

**INSTITUTE FOR DEMOCRATIC INITIATIVES (IDI)**



**REPUBLIC OF AZERBAIJAN**

**EARLY PARLIAMENTARY ELECTIONS**

**FEBRUARY 9, 2020**

**PRELIMINARY STATEMENT**

**ON THE RESULTS OF MONITORING**

**BAKU**

**FEBRUARY 10, 2020**

## **I. SUMMARY**

February 9, 2020, early parliamentary elections took place in an unfavorable political environment, where the dominant party absolutely used administrative resources and political dialogue between real political forces did not exist.

During the elections, there was no decrease in serious restrictions on political rights and freedoms of activity, persecution and pressure on political opponents. Since 2013, civil society institutions, independent media, and opposition organizations have become targets for pressure policies. The process also took place in an environment where more than 100 political prisoners were still in prison.

Freedom of assembly was strictly limited throughout the country, and The CEC has compiled a list of 272 places in total, one open and one closed for each election constituency during the pre-election campaign. However, in the 2010 parliamentary elections, there were 4,930 places in total, with 2,676 open and 2,254 closed places. Thus, compared to the situation in 2010, the opportunities were limited approximately 18 times.

Proposals of The OSCE / ODIHR and the Venice Commission of the Council of Europe for election legislation were not accepted. The decisions of the European Court of Human Rights on elections have not been implemented except for individual compensations. On the contrary, as a result of amendments and additions to the Election Code in recent years, the implementation of a number of electoral actions has become more difficult, serious restrictions on candidate registration and pre-election campaign have occurred.

Political parties are institutionally excluded from functionality and there is no legal and actual environment for their activities

The inconsistency over the number of voters, which is more than 2 million, between the State Statistical Committee and the Central Election Commission with regard to the voter lists continued.

The period of nomination and registration of candidates during the parliamentary elections was accompanied by violations. Violation of the principles of transparency and equality in relation to candidates in the activity of election commissions, forcing to write petitions for withdrawal from candidacy in mass, pressures to election participants, abuse of administrative resources, as well as external interferences occurred in the activity of election commissions on 78 constituencies. It resulted in the creation of a non-alternative environment in 40 constituencies.

During the pre-election campaign in the parliamentary elections, equal and competitive political conditions among the political parties, including candidates, were not provided.

When considering the pre-election environment, the situation faced by independent media was of particular concern. TVs in the country have been completely controlled by the ruling political power.

IDI has conducted long-term monitoring to assess the media's performance in the elections and has twice released the results. These reports indicated that the media had a biased approach to the issues, especially that the news and programs of the electronic media inevitably conducted a campaign in favor of the government and its supporters.

Pressure and threats were recorded against the parties involved in the electoral process, especially opposition political parties, independent candidates, voters, and observers.

Of the 60 complaints filed to the CEC, 41 were rejected as unfounded. 23 cases were considered by the Court of Appeal and 18 by the Supreme Court and none were ensured on the merits. No comprehensive and impartial investigations on complaints have been made.

Numerous violations were reported at polling stations on the voting day, in particular, multiple voting by a single person, using multiple bulletins, and involvement of persons, who were not registered as voters in the constituency, in mass voting. The process of counting and protocoling of votes was carried out with serious violations; hence, the legal results of the voting were under suspicion.

Official data on voter turnout on election day raised serious doubts and voter activity was artificially inflated in most polling stations;

February 9, 2020, parliamentary elections were not free, fair, transparent, and democratic. At all stages of the election, mainly the pre-election political environment, the nomination and registration of candidates, and the generalization of the pre-election campaign period show that this election took place in the absence of a competitive and genuine election campaign.

Violations recorded in elections, especially those that occurred during election day and during the counting and protocoling of votes, prevented free and fair elections. Thus, the parliamentary elections were not held in accordance with local legislation of the Republic of Azerbaijan and international standards.

The state bodies of the Republic of Azerbaijan, and especially the political authorities, have not established the political will to ensure free, fair, and democratic conduct of this election. Thus, these elections cannot be considered as a process that reflects the true will of the Azerbaijani people.

## **II. INTRODUCTION**

The Institute for Democratic Initiatives (IDI) provides legal assistance to the various parties involved in the election that has been commenced since December 5, 2019, as far as conditions permit, in addition to observing elections.

At this stage, IDI prepared a preliminary opinion by conducting monitoring on the pre-election environment, the election preparation process, the nomination and registration process, the activities of the election administration, preparation for the campaign, the status of complaints

and appeals. In general, the opinion is based on monitoring conducted by twelve-person long-term observers, observations by 250 short-term observers on election day, and information collected from various parties involved in the elections.

Prior to this report, the Pre-election Assessment Paper, the I Interim Report<sup>1</sup> on the nomination and registration period, the II Interim Report<sup>2</sup> on pre-election campaign period, as well as the report on results of Media Monitoring for the first<sup>3</sup> and second<sup>4</sup> period were released.

**More detailed information on IDI's activities can be found on the organization's official website.<sup>5</sup>**

### III. PRE-ELECTION STATUS

#### A. POLITICAL CONTEXT

Azerbaijan, a presidential republic, has three main powers: the executive, the legislative and the judiciary (other authorities besides the judiciary are the elective bodies). The presidential administration system, which has already a wide range of powers in Azerbaijan, has become extremely powerful after the 2016 referendum. The appointment of first Vice-President, directly subordinate to the President and unlimited number of Vice-Presidents, Prime Ministers, Ministers, and heads of all executive structures at central and regional levels; the presentation of judges for all instance courts, including the Constitutional Court, and the nomination of the Prosecutor General to the parliament; the dissolution of parliament and appointment of new early parliamentary elections are included in the President's numerous powers.

The head of the ruling New Azerbaijan Party (NAP), one of the twelve parties represented in parliament, is the current head of state and has won the fourth term, but this time, for seven years. The party has a majority in the 125-seat parliament, with 74 MPs (six seats later vacated). The second largest group represented in parliament consists of 39 neutral deputies (four seats later vacated). This group regularly takes sides with the ruling party (the President) in the voting. Eleven political parties (loyal to the government) hold the remaining twelve seats. Opposition political parties - the Popular Front Party of Azerbaijan (PFPA) and Musavat Party have not been represented in parliament since the 2010 elections. The Opposition Republican Alternative

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<sup>1</sup> <http://idi-aze.org/en/first-interim-report-of-idi-on-early-parliamentary-elections/>

<sup>2</sup> <http://idi-aze.org/en/second-interim-report-of-idi-on-early-parliamentary-elections/>

<sup>3</sup> <http://idi-aze.org/en/idi-media-monitoring-for-parliamentary-elections-interim-report/>

<sup>4</sup> <http://idi-aze.org/en/idi-media-monitoring-for-parliamentary-elections-second-report/>

<sup>5</sup> <http://www.idi-aze.org/en>

(ReAl)<sup>6</sup> Movement, established in 2009, became a party<sup>7</sup> on April 9, 2018, but has not been officially registered.

In spite of the decisions of ECHR and the decision of the Committee of Ministers of the Council of Europe on 5 December,<sup>8</sup> barrier to participating in the election maintains its force because the conviction continues for former political prisoners who are potential candidates for the election.

23 decisions of ECHR in total consist of violations of more than 50 applicants' passive election rights in connection with the 2005 and 2010 parliamentary elections in Azerbaijan. This is a record indicator among 47 Council of Europe member countries.

The decisions united under the heading “Namat Aliyev and Fuad Gahramanli groups” show that the decisions of election commissions and courts in which their decisions were deliberated did not meet the requirements of the European Convention. Early parliamentary elections were also held in the same composition as those committing violations confirmed in ECHR decisions.

On January 30, 2020, the European Court of Human Rights (ECHR) announced its decision on 8 complaints. Most of the alleged violations for those decisions were recognized and it was decided for the government to pay a total of € 121,889 to the applicants whose rights were violated. According to the decisions, the court found violations of torture, freedom and inviolability, the right to a fair trial, the right to privacy, freedom of association, as defined in the European Convention on Human Rights.

On February 6, 2020, the ECHR decided on four more cases against Azerbaijan and removed them from the list of cases to be considered. One of these cases (the case of Alakbar Ismayilov) was dismissed from the list of cases due to the failure to respond to communications and the other (the case of Elman Damirov) due to his death and no successor left behind. In two other cases (the case of Rashad Ramazanov<sup>9</sup> and the case of Orkhan Aliyev<sup>10</sup>), the government acknowledged the violation and stated that it was ready to pay compensation. The Azerbaijani government will pay € 8,600 to the parties.

