

ELECTION MONITORING AND DEMOCRACY STUDIES CENTER



PRELIMINARY STATEMENT

ON

THE RESULTS OF THE MONITORING OF THE 7 NOVEMBER 2010 ELECTIONS TO
 MILLI MAJLIS (PARLIAMENT) OF THE REPUBLIC OF AZERBAIJAN

Baku
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I. SUMMARY

The Election Monitoring and Democracy Studies Center (EMDS) is an independent non-governmental organization working for the improvement of the electoral system and for the 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, citizen welfare and the protection of human rights.

EMDS conducted long-term and short-term observation of the 7 November 2010 Parliamentary Elections in all 125 election constituencies in Azerbaijan. Two Interim Reports on the results of long-term observation have already been published.¹ EMDS cooperated with 1,287 citizens for Election Day observation and held 87 trainings for them on the impartial election observation. The organization observed the pre-election period through 83 long-term observers and the Election Day through 1,236 short-term observers. On the Election Day, observers cooperating with EMDS conducted a Statistically Based Observation (SBO) in 608 election precincts selected on the basis of random sampling throughout the country.

EMDS believes that to have a precise assessment of the 7 November Parliamentary Elections, all periods of the election process – pre-election political environment, election legislation, the level of the freedom of participation in the elections, voting, counting of votes and vote tabulation – must be evaluated separately and with regard to national legislation of the Republic of Azerbaijan and international commitments regarding free and fair elections.

EMDS notes with regret that the problems regarding political conditions, freedom of expression and media, freedom of assembly, and political freedoms in the country prior to the parliamentary elections did not provide necessary conditions for holding free and fair elections.

Amendments made to the Election Code in the last two years have created legal limitations for implementing election activities. Moreover, the amendments have not reflected the recommendations of the Venice Commission of Council of Europe.

The first stage of the 7 November 2010 Parliamentary Elections – the process of nomination and registration of candidates was accompanied by pressure and intimidation against opposition candidates by local executive authorities. While all 111 ruling party candidates were registered, more than half of the opposition candidates and one-third of independents were disqualified. The 2010 parliamentary elections offered the fewest candidates since the 1995 parliamentary polls. A flawed candidate registration process hindered opportunities for fair and meaningful electoral contests.

EMDS regrets that during the second stage of the 7 November 2010 Parliamentary Elections, the period of election campaigning – political activism, pre-election political discussions and public interest in the elections was significantly reduced as compared to the 6 November 2005 Parliamentary Elections. There was no political debate between competing parties or their leaders about their election platforms or local- and national-level problems in any of the TV channels broadcasting in the country.

¹ The Interim Reports can be obtained from the website of EMDS- <http://smndt.az/content/parlament2010.html>

EMDS noted very few violations in the process of opening of polling stations. However, during the voting process many violations were witnessed, including multiple voting (24%), bringing voters to polling stations in groups (20%), voting of voters whose name are not on the list (18%) and ballot stuffing (26%) were witnessed. Observers cooperating with EMDS noted that in 12 percent of the precincts throughout the country number of votes was not properly reflected in the final protocols. Moreover, copies of the final protocols were not displayed outside 25 percent of precincts. On Election Day, representatives of candidates, as well as observers faced pressure in polling stations. Pressure occurred in the precincts where observers expressed their concern about violations and wanted to observe the process of counting of votes.

Taking into consideration violations occurring over all stages of the election and the overall electoral environment in the country, EMDS believes that the 7 November 2010 Parliamentary Elections failed to meet requirements of the national legislation, as well as international standards, and cannot be considered free and fair.

II. INTRODUCTION

The Election Monitoring and Democracy Studies Center 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 Ministry of Justice on 14 may 2008. The founders of EMC appealed the decision of the Khatai District Court at the Court of Appeals and Supreme Court of Azerbaijan. After the national courts refused the claims of EMC's founders, the organization applied, in 2009, to the European Court of Human Rights.

