

# **ELECTION MONITORING CENTER**



## **PRELIMINARY CONCLUSIONS**

**On the Election Day monitoring of  
Third elections to the Milli Majlis of the  
Republic of Azerbaijan, held on November 6, 2005**

**BAKU - 2005**

## **I. INTRODUCTION**

The Election Monitoring Center (EMC) is an alliance of 14 non-governmental organizations (NGOs) and civil groups working for free and fair elections in Azerbaijan. EMC is the largest non-partisan monitoring organization in Azerbaijan.

EMC has observed 6 elections in Azerbaijan including the 2001-2003 parliamentary by-elections, the 2002 referendum, the 2003 Presidential elections; and the 2004 municipal elections.

EMC carried out pre-election monitoring of the 2005 Parliamentary Elections from July to November 5th through its 12 regional offices, 24 regional representatives, 108 election district coordinators, and 190 volunteers. EMC published 12 reports on its pre-election observations and issued two reports on the first two phases of the election - candidate nomination and registration and the pre-election campaign period.

EMC deployed 2115 observers on Election Day in 2186 precincts. EMC conducted 85 trainings for the registered observers.

## **II. SUMMARY OF CONCLUSIONS**

The Election Monitoring Center has reached the following conclusions on the assessment of the Elections to the Milli Majlis of the Republic of Azerbaijan held on November 6, 2005.

- Serious violations were observed during the pre-election campaign. Candidates were not given equal opportunities to campaign during this period and interference by local authorities was widespread.
- On Election Day violations were observed during the voting, the counting, and tabulation of the results which seriously impacted the results of the elections;
- On Election Day many election commissions did not follow the election law and did not act in a non-partisan nature;
- Election commissions and prosecutor's offices did not treat election complaints seriously and did not take the necessary measures to correct those complaints;

**After reviewing the preliminary information, the Election Monitoring Center comes to the following opinion regarding these elections:**

- The character and scale of the violations which took place during the Elections to the Milli Majlis of the Republic of Azerbaijan held on November 6, 2005 casts doubt upon the results of the elections in the majority of the election constituencies. It is EMC opinion that the results in the majority of election constituencies do not reflect the will of the voters.
- These elections were not free, fair and democratic.

## **III. ELECTION DAY OBSERVATIONS**

The EMC deployed 2115 observers on Election Day in 2186 precincts throughout 124 election districts. Election day observers stayed in the polling stations from opening to closing.

On Election Day, the EMC issued two press releases on the voting process. EMC observers reported that in most precincts voter turnout was very low.

EMC observers found serious violations of the law during both voting and the vote-counting procedures. Reports received so far could be classified in the following order:

• **Interference of the local executive authorities and police in the election process:** These types of violations occurred in 752 election precincts. These violations include officials attempting to influence voters and election officials, and police staying in polling places against legal prohibitions.

• **Bringing voters in groups to vote and participation of voters living in other areas in the voting process:** This type of violation was observed in 643 election precincts. Voters appeared to have been organized by government officials and brought en masse to influence the outcome of the election.

• **Missing names in voter lists:** As EMC reported before the Election Day voter lists appeared not to have been updated since the last election. Not surprisingly EMC observes noted problems with the voter lists in 816 election precincts.

• **Intimidation of observers:** Observers being verbally harassed, threatened, and in some cases beaten and removed from polling stations occurred in 157 election precincts that EMC observed. One EMC observer was beaten in precinct #64 of ConEC #84 and another in precinct #22 of ConEC #31.

• **Voters voting without proper identification documents:** Voters not displaying proper identification but still allowed to vote occurred in 135 election precincts.

• **Violation of the secrecy of the ballot:** Voting taking place in view of election commissioners or election commissioners and other unauthorized people entering the voting booth with voters occurred in 325 election precincts.

• **Intimidation of Voters:** Voters being ordered by authority figures to vote for certain candidates occurred in 697 election precincts.

• **People campaigning in favor of candidates at the election precinct:** Campaign staff standing outside and inside polling stations asking voters to vote and in some cases offering money to voters occurred in 511 precincts.

• **Violations during the voting and vote-count process:** These types of violations were observed in 468 election precincts. This includes such things such as ballot stuffing, counting the ballots in secret, and commissioners refusing to sign protocols.

