



DEMOCRACY LEARNING PUBLIC UNION

**FINAL REPORT
ON OBSERVATION OF
11 APRIL 2018 EARLY PRESIDENTIAL ELECTION
IN REPUBLIC OF AZERBAIJAN**



Baku
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In October 2018, the next presidential election in Azerbaijan would have to take place. On February 5, President Ilham Aliyev appointed early presidential elections, using the powers acquired by the amendments to country's constitution in 2016.

Election were prepared and conducted during 2 month with the decision of Central Election Commission dated 6 February 2018 which is the supreme election authority according to the Election Code that subjected to the changes last time in 2017.

BACKGROUND OF DEMOCRACY LEARNING PUBLIC UNION

DLPU, a local non-governmental organization that aimed to strengthen democratic institutions, enhance the role of civil society and encourage public participation has carried out observation of this elections. DLPU was founded by people that cooperated with IFES previously and specialized in elections area and have been operating independently since 2006. PU has been implementor of dozens of projects that served to the above mentioned development aims in cooperation with various international, foreign and national partners. Members of organization have been involved in implementation of various projects focused on awareness raising of election participants, capacity building of election commissions, election observation, increasing communication between voters and elected persons since 2003. Moreover, they participated in international training programs of OSCE ODIHR for short-term and long-term election observers, as well as participated as an observer in the international observation missions.

DLPU have established local impartial observer corps and implemented professional observation of elections in 2006, 2009, 2010, 2013.

The Union observed and assessed the April 11, 2018 elections as part of the project titled "Increase public participation in free and fair elections in Azerbaijan" aimed at increasing voter engagement, increasing public oversight of election processes and improving election practices.

Collaborating with local observers, data obtained through observation of all stages of the Election Day in 400 randomly selected polling stations within 65 constituencies were analyzed, and on this basis developed recommendations for improvement of election practice.

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I. SUMMARY

With the unexpected for the public Decree of President Ilham Aliyev on early elections, dated 5 February, 2018, the presidential election scheduled to be held in October, 2018, appointed to the 6 month earlier date. At the next day, the Central Election Commission decided to appoint the election on April 11, 2018, based on Article 179.2¹ of Election Code.

Democracy Learning Public Union has organized long-term and short-term observation activities covering 65 electoral constituencies of the country in order to assess all stages of early presidential election - nomination and registration of candidates, pre-election campaign, election day and preparation and implementation of electoral procedures in line with international standards, country constitution and election legislation. Local impartial observers were invited to the training and capacity building programs in order to establish observation corp in frame of project titled "Civil participation for free and fair elections in Azerbaijan financed by EU. Technical assistance was provided to 20 long-term observers and 400 Election Day observers to be registered in the election administration, which were trained within these programs and agreed to cooperate on election observation. DLPU carried out evaluation of all stages of election process according to the information received by observer corp and included all information, conclusions and comments in this Report.

11 April election was prepared and conducted based on Election Code which has been in force since 2003 and has been subjected to multiple regressive changes. No significant changes have been made to conduct the elections in line with the 1990 Copenhagen Document of OSCE and other international election standards. Ammendments to the country constitution in 2016 and Election Code in 2017 had technical nature and these amendments were not used as an opportunity to consider priority recommendations of OSCE / ODIHR and the Venice Commission of the Council of Europe on election legislation².

The independence of election commissions was main disputed issue as it was in previous elections. Election commissions formed on the basis of equal representation of political groups represented in parliament were again under the absolute superiority and control of the ruling party as a result of the lack of independence of those groups and keeping out the main opposition forces outside the legislative government after the 2015 parliamentary elections. The CEC was able to carry out the procedures envisaged by the legislation by the minimum inclusiveness and according to the regulatory requirements. The activities of the lower election

¹ According to this provision referring to Article 101 of the Constitution "...Elections are being appointed by the Central Election Commission on Wednesdays and held within 60 days no later than one week from the date of the announcement of early presidential elections by President.

² Any measures were not undertaken to improve legal framework on freedom of expression, assembly and association, and on recommendation to increase periods of elections, and specifically, the formation of election commissions' composition based on the trust of all election stakeholders

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commissions (125 Con.ECs and 5400 Precinct Election Commissions) were not open and transparent, and planned worse to ensure public participation.

In the election race, additional 7 candidates who did not have broad public support and the opportunity to conduct real election competition were registered. In total, ten out of 15 candidates who applied for registration submitted required 40,000 voters' signatures. Two candidates who were not registered by the CEC due to lack of requested number of voters' signatures in the registration process left the election marathon without any formal complaint. They verbally stated that they did not believe in the transparency of signature validating process and that the courts would conduct an objective investigation. A number of political forces, who harshly criticized the authorities and publicly considered the real alternatives to the government, refused to take part in the election, protesting the early elections and the unfavorable election environment in the country.

Generally, the ongoing court trials against civil society, the media and political opponents since 2013 have led to a tension in the pre-election socio-political environment and according to the human rights defenders there were about 140 political prisoners, including politicians, journalists, and bloggers, detained for their thoughts and professional activities.

The media environment could not transparent and comprehensive coverage of the elections. TV/Radio channels broadcasting country-wide do not have opportunity to conduct independent broadcasting policy on political issues. About 40 media outlets announced that they will participate in pre-election campaign. But according to the reviews of observers the prices defined for campaigning were very high. These prices were not accessible for candidates who joined to the election with very restricted campaign budget. NAP also was not interested in payed campaign, because all major streaming channels were giving broad coverage in news to the implementation of current president's powers.