In general, the ECHR has released statistics for 2019 during this period. During the year, decisions on 56 complaints that were filed against Azerbaijan were made.<sup>11</sup>

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<sup>6</sup> <https://www.realpartiya.org/en/who-we-are>

<sup>7</sup> <https://modern.az/az/news/161818>

<sup>8</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168098f832&fbclid=IwAR1ueL6HF4Qqiz8nNjybTAJ7-OD14Ao7v2HaDgGYytwvf94Ff3ogEAbUTM](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168098f832&fbclid=IwAR1ueL6HF4Qqiz8nNjybTAJ7-OD14Ao7v2HaDgGYytwvf94Ff3ogEAbUTM)

<sup>9</sup> [https://hudoc.echr.coe.int/eng#{"fulltext":\["rashad%20ramazanov"\],"itemid":\["001-201210"\]}](https://hudoc.echr.coe.int/eng#{)

<sup>10</sup> [https://hudoc.echr.coe.int/eng#{"fulltext":\["Orkhan%20aliyev"\],"itemid":\["001-201209"\]}](https://hudoc.echr.coe.int/eng#{)

<sup>11</sup> <https://www.realtv.az/news/az/37550/avropa-mehkemesi-azerbaycanla-bagli-statistikani-achiqalayib>

Human Rights Watch, which is also one of the international organizations, has also released its 2020 report.<sup>12</sup> In the section on Azerbaijan of the report, the situation in the country related to human rights is severely criticized.

During the winter session of the Parliamentary Assembly of the Council of Europe (PACE) on January 30, 2020, the issue of political prisoners in Azerbaijan was discussed. According to the report of PACE Speaker Torhildur Sunna Evars-Dottir, Resolution 2322 on political prisoners was adopted.<sup>13</sup> The resolution recommended the release of persons considered to be political prisoners under the Council of Europe criteria, the regular fair and impartial review of cases of persons who alleged to be politically motivated by the court, substantiated intervention in the judicial system, including court, prosecutor's office, police system, and administrative arrests to prevent politically motivated arrests, and implementation of the decisions of the European Court without delay.

There were also reports on harassment against political activists during the election period. More detailed information was released in the interim reports.

These parliamentary elections are also carried out in the condition of ongoing Karabakh conflict between Armenia and Azerbaijan and occupation of approximately 15% of Azerbaijan's territories by the Armenian armed forces. This situation complicates the conduct of elections in these areas, especially the organization of voting for the large number of IDPs. The fact of the occupation also does not allow the Armenian population of Nagorno-Karabakh to participate in the elections.

As a result, the early parliamentary elections scheduled for February 9, 2020, also occur in an unfavorable political environment, where the ruling party is in full control of its administrative resources, the absence of political dialogue between the real political forces (the government and the opposition) exists.

## **B. FREEDOM OF ASSEMBLY**

### **1) LEGAL FRAMEWORK**

Although the constitutional provision governing the freedom of assembly is satisfactory in the first text, by the 2016 referendum, the use of freedom in Article 49 became conditional and the existence of freedom of assembly was indicated if it does not violate public order or public morality.

The Law “On Freedom of Assembly” adopted on November 13, 1998, contradicts the Constitution of the country and other legislative acts, including the requirements of Article 11 of

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<sup>12</sup> <https://www.hrw.org/az/world-report/2020/country-chapters/337344>

<sup>13</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=28584&lang=en>

the European Convention to which our country is a party. It is no coincidence that the ECHR recognized in its decisions against Azerbaijan regarding the violation of the freedom of assembly that interference with this right is unlawful, illegitimate and does not meet the requirements of a democratic society<sup>14/15/16</sup>. However, the government has not taken any progressive steps to implement those decisions in legislation and the practice of its implementation.

### ***Administrative penalty for the right to freedom of assembly***

In addition to restricting the right to freedom of assembly, those who wish to exercise this right are subjected to severe penalties. Let us just note one fact: In 2012, the Code of Administrative Offenses (CAO) imposed a maximum penalty of 13 manats (AZN) for illegal assembly, but from 2016 this amount was increased to 30,000 manats. In other words, the sanctions were increased 2,307 times. Furthermore, up to 240 hours of community service or administrative arrest for up to two months were added to the article's sanction.

An amendment to Article 513 of the CAO on March 1, 2016, also states that violations of the rules of assembly may result in criminal liability. Article 169 of the Criminal Code also provides for criminal liability for abuse of freedom of assembly.

## **2) ENVIRONMENT OF FREEDOM OF ASSEMBLY**

Freedom of assembly was restricted throughout the country, while opposition parties were sometimes allowed to hold rallies only at the semi-closed stadium “Mehsul” in Baku and after the agreed rally <sup>17</sup> of the National Council (Milli Shura) on January 19, 2019, the “Mehsul” stadium was also closed to the political parties. As the last place, it was only possible to hold a rally at the stadium in Lokbatan town, <sup>18</sup> which is quite far from the city.

Even during the allowed rally, the identity of the rally participants was identified by cameras and illegal signaling data from mobile operators, later, police <sup>19</sup> identified and called <sup>20</sup> these individuals and put pressure <sup>21</sup> on them.

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<sup>14</sup><http://hudoc.echr.coe.int/eng?i=001-157705>

<sup>15</sup><http://hudoc.echr.coe.int/eng?i=001-160429>

<sup>16</sup><http://hudoc.echr.coe.int/eng?i=001-160430>

<sup>17</sup> <https://www.bbc.com/azeri/azerbaijan-46931208>

<sup>18</sup> <http://qaynarinfo.az/az/bsih-milli-suranim-lkbatanda-miting-kecirmesine-icaze-verdi/>

<sup>19</sup> <https://d9mc3ts4czbpr.cloudfront.net/ru/article/mitinq-istirakcilarina-polisden-gelen-zeng/>

<sup>20</sup> <https://www.bbc.com/azeri/international-46972971>

<sup>21</sup> [https://musavat.com/news/mitinq-istirakcilarina-qarsi-total-tezyiqler-baslayib-musavat-partiyasi\\_586826.html](https://musavat.com/news/mitinq-istirakcilarina-qarsi-total-tezyiqler-baslayib-musavat-partiyasi_586826.html)

Before the elections, the Executive Power of Baku City responded to appeals of political forces (National Council, Musavat Party, Karabakh Committee) to hold a public demonstration and rally with unjustified refusal letters.<sup>22</sup>

Following a systematic violation of the right to freedom of assembly, an October 8, 2019 rally<sup>23</sup> of the National Council, which was officially agreed, and not agreed rally on October 19, 2019, were destroyed by police violence, many were detained, and some were sentenced to administrative detention. The PFPA chairperson, Ali Kerimli and a member of the National Council's Coordination Center, Tofiq Yagublu were subjected to physical torture.<sup>24</sup>

On October 20, 2019, public activists attempted to march against the violence against women. During the march, police, and persons in civilian clothing have used force against the participants.<sup>25</sup> On November 7, 2019, the Musavat Party, which wanted to hold a picket, was subjected to violence, and many members, including the chairperson of the party, were detained illegally.<sup>26</sup>

Most opposition political parties and independent NGOs have no offices and their activities in the regions face serious obstacles. Moreover, it is almost impossible for such institutions to hold public meetings in closed spaces, such as conferences, round tables, etc.

In the pre-election period, public authorities also conducted several studies on the state of freedom of assembly. Election Monitoring and Democracy Studies Center (EMDS) has prepared an evaluation report on politically motivated administrative arrests.<sup>27</sup>

In the pre-election period, IDI conducted research on the situation of the freedom of assembly that covers 2016-2019,<sup>28</sup> and on the analysis of the legislation regarding administrative detentions and on the status of ill-treatment.<sup>29</sup>

In short, early parliamentary elections are held at a time when the right to freedom of assembly is severely restricted.

