerbaijan” newspaper after it offered paid election campaigning service, this information was mainly related with the CEC’s meetings, process of preparations for the elections at ConECs, registration of local and international observers, etc. “Yeni Musavat” newspaper published campaign-type information of some candidates. Candidates also conducted campaigning through web portals and information agencies. For example, various types of campaigning materials were posted by [www.day.az](http://www.day.az), [www.lent.az](http://www.lent.az), APA ([www.apa.az](http://www.apa.az)) and MIA ([www.mia.az](http://www.mia.az)) information agencies.

#### **e) Observation of EMDS during the election campaigning period**

Long-term observers cooperating with EMDS noted violation of the principle of equality, as well as, pressures and intimidations during the election campaigning process.

##### **❖ Abuse of administrative and financial resources**

Information on such violations shows that like in the previous elections, candidates have used various illegal means to gain voters support. In some constituencies candidates were engaged in reconstruction of local roads, which is a violation of Article 74 of the Election Code, as well as Articles 39 and 42-1 of the Code of Administrative Offences.

##### **❖ Violation of the principle of equal opportunities for all candidates**

According to observers, equal opportunities for all candidates were not ensured by some ConECs. While necessary conditions for conducting meetings with voters were provided for some candidates, such conditions were not guaranteed for others. This is a violation of Article 82, 83 and 87 of the Election Code, which stipulate establishment of equal opportunities for all candidates.

##### **❖ Pressures and Intimidations**

Cases of pressures against election participants, particularly against candidates were observed during the election campaigning process. Such cases took place during meetings of candidates with voters and posting the campaigning materials of candidates. This is a violation of Article 55 of the Election Code.

Persons who cooperate with EMDS also faced pressures and intimidations during the election campaigning period. On October 22, Sahib Rustamli, who organized training for observers in Sabirabad, was called to police station and told not to hold the training in the region.

#### ❖ **Destruction of campaign materials**

Observers cooperating with EMDS noted cases in which campaign materials of candidates posted on information boards, roadside, personal properties and other places were destroyed.

## **V. ACTIVITIES OF ELECTION COMMISSIONS**

The CEC conducted preoperational actions for the election campaigning stage. In its meeting held on 12 October, the places within the relevant ConECs for candidates to conduct meetings with voters were determined.

The CEC adopted a decision on allocation of 4 minutes of free airtime on the Public Television to candidates. This decision is not regulated by legislation and the requirements of the Election Code were not met. It should be noted that in accordance with Article 80.1 of the Election Code, political parties or blocs of political parties with candidates registered in more than 60 single-mandate election constituencies, or in more than half of all municipalities, have the right to free airtime on TV and radio.

The CEC also announced the list of mass media outlets which would be engaged in campaigning on paid basis. Those are 38 newspapers, 13 news agencies and 12 television and radio channels.

The CEC carried out preparations for the Election Day and made a decision on installing web-cameras, which can be viewed through the internet, at 500 precincts.

The CEC has registered 3466 persons as domestic observers and 1016 persons from 24 countries as international observers. ConECs have registered 42494 observers who will conduct observation within the areas of their respective constituencies. Moreover, 28 international journalists representing 28 foreign media outlets have been accredited by the CEC. However, problems occurred in the accreditation of domestic observers at the level of both ConECs and the CEC.

In accordance with Article 40 of the Election Code, the CEC should respond to applications for observation in the entire territory of Azerbaijan within 3 days. However, in some cases, the CEC unjustifiably delayed the period up to 12 days. CEC officials argued that the Working Group was not able to carry out the process within the determined timeframe due to technical problems.

Several ConECs imposed significant limitations to registration of observers. For instance, Shukur Imanov, Chairman of 64<sup>th</sup> Sabirabad Second ConEC, declined the applications of citizens

– Shahbaz Hajiyev, Rafiq Mammadov and Tofiq Zeynalli without any reasonable ground. Chairman of 65<sup>th</sup> Saatli-Sabirabad-Kurdamir Constituency refused to register Jamil Abbasov and Bakhtiyar Aghayev as observers without showing any ground. Chairman of 77<sup>th</sup> Astara Constituency denied application of Elvin Farziyev and Khanmammad Seyidhasan for carrying out observation. 110<sup>th</sup> Zagatala Constituency refused to register observers who applied to the ConEC on 20 October. Amirjan Ojagov, Chairman of 54<sup>th</sup> Shabran-Siyazan Constituency, assigned 8 observers to specific precincts while it was not indicated in the application of the observers.