Access to the online media recourses distinguishing with their independency was limited. The amendment to the law on the eve of the elections allowed CHTM to restrict access to resources on its own discretion without a court desicion.

The CEC adhered to the terms and procedural requirements for updating and publicizing voter lists. Nevertheless, there was no explanation on the the difference of 2 million between the number of voters in the state statistical database and the number of voters announced by the CEC. The CEC organized an active information campaign to encourage voters to check their names on the lists. DLPU observation group received big number of appeals from voters on difficulties on finding their names in voters list due to the change of residence in country and the lower election commissions did not cooperate well with this issue

Pre-election campaign ran in the silent environment without wide public participation and efficient discussions. The CEC allocated space for the campaign on free basis in 4 media outlets, including the Public TV/Radio Council, as well determined 168 open and closed spaces for the meetings with voters throughout the country

It was clear from the financial reports submitted by the candidates that the recources allocated for their campaign was incomparably small compared to the current president's recources.

90 percent of all recources allocated to the campaign belonged to the President Ilham Aliyev. Ilham Aliyev did not participate in campaign activities directly. However, consistent orders to

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increase salaries of employers working mainly in government-funded institutions, pensions and other benefits, visits to regions of the country in order to participate in the opening of economic facilities, as well as coverage of large-scale receptions in the media, etc. evaluated by independent experts as a means of propaganda.

Execution of official powers mechanically contributed to the absolute superior presentation of Ilham Aliyev in the media compared to other candidates. At the same time, the NAP conducting the current president's campaign has carried out a series of events, mostly collectively meetings that cover the entire country. Campaigns of other candidates were clearly ignored, who were able to organize meetings in several regions at best, in the background of active NAP campaign, which was actively used by administrative resources.

The atmosphere of the real election race was not felt among the candidates. Other candidates in their speeches gave little space to the critics of the current president and government, who were considered to be the main favorite of the elections, and even in some cases they have praised the president in their speeches.

CEC have registered more than 58 thousands local and about 900 international observers who were interested in observing elections. According to the figures declared by CEC more than 10 local observers were in each polling station. But there were problems in compliance with procedures for the registration of independent local observers. Mostly observers from local independent observation teams, who are co-operating with the Independent Election Monitoring and Democracy Studies Center and the Democracy Learning PA, have been facing similar problems.

Local observers, mainly those who wish to observe election on their own initiative at constituency election commissions, are subjected to additional inquiries, information about their purpose, work places and places of study were gathered despite it was not requested by law. Later on some of these observers were discouraged from observation activities by warning them or their family members at education institutions or workplace by local executive authorities. On the other hand, terms for registration of observers were not respected, despite the appeals should be replied within 3 days, almost in all cases the response delayed to the 2 weeks. Also DLPU observation teams received information about not allowing independent observers to enter to the polling station, not creating conditions for them and impeding obstacles in for effective observation Election Day. At the same time, there were a large number of observers in the precincts. It was clear that their presence were formal and they did not implement any real observation activity. They were remembered with preventing the work of independent observers in some cases. Headquarters of candidates participating in the elections did not complain of any problems with observers representing them.

PECs carried out election in accordance with the regulations with minor technical deficiencies. However, there were serious violations in the implementation of the procedures for the opening of the polling station, voting and counting procedures. Particularly, work with voter lists, the safety of ballot boxes, procedures ensuring free expression of voters' will and transparency were not implemented. There have been massive violations of checking identity cards and ink on fingers, ballot box stuffing and multiple voting, as well as voting without registration.

In total, 47.5% of observers evaluated the voting as bad or very bad. The cases on expelling of some observers during the vote count were registered in some polling stations.

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44% of observers evaluated vote counting as bad. The main shortcomings were failure to comply with the procedures on opening ballot boxes, also, not counting and cancelling unused ballots. The absence of the number of voters who received the ballot was observed in most polling stations.

CEC started to post information received from district election commissions on their web-site after completion voting on Election Day. Any appeal were not filed by election participants concerning the course of elections. CEC declared that 74.30 per cent of citizens participated in voting and present president have won election with 86.6 per cent of votes. The protocol on the election results was approved at the CEC meeting on 15 April and submitted to the Constitution Court. On 17 April Court approved the results of elections. At the next day Ilham Aliyev took an oath at plenary session of the Milli Mejlis and started his duties for the fourth term.

According to the analysis of all collected information DLPU considers that, early presidential elections on April 11 were not carried out in free, fair and transparent conditions that would ensure effective public participation, the standards that are required for a genuine and competitive election race have not been met.

II. ANNOUNCEMENT OF ELECTIONS

The president of the country have appointed the presidential elections to the 6 month earlier date that should be held in October 2018 on the basis of the authority to appoint the early presidential elections, which he obtained with the referendum of 26 September 2016.

Appointment of early elections was unexpected and has not been unambiguously welcomed in the socio-political sphere of the country. There were different views on the legitimacy and the outcomes of this decision because the order did not specify the grounds for early elections. The complicated situation was related to the content of the amendments made to the Constitution with a referendum on September 26, 2016, which authorized the president to appoint early elections. Thus, there are no provisions in the Constitution on the reasons and situations for holding early presidential elections. This makes it possible for the President to appoint elections his own conclusions when he thinks it necessary and this has resulted in a breach of an important standard of periodicity of elections. Although the order was technically compliant with legal requirements, it was unexpected and did not allow the public and all interested parties to prepare effectively for elections. Public officials explained the reasons of appointment of early elections with planning of important events since May, 2018.³

The main parties of opposition of country criticized and protested against the appointment of early elections. They connected it with the possibility of deepening the economic crisis in the country by the end of the year and the desire of the authorities not to give enough time to the opposition to prepare for the elections.