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<sup>22</sup> <https://novator.az/2019/02/27/mitinqə-yenə-icazə-verilmədi/>

<sup>23</sup> <http://toplum.tv/az/milli-suranim-piketinde-30-a-yaxin-sexs-saxlanilib-video/%25252523.XgCcNC2B00o>

<sup>24</sup> <https://www.bbc.com/azeri/azerbaijan-50081561>

<sup>25</sup> <http://toplum.tv/az/dzme-yurus-et-zorakiliq-anlari-video/#.XgCbSS2B00o>

<sup>26</sup> <http://toplum.tv/az/musavatin-piketinde-neler-bas-verdi-video/#.XgCxs3BIQI>

<sup>27</sup> <https://smdtaz.org/az/siyasi-motivli-inzibati-həbslər-2/>

<sup>28</sup> <http://idi-aze.org/en/policy-paper-on-the-situation-of-freedom-as-assembly/>

<sup>29</sup> <http://idi-aze.org/en/policy-paper-on-the-analysis-of-the-legislation-regarding-administrative-detentions-and-on-the-status-of-ill-treatment/>



## C. CIVIL SOCIETY

The main regulatory norms in the legal environment of civil society in Azerbaijan are the Laws “On Non-Governmental Organizations (Public Associations and Funds), “On Grant”, “On State Registration and State Registry of Legal Entities”, Code of Administrative Offenses and other documents. The restrictive additions and changes, which have been made to them in 2013-2014, are still in force. Many of these are changes that restrict freedom of assembly by converting it into completely the system of permits. According to these changes, a need for registration of grants and donors has been created, and then foreign donors’ acquisition of the right to grant and registration rules of grants have been approved by the Cabinet of Ministers. These Rules are based on the Presidential Decree issued in 2016 on the application of a window system. However, the Rules did not lead to positive changes in the environment because the above restrictive norms are not abolished due to their legal standing below the law.<sup>30</sup>

Hence, these prohibitions have deprived independent NGOs, which were specialized in election monitoring, of the ability to monitor the transparency of the process by virtually eliminating access to financial resources of an independent civil society.

In the past, the independent activities of civil society organizations have been paralyzed and their potential for future activities has been uncertain. The criminal case against NGOs filed in 2014 is still open. Prohibition<sup>31</sup> of known civil society representatives from leaving the country and unreasonable inspections at border crossings are still going on.

The cooperation of independent NGOs with foreign donors was practically banned. At the same time, organizations that provide significant support for democratization and civil society development among foreign donors (Western origin) have left the country following the 2014 oppressions.

## D. MEDIA

Following the 2015 parliamentary elections, restrictions on the legal status of the media have become even more intensive in the country. The essence of the amendments and additions to the legislation between 2016 and 2019 was a further framing of freedoms. More detailed information about this was provided in the Pre-election Assessment Paper.<sup>32</sup>

Immediately after the change, access to resources and websites - [www.azadliq.org](http://www.azadliq.org), [www.azadliq.info](http://www.azadliq.info), [www.azerbaycansaat.com](http://www.azerbaycansaat.com), [www.turan.tv](http://www.turan.tv), and [www.meydan.tv](http://www.meydan.tv), which have the position of criticism and inform the public as an alternative source, was blocked and this

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<sup>30</sup><http://toplum.tv/az/stp-grantlarin-qeyde-alinmasi-ile-bali-sened-yaydi/#.XgE-0y2B00o>

<sup>31</sup> <https://rm.coe.int/report-on-the-visit-to-azerbaijan-from-8-to-12-july-2019-by-dunja-mija/168098e108>

<sup>32</sup> <http://idi-aze.org/en/assessment-paper-of-idi-on-early-parliamentary-elections/>

blocking was supported by the court with its decision.<sup>33</sup> At present, access was restricted without a court order to more than 40 resources.

Over the past year, oppressions and arrests on critical journalists have continued. The Working Group on a Unified List of Political Prisoners has named five journalists and bloggers out of 112 people who have been identified as political prisoners. The case of a journalist is under monitoring.<sup>34</sup>

Three journalists - Mustafa Hajibeyli, editor-in-chief of [www.bastainfo.com](http://www.bastainfo.com), Anar Mammadov, editor of [www.criminal.az](http://www.criminal.az) and Nuraddin Ismailov, editor of [www.teref.info](http://www.teref.info), were sentenced to 5 years and 6 months' conditional imprisonment.<sup>35</sup> Shafag Aghajan, the head of the "Bakupress" Agency was arrested on charges of drug trafficking.<sup>36</sup> Ikram Rahimov, head of [www.reality.info](http://www.reality.info),<sup>37</sup> and Polad Aslanov, editor-in-chief of [www.xeberman.com](http://www.xeberman.com) and [www.press-az.com](http://www.press-az.com),<sup>38</sup> have also been arrested on various charges.

These attacks are even applied to those who share their views on social media; criminal cases are opened, they are persecuted.<sup>39</sup>

## E. INSTITUTE OF ADVOCACY

Opportunities to obtain the necessary legal assistance for the use of the right to a fair trial have been minimized in the country. For many years, the institution of advocacy has been kept under the control of the government through the Bar Association. There are about 1.5 lawyers per 10,000 people in the country. This is the worst indicator among the Council of Europe member states.

Lawyers who are involved in political activities are subjected to various pressures, harassment, and unlawful termination of their lawyer status. Lawyer's unlawful termination from the Bar Association, as well as being subjected to disciplinary proceedings, have continued in the past year.<sup>40</sup>

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<sup>33</sup> <https://www.bbc.com/azeri/azerbaijan-39748497>

<sup>34</sup> <https://smdtaz.org/az/vahid-siyasi-məhbub-siyahisi-uzrə-iscii-qrupun-yenilənmis-novbəti-siyahisi-təqdim-edilib-3/>

<sup>35</sup> <https://www.mia.az/w696507/details>

<sup>36</sup> [https://sputnik.az/incidents/20190502/420261392/jurnalist-hebs-edildi.html?fbclid=IwAR2\\_dS-8VD2gfhJUleM37u0Ym41zCYGZINT2FN276GAbmtejrDMc2PyVOeU](https://sputnik.az/incidents/20190502/420261392/jurnalist-hebs-edildi.html?fbclid=IwAR2_dS-8VD2gfhJUleM37u0Ym41zCYGZINT2FN276GAbmtejrDMc2PyVOeU)

<sup>37</sup> <https://www.turan.az/ext/news/2019/8/free/Social/en/82912.htm>

<sup>38</sup> <https://www.amerikaninsesi.org/a/məhkəmə-baş-redaktor-barədə-dörd-ay-həbs-qətimkan-tədbiri-seçib-/4960387.html>

<sup>39</sup> [http://toplum.tv/az/nermin-sahmarzadeye-hkm-oxundu/?fbclid=IwAR3\\_nwCa-liSYvZ7BXPAdOQTHazN\\_MlkH5GnaoZLmC0Na98xUw8UUaYLZHg#.XgHmJy2B00p](http://toplum.tv/az/nermin-sahmarzadeye-hkm-oxundu/?fbclid=IwAR3_nwCa-liSYvZ7BXPAdOQTHazN_MlkH5GnaoZLmC0Na98xUw8UUaYLZHg#.XgHmJy2B00p)

<sup>40</sup> <https://humanrightshouse.org/letters-of-concern/azerbaijani-bar-association-must-halt-reprisals-against-human-rights-lawyers/?fbclid=IwAR04CgI7h78QPBOJnVQ8p3ltd0Lbz4ULhL.CyeAqdORl7Jfa5SkGXp5LTgWY>

In addition, there have been cases where 18 lawyers dealing with individual advocacy have been strengthened to law enforcement agencies, which is interference in their independence.<sup>41</sup>

The abolition of the representative institution from the beginning of 2018 has left the society and especially its vulnerable parts virtually unprotected. This also had a negative impact on the protection of electoral complaints. In the current circumstances where the board memberships of lawyers, who have worked in political issues, have been canceled, opposition politicians encounter the lack of lawyer in the legal protection of electoral complaints in the courts.

#### **IV. ELECTION SYSTEM AND LEGAL FRAMEWORK**

##### **A. ELECTION SYSTEM**

The one-chamber Milli Majlis consists of 125 deputies, acting for five years. Deputies are elected by secret ballot based on direct suffrage from the single-mandate constituencies on the *majority voting system*. The candidate who collected the most votes in the elections is considered elected. If no candidates are registered in the constituency or only one candidate is registered, then elections in that constituency are postponed and the process is repeated. Quorum is not required to consider the elections valid.

