



Election Monitoring Center

Azerbaijan Parliamentary Election, November 6, 2005

Briefing Paper on Findings

The Election Monitoring Center (EMC) is the largest non-partisan organization working for free and fair elections and democracy in Azerbaijan. EMC has monitored 4 previous elections in Azerbaijan including the 2003 Presidential Elections.

EMC conducted both long and short-term election monitoring of the November 6th, 2005 Parliamentary Elections in Azerbaijan. EMC maintained 12 regional offices, 98 long-term observers, and deployed 2,115 observers on Election Day. Long-term observation was conducted in 115 of the 125 election districts and short-term observation was conducted in 2,315 of the 5,139 precincts.

EMC observations show that the 2005 parliamentary elections were not free and fair.

Major election violations were observed in the majority of election districts during the pre-election period and on Election Day. As a result, EMC considers the parliamentary elections to have failed to meet either the requirements of the national legislation of the Republic of Azerbaijan or international standards.

To access EMC's full Election Report please visit <http://www.emc-az.org/eng/election2005-6.html>

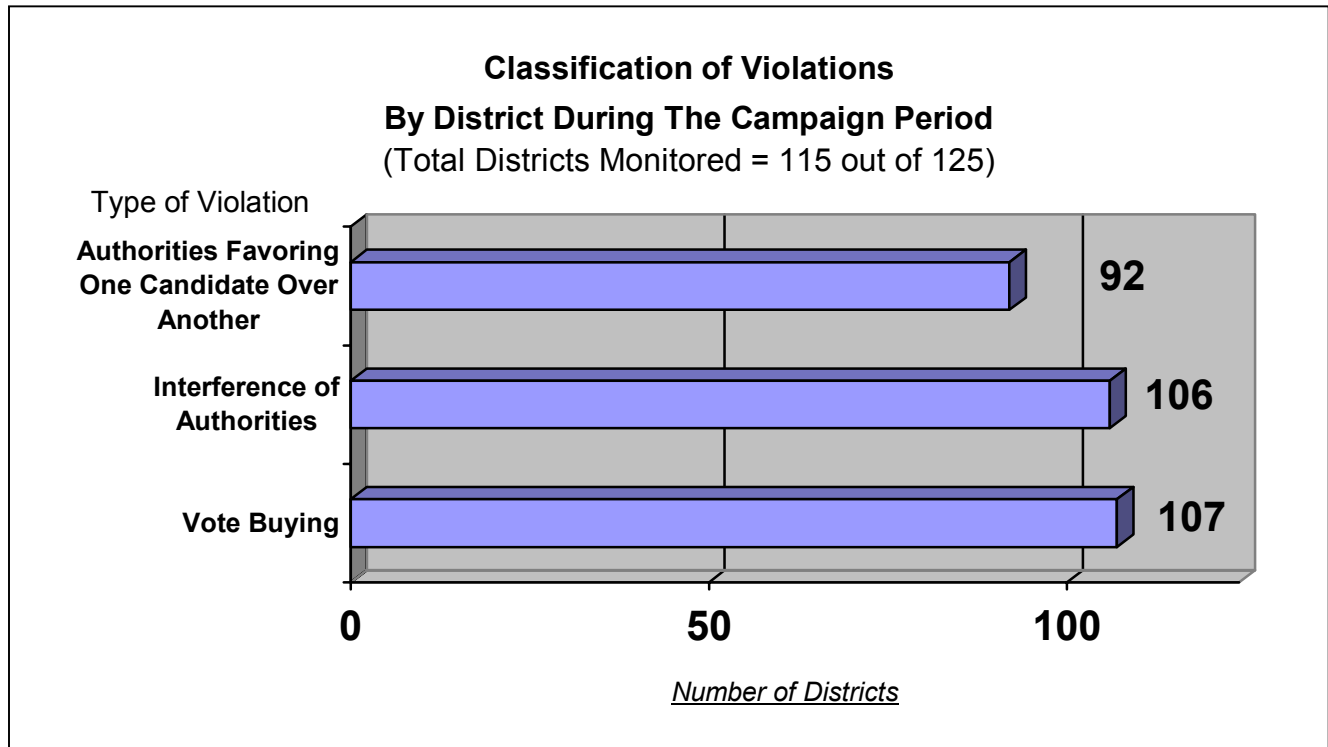
MAJOR OBSERVATIONS – PRE-ELECTION PERIOD

In all 115 districts where EMC conducted long-term observation, major violations of the Election Law were observed. At the end of the pre-election period, given the widespread violations of law and the government's unwillingness to investigate or prosecute those responsible, EMC considered it doubtful that free and fair elections could be conducted. The only exception to this was the process of nominating and registering candidates, which went relatively smoothly.

Major violations observed by EMC included:

- In 85% of election districts candidates' illegally distributed goods and provided free services in order to persuade voters. In some cases, candidates distributed money to voters in exchange for their support.
- In 84% of election districts representatives of the local government interfered in the election process. This included government officials actively campaigning on behalf of certain candidates or ordering other government employees to vote and campaign for certain candidates.
- In 73% of election districts there were instances of the local government publicly favoring one candidate over another.

With only a few exceptions, election commissions did not investigate election complaints or punish those responsible for violating the election law.



Freedom of Assembly

Political parties and candidates faced significant obstacles conducting rallies in Baku and in the regions. Authorities often insisted that candidates hold rallies at venues far from major population centers. While several rallies were conducted peacefully, the police broke many up. For instance, the Azadliq bloc held rallies without official permission on September 24th, 30th, October 1st, 9th, and 23rd in Baku. These rallies were broken up with extreme force by the police, resulting in the arrests and beatings of hundreds of candidates and their supporters.