From 2001 to 2010, EMDS (formerly EMC) carried out activities in the field of short-term and long-term election observation, improvement of the national election legislation, assistance for increasing voter activity, assistance to citizen participation in state administration (public policy), voter education, strengthening of relations between citizens and elected bodies (parliament and municipalities), and promotion of parliamentarism in the country.

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, more than 9.500 volunteer observers were trained in 480 trainings, and legal and technical assistance was provided for accreditation of volunteers with 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 thus far in international election observation missions conducted by ENEMO and OSCE/ODIHR.

During 2010, in cooperation with other local NGOs and civic groups, EMDS has implemented various programs in 11 regions of Azerbaijan– Baku, Beylagan, Ganja, Goychay, Jalilabad, Khachmaz, Mingachevir, Nakhchivan, Sabirabad, Shaki and Sumgayit.

III. PRE-ELECTION SITUATION

a) Political environment

The 7 November 2010 Parliamentary Elections took place in the context of a critical situation in the field of human rights and freedoms, which had emerged following the previous 15 October 2003 Presidential and 6 November 2005 Parliamentary elections. Participation of opposition forces in the elections held after 2005 (e.g. the 15 October 2008 Presidential Election and the 23 December 2009 Municipal elections) was limited. Political parties, especially, those that were the main forces competing with the government in previous seven years of elections, boycotted the 15 October 2008 Presidential Election, and as a result the election was held in an environment with a lack of alternatives.

Since the peaceful rally of “Azadlig” election bloc held on 26 November 2005 in Baku, no peaceful rallies have been permitted. For example, *Musavat*, the Azerbaijan Popular Front Party and the Union for Democratic Reform attempted to hold rallies and pickets nine times during 2010. However, these actions were not permitted by the Baku City Executive Authority. They were dispersed by the police and participants of these events were detained.

Prior to the 7 November 2010 Parliamentary Elections, OSCE conducted three discussions with the participation of both government and opposition parties, NGOs and mass media. Recommendations of the OSCE Office of Democratic Institutions and Human Rights (ODIHR) on the 15 October 2008 Presidential Election, as well as, issues related with election administration, freedom of assembly and role of media in elections, were the main topics of these discussions.

b) Situation in the field of human rights and freedoms

Prior to the elections or during the election period, no positive change was observed in the areas of guaranteeing citizens’ right to freedom of peaceful assembly, freedom of expression, nor freedom of media.

Efforts of domestic and international human rights organizations to secure the release of imprisoned bloggers—Adnan Hajizade and Emin Abdullayev— as well as, Eynulla Fatullayev, Chief Editor of “Daily Azerbaijan” newspaper, have not yet met with result.

On 22 April 2010, the European Court of Human Rights ruled on the case of Eynulla Fatullayev. According to the decision, Fatullayev should be **released immediately** and the State of Azerbaijan should pay him **compensation in the amount of 25.000 Euro**.¹ The Government of Azerbaijan has not implemented this decision and submitted an appeal to the Grand Chamber of the European Court of Human Rights. On 15 October 2010, the Grand Chamber ruled to uphold the decision of the Court on the immediate release of Eynulla Fatullayev.

Legal-political restrictions on civil society organizations have not been removed on the eve of the 7 November 2010 Parliamentary Elections. For example, although the “Human Rights-2003” Civil Association, “Center for Development of Television and Alternative Media”, “Assistance to Development of Municipalities” Civil Association, Society for Democratic Reforms, Center for Legal Initiatives, Media Monitoring Institute and other NGOs applied to the Ministry of Justice for state registration, their applications were declined for groundless reasons. According to unofficial figures, at present, there are more than 3,500 NGOs in the country. Approximately 2,500 of them have been registered and more than 1,000 NGOs are still not registered by the state.