##### **B. LEGAL FRAMEWORK**

The basic legislation for the 2015 parliamentary elections is the Constitution of the Republic of Azerbaijan (1995, last modified in 2016) and the Electoral Code (2003, last modified in 2015). The legal framework for elections includes relevant provisions of the Law “On Freedom of Assembly”, the Law “On Television and Radio Broadcasting”, the Law “On Mass Media”, the Civil Procedure Code, Criminal Code and the Code of Administrative Offenses, as well as normative acts of the Central Election Commission (CEC).

##### ***Addendums and amendments to the Election Code***

Despite the numerous decisions and recommendations of the ECHR and the CM CE, no fundamental addendums or amendments have been made to the Code during the four years since the 2015 parliamentary elections. Only four minor editing-oriented edits were made.<sup>42</sup>

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<sup>41</sup> <https://www.faktyoxla.info/2019/08/06/anar-bagirov-intizam-pozuntusuna-yol-vermis-vakillarin-fardi-vakillik-faaliyyatlarinin-lagvi-qanuni-addimdir/>

<sup>42</sup> [Law of the Republic of Azerbaijan No 917-VQD dated December 15, 2017, \("Azerbaijan" newspaper, January 12, 2018, No. 7, Legislative Assembly of the Republic of Azerbaijan, 2018, No. 1, Article 4\)](#)  
[Law of the Republic of Azerbaijan No 1022-VQD dated March 6, 2018, \("Azerbaijan" newspaper, March 28, 2018, No. 68, Legislative Assembly of the Republic of Azerbaijan, 2018, No. 3, Article 389\)](#)  
[Law of the Republic of Azerbaijan No 1397-VQD dated December 18, 2018, \("Azerbaijan" newspaper, January 11, 2019, No. 7, Legislative Assembly of the Republic of Azerbaijan, 2019, No. 01, Article 17\)](#)  
[Law of the Republic of Azerbaijan No 1460-VQD dated February 1, 2019, \("Azerbaijan" newspaper, February 24, 2019, no. 45, Legislative Assembly of the Republic of Azerbaijan, 2019, no.2, article 180\)](#)

The December 15, 2017 amendment was mainly editing-oriented, it was remembered by the exclusion of the provisions of the Code, which envisages increasing the secrecy of voting and ballot papers' being placed in envelopes.

The March 6, 2018 amendment was not about election procedures, but about pension benefits of commission members.

The December 18, 2018 amendment, while covering several editorial issues, also included a limiting factor, reducing the time required to announce the elections from 75 days to 60 days.

Eventually the last, the February 1, 2019 amendment was also completely editing-oriented, and after the structural changes of the military units, name changes were made in the Code in this direction.

### *Normative acts of the CEC*

Monitoring of the CEC acts revealed serious discrepancies between those acts and the Electoral Code, which is the main normative legal act on elections. For example, the CEC acts “On Filling in the Election Commission Protocol,” “On Exit Poll”, “On Investigation of Complaints in Election Commissions”, “On Press Group”, “On Webcam” and “On Status of Authorized Representatives” substantially limit the guarantees provided by the Election Code.<sup>43</sup>

## **V. NOMINATION AND REGISTRATION OF CANDIDATES**

### **A. LEGAL FRAMEWORK**

Requirements for a candidate for deputy in parliamentary elections are governed by Articles 56 and 85 of the Constitution and Articles 13 and 144 of the Election Code. Following amendments to the Constitution with the 2016 referendum, every citizen who has attained 18 years of age (previously 25 years old) has the right to be elected as a deputy of Milli Majlis. Higher education is not required.

The law also limits the right to be elected in some cases. Such cases include those sentenced to imprisonment by a court judgment that has come into legal force; persons convicted for crimes (grave and especially grave) provided for in Articles 15.4-15.5 of the Criminal Code (until their conviction is not paid); persons with dual citizenship (until their dual citizenship is presence); persons who have been living in a foreign country for more than 5 years and have obligations to this country (until these obligations are terminated)); servicemen (during their military service); judges (during being judges); civil servants (during their civil service); clergymen (during their professional religious activity); engaged in other paid activities except for scientific, pedagogical and creative activities (for the duration of their stay); serving in the executive or judicial systems (for the duration of their stay); persons certified by the court as incapable.

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<sup>43</sup> <http://idi-aze.org/az/sekilere-dair-qanunvericiliyin-analizi-pdf/>

According to Article 53 of the Election Code, a candidate can be nominated with their own initiative or by voters with the active electoral right. According to Article 54 of the Code, the nomination of a candidate may also be carried out by a political party or a bloc of political parties. A political party can also nominate individuals who are not members of that party. Nominations are made by submitting a written notice to the relevant ConEC. The ConEC must review the submitted documents within a five-day period and decide whether or not the candidacy is approved. Once approved, each candidate nominated to be registered as a candidate for deputy for the relevant constituency area must be given a signature sheet to collect at least 450 voter signatures from the respective constituency. The ConEC should check the signatures and other documents of the candidate, who submitted the signature sheets, within 7 days and decide whether or not the candidate has been registered.

## **B. CONTESTANTS**

Political parties are institutionally excluded from functionality and there is no legal and free environment for their activities. One of the main opposition parties, The National Council, and its leading force, the PFPA, boycotted participation in the elections by expressing their distrust of democratic conduct of elections. After the elections have been commenced, the Azerbaijan Democracy and Welfare Movement, the Classic Popular Front Party, has announced their refusal to run in the elections.

Despite all the difficulties, the Musavat Party and the ReAl Party, two of the country's leading opposition political bodies, have decided to run in the elections.

Musavat Party for the first time has chosen a form of a nomination for participation in the elections both by the party and by own initiatives of candidates (with the membership of Musavat of their party affiliation).

However, since it has no official registration, the ReAl Party has chosen a form of a nomination for participation in the elections by own initiative of candidates (with the neutrality of their party affiliation) and has created a bloc called the "REAL Republicans' Union" with independent individuals.

At the same time, the Nida Civic Movement and the D18 Movement joined the process in the format of the "Movement" election bloc, in conjunction with opposition and independent public and political activists.

In fact, the above-mentioned blocks were not registered in the CEC as election blocs because they did not meet the requirements<sup>44</sup> of election legislation. The parties use the block's name for more joint social and political campaigns.

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<sup>44</sup> Election Code, Article 50

The Party of Hope, Civic Solidarity Party, Azerbaijan Democratic Party, Azerbaijan National Independence Party and other parties also participate in the elections.

The ruling New Azerbaijan Party (NAP) has the largest number of candidates in the elections.

More detailed information on nominated and registered candidates is provided in the I Interim Report.<sup>45</sup>

### C. OFFICIAL INFORMATION

The process of nominating candidates for the current parliamentary elections was officially launched on December 5, 2019, and continued until the deadline for registration, January 10, 2020.

The CEC, unlike previous positive experience, has also demonstrated the negative experience it has practiced since 2015. Thus, it did not release detailed information on its internet resources on individuals and parties nominating candidates for this election too, but it only gave generalized statistics at the end of the commission's sessions. However, after criticism of the parties and public figures participating in the election, the CEC has begun posting information on the constituencies on its website since January 11, 2020.<sup>46</sup> At that time, the dates of the steps towards the candidates by stages were kept hidden, only the "+" sign on these actions was marked, it began to distribute information shortly before the deadline for registration. That information has been generally removed from the site and only information of those who were registered has been left since January 18, 2020.<sup>47</sup>

Thus, the monitoring of official information during the nomination and registration phase has been restricted by the CEC. Therefore, it is doubtful that the figures presented officially reflect reality.

The CEC has confirmed the nomination of **2,358** people. Of these, **2,247** received signature sheets, and **1,774** collected signs and returned with the necessary documents. In the end, **1,560** candidates were registered.<sup>48</sup>

There is a discrepancy between the information provided by the parties to IDI and the official data provided by the CEC. The results also differ when comparing the statistical figures released by the CEC above and the number of the Electoral Information Center data on registered candidates in constituencies. More information can be found in the I Interim Report.<sup>49</sup>

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<sup>45</sup> <http://idi-aze.org/en/first-interim-report-of-idi-on-early-parliamentary-elections/>

<sup>46</sup> <https://modern.az/az/news/223468>

<sup>47</sup> <https://www.infocenter.gov.az/archive/MilliMeclis2020.aspx?i=4>

<sup>48</sup> <https://report.az/siyasi-xeberler/daxili-siyaset/msk-1560-neferin-deputatliga-namizedliyi-qeyde-alinib/>

<sup>49</sup> <http://idi-aze.org/en/first-interim-report-of-idi-on-early-parliamentary-elections/>

IDI recorded the first stage of parliamentary elections on February 9, 2020 - violations related to nomination and registration of candidates in the observation of 74 election constituencies in the country.<sup>50</sup>

According to the official data of the CEC, 313 people withdrew their nominations within a very short period of time until February 1, after January 17, when the registration of the candidacy ends.<sup>51</sup>

Observations show that mass and immediate withdrawal of candidates creates doubt that the process will be carried out by instruction. This conclusion has also been come by the fact that most candidates, who withdrew, work in state-financed offices and enterprises.