³ Among them are the events dedicated to the 100th anniversary of the Democratic Republic of Azerbaijan, the International Humanitarian Forum.

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The deputy of President on social-political affairs Ali Hasanov said that: “holding elections on April can not be considered as a situation limiting opportunities or giving additional dividends to the candidates” while commenting this order.

Representatives of ruling NAP said that they consider this order very correct due celebration of many annuals in 2018. Some powers close to the authorities have also provided other considerations to substantiate early appointed elections. One of them was to prevent the likelihood of the overlapping of parliament and presidential elections in 2025 as a result of the changes made to the Constitution in 2016. One day after signing order, CEC made decision on its meeting about appointing Presidential elections to the 11 April, 2018, and approved Calendar Plan on activities and events on preparation and conducting presidential elections.

III. LEGAL FRAMEWORK AND POLITICAL EXPERIENCE**a. Legal basis for presidential elections**

The President of the Republic of Azerbaijan is elected for a 7 year-term by the majority of more than the half of votes. If this majority is not achieved in the first round of voting, the second round of voting is held on the second Sunday after the voting day. Candidate, collecting the majority of votes in the second round of voting is considered the President of the Republic of Azerbaijan.

The legal basis of the presidential elections is primarily formed by the Constitution of the country. Part of the amendments, accepted in 2002, 2009 and 2016 to the Constitution which was adopted in 1995, created a legal basis for the election of incumbent president and for remaining in a power for a long time.

With Constitutional amendment of 2002, when the president of the Republic of Azerbaijan leaves post earlier, until the election of the new president, the authority to exercise the powers of the president was transferred from the chairman of the Milli Majlis to the Prime Minister. On August 4, 2003, the current president, I. Aliyev was appointed the Prime Minister of the Republic of Azerbaijan and he was elected the President of the Republic of Azerbaijan on October 15 of the same year.

The constitutional amendment of 2009 eliminated the ban restricting the election of a person more than two times and it gave Aliyev an opportunity to be elected president for the third time in 2013.

The constitutional amendment of 2016 granted the president the right to appoint extraordinary presidential elections and at the same time the term of office of the president was extended up to 7 years. In addition, the position of vice-presidents was established, which is directly appointed by the president. When the president resigns or fails to perform his duties, the vice-president substitutes him.⁴

⁴ Using the advantages of constitutional amendments, the president appointed his wife M. Aliyeva for the position of first vice president.

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Such amendments to the Constitution were criticized by civil society and opposition political parties, including the Venice Commission of the Council of Europe.⁵

The Commission expressed its dissatisfaction with some procedural and content shortcomings relating to president's authorities and direct extraordinary presidential elections. First of all, it was underlined that the referendum was not conducted in an environment that would enable the fulfillment of the democratic constitution process.

There were no effective discussions within the parliament on the proposed issues, including effective discussions with participation of political institutions, NGOs and other community members.

The Venice Commission also expressed its dissatisfaction with the amendment to Article 101 of the Constitution on increasing the term of office of the president for up to 7 years and mentioned that there were not sufficient arguments for this. The cancellation of the ban on choosing a person for more than two times on 2009 referendum, served to strengthen the practice of consolidating power in the hands of one person for a longer period of time in the background of parliament with limited powers reserved by the constitution, repressed opposition political forces, civil society and independent media. The president's right to leave the parliament, has created a constitutional basis for the advantages of actual authority in comparison with the executive power led by him and other wings of the parliament.⁶

The Election Code of 2003, which is the fundamental electoral law, has also been subject to multiple restrictions. 22 Changes made to this law at different times, excluding positive corrections with certain technical characteristics, were mainly restrictive. The vast majority of recommendations by OSCE / ODIHR and Venice Commission on improving election legislation have not been taken into consideration.⁷ The recommendations that have been taken into account were often of a technical nature. Problems in the field of organization of election commissions, registration of candidates, campaign period, financial deposit for candidate registration, voters' list and investigation of complaints, which are the most serious problems of election practice in the country, have not been solved. The latest OSCE / ODIHR recommendations of 2013⁸ were ignored during the amendments made to the Election Code on 15 December, 2017 and were limited to technical improvements as before.⁹

⁵ Opinion of Venice Commission on amendments to the Constitution of the Republic of Azerbaijan in 2009 <https://goo.gl/ZoPk9y>; Opinion of Venice Commission on amendments to the Constitution of the Republic of Azerbaijan in 2016 <https://goo.gl/2VavLv>

⁶ It is reported in Venice Commission's opinion on constitutional amendments.