¹ <http://cmiskp.echr.coe.int/tkp197/viewbkm.asp?sessionId=52217787&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=81803&highlight=>

Prior to the Parliamentary Elections, the Ministry of Justice refused to register the Election Monitoring and Democracy Studies Center (EMDS). EMDS filed a complaint to Yasamal District Court of Baku, but the court ruled a decision in favor of the Ministry of Justice. Although EMDS appealed this decision at Baku Court of Appeals, the latter upheld the decision of Yasamal District Court. EMDS filed a petition to the Supreme Court of the Republic of Azerbaijan about the decision of Baku Court of Appeals. In its hearing held on 13 August 2010, the Supreme Court did not rule on EMDS' claim and returned the case to Baku Court of Appeals for reconsideration. The Baku Court of Appeals will reconsider the case on 12 November 2010.

c) Legal framework

Prior to the 2010 Parliamentary Elections and since the 2005 parliamentary elections, amendments were made to the Election Code twice. The 2 June 2008 amendments to the Election Code were adopted without public discussion and the support of domestic and international organizations. These amendments included shortening the election period from 120 days to 75 days and altering the candidate registration process from a simple financial deposit to collection of 450 signatures.

On 18 June 2010, the Milli Majlis (parliament) adopted additional amendments to the Election Code proposed by a group of MPs from the ruling New Azerbaijan Party (YAP). According to these amendments the election period was reduced from 75 days to 60 days and the provision for allocation of funds to candidates from state budget was lifted. The above-mentioned amendments were adopted with disregard for the opinion of the Venice Commission of Council of Europe.

IV. POLITICAL ATMOSPHERE ON THE EVE OF THE ELECTION DAY

a) Activities of election commissions

The Central Election Commission (CEC) was formed prior to the 7 November Parliamentary Elections. In accordance with Article 24 of the Election Code, the CEC should consist of 18 members. However, it has been operating with 15 members since 2006. Six members of the CEC belonged to the ruling YAP, five to the independents and four to minority parties in the parliament. At its session held on 8 October 2010, *Milli Majlis* vote to give two of these minority seats to *Musavat* and Whole Azerbaijan Popular Front parties, and the third seat, to the group of independent MPs.

The CEC implemented its work on nomination and registration of candidates, election campaigning process, and Election Day within the period specified by law.

Domestic and international observers as well as journalists were provided with the opportunity to attend meetings of the CEC. Nevertheless, during the period of nomination and registration of candidates, some Constituency Election Commissions (ConECs) did not ensure transparency in the process of verification of voter signatures. Also, in some cases, candidate nominees were not provided with the opportunity to participate at the meetings on investigation of their complaints to the CEC.

In connection with preparations for the Election Day, the CEC made a decision on installing web-cameras, which can be viewed through the internet, at 500 precincts.

The CEC has registered 3,466 persons as domestic observers and 1,026 persons from 24 countries as international observers. ConECs have registered 43,153 observers who will conduct observation

within the areas of their respective constituencies. However, the process of registration of domestic observers at some ConECs as well as the CEC was accompanied by delays and restrictions. For instance, Shukur Imanov, Chairman of 64th Sabirabad Second ConEC, declined the applications of citizens – Hajiyev Shahbaz Azar, Mammadov Rafiq Nadir and Zeynalli Tofiq Varga without any reasonable ground. Chairman of 65th Saatli-Sabirabad-Kurdamir ConEC refused to register Abbasov Jamil Nadir and Aghayev Bakhtiyar Aliqulu as observers without showing any reason. Chairman of ConEC denied application of Elvin Farziyev and Seyidhasan Khanmammadov for carrying out observation. Similar cases occurred in 77th Astara, 110th Zagatala, 31st Surakhani Second, 10th Binagadi Third and 22nd Nasimi Second election constituencies.

The majority of the complaints submitted to the CEC by the Election Day were related with the process of nomination and registration of candidates. In total, 172 persons who were not registered as candidates submitted 239 complaints to the CEC. However, only 40 of these complaints were resolved by the CEC.