As a result of the IDI monitoring, it was identified that the number of candidates who continue to participate in the election is 1,305. 77.5 percent (1,012 people) of them are neutral. The number of candidates nominated by his/her own initiative is 1,070 (82%). 238 nominees from 18 political parties continue to stand for election. Most of them are YAP (New Azerbaijan Party) (122), followed by Musavat (25) and Umid (Party of Hope) (19). 294 of the candidates stated that they are members of the party and thus members of 25 parties continue to participate in the elections.

While their candidacy appears to be officially independent, candidates from the REAL Republican Union (30) and the Movement Election Bloc (16) continue to process as two unofficial opposition election blocs.

More details on the nomination and party affiliation are described in I Interim Report.<sup>52</sup>

## **VI. PRE-ELECTION CAMPAIGN**

According to Article 75.2 of the Election Code, the pre-election campaign begins 23 days before the voting day and ends 24 hours before the start of voting. As a result of amendments to the Election Code in 2008 and 2010, the reduction of campaign period from 60 days to 23 days before the election, and the ban on campaign opportunities on state television and radio significantly limited the opportunities for campaigning.

IDI observations show that the reduction of the election period has created serious obstacles to the pre-election campaign, using the legal means available. The lack of favorable conditions for campaigning has led to a dysfunctional campaign period. Furthermore, the National Council, an important part of the opposition, does not participate in the elections and has not held any mass action during this period. The activities of other leading opposition parties, the Musavat Party,

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<sup>50</sup> I Interim Report, Annex 2.

<sup>51</sup> [https://apa.az/az/daxili\\_siyaset/Deputatliga-namizdliyini-geri-goturnlrin-sayi-313-nfr-catib-570005](https://apa.az/az/daxili_siyaset/Deputatliga-namizdliyini-geri-goturnlrin-sayi-313-nfr-catib-570005)

<sup>52</sup> <http://idi-aze.org/az/idi-nin-nvbedenkenar-parlament-sekileri-ile-bal-araliq-hesabati/>

the Real Party, and others, have focused more on electoral constituencies and have not carried out any large-scale public events. As a result, the opportunity to conduct a pre-election campaign in a transparent, fair, and equitable environment was lost for political parties that oppose each other.

As a result of early parliamentary elections, lack of political environment, and the problems with the nomination and registration of political party candidates who decided to participate in the elections, except for the NAP, others were not eligible to receive free airtime during the campaign period. The NAP refused the right it obtained, saying it would not conduct a unilateral campaign. Although the same happened during the 2010 parliamentary elections, each candidate registered was given a 4-minute free airtime on Public Television with the decision of the CEC. In these elections, as in 2015, no such decision was made, and as a result, no free campaigning was provided.

The cost of mass media was also not available to most candidates willing to participate in paid campaigns, as mentioned in the previous report. IDI notes with regret that the cost of paid airtime on Public Television was shown as the maximum of the advertising price. This was described in more detail in the I Interim Report.<sup>53</sup>

The CEC has designated a list of only 272 places in each constituency, with one open and one closed for each constituency, during the pre-election campaign for candidates to meet with voters and to hold meetings. However, in the 2010 parliamentary elections, there were 4,930 places in total, with 2,676 open and 2,254 closed. IDI's long-term observers have been monitoring these places since January 17. Based on the observations, it became clear that most of the locations and distances were not suitable for holding meetings with voters.

Unlike the previous elections, the candidates widely used the potential of the new media in these elections. The campaign of candidates was carried out on social networks such as Facebook, Youtube, and Twiter. Another reason for applying for these propaganda methods is the lack of financial access to paid campaign opportunities for candidates.

Candidates also carried out their campaigns in web portals and news agencies.

Observers working with IDI recorded various violations during the pre-election campaign during long-term observation of 78 constituencies in the country. Observations also indicate that no election campaign was conducted by opposition or real independent candidate in 40 constituencies. This was actually a situation of political alternativelessness in those constituencies. More detailed information is described in II Interim Report.<sup>54</sup>

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<sup>53</sup> <http://idi-aze.org/az/idi-nin-nvbedenkenar-parlament-sekileri-ile-bal-araliq-hesabati/>

<sup>54</sup> <http://idi-aze.org/en/second-interim-report-of-idi-on-early-parliamentary-elections/>



## VII. ELECTION ADMINISTRATION

The early parliamentary elections are administered by a three-tiered structure consisting of the *Central Election Commission (CEC)*, 125 *Constituency Election Commissions (ConECs)* and 5,426 *Precinct Election Commissions (PECs)*. All commissions are permanent bodies consisting of 18, 9 and 6 members respectively, elected for five years. Except for the members of the CEC and the ConECs chairperson and secretaries, the other members of Commissions do not receive permanent salaries but only receive short-term wages during the elections. The CEC members are appointed by the parliament and the ConECs members are appointed by the CEC and PECs members are appointed by relevant ConECs. One-third of the members of the Commissions represents a parliamentary majority, one-third represents a parliamentary minority, and one-third represents neutral deputies. According to the law, all chairpersons of the Commissions are candidates of the parliamentary majority. Thus, the parliamentary majority has “de facto” a majority in all election commissions. In recent years, all decisions made by election commissions by non-alternative voting are a clear indication of this.

The OSCE / ODIHR, after the 2010<sup>55</sup> and 2018<sup>56</sup> elections, and the Venice Commission<sup>57</sup> has repeatedly recommended to reassess the existing formula with the way that can provide nonbeing of election commissions under the power of the pro-government forces and gaining the confidence of public, especially, political parties that debate the results of the elections. Again, this recommendation remains unseen.

While waiting for the deadline, the CEC adopted the additional regulations required. The CEC sessions were open to the press and observers. Decisions have been made available to the public through state-funded media and the CEC website.

The CEC has conducted voting procedures for the ConECs and PECs, in conjunction with the police and media agencies, as well as online and TV educational videos, and distribution of voter information posters. It was also announced that pieces of training were held to raise awareness of the lower election commissions.

The CEC has started printing election bulletins since 27 January. By the decision of the Commission, 5,387,600 election bulletins were printed, provided that the number of ballots did not exceed 3% of the total number of voters. The deadline for the filing of appeals and cassation complaints regarding candidate registration was not taken into account during the printing of bulletins.

On 5 February, the CEC decided to install webcams at 1,000 (a thousand) precincts in 119 constituencies, and a list of those precincts was posted on its official website.<sup>58</sup>

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<sup>55</sup> <https://www.osce.org/odihr/75073?download=true>

<sup>56</sup> <https://www.osce.org/odihr/elections/azerbaijan/388580?download=true>

<sup>57</sup> [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2004\)016rev-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2004)016rev-e)

<sup>58</sup> <http://www.msk.gov.az/az/newsmsk/1142/>

## VIII. VOTER REGISTRATION

Every citizen of the Republic of Azerbaijan who has reached the age of 18 has the right to elect and be elected, except for persons deprived of this right by a court decision. Voter registration is a passive action and voter lists are compiled based on a permanent voter registration database administered by the CEC. The fact that a citizen lives permanently at the place of residence (at least 6 months before the election announcement) is grounded on the inclusion of a citizen in the voter list at the polling station.

According to the Election Code, a permanent list of voters is annually approved by May 30 each year at each polling station as the CEC determined and is assured at least 25 days before voting day. Voters can also check whether their names are on the list through the CEC website or “hotline” number 115. If the names of citizens, who are able to confirm their residence in the territory of the polling station and has the right to vote, are not included in the regular voter list, they may be registered on the supplementary voter list, which is in PEC, on election day.

The update of voter lists was finished on January 15 with 5,238,000 people in 125 constituencies. Thus, after the number of voters (5,212,902) approved on May 29, 2019, 25,098 voters were added to the list.

