

OPINION

**On results of monitoring of the municipal elections held
in the Republic of Azerbaijan on December 23, 2014**

Institute for Democratic Initiative (IDI) was founded by a group of prominent lawyers and public figures on 05.11.2013. Despite the repeated appeals to the Ministry of Justice to register the organization they illegally refused to register it. Therefore, the organization appealed to the court. Currently the court process with regard to registration of the organization is underway.

Main purpose of the organization is to achieve establishment of open society through development of democratic initiatives. One of the main goals of IDI is to become impartial Non-Governmental Organization operating in holding free and fair elections in Azerbaijan, development of civil society and democracy.

Observation of the Elections Day

Institute for Democratic Initiatives (IDI) observed municipal elections held on 23 December 2014 in more than 60 polling stations defined by random choice in 15 electoral constituencies out of 125 constituencies. The observation was implemented in 2 directions:

1. Opening of polling stations, voting, counting of votes and compilation of protocols regarding votes were observed in the polling stations on the elections day.
2. Turnout/activeness of voters in voting was observed every moment and number of voters participated at the voting was submitted to the information center at 10, 12, 15, 17 and 19 o'clock. IDI prepared and distributed results of monitoring on voters turnout 5 times on the elections day and Press Release on violations once on the elections day.

Preparation of the observers and their activity

In order to organize impartial and independent observation on the elections day, IDI held 15 trainings in 15 election constituencies of the country. 78 citizen of the country - members and volunteers of IDI took part at these trainings. We provided legal assistance to 24 of them for their registration in CEC and to 54 of them for registration in ConECs and in general, voluntarily, through internal means cooperated with more than 75 observers on the elections day. The observers were trained on code of behavior of impartial observation, observers' rights and authorities, regulations on voting and counting of votes on the elections day, counting of voters' turnout, usage of questionnaire forms on observation and reporting rules. The observers were provided with Memory Book for the elections day, questionnaire form on observation, memory for observers (Questionnaire Form on voters' turnout, Opinion on observation, Act on violations and copy of protocol on results of voting) and instructions.

8 times during the day the observers submitted to the Information Center the results of monitoring on opening of the polling stations, voting process, voters' turnout and counting of voters. 2 operators working at Information Center placed reports submitted by observers to the database of computer based on special methodology. At the same time on the elections day lawyer of IDI acted as expert. Expert provided legal assistance to observers regarding voting process and counting of votes.

After the election day, information provided by observers, Questionnaire Form on voters' turnout, Opinion on observation, Act on violations and copy of protocol on results of voting submitted by them were compared and clarified.

Opening of polling stations and preparation for voting

Certain problems were recorded in some parts of the observed polling stations during their preparation and opening . Thus:

In 9.5% of polling stations preparation for voting was started not in time

In 21.4% of polling stations instructions on voting were not given and information posters were not inside the voting room

In 33.3% of polling stations election campaign materials were found inside and outside the voting room

In 7.1% of polling stations election ballots were not counted, it was not shown that they were sealed; despite that in 16,7 % of polling stations the ballots were counted, but the number was not announced.

In 31.0% of polling stations of unused de-registration (voting) cards were counted, annulled by cutting in half, but were not put in a separate envelope and no protocol was compiled in this regard.

In 15.4% of polling stations number of applicants appealed for voting through mobile ballot boxes was not announced.

In 14.3% of polling stations ink and ultra violet lamps were not checked.

In 95% of polling stations Chairmen of PECs showed empty ballot boxes to the observers, closed them and despite that the chairmen closed them with individually numbered plastic locks envisaged for one usage, in 16.7% of the polling stations these individual numbers were not announced and were not recorded in a respective act.

Voting process

During municipal elections held on December 23, 2014 IDI recorded the below mentioned elections activities not corresponding to the requirements of the Elections Code and accompanied by violations:

In 14.3% of polling stations member of PEC didn't seriously check voter's ID card at the entrance of voting room.

In 21.4% of polling stations member of the PEC didn't check at the entrance to the voting room whether voter's left thumb was marked with ink by using ultra violet lamp.

In 26.2% of polling stations voters, who refused to allow checking their finger's ink, were allowed to enter voting room

In 14.3% of polling stations voting was done with other documents, not the ones defined by CEC for voting.

In 38.1% of polling stations voters' left thumb was not inked.

In 19.0 % of the polling stations voters, who refused to allow inking their finger, were allowed to vote.

In 52.4% of the polling stations upper left, numbered corner of the ballot was cut in advance.

In 16.7% of the polling stations voters didn't put signature in the signature column in front of their names in the voters' list to confirm that they received ballot.

In 33.3% of the polling stations voters put their signature in the signature column in front of someone else's name in the voters' list as confirmation that they received ballot.

In 33.3 % of the polling station violation of confidentiality of the voting was observed.

In 52.4% of the polling stations voting instead of other person was observed.

In 66.7% of the polling stations one person throw more than one ballots into the ballot box

In 16.7% of the polling stations attempt to affect the voters' will were observed.