According to Article 112-1.4 of the Election Code, members of the Expert Group functioning within the CEC can conduct investigations using additional evidence and facts, but the Expert Group mainly referred to the decisions of ConECs while investigating the cases and did not bring any additional evidences or documents.

Some of the complaints submitted to the CEC were not fully investigated. While one of the grounds for refusal of registration provided by the relevant ConEC was investigated, no investigation on another ground was conducted by 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.

As to the complaints on the decisions of Baku Court of Appeals, 12 such complaints were submitted to the Supreme Court of the Republic of Azerbaijan. The Supreme Court satisfied only 2 of them; the remaining complaints were not objectively investigated.

b) Voter lists

In accordance with the Election Code, permanent voter list of each election precinct should be confirmed in the form established by the CEC until 30 May every year. At the same time, citizens who live at least 6 of 12 months prior to the announcement of the elections in the area of a particular election precinct should be added to the permanent voter list of that precinct.

During the period of the 7 November 2010 Parliamentary Elections, EMDS observers monitored the voter lists. Observers noted that, in most cases, voter lists were not publicized by the election precincts within the time determined by law.¹ In some precincts, there were errors in entering voter information in the voter lists. Observers also found out the names of deceased persons in the voter lists.

¹ See, Second Interim Report of EMDS, 4 November 2010, p. 11

EMDS sent a letter to the CEC regarding the situation concerning voter lists and inaccuracy in the overall number of voters. In the letter, EMDS requested the CEC:

- ❖ to clarify the discrepancy between the total number of voters in the country announced by the CEC (4.829.888 voters, 54% of the population) and that posted on the official web-site of the State Statistical Committee (6.438.000 voters, 70% of the population);¹
- ❖ to explain the reasons of increases and decreases in the number of voters in the elections held during the last two years – i.e. the 23 December 2009 Municipal Elections, the 18 March 2009 Referendum and the forthcoming 7 November 2010 Parliamentary Elections;
- ❖ to clarify why in the formation of some election constituencies, the rules indicated in the Election Code were not complied with. For example, there are significant differences between the number of voters of 5th Shahbuz-Babak, 54th Shabran-Siyazan and 26th Sabunchu First election constituencies.

c) Nomination and registration of candidates

Recent electoral amendments require candidates to submit signatures for registration rather than a simple financial deposit. This new process provided greater opportunity for constituency electoral commissions (ConECs) to disqualify opposition and independent candidates. While approximately 1,100 candidates attempted to register, only 734 were registered. All 111 candidates from the governing Yeni Azerbaijan Party (YAP) who submitted registration documents were registered. Opposition parties and blocs have seen more than half of their candidates disqualified by the ConECs and approximately one-third of independent candidates have been disqualified—332 candidates in total were denied registration. An additional 71 withdrew their candidacy. Consequently, the November 2010 parliamentary polls offered the fewest number of candidates since the 1995 parliamentary elections. Almost three times as many candidates were registered for the 2005 parliamentary elections. As a result, through the candidate registration process, the opportunity for fair electoral competition was drastically impacted.

Differently from the 6 November 2005 Parliamentary Elections, the first stage – the process of nomination and registration of candidates – of the present elections was accompanied with violations of law that negatively affected the elections. Observations of EMDS show that such violations of law were mainly committed against opposition political parties and blocs of political parties. Thus, in many constituencies ConECs artificially created the environment of lack of political alternatives. In general, violations of law that occurred in the first stage of the present parliamentary elections cast doubt on fairness of this stage and resulted in restriction of the opportunities for alternative choice.

Several cases have been documented of government bodies and state entities collecting signatures among their employees on behalf of YAP candidates and collecting employee identification cards to be returned only after signatures were provided to nominate YAP candidates.

Candidates were not provided access to the signature review process as required by law.

During the process of nomination and registration of candidates, EMDS noted cases of violation of the principle of equality among candidate nominees, lack of transparency in the process of verification of voter signatures, interference of local executive authorities in the election process, and exercise of pressure against voters who gave their signatures in 56 election constituencies.