However, this figure is drastically different from the figure released by the State Statistics Committee. According to the data given to the ODIHR EOM by the State Statistical Committee, as of December 2019, the number of citizens who have reached the age of voting was shown as 7,325,000. The Committee notes that this includes Azerbaijani citizens living abroad, foreign nationals living in the country, as well as the Nagorno-Karabakh population, according to the 1989 Soviet Union census.<sup>59</sup> However, the grounds presented do not have the power to expound the difference of incompatibility and it cannot be considered reasonable. In this regard, IDI’s 2015 research named “*Voter Registry Audit*” explains in more detail the nature of the problem.<sup>60</sup>

According to the Election Code, the Precinct Election Commission should place voter lists on the information boards, which voters can see well and which are easy to access, out of the voting room for familiarization of voters and additional clarifications at least 35 days before the voting day.

According to IDI observations, voter lists were not placed at precincts in election constituencies № 27, 28, 40, 41, 42, 43, 44, 46, 73, 76, 81, 84, 89, 93, 94, 95, 110, 125 on January 15, 2020. Observers were not able to receive information on the voter list.

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<sup>59</sup> <https://www.osce.org/odihr/elections/azerbaijan/445057?download=true>

<sup>60</sup> <https://idi-aze.org/az/seici-qeydiyyatnn-auditi-pdf/>

Furthermore, voter lists were not placed at places, which voters can see well and which are easy to access, in constituencies № 8, 9, 10, 15, 16, 18, 21, 23, 29, 32, 33. Observers faced significant barriers of administrative resources and security services to accessing voter lists.

## **IX. MEDIA**

There has been no positive change in assessment on the media environment in previous reports. Again, the independent media environment is limited, especially with the electronic media being completely controlled by the government.

IDI conducted monitoring to evaluate the activity of the media in the elections and prepared reports on the results for the first period (December 11, 2019 - 16 January 2020) on 23 January 2020.<sup>61</sup> The results of the monitoring for the second period were also released on February 8, 2020.<sup>62</sup>

IDI has made long-term monitoring to assess the media's performance in the elections and issued two reports.<sup>63</sup>

As a result of the media monitoring, it is revealed that the TVs grossly violate the basic principles of activities of TV and radio contained in Article 3 of the Law of the Republic of Azerbaijan “On Television and Radio Broadcasting”. In its activity, it does not obey the principles of comprehensiveness, objectivity, completeness, and accuracy of the information, freedom of citizens' thoughts and ideas, ideological and political pluralism, impartiality and neutrality, and it is engaged in the one-sided campaign.

Public television is far from the purpose of public broadcasting and does not function as a public broadcaster. 73% of the information on television was the campaign of the government and its supporters. No public debate was held with the candidates. The purpose of broadcasting shown in Article 1 of the Law “On Public Television and Radio Broadcasting” does not provide for the general interest of the society as a whole, as well as its various coteries in the social, scientific, educational, cultural, entertainment, and other fields, and does not develop accurate and balanced information aimed at reflecting freedom of speech and expression, different views and beliefs. It violates citizens' right to receive impartial and balanced information about the activities of political parties during the campaign. Despite being financed entirely from the state budget, by setting a very high political price for paid broadcasts, it does not create the conditions for citizens to get to know politicians they will choose, does not organize debates and discussions of candidates, roundtables, and talk-shows to demonstrate the problems of the country, does not demonstrate adherence to the principle of impartiality, neutrality, and accuracy of information.

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<sup>61</sup> <http://idi-aze.org/en/idi-media-monitoring-for-parliamentary-elections-interim-report/>

<sup>62</sup> <http://cloud.idi-aze.org/az/idi-nvbedenkenar-parlament-sekileri-ile-bal-ikinci-dvr-n-media-hesabat-yaydi/>

<sup>63</sup> <http://idi-aze.org/en/idi-media-monitoring-for-parliamentary-elections-second-report/>

Monitoring shows that the majority of media organizations monitored, regardless of their form of ownership and source of funding, have grossly violated the terms of objectivity, impartiality, neutrality, respect for political diversity, and being balanced, which have become universal values as a principle of media ethics.

According to the monitoring, the functions of the media to inform and educate voters did not work, the pre-election environment and campaign period in the country was completely focused on the campaign of a single political will, and the voters are kept as far away from important political events as the formation of the legislative branch of government and go to elections without knowing their candidates, their outlook, and their platform.

## **X. OBSERVERS**

### ***Local observer***

The Election Code provides for international and local observation. Local observers are registered as individuals or representatives of registered candidates, parties, or NGOs working in the field of elections. The CEC registers observers who wish to observe across the country, while the ConECs engage with the accreditation of observers who will monitor in the electoral constituency.

According to official data, 1,860 local observers have been registered by the CEC and 56,484 by ConECs across the country.<sup>64</sup> Recall that 2,619 local observers were registered by the CEC and 63,000 by ConECs across the country at the 2015 parliamentary elections.

Since 2014, as a result of serious restrictions created for civil society related to the environment of right and activity, some NGOs, which have electoral experiences, have been deprived of observation and other election activities. Despite all the difficulties, few organizations that provide long-term and short-term observation and provide free legal aid continue to their activities.

### ***Exit poll***

During this period, the CEC registered three organizations for conducting exit polls. The information provided to the CEC by the bodies authorized to conduct the exit poll is not publicly available. Editor-in-chief of Argument.az website, Shamshad Aga, sent an information inquiry of the journalist to the CEC on February 4, 2020, for the disclosure of information provided by the exit-polling organizations. According to the requirement of Article 8 of the Law “On Mass Media”, an inquiry of a journalist should be responded no later than 24 hours. However, the CEC did not respond to the inquiry.

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<sup>64</sup> [https://apa.az/az/daxili\\_siyaset/Milli-Mclis-novbdnknar-seckilrl-laqdar-58-mindn-artiq-yerli-musahidci-qeydiyyatdan-kecib-569480](https://apa.az/az/daxili_siyaset/Milli-Mclis-novbdnknar-seckilrl-laqdar-58-mindn-artiq-yerli-musahidci-qeydiyyatdan-kecib-569480)

The aforementioned and the negative experience of previous elections have created a serious distrust of the objectivity of the exit polls conducted by these organizations. The exit poll results announced on election day also exacerbated this distrust.

### ***International observer***

According to the official figures of the CEC, from the 56 international organizations, of which names are not known to the general public, including the OSCE and PACE, 842 international observers, which will represent 55 countries, will observe the elections.

## **XI. COMPLAINTS AND APPEALS**

According to Article 112 of the Election Code, complaints and appeals can be filed by voters, candidates, political parties and blocs and their representatives, observers and election commissions. The actions and decisions of election commissions violating electoral rights can be examined by a higher-level election commission. As well as the decisions and actions of the CEC can be appealed to the Court of Appeal. The decision of the Appeal Court can, in turn, be appealed to the Supreme Court. Complaints or appeals must be filed within 3 days following the day when the violation occurred or the decision was made. The complaint shall be examined within 3 days if received 30 days prior to the voting day, within 2 days if there are less than 30 days prior to the voting day or immediately on the voting day or the day after the voting day.

The Election Code envisages the creation of a 9-member expert group in the CEC and a 3-member expert group in a ConEC for examining the disputes related to the election.

At the first stage of February 9, 2020, Parliamentary Elections, i.e. the process of nomination and registration of candidates, the majority of the complaints filed about the actions and inaction of constituency election commissions have not been investigated objectively. According to the data given in the official website of the CEC, it received 60 complaints (39 on registration, 3 on cancellation of candidacy, and 18 on campaign). Of these complaints, 16 were granted, 41 were rejected as unfounded. 1 complaint was dismissed with the applicant's petition. 2 complaints were partially granted.

The rejected complaints have not been investigated comprehensively. While examining the complaints, members of the Expert Group often based themselves on the decision of the Constituency Election Commission. During the investigation, the CEC, like ConECs, violated the procedural principles.

### ***Statistical summary on courts' consideration of appeals (cassation complaints)***

It is possible to summarize the statistics of cases considered by the Courts of Appeal and the Supreme Court for the election period as follows:<sup>65</sup>

- During this period, the Courts of Appeal considered 23 cases on election complaints. Of the complaints. In 22 cases considered, a decision was taken on merits and the claims were not satisfied. 1 case was considered inadmissible.
- During this period, 11 cases were considered by the Supreme Court on cassation appeals from decisions of the Courts of Appeal. The decisions of the Courts of Appeal were upheld on the non-satisfaction of claims by not providing cassation complaints on these cases.