• **Intimidation of members of election commissions:** These types of violations were observed in 338 election precincts. This includes commissioners being threatened by local government officials and being threatened by other commission members.

#### **IV. PRE-ELECTION ENVIRONMENT**

##### **A. Putting forward candidacies and registration of candidates**

According to information from the Central Election Commission (CEC), 2237 individuals obtained signature lists from District Election Commissions (DEC). 2148 submitted signatures and registration papers and 2063 of these individuals were registered as candidates for the Parliament. Since then 495 candidates withdrew their candidacies and 41 people had their candidacies cancelled by the courts leaving 1544 authorized candidates for the parliamentary elections.

EMC did not observe any serious violations of the law that would seriously affect the elections during this phase. In comparison to the previous elections the process of registering candidates went smoothly and all candidates were registered regardless of their political affiliation.

## **B. Pre-Election Campaign**

### **Correction of voter lists and distribution of voter cards:**

EMC observers found many problems with the voter lists in most election precincts. Voter lists did not seem to have been updated since the last election and many voters who had moved or had passed away were still included in the lists. In contrast, voters who were eligible to vote had been left off the lists. Voter cards were also not distributed correctly in most precincts. EMC observers reported that voters received multiple cards, received cards containing mistakes, or never received a voter card at all.

### **Illegal Distribution of Goods:**

In the majority of election districts candidates distributed goods and performed public services in order to persuade voters. In some cases EMC observers observed candidates giving money directly to voters.

### **Interference of Local Executive Authorities**

Local executive authorities openly campaigned on behalf of candidates by ordering their staff members to distribute campaign material and holding campaign strategy meetings in their offices. They also allowed some candidates to use government resources such as cars to conduct their campaign.

### **Freedom of Assembly:**

During the process of election campaigning, many candidates, political parties, and political party blocs were restricted from holding voter meetings or conducting rallies both in Baku and in the regions. Candidates were often denied permission to hold voter meetings or given inadequate facilities to conduct their voter meetings in. Other times candidates had their voter meetings broken up by the police or other local officials. Several rallies were also violently dispersed by the police leading to the arrests and beatings of hundreds of people.

### **Work of election commissions:**

Analysis of information on the work of election commissions received by EMC shows that no positive change in the work of election commissions was observed since the last election. Just as in the previous elections, election commissions willfully violated the law and did not fulfill their duties.

Campaign violations were seldom investigated and those people found violating election law were not punished.

### **Withdrawing of Candidacies**

One of the especially noteworthy issues that happened during this phase was the decrease in the number of candidates towards the end of campaigning period. Many candidates had their candidacies annulled by the courts or withdrew their candidacies after pressure from government authorities.

## **V. RECOMMENDATIONS**

**Election Monitoring Center puts forward the following recommendations regarding the situation with the Parliamentary Elections held on November 6, 2005.**

- All Election Day violations should be investigated objectively and serious measures should be taken as soon as possible;
- The persons who made violations on the election day should be called to account in the way determined by the law.

## **VI. SOME INFORMATION ON THE ELECTION DAY MONITORING:**

*Pressures on the members of Election commissions, observers and representatives of the candidates.*

- In PEC #6 of Nizami (Ganja) ConEC #38, the policemen entered the polling station with machine-guns. They do not admit anyone in. The ballot papers have not been counted; all have been removed from the precinct. The armed police have been in the precinct since 12:40 and they have counted the votes. No-one has been given a protocol.
- In PEC #15 of Goychay-Agdash ConEC #89, on November 7<sup>th</sup>, the observer Seymour Kazimov was taken from his house by the employees of the Prosecutor's Office.
- On November 5<sup>th</sup>, Azer Aliyev, chief of Khudat Police Department intimidated Yashar Aliyev, the EMC coordinator on Khachmaz region.
- In PEC #12 of Nizami second ConEC #38, the observer Ahahla Abdullayeva was put pressures.
- The observers were not allowed to take part in the counting of votes in 7 PECs of Nizami (Ganja) second ConEC #38. The same case took place in the PECs of Nizami first ConEC #37.
- Mikail Humbatov, an observer of "Azadlig" bloc was influenced in the PEC #5 of Saatli ConEC #62. He was involved in the conflict when he protested against them.
- The observer Nazim Atakishiyev was removed from the precinct by the Chairperson and 2 commission members as the counting of votes started at 19:00 in the PEC #23 of Garadag-Binagadi-Yasamal ConEC #12. The police did not come after they were called.
- The police officers entered the PEC #24 of Khatai second ConEC #34 at 16:50 and interrogated the observers there.
- The EMC observer Abdulla Abbasov was removed from the precinct in PEC #3 of Agdash ConEC #90 at 18:50.
- Mikail Abdullayev, a member of PEC #27 of Goychay-Agdash ConEC #89, was subject to pressure as he rejected to sign the protocol.
- The observers and 3 people from the opposition parties were not allowed to take part in the counting process of votes and expelled from the precinct in the PEC #2 of Nizami (Ganja) second ConEC #38.