⁷ Joint Recommendations of the electoral law and the electoral administration in Azerbaijan <https://goo.gl/HVDA1s>

2) Final opinion on the amendments to the Election Code of the Republic of Azerbaijan: <https://goo.gl/YBLtsR>

3) Joint opinion on the draft law on amendments and changes to the electoral code of the Republic of Azerbaijan: <https://goo.gl/jQgMzL>

⁸ OSCE/ODIHR Election Observation Mission Final Report, Presidential elections 9 October, 2013 <https://goo.gl/yjjueG>

⁹ For the Law on Amendments to the Election Code of the Republic of Azerbaijan, see: <http://e-ganun.az/framework/37546>

b. Situation in the field of democratic rights and freedoms

On the eve of the presidential elections, the political environment in the country restricted opportunities for free and fair elections. Over the past period from the last presidential elections of 2013, the situation in the field of freedom of expression, assembly and association- the main political rights in the country, remains severe and serious attacks is continued towards political opponents, independent media subjectives and civil society organizations. The parliamentary elections of 2015, which were held under the inactive, non-rivalry and limited public control, resulted in the fact that the main critical parties were totally out of the legislative body.

The Republic of Azerbaijan has committed itself to ensuring democratic rights and freedoms by joining major international human rights treaties. The Constitution of the country which was adopted in 1995, proclaims that, as a democratic, legal and secular republic, ensuring human and civil rights and freedoms is the supreme goal of Azerbaijan Republic.¹⁰ The rights and freedoms set forth in Chapter III - "Basic Human and Civil Rights and Freedoms" of the Constitution, which defines a broad framework of human rights and freedoms, are consistent with the conditions required for a democratic state.¹¹

Such indicators that appear to be positive in the official presentation has been negligible due to the lack of rule of law in the country. Freedom of the press, freedom of assembly, freedom of information, freedom of association and other such democratic freedoms, which form the basis of the democratic legal state, have been significantly restricted with current legislative acts and amendments to the Constitution.

Interference with legislation on **freedom of media** was of systematic character. There were 13 restrictive interventions to the law on mass media in 2007-2018 and 7 restrictive interventions to the law on Teleradio Broadcasting in 2002-2010. This tendency has ben intensified after the last presidential elections in 2013.

In February 2017, a new chapter was added to the law "On Information, Informatization and Protection of Information", which created a legal basis for blocking and closing the Internet media. The amendment entitles the Ministry of Transport, Communications and High Technologies to shut down the internet resources of media without a court order. This limiting change to the law has resulted in the prohibition of access to resources that are distinguished with critical position and inform the society as an alternative source.¹²

By the adoption of the Law "On Military Status" on February 14, 2017, provisions on the application of censorship to the press have been brought to the law. In May, 2017, with the amendments to Law "On Mass Media", internet information resources were added to the press list and the scope of abuse was expanded. Provisions that would prevent journalists and everyone who use freedom of expression were included to the Code of Administrative Offenses and the Criminal Code, in October and December, 2017. Two different attachments that create responsibility were added to the Code of Administrative Offenses. The amount of fines increased by more than 3 times under the Article 147 (slander), 148 (insult) and 148-1 (slander and

¹⁰ The Constitution of the Republic of Azerbaijan, The Article 7, 12

¹¹ ¹¹ The Constitution of the Republic of Azerbaijan, <http://www.e-qanun.az/framework/897>

¹² www.azadliq.org, www.azadliq.info, www.azerbaycansaat.com, www.turan.tv, www.meydan.tv. It is reported that, currently the number of restricted resources without the court order is over 40

insulting in social media) of the Criminal Code, which were targeted mainly on journalists. Amount of penalties in Article 155 (violation of confidentiality of correspondence, telephone conversations, mail, telegraph and other data) and Article 156 (privacy violation) of the Criminal Code increased from 100-500 AZN to 1000-2000 AZN. Sanctions on restriction of freedom were added to Article 147.2 and Article 156.2 of the Criminal Code, relatively up to 3 years up to 2 years.

Another attempt to restrict the criticism on the Internet was the use of arrests and persecutions against the independent bloggers and users. Mehman Huseynov, a video blogger with previous multiple arrests and police detentions, was arrested on March 3, 2017 for 2 years with the article "slandering the police with accusation of committing serious or especially serious crime", by complaint of the Ministry of Internal Affairs.

Three regressive additions and amendments were made to the legislative acts regulating the activities of non-governmental organizations which are one of the main forms of expression of **freedom of association**, only in 2013-2014. The Venice Commission of the Council of Europe stated in its opinion¹³ that the amendments were incompatible with the country's constitution and did not meet international standards in this area.¹⁴ After these additions and amendments to the law, the legal environment for the establishment and functioning of NGOs has been deteriorated and it has increased the ability to monitor and respond to NGO's activities.

The restrictions imposed by the law on **freedom of assembly** remain unchanged.¹⁵ Conducting meetings only with the consent of the government, arranging unsanctioned meetings and imposing strict sanctions on participation, allocation of out-of-town and unacceptable places for meetings constitute the main negative aspects of the country's legislation on freedom of assembly. The European Court of Human Rights, in their decisions regarding Azerbaijan has recognized that interference with freedom of assembly is illegal, non-legitimate and it does not meet the requirement of necessity in the democratic society.¹⁶

Independent groups for the protection of political prisoners claimed in their reports that there were a large number of activists arrested for their political and moral thoughts, and even for expressing their objections to the social issues. During this time, dozens of such persons were disclosed at various times, and lastly, on the eve of the elections - in March, 2018, the Labor Group announced that there were about 140 such prisoners and detainees.¹⁷ Among them were Ilgar Mammadov¹⁸, - the leader of the ReAl Movement, who had claimed his presidential

¹³ The Opinion on amendments to the Law on NGOs (Public Associations and Foundations) of the Republic of Azerbaijan adopted by the Venice Commission of the Council of Europe on December 15, 2014 (<https://rm.coe.int/1680306ff8>)

¹⁴ Venice Commission, Opinion on the law on non-governmental organizations as amended of the Republic of Azerbaijan [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)043-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)043-e)

¹⁵ Democracy Learning Public Union, Report on the state of freedom of assembly in Azerbaijan <file:///C:/Users/USER/Downloads/azjrbaycanda-toplasmaq-azadldddndn-vjiziyjti-haqqdnda-hesabat.pdf>

¹⁶ http://supremecourt.gov.az/uploads/files/avropa-mehkemesi/abbasli_ve_bashqalari_azerbaycana_qarshi.pdf

¹⁷ The names of 13 journalists, bloggers and writers, 12 political and social activists, 83 religious activists, 15 social protesters were mentioned among them. After the elections, a small group of them (12 people) was released under the amnesty declared on May 24, 2018.

