



STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI) ON AZERBAIJAN'S 2003 PRESIDENTIAL ELECTION

October 17, 2003

This statement is offered by the National Democratic Institute for International Affairs (NDI) as part of its assessment of the processes surrounding Azerbaijan's October 15, 2003 presidential election. NDI will issue reports on the post-election phase as appropriate. All of NDI's statements concerning Azerbaijan's election processes can be found at www.ndi.org.

NDI sent an assessment team to Azerbaijan from October 11-17, 2003, to augment its staff presence over the election period. The team supported the efforts of the OSCE/ODIHR Election Observation Mission and participated in its election day observation effort. NDI generally concurs with the Preliminary Findings contained in the October 16 Statement of Preliminary Findings and Conclusions issued jointly by OSCE/ODIHR and the parliamentary assembly delegations of the OSCE and the Council of Europe. NDI's election assessment activities are conducted on the basis of international standards for nonpartisan election monitoring, including strict adherence to the principles of impartiality and accuracy, and the team conducted its activities in accordance with Azeri law. NDI recognizes that ultimately it is the people of Azerbaijan who will judge the legitimacy of the election process and its meaning for the future of their country.

COMMENTS ON THE 2003 PRESIDENTIAL ELECTION PROCESS

The 2003 presidential election process in Azerbaijan did not meet minimum international standards and Azerbaijan's commitments to organize democratic elections. This was an important but failed opportunity for moving Azerbaijan toward democratic governance.

The pre-election period did not provide the basis for fair political competition. Intimidation, incidents of violence and restrictions on political rallies documented by OSCE/ODIHR and other sources undercut a free atmosphere, even as candidates campaigned. Candidates received some access to the media, but this was offset by overwhelmingly disproportionate, favorable media coverage of Ilham Aliyev, the Prime Minister and son of President Heydar Aliyev. Election commissions at all levels continued to be dominated by pro-government majorities, which engendered distrust in the process.

Although voting was generally calm, widespread disenfranchisement of voters due to omissions on the voter lists in polling stations across the country, additions of persons to the voter lists in other polling stations on election day and other serious irregularities undermined the integrity of the voting process. The counting and tabulation processes also were affected by serious irregularities, including the failure to complete protocols (tally sheets) at polling stations and provide copies of them to party/candidate agents and election observers.

Election night was marred by violence, when police assaulted supporters of ANIP and Musavat, two leading opposition political parties, who were gathered peacefully in front of their respective party headquarters in Baku. Clashes between police and opposition supporters continued in the wake of the election, with a significant number of injuries and the reported deaths of two persons.

Violence has no place in a democratic political process. Governmental authorities have an obligation to respect the right to political expression through peaceful assembly, just as political leaders and activists have an obligation to respect the law and the rights of others when demonstrating in protest over grievances. NDI calls on the government and security forces to demonstrate utmost respect for the civil and political rights of all citizens in this tense post-election period. The Institute calls on all of Azerbaijan's political leaders to exhort their supporters to respect the rights of others and to refrain from using violence.

There are credible reports of arrests of opposition supporters in regional districts around the country. Among those reportedly detained were opposition party members of Precinct Election Commissions (PECs) and Constituency Election Commissions (ConECs), who refused to sign protocols on election night. OSCE/ODIHR reports that it is investigating the allegations and has thus far confirmed a number of arrests. This particularly troubling development would prevent political parties from analyzing election data and pursuing peaceful redress of complaints. It also reinforces the atmosphere of intimidation that affected the pre-election period.

There were some positive elements in the presidential election process. The eight presidential candidates presented the electorate with a choice at the ballot box. Campaigning took place around the country even in the face of restrictions on opposition rallies and inequitable conditions, and candidates were able to openly criticize the government. Significant numbers of people attended campaign events in numerous places. Legal provisions for free access time for the candidates on State TV were respected. Logistical preparations by the election authorities were generally well organized. Several factors added transparency to the election process: introduction of transparent ballot boxes; legal requirements to provide copies of precinct protocols to party/candidate agents and observers; requirements to post copies of protocols at the precincts; and the publication on the Central Election Commission's (CEC) website of precinct-level election results upon receipt from the subordinate election commissions.