¹ <http://www.azstat.org/statinfo/education/az/001.shtml>

d) Election campaign

The second stage of 7 November 2010 Parliamentary Elections – election campaigning process – was conducted through mass media, public events, print, audiovisual and other campaigning materials in accordance with the Election Code.

The observation of EMDS shows that the shortening of the election period to 60 days, as well as, reduction of the campaigning period to 23 days have created time limitation for conducting election campaigning activities.

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. 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. However, during the 7 November 2010 Parliamentary Elections, none of the political parties or blocs of political parties, with the exception of the ruling New Azerbaijan Party, could pass this barrier.

Prices of mass media organizations which offered paid airtime for election campaigning during the Elections 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.

Thus, for the first time in the history of independent Republic of Azerbaijan, no debates between opposing political forces was held during the Parliamentary Elections.

Prior to the election campaigning period, the CEC prepared a list of places for the candidates to hold meetings with voters and public discussions. The list included 4,930 places located in the territory of 118 election constituencies. 2676 of them were outdoor and 2254 – indoor places.¹ The CEC's list also indicated the capacity of each place.

EMDS carried out the monitoring of these places and discovered that the area of 511 places was not appropriate for holding meetings with voters. 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.

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

It is noteworthy that in the 7 November 2010 Elections, some candidates used new media tools 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.

V. ELECTION DAY OBSERVATION

¹ http://www.cec.gov.az/az/main_az.htm#

Election Day observation methodology

EMDS conducted monitoring of the 7 November 2010 Parliamentary Elections in more than 1,000 precincts in 125 election constituencies of the country through Statistically Based Observation (SBO) methodology. The observation was conducted following two methods.

The first method included observation of the processes of opening of polling stations, voting, counting of votes and vote tabulation. Using the SBO methodology, 608 election precincts were selected based on random sampling throughout the country. SBO methodology allows for accurate and immediate analysis of the quality of Election Day processes.

According to the second method, along with observation of the processes of opening of polling stations, voting, counting of votes and vote tabulation, EMDS also observed the distribution of votes among candidates in 18 election constituencies.

EMDS prepared and disseminated 2 press-releases during Election Day on the results of ongoing observation.

Preparing and deploying observers

EMDS conducted 86 trainings on impartial and independent observation of the Election Day in 11 regions throughout the country. These trainings were attended by 1,234 persons. 1,044 of them received legal and technical assistance to get accreditation as observers from the CEC, while 226 of them were accredited at the ConECs level. In total, EMDS cooperated with more than 1100 observers on the Election Day.

EMDS considered recommendations from the US National Democratic Institution and OSCE Office of Democratic Institutions and Human Rights for training observers for the Election Day. Training of Trainers, which lasted 2 days, was held for the trainers who then conducted trainings for 1,287 observers from 15 October to 3 November.

In these trainings observers were informed of the code of conduct for observers, rights and responsibilities of observers, voting and vote counting procedures on the Election Day, reporting forms on observation and Election Day reporting procedures.

On the eve of the Election Day, observers faced pressure and were refrained from observation process. For example, Asim Baghirov, an observer registered at the 105th Tovuz Constituency, was called by Ogtay Mursalov, executive representative of Vahidli village, and told that he might be expelled from the Azerbaijan Agricultural University if he continued as an EMDS observer. Elnur Pashayev, an observer registered at the 100th Shamkir-Dashkasan Constituency, was intimidated by Husein Movsumov, Deputy Head of executive authority of Dashkasan region. Mr. Movsumov told the observer that he might lose his job at Dashkasan settlement secondary school. Nazim Javadov, executive representative of Mursalli village of Sabirabad, came to the house of the observer registered at 64th Sabirabad Second Constituency Asaf Ahmadov. Ahmadov was told that he would be expelled from the village if he acted as an observer.