According to the CEC's timetable, registration of observers at ConECs ends on 2 November 2010. However, several ConECs refused to register independent individual observers on 1 November. As a ground, the ConECs argued that the application forms were improperly filled. For example, Chairman of 20<sup>th</sup> Narimanov Second Constituency Eldar Sadigov declined registration of Emin Muradov, Babak Musazade and Guler Abbasova as observers. Similar cases took place at 31<sup>st</sup> Surakhani Second, 55<sup>th</sup> Khachmaz City, 10<sup>th</sup> Binagadi Third and 22<sup>nd</sup> Nasimi Second Constituencies on 1 November.

## VI. VOTER LISTS

**In accordance with Article 48 of the Election Code, the Precinct Election Commission shall submit the voter lists for public display and for verification or update by the voters at least 35 days prior to the Election Day, and create the necessary conditions for such display and verification.**

Observers cooperating with EMDS conducted the monitoring of voter lists during the election campaigning period of the 7 November 2010 Parliamentary Elections.

Observers noted that voter lists were not submitted for public display within the legally determined timeframe in some Precinct Election Commissions (PECs). For example, in PECs # 1, 2, 6, 7, 8 of 67<sup>th</sup> Jalilabad City Constituency, PECs # 11, 20, 29 of 73<sup>rd</sup> Lankaran Village Constituency, and PECs # 11 and 32 of 10<sup>th</sup> Binagadi Constituency voters' lists were not posted. Similar cases took place in PECs # 20, 22 and 23 of 99<sup>th</sup> Shamkir Village Constituency on 14 October.

EMDS also discovered that in some PECs voter lists were not updated after the 23 December 2009 Municipal Elections. For instance, voter lists from previous years were placed in PECs # 31, 40, 43 and 49 of 72<sup>nd</sup> Yardimli-Masalli Constituency, PECs # 10 and 11 of 49<sup>th</sup> Yevlakh-Mingachevir Constituency, PEC # 24 of 31<sup>st</sup> Surakhani Second Constituency and in PECs # 22, 23 and 26 of 68<sup>th</sup> Jalilabad Village Constituency.

**In accordance with the Election Code, permanent Voter Lists for a precinct shall be approved by the relevant Precinct Election Commission each year by 30 May, in the format defined by the Central Election Commission. A voter may be included in the Voter List of the relevant precinct on the basis of the voter's permanent place of residence (i.e. the place a voter has resided for at least 6 months prior to the announcement of elections).**

Apart from this, in some precincts there were errors in entering voter information in the voter lists.

Observers cooperating with EMDS found out the names of dead persons in the voter lists. For example, names of persons<sup>6</sup> who deceased three year ago are still in the voter list of 89<sup>th</sup> Goychay-Aghdash Constituency. Also, names of Aghayar Mammadov Abbas and Hasan Aliyev Sadikh, who deceased, are still in the voter list of 29<sup>th</sup> PEC of 3<sup>rd</sup> Babak-Kangarli-Nakhchivan Constituency.

Anar Mammadli, Chairman of EMDS, wrote a letter to the CEC regarding the situation concerning voter lists and the overall number of voters using their status as observers. Three main questions were requested to be answered in the letter:

- The reason of discrepancy between the numbers of total voters in the country presented by the CEC (54 %) and those posted on the official web-site<sup>7</sup> of the State Statistical Committee (70%);
- The reasons of disproportional changes in the number of voters in the votings held in the last two years – the 23 December 2009 Municipal Elections, the 18 March 2009 Referendum and the forthcoming 7 November 2010 Parliamentary Elections.
- In the formation of some election constituencies, the rules indicated in the Election Code were violated. There are significant differences between the numbers of voters of 5<sup>th</sup> Shahbuz-Babak, 54<sup>th</sup> Shabran-Siyazan and 26<sup>th</sup> Sabunchu First Election Constituency