¹⁸ Ilgar Mammadov, the leader of the ReAl Movement, who has been imprisoned for the past five years, has not yet been released despite the European Court's immediate release decisions.

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candidature, Gozel Bayramli, Fuad Gahremanli- the functioners of the Popular Front Party of Azerbaijan, activists of the NIDA Movement and other individuals.

IV. ELECTION ADMINISTRATION

Elections are administered by three-tier election commissions consistently and permanently operating in line with the results of elections to the Milli Majlis every five years.

The CEC members (18 people) are elected by the parliament. In accordance with the number of constituencies, members of 125 Constituency Election Commissions (ConEC) (9 persons in each of them) are appointed by the CEC and members of the Precinct Election Commissions (PEC) (6 persons in each of them) are appointed by the ConECs. One-third of the members of the election commission represent the majority party in the parliament, one-third represent minority political parties in the parliament and one-third represent the independent deputies of Milli Mejlis. All chairmen of the commission are candidates of parliament majority. For making decisions, the presence of at least 2/3 of the members of the Commission with decisive voting rights should be met and the decision must be approved by a majority vote of the members present.

In the last parliamentary elections held in a non-democratic atmosphere, after being completely abandoned out of the legislative body, every three groups represented in the parliament expresses the same political position. Therefore, the composition of new election commissions, formed in 2016 is composed entirely of individuals who represent and will be loyal to the dominant political will.

Opposition political forces, who criticize the current formula for the Commission's organization, based on the parliament minority and government oriented independent deputies of parliament, do not consider election commissions independent and express that it operates under the full control of the government and in accordance with its interests. The OSCE / ODIHR and the Venice Commission, as well as local monitoring organizations, such as EMDS and DLPU have made proposals to improve the existing formula because it does not guarantee the independence and impartiality of the commission. However, the government has repeatedly messaged through various officials about its intention not to accept these proposals. As a result, the current composition of the commissions did not allow the impartiality of these bodies and to gain confidence of all the political groups. In contrast to the political forces that refused to participate in the elections, those registered as candidates did not make protests to the existing composition and objectivity of the commissions.

The CEC has held meetings within the established timeframes and procedures intended in "Calendar Plan of Key Actions and Measures for the Preparation and Conduct of Extraordinary Presidential Elections of the Republic of Azerbaijan", scheduled for February 6, in order to organize and hold the elections.¹⁹ Information on the CEC sessions were posted on the site in advance, and the meetings were open to media and to interested parties. While all decisions were

¹⁹ http://www.msk.gov.az/uploads/teqvim_plani/Teqvim_Plani_2018.pdf

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made collectively and openly, the participation of majority of the members were formal, they did not take active participation in the discussions, there were no objections in any issue, and decisions were taken unanimously.

The CEC established the Working Group to verify the accuracy of the information contained in the signature sheets submitted for the registration of the candidates and the Expert Group on investigation of election complaints. Also, a large number of events were organized to educate different election participants, video and print materials were prepared and published.²⁰

An informative broadcast on various topics was broadcasted on Public TV with the participation of CEC members and staff. However, as these programs were mainly dedicated to the detailed explanations of election procedures, they did not impressed effectively and general voters were less interested in them.

Web cameras have been installed in 1000 polling stations, covering about 20% of the polling stations. The CEC announced that wheelchair ramps were installed in 1455 polling stations, where voters with restricted mobility were registered across the country and all polling stations were provided with stencils (where information on ballot papers was reflected with braille alphabet) for visually impaired voters. There were no problems regarding with these issues on the voting day.

125 ConECs are the body responsible for the organization and conduct of elections on election constituencies. The CEC reported that members of all lower election commissions, including ConECs, were trained in election actions and so it means that the ConECs successfully carried out technical and organizational preparations for the elections. However, the public had limited access to direct information about the activities of ConECs. DLPU's observers noted difficulties in obtaining information on the functional activities of the ConECs, such as the timing, agenda, and disclosure of decisions.

Sessions of the ConECs were held in private, without organization of prior public awareness and without being in open conditions. In general, ConECs have met requesting of any information about their activities with high sensitivity. Dependence and impartiality of ConECs were evident in the process of the registration of observers. Immediate detection by local authorities of those applying for accreditation as an observers could have been possible due to the joint work of ConECs with local authorities. Such "co-operation" was especially noticeable in the ConECs outside Baku. The ConECs did not observe periods and registration procedures of observers, and in many cases observers were requested information (about their jobs and educational places, for what purpose they observe) which was not prescribed in law. And in its turn, in many cases it served for their avoidance of future observation procedures.