Transparency, however, was diminished by the delay well beyond legal deadlines for distributing and posting of voter lists and by the omission of legally required information, such as addresses, from the lists. This denied prospective voters an effective opportunity to check and correct the lists, thus setting the stage for widespread disenfranchisement on election day. The CEC's decision to allow the PECs to add names to the voter list up to 24 hours before election day did not remedy this problem and created potential for multiple voting and other irregularities. In addition, in numerous polling stations officials added people to voter rolls on the spot, which created further opportunities for illegal voting.

Transparency was also undermined by the government's failure to meet its commitments under the OSCE's 1990 Copenhagen Document to allow citizens to freely associate and to participate in governmental and public affairs through domestic nonpartisan election monitoring. The Election Code provides for accrediting Azeri nonpartisan election monitors; however, the Law on Public Unions and Foundations prohibits domestic NGOs from being accredited as election observers if they received funding from foreign sources. This effectively blocks the country's most established monitoring organization, For the Sake of Civil Society, and other respected groups from accrediting observers in their organizations' names. Such prohibitions violate various commitments made in the Copenhagen Document and stifled planning for comprehensive, rapid monitoring activities.

The government also failed to honor its commitment under the Copenhagen Document to invite "any appropriate private institutions and organizations" that wish to observe its elections. NDI

sought an invitation from the government of Azerbaijan to send a full international election observer delegation to the October 15, 2003 election. The Azeri government refused to issue such an invitation to the Institute, despite numerous appeals on NDI's behalf by respected U.S. political leaders. NDI has organized international election observer delegations to more than 50 countries and has earned a reputation for impartiality and accuracy. NDI was invited and organized pre-election and international election observation delegations for Azerbaijan's 2000 parliamentary and 1998 presidential elections.

The government of Azerbaijan has for some years had the capacity to organize democratic elections but has failed to demonstrate sufficient political will to do so. Many of the problems in this election were particularly troublesome because they were identified in past elections.

The immediate post-election period presents a critical challenge for the government and the next president of Azerbaijan. Effective steps must be taken to investigate irregularities and alleged falsifications in the presidential election process. Appropriate remedial action is required. Political parties must be allowed to gather and analyze election protocols, as well as to formulate and pursue election-related complaints. The government must demonstrate its commitment to an open political process and ensure that the shadow from widespread intimidation is immediately removed.

Further Information about NDI's Election Assessment Activities in Azerbaijan

In the pre-election period, NDI issued: three Azerbaijan election watch reports; a statement on inappropriate Azerbaijani legal prohibitions against accrediting domestic NGO election observer organizations that receive foreign funding; and a statement on legal considerations concerning the controversy over the composition of Azerbaijan's election commissions. In 2002, NDI, together with Azeri nonpartisan election monitoring groups, offered recommendations for election law reform. The latter activities were conducted in light of efforts by the OSCE/ODIHR, the Council of Europe's Venice Commission, IFES and other international organizations.

The NDI assessment team that was present over the October 15 election period included: Sam Gejdenson, who served for 20 years as a member of the U.S. Congress and is a member of NDI's Board of Directors; Alexander Longolius (Germany), who served for 18 years in Berlin's House of Representatives, including as President Pro Tem; Patrick Merloe, NDI Senior Associate and Director of Electoral Programs; Kathryn Gest, Executive Vice President for International Issues at Powell Tate/Weber Shandwick and member of the board of directors of the U.S. National Press Foundation; Marty Stone, U.S. Democratic legislative and political campaign specialist; and Denis Pyatigorets, a leader of the Committee of Voters of Ukraine. The team joined Senior Program Manager Tom Barry and Program Assistant Chandra Luczak, from NDI's Washington office, and NDI's Baku office staff. The team conducted a series of more than 23 meetings with Azeri civic and political leaders, the Chairman and Deputy Chairman of the Central Election Commission, members of the diplomatic corps in Baku and representatives of international organizations concerned with the election. On election day, the team members observed the voting and counting processes in more than 50 polling stations in the Baku area and participated in OSCE/ODIHR debriefing activities.

NDI has maintained ongoing programs to strengthen political parties across a broad spectrum and to promote the activities of civic organizations in Azerbaijan since 1995. The Institute will continue to offer assistance to those working to advance democratic processes in Azerbaijan.