In the practice of appeals by the Courts of Appeal, the administrative and economic collegium of the Courts of Appeal treated the cases in a formalistic manner and considered in a very short time.

The cases on complaints filed were also considered in a very short time in the Supreme Court. No investigation has been carried out on the merits of the complaint during this period.

IDI conducts monitoring on the consideration of complaints in the CEC and courts and will report the results of the monitoring to the public as a separate report after the election.

## **XII. OBSERVATION OF ELECTION DAY**

The Institute for Democratic Initiatives (IDI) observed early parliamentary elections on February 9, 2020, at more than 250 precincts in 33 of 125 constituencies across the country. The observation was organized in two directions:

1. Opening of polling stations, voting, vote-counting, and protocoling of votes were observed at polling stations.
2. Voter turnout was monitored with every moment and the number of voters who participated in elections was reported to the center at 10:00, 12:00, 15:00, 17:00, and 19:00.

IDI regularly reported on violations regarding the results of the monitoring of voter turnout 5 times on election day.

### **Training and activity of observers**

On election day, IDI provided 30 pieces of training on the organization of impartial and independent observation on 55 constituencies of the country (on 33 constituencies it conducted

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<sup>65</sup> **Note:** Information may be incomplete since the official statistic data of all Courts of Appeal are not fully accessible to the public. This summary contains observable data.

observations and on 12 election constituencies for legal enlightenment of the observers of candidates applied). More than 1200 citizens of the country, observers participating in the elections, IDI members and volunteers attended the pieces of training. Legal assistance was provided to 240 of them to register in the CEC and more than 320 in the ConECs. In total, IDI cooperated voluntarily on election day with more than 475 of those who were his/her own observers, different candidates' observers, and independent observers. Observers were instructed with rules of impartial observation, rights and powers of observers, voting and vote-counting rules on election day, calculation of voter turnout, use of surveillance questionnaires, and reporting. Observers were provided with a Memory Booklet, Memory for Observers, surveillance questionnaires (voting turnout questionnaire, opinion form on observation, form of the act on the violation and copy of protocol on voting results), and instructions for the election day. Observers submitted the results of the monitoring on the opening of the polling station, the voting process, the voter turnout, and the vote-counting process to the Information Center 8 times during a day. Operators worked in the Information Center added reports from observers to a computer database based on a specific methodology. At the same time, IDI lawyers acted as experts on election day. Experts provided observers with legal advice on voting and vote-counting processes.

After election day, the information provided by observers was confirmed by checking with the voter turnout questionnaire, the opinion form on observation, the form of the act on the violation, and the copy of protocol on voting results they have submitted.

### **Opening of polling stations and preparation for voting**

Numerous violations were recorded during the opening of polling stations and preparation for voting:

- In 20.8% of polling stations, the preparation for voting did not start on time.
- In 21% of polling stations, there were no instructions or information posters related to voting in the voting room.
- In 19.2% of polling stations, campaign materials were found both inside and outside the polling station.
- In 46.1% of polling stations, ballots were not counted and stamps were not shown, and in 53.6% of polling stations, they were counted but the result was not announced.
- In 48% polling stations, unused absentee cards were not put into a separate envelope by being counted and canceled with a half-cut, and no act was prepared about this.
- In 27.1% of the polling stations, no ink and ultraviolet lamps were inspected.
- In 29.3% of the polling stations, the apparatus to check new generation Ids was not presented.

- In 84.4% of polling stations, the PEC chairperson showed blank ballot boxes to observers, closed them and tied them individually with a single-time plastic lock; however, in 45.3% of the polling stations, they did not announce individual numbers of locks and these numbers were not recorded on the act.
- In 26.1% of polling stations, voting rooms were not organized according to the scheme established by the CEC.
- In 33.2% of polling stations, comfortable conditions were not provided for observers.

### **Voting process**

During the parliamentary elections held on February 9, 2020, IDI noted that various types of electoral actions in the voting process were accompanied by violations, not as required by the Election Code, as follows:

- In 53.8% of polling stations, the PEC member did not thoroughly check the voter IDs at the entrance to the voting room until the end.
- In 40.1% of the polling stations, the PEC member did not check inking of the voter's left thumb with an ultraviolet lamp at the entrance to the voting room.
- In 40.1% of polling stations, voters, who refused to have an inking of their fingers checked, were allowed to voting.
- In 10.2% of polling stations, voting was observed with other documents, except for the relevant documents established by the CEC.
- In 15.3% of polling stations, it was observed that the voter's left thumb was not marked with ink.
- In 61.9% of polling stations, voters, who did not allow inking of their fingers, were allowed to vote.
- In 67% of polling stations, a pre-cut of the numbered upper left corner of the ballot paper was observed.
- In 11.2% of polling stations, voters did not sign in signature boxes in front of their names in the voter list about receiving ballot papers.
- In 7% of polling stations, voters signed in signature boxes in front of someone else's name in the voter list about receiving ballot papers.
- In 67% of polling stations, the violation of the secrecy of voting was observed.
- In 70.9% of polling stations, voting in place of someone else was observed.



- In 59.0% of polling stations, it was observed that more than one ballot paper was cast in the ballot box by one person.
- In 69% of polling stations, there were cases of influence on the will of the voter.
- In 74% of polling stations, more than one person had access to the voting booth.
- In 40% of polling stations, the principle that the police should stop at least 100 meters away from the polling station is not followed.
- In 7% of polling stations, police officers were seen in the voting room, except for voters.
- In 69% of polling stations, persons who did not have the appropriate ballot cards issued by the CEC or the ConEC (except for voters) were seen.
- In 4% of polling station, voting did not end on time (7:00 pm).

### **Vote-counting process**

IDI observers have recorded serious irregularities in the process of vote-counting. Violations are grouped as follows:

- In 39% of polling stations, not all votes were counted in the voting room.
- In 27% of polling stations, ballot boxes, voter lists, and other election materials did not remain in the voting room until the vote-counting was completed.
- In 23% of polling stations, it was reported that counting of votes was carried out by anyone other than the commission members.
- Before opening the ballot boxes, the PEC members did not identify the following:
  - The number of voters in the voter list – in 39% of the polling stations
  - The number of voters in the additional voter list – in 69% of the polling station
  - The number of voters who voted with the absentee ballot – in 54% of the polling stations
  - The number of voters who received the absentee ballot – in 70% of the polling stations
  - The total number of voters at the precinct – in 46% of the polling stations
  - The number of ballots issued by the ConEC – in 38% of the polling stations
  - The number of voters who received the ballot – in 32% of the polling stations
  - The number of petitions of voters who voted outside the polling station – in 45% of the polling stations

- Number of ballot papers issued to voters who voted outside the polling station – in 58% of the polling stations
- The number of unused ballot papers – in 52% of the polling stations
- The number of spoiled ballot papers – in 59% of the polling stations
- In 74% of polling stations, paragraph 1-6 of carbonated (main) protocols - the principle that boxes should not be filled out without opening was not followed.
- In 64% of polling stations, the locks were not checked until the boxes were unlocked and no individual numbers were announced.
- In 65% of polling stations, the vote count was not conducted with the principle that it should be conducted without interruption until the general counting process was finalized.
- In 21% of polling stations, vote-counting occurred outside the polling station.
- In 52% of polling stations, the vote-counting was not conducted under the observation of observers.
- In 24.8% of polling stations, ballot papers were blended, replaced, or marked.
- In 52% of polling stations, the vote-counting was not calculated according to the actual votes received by the candidates.
- In 57% of polling stations, carbonated protocols were not compiled in the voting room.
- In 52% of polling stations, an opportunity for observers to access to a certified copy of the protocol was not created.
- In 58% of polling stations, election documents were reported to be taken out of the room without writing the main protocols in the voting room.
- In 87% of polling stations, a signed and stamped copy of the protocol was not hung on the wall.
- In 27% of polling stations, vote-counting and protocols' writing were accompanied by unauthorized persons' interferences.
- In 31% of polling stations, there were cases of outsiders' giving instructions to PEC chairperson and commission members

## Quality of the work of commission members

In 70% of polling stations, it was reported that PEC chairperson and members did not respond to observers' legal questions. In 60% of polling stations, it was observed that PEC chairperson and members treated inattentively to observers' comments and suggestions.