There were 5641 PECs in these elections.²¹ There were serious doubts on the organization of majority of PEC members from the representatives of subjects defined by law. DLPU's observers stated that most of the PEC members in their area were employees of schools,

²⁰ <http://www.msk.gov.az/az/elections/prezident-seckileri/11-04-2018/987/>

²¹ According to the CEC, 510 polling stations were set up for voting of IDPs, 215 for organization of voting in hospitals, prisons and military units, 41 polling stations for voting of citizens in foreign countries.

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hospitals and other public institutions where the polling station was organized, which reinforced the negative practice such as exercising administrative oversight of the election process. Observers did not have clear idea which political interests do the PEC members represent.

Although the CEC conducted trainings for these commissions, low professionalism of the commission members was recorded at 56% of polling stations. Non-verification of election documents on the voting day, issuing a few bulletins to one person, violating the lamp and ink usage rules, irregular behaviours with the election documents were more frequent deficiencies in the activities of these commissions.

V. NOMINATION AND REGISTRATION OF CANDIDATES

According to the country's constitution, a citizen of the Republic of Azerbaijan who possesses the right to participate in the elections and who has been living on the territory of the Republic of Azerbaijan for more than 10 years may be nominated as the President of the Republic of Azerbaijan. Persons without higher education, convicted for serious crimes²², having obligation to other states²³ and having dual citizenship can not be elected to the position of President of the Republic of Azerbaijan.

At least 50 and in general not less than 40 thousands signatures must be collected from the territory of each constituency not less than 60 in support of the candidate to presidency nominated by political parties, blocks of political parties, initiative group of voters and on his/her own initiative. As a result of checking signatures, if the number of valid signatures is less than the required number, this will result in the refusal of the candidate registration. The law does not allow the candidate to eliminate identified deficiencies. A voter can sign for the protection only of one candidate. As the possibility of depositing for the support candidacy is not envisaged by law, signature verification process of subjective character creates the risk of being left out of the electoral race for potential candidates.

The CEC (Central Election Commission) established the Working Group comprised of experts from six state agencies²⁴ under the Article 59.2 of the Election Code for checking the accuracy of the signatures and other information for the candidate registration. Although the Group was chaired by member of the CEC, signature verification experts represented state bodies, and this cast a shadow over its objectivity and impartiality.. Unfortunately, although the same practice was used for formation of WG (Working Group) in the previous election and there were

²² According to the Criminal Code of Azerbaijan, acts not more than 12 years is defined as a serious crimes.

²³ Decision of the Constitutional Court of the Republic of Azerbaijan, dated August 1, 2003 on interpretation of the provision "...having no obligations to other states..." of Article 100 of the Constitution of Azerbaijan Republic states that the legal meaning of this provision includes the absence of obligations arising out of the existence of a relationship that causes a citizen's dependence on foreign states. It can be registration, tax, not leaving the territory of country for a certain period of time, as well as political, legal and other such kind of obligations which leads to the existence of permanent, solid and stable relations, caused by living abroad for a long time.

²⁴ Experts from the Judicial Expertise Center of the Ministry of Justice of the Republic of Azerbaijan, Ministry of Finance, Ministry of Internal Affairs, Ministry of Taxes, State Registry Service of Real Estate under the State Committee on Property Issues and Chamber of Accounts

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numerous complaints²⁵ about the deficiencies in the signature verification process, the experience of organization it from independent individuals was not applied.

Nomination process of candidates started on February 8. The decisions of the political forces of the country regarding the participation in elections were also different. Immediately after the order concerning the appointment of election, number of representatives of the opposition due to lack of legal grounds for holding early elections and shortage of time for preparation, decided about boycotting or not participating in elections.²⁶

The ruling party, government supporter and other several parties that are loyal to it, informed about their participation in the elections with their candidates or about their support of any candidate.²⁷ A few more people, relatively less known among the public announced their intention to participate in the elections on their own initiatives.²⁸

The CEC confirmed candidacy of 15 people²⁹ and these individuals had to submit the signatures required to support the candidacy until March 12.

Signature collection campaign was held unnoticed, long-term observers and volunteers of DLPU did not encounter, with some exceptions, collection of signatures in the constituencies. Also, there were no protests in the media or officially, related to the creation of any obstacles to the candidates. Nevertheless, observers had been informed that, administrative resources were used for holding signature collection campaigns for some candidates. For example, there were reports on the collection of ID cards from individuals working in state-owned enterprises in Sumgayit, Shirvan, Ganja, Imishli and from parents at schools and using them on filling of signature sheets of separate candidates.

At the end of the signature campaign, only 10 of the candidates submitted to the CEC their signature sheets and other documents, required for the candidate's registration.³⁰

²⁵ Checking of signatures without participation of candidates, invalidation of signatures of candidates from opposition parties, uncertainty of the verification methodology and other such kind of cases

²⁶ Immediately after the order, Azerbaijan Popular Front Party and National Council of Democratic Forces announced their decision to boycott the elections. The Assembly of Musavat Party held a special session on the elections, and as a result of decisions decided not to participate in extraordinary presidential elections. The Republican Alternative Movement, informed on their statement on elections that they will not participate in the elections, as Ilgar Mammadov, chairman of the Movement and presidential candidate is in prison. Umid Party has decided not to participate in the elections, as it failed to hold extraordinary congress to determine its presidential nominee. The Classic Popular Front Party, NIDA and Azerbaijan Democracy and Welfare Movement also stated that they would not participate in the election.