Opening of polling stations

In few of the observed precincts, problems regarding the organization and opening of polling stations occurred. For example, in 98 percent of the precincts, necessary conditions for secrecy of voting were created. In 97 percent of the precincts, empty ballot boxes were presented before sealing. However, the number of registered voters was not announced in eight percent of precincts. Also, in eight percent of precincts, the number of ballot papers was not announced prior to the start of voting. The number of voters who requested the mobile ballot box for voting outside of the polling station was not announced in 16 percent of precincts.

Voting process

EMDS noted that during the voting process, various election activities were not implemented in accordance with the law and were accompanied by violations. These violations can be divided into two groups in terms their number and effect on the quality of the elections.

First group includes the violations that occurred in more than 10 percent of the precincts countrywide:

Violation	Percentage of Precincts
Precinct officials fail to put invisible ink on fingers of the voters	25%
People were permitted to vote <u>without</u> checking their finger for invisible ink	28%
People who already had invisible ink on their finger were allowed to vote	19%
People whose names did <u>not</u> appear on the voters list were allowed to vote	18%
Secrecy of voting was violated	24%
Multiple voting by one person (voting on behalf of another person)	24%
Ballot stuffing	26%
Bringing voters to the polling station in special groups	20%
Voters were impelled/instructed to vote for a specific candidate	20%

Second group includes violations which occurred in less than 10 percent of the precincts:

Violation	Percentage of Precincts
People with proper documents were not permitted to vote	8%
People were permitted to vote without signing the voter list	8%

Counting of Votes

Observers cooperating with EMDS noted serious violations during counting of votes, which affected the quality of the process. These are the following violations:

Violation	Percentage of Precincts
Seals of the ballot boxes were not checked before they were opened	5%
Unused ballots were not counted and destroyed before counting of	7%

votes	
Voting results were not correctly reflected in the protocols	12%
The process of counting of votes was not open	5%
Copy of the protocol was not put for public display outside the precinct	25%
Copy of the protocol was not given to the observers	15%

Collection of protocols

EMDS notes with regret that final protocols of some precincts on voting results have been compiled at ConECs and so, requirements of the Election Code were violated. At the same time, it was observed that ConECs delayed the process of sending protocols coming from PECs to the CEC.

EMDS is going to publish the results of its investigations based on the protocols obtained from precincts in its next report

Voter turnout

According to the information given at precincts to EMDS observers, voter turnout was 44 percent compared with the initial figure announced by the CEC of 50 percent. The discrepancy between the figures of election precincts and the CEC indicates that the information on voter turnout may have been exaggerated.

Pressure against observers on the Election Day

As a result of pressure from local executive authorities, which started before the Election Day, 40 observers cooperating with EMDS refused to conduct observation. In 10 percent of the election precincts countrywide, observers encountered various obstacles to monitoring. Cases of pressure against observers mainly occurred in Nakhchivan, Sabirabad, Guba and Gusar. As a result of pressure, 10 observers registered with the CEC and ConECs were removed from polling stations on Election Day.

Information on pressure against observers:

- ❖ In precinct #88 of 15th Goychay Election Constituency, a policeman, who came to the polling station by invitation of the Director of Charikhli village school Mahmudov Khalid, removed observer Ali Umudov.
- ❖ In precinct #14 of 39th Kapaz First Election Constituency, Chairman of the PEC Hafiz Asgarov expelled observer Nigar Abbaszade from the polling station, after she expressed her objection to multiple voting by voters.
- ❖ Vugar Gadirov, who was an observer at precinct #15 of 79th Imishli Election Constituency, was removed from the polling station by the policemen invited by the PEC Chairman.
- ❖ Vugar Humbatov, Chairman of PEC #30 of 20th Narimanov Second Election Constituency, invited the police to the polling station and removed observer Azer Ahmadov from the precinct.
- ❖ Namiz Ahmadov, Chairman of PEC #20 of 22nd Nasimi Second Election Constituency, came to precinct # 19 and compiled an incident act for removing observer Elgiz Aliyev from the precinct.
- ❖ Maleyka Gurcaliyeva, Chairwoman of PEC #17 of 38th Nizami Second Election Constituency, tried to get, through physical force, the violation act compiled by observer Jeyhun Mammadli.