## VI. OBSERVATION INFORMATION

### A) Abuse of administrative and financial resources

- Candidate of New Azerbaijan Party from 67<sup>th</sup> Jalilabad City Constituency Hasanov Malik's campaigning materials were posted on the windows of schools located in the areas of PECs #1 and #7.
- Candidate from 63<sup>rd</sup> Sabirabad First Constituency Jeyhun Osmanli held a meeting on 29 October in Kurkandi village of the region. Vafadar Baghirov, Deputy Head of executive authority of the region, administered the gathering of local people to the meeting.
- On 28 October, Ilham Hasanov, doctor of the Central Regional Hospital, and members of the local municipality engaged in campaigning process for Valeh Alasgarov, candidate from 102<sup>nd</sup> Samukh-Shamkir Constituency, in the area of the constituency.
- On 30 October, Fuad Muradov, candidate from 29<sup>th</sup> Sabail Constituency, held a meeting with voters at 14:00 in Veteran's park. Javad Javadov, local police commissar of the "20<sup>th</sup> Area", and Nasir Huseynov, local police commissar of Bayil settlement forced voters to come to the meeting with the candidate.
- On 26 October, candidate of New Azerbaijan Party from 103<sup>rd</sup> Gadabay Constituency Sevinj Huseynova held a meeting with voters in Duzyurd village of the region. During the meeting

<sup>6</sup> Names of Ibrahimova Hayat Babakhan , Mammadov Niman Suleyman, Musayeva Zeynab Mustafa, Baghirov Sabir Rza, Hajiyev Agha Muhammad and others are still in the voter list.

<sup>7</sup> <http://www.azstat.org/statinfo/education/az/001.shtml>

Deputy Head of the local executive authority called voters to vote for YAP candidate in his speech.

- All meetings of the candidate from 107<sup>th</sup> Qazakh Constituency Ahmad Valiyev were held at the Qazakh regional department of Azerbaijan University of Teachers. Meetings were attended mainly by students who were forced to come to the event by their teachers.
- On 19 October, Mubariz Gurbanli, candidate from 100<sup>th</sup> Shamkir-Dashkasan Constituency, held a meeting in Gushchu village. Deputy Head of the local executive authority Movsum Huseynov and employees of state-funded organizations were engaged in the process of gathering voters to the meeting.
- Campaign materials of candidate from 115<sup>th</sup> Shaki Second Constituency Javanshir Verdiyev were posted on the car (*Gazel*) with state plate number 10-JJ-724. The car belongs to “Planet” Ltd. and the legal address of the company is 47 Tbilisi Avenue, Baku. Campaign materials of the candidate were also posted on the car (*Tofaş*) with state plate number H012137 which belongs to “Rimitsa” company.
- Under the supervision of Deputy Head of the executive authority of Kurdamir region Vasif Mammadov employees of the executive authority were engaged in the campaigning process for Farhad Garibov, candidate from 57<sup>th</sup> Kurdamir Constituency.
- On 12 October, campaign materials were placed in front of the election headquarters of candidate from 31<sup>st</sup> Surakhani Second Constituency, Guliyev Faraj, located in AB area of New Gunashli settlement. It should be noted that carrying out campaigning activities before the official start of the election campaigning period is legally prohibited.

#### **B) Violation of the principle of equal opportunities and exercise of pressure**

- On 24 October, Ali Karimli, candidate of “APFP-Musavat” bloc from 31<sup>st</sup> Surakhani Second Constituency, held a meeting with voters in front of the monument of Martyrs. Electricity supply to the area was interrupted by order of the Head of local executive authority of Surakhani region Ilgar Abbasov and the candidate could not use the loudspeaker during the meeting.
- Valeh Alasgarov, candidate from 102<sup>nd</sup> Samukh-Shamkir Constituency, held meetings with voters without approval of the ConEC. However, the ConEC created difficulties for Etibar Akbarov, candidate of “APFP-Musavat” bloc, to conduct meetings with voters. Under the supervision of Head of the local executive authority Vilyam Hajiyev, Head of the Regional Water Supply Department Gulagha Aliyev and Head of the Telecommunication Department Alasgar Aliyev interfered in the process and tried to prevent Etibar Akbarov’s meetings.
- On 24 October, Vagif Huseynov, local executive representative of Khidirli village of Salyan region, prevented Adalat Yusifov, candidate from 60<sup>th</sup> Salyan-Neftchala Constituency, from holding meeting with voters. He intimidated voters saying that they would be fired.
- In 60<sup>th</sup> Salyan-Nefchala Constituency, Chairman of Beshdeli village municipality Elman Sultanov and local executive representative of the village Amanulla Alakbarov ordered people to post election posters of candidate Adalat Yusifov.
- On 20 October, local entrepreneurs in Mehdili village refused to post campaigning materials of independent candidate from 65<sup>th</sup> Saatli-Sabirabad-Kurdamir in their shops and other estates. The candidate argues that the entrepreneurs did this due to the order given by the son of local executive representative Akif Boyukkishi.