²⁷ NAP, Popular Front Party of Whole Azerbaijan, Azerbaijan Liberal Democrat Party, Modern Equality Party, Azerbaijan Democrat Party, Azerbaijan Social Democratic Party, Citizen and Development Party, National Revival Movement Party have decided to participate in the elections with their own candidate. Motherland Party, Unity Party, Great Revival Party did not nominate their candidates, they informed about participation in elections by supporting any candidate.

²⁸ Razi Nurullayev (`Frontier`s initiative group`), Zahid Oruj, Ilgar Altay, Tural Abbasli, Asif Mammadov, Anar Umudov

²⁹ Only 8 political parties of the 55 registered in the country, decided to take part in the elections with his own candidate. 6 candidates were nominated on their own initiative and one candidate was nominated by the initiative group.

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Within 5 days after the signature sheets were submitted, the CEC had to announce its decision on the candidate's registration. 8 candidates were registered as a result of the process that ended on March 17. Most of these candidates, who are openly supporting the government or loyal to it, have also been nominated for the previous elections and have recognized I.Aliyev's victory.

№	Candidates	Nominated from	Votes per year		
			2003	2008	2013
1	Ilham Aliyev	New Azerbaijan Party	76,8%	87,34%	84,54%
2	Gudret Hasanguliyev	PFPWA	0,5%	2, 24%	1,99%
3	Hafiz Hajiyev	Modern Equality Party		0,64%	0,66%
4	Araz Alizadeh	Social Democratic Party			0,87%
5	Faraj Guliyev	National Revival Movement Party			0,86%
6	Sardar Jalaloghlu	Democratic Party			0,62%
7	Zahid Oruj	Own initiative			1,46%
8	Razi Nurullayev	Frontier`s Initiative Group			

Candidacy of Tural Abbasli, who was nominated on his own initiative and Ali Aliyev, who was nominated by the Citizen and Development Party was not registered on the basis that the number of valid signatures in the signature sheets was less than 40 thousand. The right of candidates to participate in the signature verification process and the duty of the election commission to invite the candidate to the inspection were prescribed by law. Although CEC states that they have notified candidates, both of them claim that they have not been informed about the time of the inspection of documents, which is contrary to the requirements of the Article 59.3 of the Election Code. They also questioned the objectivity of the Working Group that inspected the signatures and did not appeal to the Court on the CEC decision, because they did not believe in fair investigation.

³⁰ Anar Umudov, Fuad Aliyev, Asif Mammadov, Elshan Hasanov and Ramazan Bakirov - 5 nominees whose candidacies have been approved by the CEC, did not return their signature sheets. Fuad Aliyev, who was nominated by Azerbaijan Liberal Democrat Party, stated that he would support Sardar Mammadov, (Jalaloglu), candidate from Azerbaijan Democratic Party, in the elections.

VI. PRE-ELECTION CAMPAIGN

Under the Election Code, pre-election campaign starts 23 days prior to Election Day and ends one day before. According to the calendar plan, the campaign was launched on March 19 and it lasted until April 10. In general, there was an incomparable difference between the current president and other candidates in terms of the scale and number of campaign events, the attracted resources and the covered electorate. In fact, less targeting of content of campaign speeches to real issues of public interest and limited public support for other competing candidates did not allow realizing elections with discussions of interest for voters and cast a shadow for veracity of elections.

The CEC made decisions on candidates' speeches in the media and their meetings with voters in the public places. Under the Election Code, in general 18 hours of free airtime, including 3 hours a week for Public Television and 3 hours for Public Radio were allocated. It was possible to organize a total of 9 TV and 9 radio debates, within 3 weeks each lasting 1 hour. The CEC reported that unlike the previous elections, considering wishes of the candidates the Public Television had changed its airtime from 19.00 to 22.00, In addition, candidates were provided with free space for publication in mass media to hold pre-election campaign.³¹

From 8 candidates only Ilham Aliyev, a candidate of the ruling party, did not participate personally in the debates on the Public Television. He was presented by Ali Ahmedov, authorized representative and executive secretary of the party.

Although the debates allowed candidates to deliver their platforms, they were remembered with proposals that would be of little interest to country electorates. During the debates, there was no opposition to the current government's policy and its candidate's platform. Some candidates have criticized the government's recent socio-economic policy in their speeches. Only one of them spoke in his speeches about corruption and lawlessness. However, none of the candidates has allocated direct criticism to the current president and to his decisions in their speeches, but in some cases even praised him. Most candidates put political forces and leaders who refused to participate in the elections as a target in their speeches.

Beside the President, other candidates used limited opportunities for free campaigns in print media. Although these media authorities had provided equal opportunities to all candidates, they allocated more space for the materials on current president's propaganda. Other candidates claimed to be more interested for the campaigns in social networks and internet resources

The current president did not take part in any campaign events and did not intend to meet with voters for campaign purposes. It seemed that during the campaign, he pays more attention to the exercise of his current authority as the president, than to his pre-election campaigns. Provisions that determine the boundaries between the use of the president's authorities and his campaign during the election period were not intended in the law. And it did not allow preventing use of authorities for campaign purposes. Although, particularly during the election campaign, orders of 10% increase on average in salaries, allowances and pensions of voters of different categories was presented as the execution of the daily duties of the president, it served directly to the

³¹ "Azerbaijan" newspaper, "Khalg gazetesi", "Bakinskiy raboghi" newspaper

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campaign objectives and could be regarded as handling of voters.³² This made it difficult for media to distinguish between the campaign and the fulfillment of duties. All 11 public and private TV channels and written media outlets operating over the country has actually violated the requirements for creating equal campaign opportunities for candidates by broadcasting this news.