## Voter turnout

IDI observers calculated the number of people, who went out of the voting booth inside the voting room and cast a ballot to voting box, to check the voter turnout by recording them in the Questionnaire given to them in 33 constituencies. Information was sent to the center 5 times at 10:00, 12:00, 15:00, 17:00, and 19:00. Voter turnout in these constituencies is shown with the following hours compared to the CEC figures:

Hour	CEC	IDI
10:00	11.10%	3.10%
12:00	23.10%	9.10%
15:00	30.90%	14.00%
17:00	37.70%	18.30%
19:00	??? %	<b>20.56%</b>

According to IDI observations, voter turnout at the end of the 33 constituencies was 20.56%. However, according to preliminary official information from the CEC, the voter turnout in these constituencies was not specified at 19:00. Although the CEC has just released the latest country figure of 47.81%, comparative analysis was not possible until the end because the CEC did not disclose voter activity in constituencies.

Due to the fact that the observations were static, it was not possible to determine the “carousel” operation in the voting. In other words, according to IDI observers, the number of voter turnout figures is likely to be among those involved in this operation.

By considering that serious violations, which gave rise to the artificial creation of voter turnout at the polling stations observed, have occurred, The accuracy of the final official figure (55.07%) for the country announced by the CEC raises serious doubts.

IDI believes that low voter turnout in the parliamentary elections on February 9, 2020, is due to lack of competition in the election process, high doubts in public opinion about continually falsification of elections, serious obstacles to independent and opposition candidates before the election, and formation of mistrust in the fairness of the electoral process.

## **Pressures to observers on election day**

Different obstacles to the activities of IDI observers have been created at the polling stations observed. According to the observers, in general, in 45.3% of polling stations, pressures on observers by the commission members and other persons were observed.

### ***IDI classifies the facts it recorded related to the pressures to and interferences with observers during the monitoring:***

- At the precinct No.8 of the ConEC No.32, an observer was subjected to police violence. He was forced out of the station without an indication of the basis.
- At the precinct No.21 of the Narimanov-Nizami Constituency No.18, representatives and observers of a candidate were subjected to violence as they protested against conducting the voting process outside the room.
- At the precinct No.16 of the Jalilabad City Constituency No.67, observed was removed from the vote counting process and was not allowed to observe the process.
- At the precincts No.21 and 22 of the Yasamal Third Constituency No.17, observers were removed from the polling station by police by drawing up an act on that they prevent the vote counting process.
- At the precincts No.9 of the Yasamal Second Constituency No.16, the observer was not allowed to observe and was subjected to pressure.
- At precinct No.11 of the Lankaran-Astara Constituency No.76, journalist Abulfat Bakhshali and observer Elmaddin Shamilzadeh were expelled from the polling station by using physical force. Other observers in the same constituency, Jala Bayramova at PEC No.16 and Kamran Mammadli at PEC No.30, were beaten by the PEC chairperson.
- At precincts No.1 and 36 of the Yardimli-Masalli Constituency No.72, observers faced pressure and were removed from the voting room.
- At several precincts of the Zangilan-Gubadli Constituency No.125, observers were gathered in police cars and taken to the uncertain direction.
- In the Guba-Gusar Constituency No 53, police tried to expel the candidate and his authorized representatives, who refused to act as they followed the process, from the ConEC by using force.

### **XIII. CONCLUSIONS AND RECOMMENDATIONS**

**IDI has reached the following preliminary results on the observation of the February 9, 2020, parliamentary elections:**

- During the February 9, 2020, parliamentary elections, the pre-election environment did not allow free, fair, and democratic elections. Serious restrictions on political freedoms, including freedom of speech and press, freedom of association and assembly were not eliminated. Instead, these elections were held in an environment where more than 100 political prisoners were still in prison.
- The period of nomination and registration of candidates during the parliamentary elections was accompanied by violations. Violation of the principles of transparency and equality in relation to candidates in the activity of election commissions, forcing to write petitions for withdrawal from candidacy in mass, as well as external interferences resulted in the creation of a non-alternative environment in 40 constituencies.
- During the pre-election campaign in the parliamentary elections, equal and competitive political conditions among the political parties, including candidates, were not provided.
- Pressures and threats were noted against the parties involved in the election process, especially opposition political parties, independent candidates, voters, and observers.
- Proposals of The OSCE / ODIHR and the Venice Commission of the Council of Europe for election legislation were not accepted. The decisions of the European Court of Human Rights on elections have not been implemented except for individual compensations. On the contrary, as a result of amendments and additions to the Election Code in recent years, the implementation of a number of electoral actions has become more difficult, serious restrictions on candidate registration and pre-election campaign have occurred.
- Numerous violations were reported at polling stations on the voting day, in particular, multiple voting by a single person, using multiple bulletins, and involvement of persons, who were not registered as voters in the constituency, in mass voting. The process of counting and protocoling of votes was carried out with serious violations; hence, the legal results of the voting were under suspicion.
- Official data on voter turnout on election day raised serious doubts and voter activity was artificially inflated in most polling stations;

**IDI summarizes the results of the monitoring of early parliamentary elections held on February 9, 2020, and comes to the following conclusions:**

- February 9, 2020, parliamentary elections were not free, fair, transparent, and democratic. At all stages of the election, mainly the pre-election political environment, the nomination and registration of candidates, and the generalization of the pre-election campaign period show that this election took place in the absence of a competitive and genuine election campaign.
- Violations recorded in elections, especially those that occurred during election day and during the counting and protocolling of votes, prevented free and fair elections. Thus, the parliamentary elections were not held in accordance with local legislation of the Republic of Azerbaijan and international standards.
- The state bodies of the Republic of Azerbaijan, and especially the political authorities, have not established the political will to ensure free, fair, and democratic conduct of this election. Thus, these elections cannot be considered as a process that reflects the true will of the Azerbaijani people.

**IDI points out the following recommendations on the preliminary results of the monitoring of early parliamentary elections on February 9, 2020:**

- All election complaints and appeals should be promptly investigated by the election commissions, and the public should be informed about the relevant decision in the direction of bringing authorized persons involved in this process to justice.
- Repression against political and civil society activists in the country should be stopped, people who are recognized by the international community as political prisoners should be released, and the solution of problems should be carried out through mutual dialogue.
- In order to overcome the political crisis in the Republic regarding political freedoms, political authorities should strive to create political trust between the state and citizens.
- Political authorities should create conditions for the free and equal representation of all political opponents in state and local government.
- Government agencies should respect the human and civil rights ensuring freedom of assembly, freedom of speech and press.
- Political authorities should demonstrate the political will to improve the Election Code based on the proposals of local public and political organizations, the recommendations of the OSCE and the Venice Commission of the Council of Europe, and the election decisions of the ECHR.

- The composition of election commissions should be organized based on the principle of parity with equal representation of the main political forces in order to build public trust.
- Democratic and improved rules for filing and considering complaints on violations of electoral rights should be established.
- Election commissions should make efforts to ensure transparency in the electoral process in the future and should create conditions for all citizens to observe the election process without any pressure.

**IDI Executive Board**

Baku, February 10, 2020

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**LIST**  
**of ConECs where the observation process was conducted**

No	Name of ConEC
1	Binagadi Second constituency 9
2	Binagadi Third constituency 10
3	Garadagh-Binagadi-Yasamal constituency 12
4	Khazar-Pirallahi constituency 13
5	Yasamal Second constituency 16
6	Yasamal Third constituency 17
7	Narimanov First constituency 19
8	Nasimi First constituency # 21
9	Nasimi Second constituency 22
10	Nasimi-Sabail constituency 23
11	Sabunchu Second constituency 27
12	Sabail constituency 29
13	Surakhani First constituency 30
14	Surakhani Second constituency 31
15	Surakhani Third constituency 32
16	Khatai First constituency 33
17	Khatai Second constituency 34
18	Khatai Third constituency 35
19	Kepez (Ganja) Second constituency 40
20	Sumgayit First constituency 41
21	Sumgayit Second constituency 43
22	Mingachevir constituency 47
23	Guba-Gusar constituency 53



24	Lankaran City constituency 73
25	Lankaran-Astara constituency 76
26	Astara constituency 77
27	Imishli constituency 79
28	Tartar constituency 95
29	Zagatala constituency 110
30	Gakh constituency 112
31	Sheki City constituency 113
32	Oghuz-Gabala constituency 117
33	Zangilan-Gubadli constituency 125