In 28.6% of the polling stations entrance of more than one person into the voting booth was observed.

In 31.0% of the polling stations the principle that police should be at least 100 meters away from the polling station was not followed.

In 7.1% of the polling stations police officers, except for those who voted, were inside of the voting room.

In 23.8 % of the polling stations persons, who didn't have respective badges issued by CEC or ConECs (except for voters), were inside the voting room.

In 9.5% of the polling stations voting didn't end on time (19:00).

Counting of votes

Observers of IDI recorded serious violations during counting of votes, which affected the quality of the process. Violations were grouped as following:

In 16.7% of polling stations vote count was implemented not only in the voting room.

In 11.9% of polling stations, ballot boxes, lists of voters and other election materials didn't remain in the voting room until completion of the vote count.

In 11.9% of polling stations, vote count was implemented not only by members of the election commissions, but by other persons as well.

Before opening of the ballot boxes members of PECs didn't define the below mentioned items:

Number of voters in the voters' list - 31.0% of polling stations

Number of voters in additional voters' list - 54.8% of polling station

Number of voters, who voted with de-registration (voting) card - 40.5% of polling stations

Number of voters, who obtained de-registration (voting) card -42.9% of polling station

General number of voters in the polling station - 31.0% of polling station

Number of ballot papers given by ConEC - 40.5% of polling station

Number of voters, who received ballots - 42.9% of polling station

Number of appeals of voters, who voted outside the voting room/through mobile ballot box - 48.1% of polling station

Number of ballots issued to voters who voted outside the voting room - 47.1% of polling stations

Number of unused ballots- 40.5% of polling station

Number of mutilated ballots - 51.9% of polling station

In 62.9% of polling stations the principle of filling in advance the 1th- 6th paragraphs of the carbonized (main) protocol was violated.

In 33.3% of polling stations locks were not checked before opening of the boxes and individual numbers were not announced.

In 47.6% of polling stations the principle of vote count without interruption/non-stop until the general process of vote count is finalized, was violated.

In 64.3% of the polling stations cases on vote count outside the voting room were observed.

In 47.6% of polling stations vote count was implemented not in the presence of observers.

In 61.9% of polling stations, mixing of ballots, their replacement, or marking of them was observed during vote count.

In 54.8% of polling stations vote count was not implemented in accordance with the real votes the candidates received.

In 54.8% of polling stations carbonized protocols were not compiled in the voting room.

In 62.4% of polling stations observers didn't have opportunity to obtain a certified copy of the protocol.

In 57.1% of polling stations election documentation was taken out of the room without compiling the core protocols in the voting rooms.

In 64.3% of polling stations, copy of the signed and sealed protocol was not hanged on the wall.

In 38.1% of polling stations intervention of outsiders in vote count and compilation of protocols was observed.

In 38.1% of polling stations outsiders were giving instructions to Chairmen of PECs and commission members.

Quality of the work of commission members

In 38.1% of polling stations chairmen of PECs and commission members didn't respond the legitimate questions of the observers. In 31.0 % of polling stations chairmen of PECs and commission members ignored rebukes and recommendations of the observers.

Evaluation of observation process by Monitoring holders

Observers evaluated conditions created for observation during each of 3 phases of the election day based on 5 mark (very bad, bad, average, good and average) and in the below mentioned way:

1. Period of preparation for voting: Too bad- 16.7%, bad -4.8%, average -33.3%, good - 45.2%,
2. During the voting: Too bad- 26.2%, bad - 35.7%, average - 26.2%, good - 9.5%, excellent - 2.4%.
3. Counting of votes and compiling protocols: Too bad- 57.1%, bad - 21.4%, average - 9.5%, good - 9.5%, excellent - 2.4%.

Voters' turnout

In order to learn voters' turnout in 15 election constituencies, where IDI observers conducted observation, the observers were recording number of people, who was coming out of the polling booth located inside the voting room and was throwing ballot into the election box and were recording this number into the Questionnaire Form given to them and later were counting the number and were sending information to the information center 5 times a day: at 10, 12, 15, 17 and 19: 00 o'clock. Comparison with the numbers provided by CEC in the respective hours is shown below:

	CEC	IDI
At 10:00 o'clock	8.97%	4.53%
At 12:00 o'clock	19.80%	10.39%
At 15:00 o'clock	30.92%	15.43%
At 17:00 o'clock	35.12%	18.21%
At 19:00 o'clock	37.45%	20.05%

Voter turnout which was observed by IDI in 15 election constituencies was 20.05 % at the end of voting. However, according to initial official information provided by CEC this number was shown as 37.45 % for these election constituencies.

As the observation was conducted in a static way, it was impossible to detect "carousel" operation. Therefore, the number of voters turnout announced by IDI based on information of its observers can possibly contain people who were involved in this operation.

Taking into account that serious violation of law were observed in polling stations where the observation was conducted and which could lead to artificial increase of voters' turnout, we can say that the final official number of voters' turnout throughout the whole country announced by CEC (38.93 %) casts doubts.