- ❖ Chairman of of PEC #22 of 19th Narimanov First Election Constituency expelled observer Gulnar Aliyeva from the precinct without any grounds.
- ❖ Nushaba Novruzova, Chairwoman of PEC #9 of 15th Yasamal First Election Constituency, removed observer Shirhan Salimov from the precinct, because the observer compiled an violation act on bringing special groups of voters to the polling station.
- ❖ Rzayeva Pakiza, Chairwoman of PEC #6 of 6th Sharur Election Constituency, called Head of Sharur City Post Office Arastun Aliyev to the precinct in order to remove observer Zakir Asgarov from the polling station. Exerting pressure on the observer, A. Aliyev removed him from the precinct.
- ❖ Ibrahim Mehdiyev, Chairman of PEC #35 of 107th Gazakh Election Constituency, invited the police to the precinct and removed observer Farid Zulfugarov from the polling station.
- ❖ Chairman of 75th Lankaran-Masalli Election Constituency Ilgar Mammadov made a phone call to Togrul Alakbarov, who was an observer at precinct #39, threatened him and demanded him to leave the precinct.
- ❖ Namazov Usamaddin, Chairman of PEC #26 of 103rd Gedebeyp Election Constituency, did not allow observer Arif Tagiyev into the polling station.

VI. CONCLUSIONS AND RECOMMENDATIONS

Based on its monitoring of the 7 November 2010 Parliamentary Elections, EMDS comes to the following preliminary conclusions:

- During the period of the 7 November 2010 Parliamentary Elections, the pre-election environment was not conducive to holding free and democratic elections; deficiencies in the field of political freedoms, especially, freedom of association and peaceful assembly as well as freedom of expression and media, were not removed.
- The process of registration of candidates was accompanied with serious violations of law, which resulted in the creation of an environment of few alternatives to the government.
- During the election campaigning period, equal and competitive political atmosphere was not ensured for the opposing political forces and candidates.
- In all stages of the 7 November 2010 Parliamentary Elections, pressure and threatening against election participants, especially, candidates, voters and observers, were observed.
- As a result of the amendments made to the Election Code over the past two years, implementation of several election activities has become difficult and legal restrictions on the registration of candidates and election campaigning were created. Moreover, recommendations of domestic and international organizations concerning improvement of the election legislation were not taken into consideration.
- On the Election Day, numerous violations of law, such as multiple voting and ballot stuffing, occurred. Therefore, election results in many election constituencies come into question.
- Pre-election political environment and the violations of law observed in all phases of the 7 November 2010 Parliamentary Elections did not allow for holding free and fair elections. Thus, the elections were not carried out in compliance to the national laws of the Republic of Azerbaijan and international standards.

Based on the initial results of its monitoring of the 7 November 2010 Parliamentary Elections, EMDS puts forward the following recommendations:

- Election commissions should immediately investigate all appeals and complaints concerning violations of law and publicize their decisions about the authorized officials who participated in the violations.
- In order to overcome the critical situation in the field of political freedoms, observed in the country, the government should make efforts to create an atmosphere of political confidence between the state and citizens.
- The government should create conditions for free and equal representation of all political forces in the state administration.
- Citizens and state structures should respect human rights concerning freedom of peaceful assembly and freedom of expression and media.
- Political will should be demonstrated for the improvement of the Election Code on the basis of the recommendations of domestic civic and political organizations as well as the Venice Commission of Council of Europe.
- Election commissions should demonstrate diligence for ensuring openness of the election process in the future and create conditions for all citizens to observe the process without any pressure.

Executive Board, EMDS

Baku, 8 November 2010