- The executive representative pressed the commission members, independent and opposition observers and campaigned in favor of the candidate Aslan Shahverdiyev in PECs # 1, 2, 15, 21, 42, 49, 50, 52, 53, 54, 61, 62 and 68 of Jabrail-Gubadli ConEC #120. The executive representatives filled out the ballot papers themselves and cast in the ballot boxes.
- The police entered the PECs #22 and 23 of Surakhani ConEC #31 and physically pressured all the journalists, beat up 3 cameramen and the EMC coordinator in this ConEC.
- The EMC observer Abdurahman Suleymanov was beaten up at 20:00 in the PEC #63 of Fizuli ConEC #84.
- The EMC observer Abusalat Mammadov was beaten by the civil-clad executive representatives in PEC #13 of Khachmaz city ConEC #55. But in PECs # 6 and 10 of this ConEC, the observers were removed from the polling station.
- There was given 3 ballot papers to a voter in the PEC #35 of Nakhichevan ConEc #4. When the APFP secretary Kenan Orujov protested against it, the police were called and beaten up by them.
- The authorized representative of the candidate Badirkhan Haqverdiyev used physical force against the journalist Chinghiz Yusifov who was taking a film in the PEC #22 of Absheron ConEC #45 and broke his video camera. The same person pressured the EMC observer Samir Ismailov and intimidated him. The observer got angry and felt very bad. After the doctors' aid, he regained his consciousness.
- The brother of the Chairperson of PEC #73 of Yardimli-Masalli village ConEC #72, have beaten up the precinct members Emnar Hasanov and Matlab Dadashov at 14:30. After that the commission members have left the precinct. At present, only 4 commission members are working there.
- The commission member Ibadov was beaten up in the PEC #10 of Lenkoran village ConEC #74.
- The observers were pressured and expelled from the polling station in PEC #28 of Agjabadi-Agdam ConEC #83.
- The observers were let 40 min. later in PEC #23 of Tartar ConEC #95.
- The observer Murad Asgaorv was not allowed in the precinct in PEC #1 of Jalilabad-Masalli-Bilasuvar ConEC #69.

### **Organization of the PECs**

- The power was cut off and the lights were switched off a day prior to the elections in PECs #2, 7, 8 and 10 of Masalli city ConEC #70.
- The lights were switched off between 17:10 and 17:30 in all 36 PECs of Khachmaz village ConEC #56.

### **Participation of the electorate in the repeated voting**

- A voter took part in the repeated voting for 2 or 3 times in PECs 12, 16 and 19 of Tovuz-Gazakh-Agstafa ConEC #106.