IDI considers that low voters' turnout in municipal elections conducted on December 23, 2014 is connected with absence of competition in the electoral process, high suspicious opinion of public on falsification of the elections, serious obstacles created to independent and opposition candidates before the elections, low level of confidence in the fairness of the electoral process, low prestige of municipalities as institutions, and not implementation of international obligations undertaken to increase independence and status of municipalities.

Pressure on observers on the election day

Different obstacles were created for activity of IDI observers in election constituencies observed. Thus, Monitoring holder, who intended to observe elections on the territory of 1st election constituency of Khatai District No. 33, was not allowed to enter the polling station allegedly as if the seal on his bag issued by CEC was false. Observers were also not allowed to enter the polling station on the territory of Tartar election constituency No. 95. In Binagadi election constituency No. 9 our observer faced the threat to be expelled from the polling station due to a question he asked. In Sheki city election constituency No. 113, Monitoring holder couldn't fully fill in the Opinion Form due to the pressure he faced there. Thanks to interference of CEC pressure on observers reduced to some extent.

According to opinion of the observers, generally, commission members or other persons made pressure on observers during the voting process in 33.3% of polling stations.

Conclusions and Recommendations

IDI came to the below mentioned initial conclusions on observation of municipal elections held on December 23, 2014:

During Dec.23, 2014 municipal elections pre-election environment was not free and democratic, shortcomings in the sphere of political freedoms, especially freedom of speech and press, freedom of assembly and association were not eliminated. On the contrary, these elections were held on the background of arrests of political and civil society activists, prominent human rights defenders, journalists and bloggers, and as result in the atmosphere of repressions in the country.

During Dec.23, 2014 municipal elections serious violations were observed during the period of registration of candidates, which resulted in creation of electoral environment without alternatives. This can be clearly seen while looking at official information of CEC regarding political parties, which were taking part at the elections, as well as their registered candidates.

During Dec. 23, 2014 municipal elections equal and competitive environment was not created for political opponents and candidates during the election campaign.

During election process pressure and threats on election participants, especially on political parties, candidates, voters and observers were recorded. A photo-blogger was arrested on charges of violation of pre-election campaign.

Serious discrimination was observed in the process of putting forward of candidacies and registration of candidates for municipal elections. Thus, there were no obstacles in registration of members of the ruling NAP party. On the contrary, members of opposition political parties faced numerous of artificial obstacles created by ConECs or local executive authorities during their registration. Sometimes, representatives of local executive power made pressure on them.

Recommendations of OSCE ODIHR and Venice Commission of the Council of Europe regarding electoral legislation were not adopted. On the contrary, as result of a number of reactionary additions and amendments made to the Electoral Code in the last few years, execution of a number of election activities became difficult and legal restrictions were created for registration of candidates and their pre-election campaign.

On the election day a number of violations of law, especially voting of one person several times, mass throwing of ballots were recorded in polling stations, as well as serious violations during the process of vote counting and compilation of protocols were observed and therefore, all these casted doubt on legitimate results of the voting.

Official data on voters turnout on the election day casted serious doubts and in most of the polling stations voters turnout was artificially increased.

Thus, summarizing the results of monitoring of December 23, 2014 municipal elections IDI came to the below mentioned Opinion:

Municipal elections conducted in the Republic of Azerbaijan on December 23, 2014 were not free, fair, transparent and democratic. Summarization of results of all stages of elections, especially nomination and registration of candidates, pre-election campaign, voting on the election day shows that these elections were held in non-competitive environment without alternatives and were not elections which express real will of Azerbaijani people.

Violations of law recorded during elections and pre-election political environment, did not allow holding free and fair elections, thus the municipal elections were held not in accordance with local legislation of the Republic of Azerbaijan and international standards.

State structures of the Republic of Azerbaijan, especially political power failed to demonstrate political will to conduct free, fair and democratic elections.

IDI presents the following recommendations with regard to initial results of monitoring of municipal elections held on December 23, 2014:

Election commissions should immediately investigate all appeals and complaints regarding violations of law; public should be informed about relevant decisions on bringing to account the authorized people who participated in this process.

Repressions against political and civil society activists in the country should be stopped; persons recognized by international community as political prisoners should be released from prison; solution of problems should be conducted in the atmosphere of mutual dialog.

In order to eliminate political crisis observed in the country in the sphere of political freedoms political power should try to create political trust between the state and citizens.

Requirements of “European Charter on Local Self Governance” regarding increase of status of municipalities, creation of capital and large city municipalities and calls of the Congress of Local and Regional Authorities of the Council of Europe should be applied.

Political government should create conditions for free and equal representation of all political opponents in the state and local government.

State agencies should respect human rights which ensure citizens’ freedom of assembly, speech and media.

Political will should be demonstrated for improvement of Election Code based on recommendations of local socio-political organizations, as well as Venice Commission of the Council of Europe.

Election commissions should be composed based on the principle of parity with equal representation of all political forces.

Democratic and advanced rules should be defined for submission and consideration of complaints on violation of electoral rights.

Election Commission should demonstrate diligence 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 Board

Baku, December 25, 2014