Intimidation

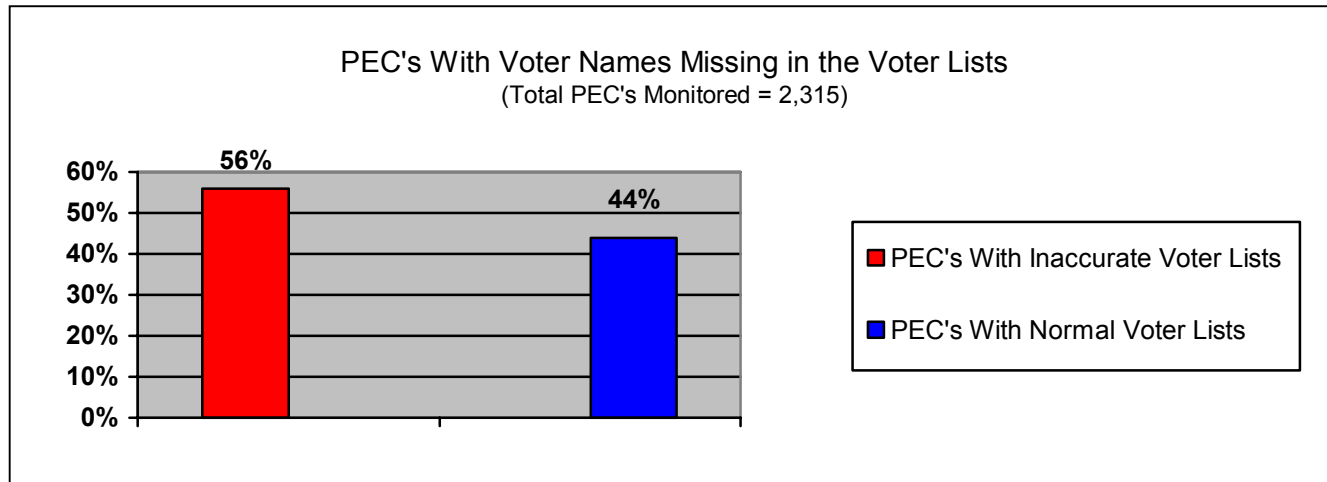
Violence against campaign participants was not limited to rallies. Candidates and their supporters were also subjected to physical and verbal intimidation. EMC observers were informed of candidates being detained by the police. In some regions candidates also had their headquarters ransacked by the police. The pressure experienced by candidates culminated in 478 candidates withdrawing their candidacies shortly before the elections. Many candidates reported that they did so under direct pressure from government representatives.

Voters Lists

During the 2003 Presidential Election problems with incomplete or inaccurate voter lists were a significant problem. The situation was not improved during this election. While the problem was more severe in some precincts, EMC observers reported that in those precincts where voter lists were

inaccurate an average of 60 people per precinct could not find their names in the voter lists. While some people were able to go to the court on Election Day to correct this problem many did not or were unable to.

EMC conservatively estimates that 120,000 people were disenfranchised on Election Day because of inaccurate voter lists.



MAJOR OBSERVATIONS – ELECTION DAY

Like the pre-election period, Election Day was characterized by serious fraud in a majority of election districts. However, there were few violations observed during the opening of the precincts. Voting started late in only 34 election precincts and the majority of precincts had the necessary inking equipment and other election materials.

The number of election law violations and the severity of the violations increased as Election Day progressed with many serious violations occurring during the counting of ballots. EMC observers noted falsifications in the tabulation of votes in 971 (41%) of the precincts EMC monitored. Major Election Day violations documented by EMC include:

- Voters being allowed to vote without presenting proper identification (69% of precincts)
- Ballot stuffing by election commission members and others (36% of precincts)
- Candidates or candidate's advocates illegally campaigning in front or inside polling-stations (69% of precincts)
- Police or local executive authorities interfering in the election process either by giving orders to election commissioners or intimidating and removing observers (77% of precincts)
- Election commissions counting ballots in private and not in front of election observers as required by law (39% of precincts)

- Not announcing election results or displaying final protocols (31% of precincts)

EMC obtained 1,870 final protocols and compared them to the official results posted on the website of the Central Election Commission. After this comparison, EMC noted inconsistencies in 470 protocols. These inconsistencies included changes in the number of votes cast per candidate and the number of votes cast at the precinct. EMC considers it very likely that these protocols were falsified in order to elect certain candidates.

MAJOR OBSERVATIONS – POST-ELECTION RESULTS

Two days after the election the CEC received 538 complaints. This number could be much higher since the CEC sent many of the complaints to the District Election Commissions to be investigated. However, the majority of the complaints were not investigated and none of the official observer acts were investigated as well.

The CEC sent its final protocol on the elections to the Constitutional Court on November 23rd. The CEC invalidated the results of 4 districts and changed the official winner in two districts after annulling the results in several precincts.

After the decision 52 complaints concerning the decision of the CEC were submitted to the Court of Appeals, but the court dismissed all of them. Thirty-eight petitions were then submitted to the Supreme Court concerning the ruling of the Court of Appeals but again, all were dismissed. On December 2nd the Constitutional Court annulled the results in six more districts and upheld the results in 115. As a result, a rerun election will take place on May 13th, 2006 in these districts.

EMC believes that as a result of its observations, both during the pre-election period and on Election Day, Azerbaijan's 2005 parliamentary election was not free, fair, or democratic. The government of Azerbaijan did not demonstrate the political will to hold democratic elections.