### **Irregularities in the election procedures**

- The ballot papers were issued to the voters beginning from 11:20 in the PEC #13 of Khatai first ConEC #33.
- The ballot boxes were made from wood in the PECs #1, 2 and 3 of Sharur-Sadarak ConEC #1. But the given transparent boxes were distributed to the polling stations of Nakhichevan Autonomous Republic to use in the elections to the Supreme Council of the autonomous Republic.
- 147 more ballot papers were found out in the Chairperson's safe in PEC #8 of Nizami first ConEC #37. The ConEC Chairperson and the police came at 16:00 and stopped the voting in that precinct.
- 28 ballot papers were issued with false applications for the mobile ballot box in PEC #21 of Yevlakh ConEC #48.
- In PECs #22, 23, 24, 25 and 26 of Nakhichevan ConEC #4, the electricity was cut off and the voting process was continued in this condition.
- The candidate Gular Ahmadova's placards are displayed at the entrance of PECs #23 and 25 of Yasamal first ConEC #15.
- The voters' fingers were inked when asked in PEC #28 of Nasimi-Sabail ConEC #23.
- Sabir Maharramov, the PEC chairman didn't allow the ballot papers to be counted when the elections started and put them in his safe in PEC #13 of Agjabadi ConEC #82.
- The voters' fingers were inked after the voting began in PEC #16 of Barda city ConEC #93.
- The immovable ballot boxes were not sealed in PEC #16 of Gobustan-Khizi-Guba ConEC #50.
- In PEC #5 of Absheron ConEC #45, the ballot papers were taken from the chairman's room to the polling station at 8:45.
- The ballot boxes were sealed without being shown to the observers in PECs #19, 20 and 33 of Sumgait second ConEC #42.
- The commission members representing the Popular Front Party were not allowed into the precinct in PECs #3 and 4 of Khanlar-Dashkasan ConEC # 101.
- In PEC #6 of Balaken ConEC #109, at 19:00, the PEC Chairperson and commission members removed the observers from the precinct and took the ballot boxes into their rooms. This situation lasted till 19:45.
- In PEC #50 of Jabrail-Gubadli ConEc #120, at 17:10, 100 ballot papers were cut in the chairman's room and distributed to the voters.
- The candidate was taken to the Police department in PEC #6 of Babek-Kangarli ConEC #3.
- The ink detector did not work at 17:00 in the PECs #2 and 3 of Sumgait-Absheron ConEC #44.
- There were 114 ballot papers less in PEC #4 of Agdam village ConEC #119 and 200 papers less in PEC #20. The protocols are not given as they can not compile it.
- In PEC #5 of Zanghilan-Gubadli ConEC #125, the voting process continued till 19:30 and the mobile box was not delivered to the polling station.

- Maharram Ismailov, chairman of PEC #6 of Nizami (Ganja) second ConEC #38, first counted the ballot boxes and then mixed the ballot papers. But does not create an opportunity to recount them.
- The voters were issued ballot papers without their citizen ID cards in PECs # 20, 22 and 26 of Sharur ConEC #2.
- The voting began without counting the ballot papers in PEC #22 of Agdam village ConEC #119.
- The mobile ballot boxes were not sealed in PEC #7 of Gazakh ConEC #107.

### **Casting of false ballot papers in the ballot boxes**

- Though 316 people voted in PEC #13 of Nasimi second ConEC #22, 417 papers were taken out of the ballot box.
- In PECs #19 and 20 of Nizami (Ganja) second ConEC #38, at 19:00, Afgan Zeynalov, director of the school #31, took the ballot box to his room, broke the seal and counted the votes alone. The observers were removed from the polling station at that time.
- A voter by name Rashid was caught with 4 ballot papers in his hand and acted in PEC #2 of Sharur ConEC #2.
- The voters were issued edges cut ready ballot papers in PEC #31 of Nakhichevan ConEC #4. Ibrahim Huseynov, secretary of the commission from APFP was expelled from the precinct.
- No protocols were filled out in the precincts of Samukh-Sharur ConEC #102 and the counting of votes was begun in that ConEC.
- In PEC #134 of Zanghilan-Gubadli ConEC #125, there were only 4 ballot papers in the portable ballot box but the edges cut from the papers were hidden and not shown to the observers.
- The chairman of PEC #7 of Khatai fourth ConEC #36 gave 8 voters 16 ballot papers at 17:00.
- The ballot paper of a healthy person was taken from the mobile ballot box in PEC #20 of Masalli village ConEC #71.
- The chairman of PEC #31 of Aglabadi ConEC #82 cast 531 ballot papers in favor of Tahir Rzayev and Talat Khalilov at about 19:30.
- The PEC chairman distributed some voters the ready ballot papers in PEC #23 of Nakhichevan ConEC #4

### **Interference of Local Executive Authorities and Police**

- All the observers were expelled from the polling stations in Sharur-Sadarak ConEC #1 and Sharur ConEC #2 at 18:00.
- In Shaki village second ConEC #115, at 12:00, there took place a conflict between the election commissioners and Majnun Shukurov's people. The conflict was settled after the police involved in the row.