#### **C) Destruction of campaign materials**

- On 24 October, Zahidov Faig, local executive representative of Garajalar village of Saatli region, and Eyvaz Asadov, local executive representative of Varkhan village, destroyed the posters of Ismayil Yusifov, candidate from 65<sup>th</sup> Saatli-Kurdamir Constituency. The same happened in Marzali, Dallar, Alisoltanli, Potubayli and Baylar villages.
- On 28 October, posters of candidate from 10<sup>th</sup> Binagadi Constituency Gorkhmaz Ibrahimli in were destroyed Binagadi settlement.
- On 30 October, campaign materials of all candidates were disposed of streets in the area of the 59<sup>th</sup> Salyan constituency. Chairman of the ConEC said that all posters are taken off due to the president's visit to the region.
- On 1 November, posters of Aida Bandaliyeva, candidate from 47<sup>th</sup> Mingachevir Constituency, were ripped. However, posters of another candidate from the same ConEC Aydin Mirzazade were displayed even in the area of the neighboring 49<sup>th</sup> Yevlakh-Mingachevir Constituency.
- On 29 October, campaign materials of Aslan Ismayilov, independent candidate from 20<sup>th</sup> Narimanov Second Constituency, displayed in front of his election headquarter were destroyed. The same incident happened on 30 October in front of his another election headquarter located in Hasanoghlu street. Large portrait of the candidate and other campaign materials were tarnished by paint.

#### **D) Attendance in the Election Commissions**

- On 18 October, PECs # 11 and #12 of 4<sup>th</sup> Nakhchivan City Constituency were closed from 14:00 to 14:30.
- On 20 October, PECs # 1 and #2 of 10<sup>th</sup> Binagadi Third Constituency were closed from 15:00 to 16:15.
- On 18 October, PECs # 17, 18 and 19 of 7<sup>th</sup> Ordubad-Julfa Constituency were closed at 16:00.
- On 15 October, PECs # 29 and 30 of 27<sup>th</sup> Sabunchu Second Constituency were closed at 16:00.
- On 14 October, PECs # 3 and 22 of 33<sup>rd</sup> Khatai First Constituency were closed at 15:30.
- On 15 October, in the PECs #1, 3 and 4 of 34<sup>th</sup> Khatai Second Constituency none of the commission members was present at 16:00.
- On 18 October, in the PECs # 3, 4, 5 and 6 of 13<sup>th</sup> Khazar First Constituency none of the commission members was present.

## **VII. CONCLUSIONS AND RECOMMENDATIONS**

**Having analyzed the results of its observation of the second stage of the 7 November 2010 Parliamentary Elections, election campaigning process, EMDS comes to the following conclusions:**

- During the election campaigning process no positive steps were taken with respect to the political freedoms, especially freedom of assembly and freedom of expression and media.

- Election campaigning process was accompanied with interference of local executive authorities, abuse of administrative resources, and violation of the principle of equality among candidates.
- The rate of attendance among members of Constituency Election Commissions increased; however, this was not the case among members of Precinct Election Commissions.
- In some ConECs, voter lists were not updated and some PECs displayed old voter lists.
- In some cases, the Central Election Commission adopted decisions on the matters beyond its jurisdiction.
- Delays and limitations in registration of local observers were noted.

**Recommendations of EMDS regarding the next stage of the 7 November Parliamentary Elections – the Election Day:**

- All persons who are responsible for violations occurred during the election campaigning process should be fully liable for their actions and be punished in accordance with law.
- Election commissions should ensure proper conditions for observers to conduct observation of the election process on the Election Day.
- Election commissions should ensure proper conditions to avoid pressures against election participants.
- The government should demonstrate a determined political will to prevent interference in voting, counting of votes, and tabulation processes by local executive authorities and other bodies on the Election Day.

**Executive Board,  
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**Baku  
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