- In PEC #6 of Khachmaz village ConEC #56, chief of the village council Jafar Azimov stood in front of the polling station and called the visiting people to vote in favor of Nizami Khudiyev.
- In PECs #1, 2 and 3 of Jalilabad village ConEC #68, Tahir Garayev, local executive representative in Alar village, visits the precincts and campaigns in favor of Mirkazim Kazimov. Even Baghish Mustafayev, chairman of the village Municipality Council, brings the voters to poll in his cars.
- In PEC #21 of Bilasuvar ConEC #66, the voter Shirzad Agayev could not vote. Because the local executive representative collected the cards.
- In PEC #63 of Fizuli ConEC #84, the local executive representative Fazil Khankishiyev came to the polling station just before the voting began and the voting process was announced to start after the same man left the precinct at 8:45.
- In PECs #8 and 14 of Goychay-Agdash ConEC #89, the representatives of Goychay region Executive Power and chief of the Insurance Company visited these precincts and gave instructions to the PEC chairmen. In PEC #7 of this ConEC, Sahib Shukurov, head of the regional Sport-Tourism Office, was in the polling station with an observer card.
- In PEC #19 of Nasimi second ConEC #22, the observers of the EMC and other parties and organizations were repelled from the precinct with the help of police.
- In PEC #13 of Nasimi second ConEC #22, 3 people representing YES “Azadlig” bloc and an independent observer were arrested at 19:00 and taken to the Police Department #20 for protesting against the irregularities. The observers were not let in while the protocols being filled out. The rest of the observers were intimidated that they would also be arrested as other observers if they protested against them.
- The chairman of PEC #23 of Nasimi second ConEC #22 Mr.Miri and commission members took the ballot boxes into their study and did not let anybody in. Police stood in the polling station and prevented the observers from entering the station.
- The ink was not used in PEC #8 of Nakhichevan ConEC #4. After 10:00, the executive representative brought the citizens to vote for the candidate Eldar Ibrahimov.
- The civil-clad police walk in PEC #29 of Nakhichevan ConEC #4. At 09:30, the name of the executive representative is included in the voter list despite he doesn't live in Nakhichevan. Other people vote in place of them.
- In PECs # 33 and 35 of Babek-Kangarli ConEC #3, the chief of Babek region Tax Department and local Executive Authority have sat in the precinct all day. They called different people and asked them to vote in favor of Sattar Mehbaliyev.
- In PECs #20 and 22 of Binagadi ConEC #8, at 18:50, the police officers entered the precinct and interfered with the voting process.
- In PECs #6 and 7 of Sumgait-Absheron ConEC #44, at about 17-18, the executive representative Ramiz Hasanov instructed the election commissioners interfering with the elections.

- In PEC #15 of Gobustan-Khizi-Guba ConEC #50, at about 17-18, Maraza executive representative gave instructions to the commission members.
- In PEC #3 of Narimanov first ConEC #19, a group of bullies and policemen expelled all the observers. They tried to get the acts from the EMC observer but failed. As to the preliminary report, Sulhaddin Akbar, a candidate from “Azadlig” bloc won all the votes in that ConEC.
- In PEC #7 of Surakhani second ConEC #31, Khalil Ahmadzade came to the precinct at 20:35 and interfered with the counting process.
- In PEC #22 of Surakhani second ConEC #31, the policemen entered the polling station and took the ballot papers at 21:10.
- In PEC #52 of Jabrail-Gubadli ConEC #120, the policemen entered the station and took the ballot boxes and papers and expelled the observers at 21:00.
- In PECs #5, 6, 11, 12, 13, 15 and 21 of Khatai fourth ConEC #36, the protocols were stolen by the police officers and taken from there.
- In PECs #5, 6 and 7 of Surakhani second ConEC #31, the representatives of the Education Department and school principals stole the protocols and got away.
- In PECs #4, 13, 27 and 29 of Khachmaz village ConEC #56, the police interfered with the work of the precinct and did not count the ballot boxes under the management of the Chairperson.

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