The prices were quite high in the media registered in the CEC for the paid airtime.³³ For example, Public Television has set a minimum of 20 AZN and a maximum of 50 AZN for each second of candidates' or their authorized representatives' speeches. "Khazar" TV, set an airtime of evening hours with the cost of 6000 AZN for each minute.

The free campaign in the press was limited only to the short content of candidates' photos and their election platforms, the publication of some of the candidates' speech texts on Public TV and the publication of a press release on several candidates' meetings with voters. Nevertheless, as with TVs, here as well, a great deal of space was allocated to the President's activities and detailed information was given regarding his official meetings, visits and orders. Also, enough materials were shared on the meetings of the NAP, organized with voters in the regions.

Overall, 168 places- 84 open and 84 closed, were allocated to the candidates for meeting with voters. The candidates had to apply beforehand with the application to the relevant executive body on these meetings. This practice, which was used in the previous elections, limited the opportunity for candidates to meet with voters at any place. According to DLPU observers, places allocated for this purpose have not been relevant in some regions. However, the CEC stated verbally in the session that although the list of places for the meeting was published, candidates could meet with voters elsewhere. During the campaign, none of the candidates had expressed their dissatisfaction with the separated meeting places and barriers to the organization of the meetings.

The number of meetings of the ruling New Azerbaijan Party with voters was several times more than the number of meetings held by other candidates altogether. More than 40 such meetings were held in various regions of the country with the participation of party leaders, deputies of the Parliament and other officials. Observers had witnessed a number of facts such as bringing of voters with administrative methods, participation of high-ranking local officials in these meeting, usage of vehicles belonging to state bodies and usage of other resources.

The other 7 candidates were less interested in mass meeting with voters.³⁴ They linked it to a lack of financial resources for campaigns. Meetings of some candidates held in indoor places, in such regions as Ganja, Sumgait, Masalli and Imishli were not massive. Those, took part at a meeting stated that they were forced to come to the meeting under the instruction of the management. In another meeting, the voters were unable to determine in general for what purpose they had come to the meeting and which candidate they would meet. Although some of

³² During January-March, the President signed 21 such orders and according to the approximate calculation they covered up to 40% of all electorates.

³³ In total, 34 media organizations were involved in the paid campaigns, but in most of them were not held any paid campaigns.

³⁴ Razi Nurullayev, candidate from "Frontier's Initiative Group"

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the candidates claimed that they prefer face-to-face meetings with voters, observers were unable to witness such events with few exceptions.

Another noticeable feature of the campaign was the limited campaign funding attracted from the candidates. The government did not allocate any funding to the candidates for the campaign. Election funds could be made up of candidates' own funds, funds allocated by the parties and donations from individuals and legal entities. Each candidate had to submit 3 financial statements- 2 of them until the Election Day and 1 with a final outcome. The CEC posted these reports on its website. From these reports, it was clear that candidates spent 548600 AZN on campaign activities in general, of which 91% were spent on the campaign of the current president. Other seven candidates were not able to attract serious funding to the election campaign.

Prior to the start of the campaign, the National Council of Democratic Forces and the Musavat Party held two rallies on 10 March, 2018 and 31 March, 2018, which were agreed with the Baku City Executive Power. The rallies included demands for changing the time of the elections, objections regarding the election frauds and demands for the political prisoners. The organizers of the rally stated that several opposition activists were detained in connection with these actions.

VII. REGISTRATION OF VOTERS

Each citizen of the Republic of Azerbaijan at the age of 18, as well as stateless persons permanently residing for no less than 5 years, have the right to vote in the presidential elections on the Election Day. By the Court's decision, individuals with disabilities are deprived of the right to participate in the elections.

According to the CEC, there are 5 192 063 people in Azerbaijan with voting right. 337,870 of them were IDPs voters and their voting was provided in 510 polling stations of 10 constituencies. In addition, it was disclosed that the names of 13961 voters who were registered in polling stations created in the foreign countries and as well as the names of 122,302 voters who must vote on their place of temporary residence, were included in the list of temporary voters.

Compared with the previous year, the number of voters increased by 0.6 percent, that is 28,792 people. 50.78 % of the voters are women and 49.22 % of them are men.

The contradiction in the last presidential elections, between the number of citizens over the age of 18 indicated in the Statistical Committee's reports and the number of voters announced by the CEC remained the same at the recent elections. The CEC did not clarify the serious doubts about the fact that at least 2 million voters remained out of the lists and this fact cast a shadow to the perfection of voters' list.

According to the Election Code, voter lists are approved annually by May 30 and are specified by 25 days prior to Election Day in the election year. The Precinct Election Commissions (PEC)

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realizes the specification of the lists on the basis of information provided by local authorities³⁵ responsible for registering of citizens. 35 days prior to the Election Day, PECs had to place lists in the polling stations for the familiarization of voters. The CEC had announced that the lists were placed on the polling stations on the calendar plan by March 7. At the same time, voters had the opportunity to check their names through voter lists placed on the CEC website and hot lines.

Voters, whose names are not included in the list, are added to the voters' lists by the Precinct Election Commission on the basis of their identity cards or substitute documents and, if necessary, on the basis of the documents certifying that the voter lives longer in the territory of that precinct.³⁶

A large number of information was included in the DLPU observation group on the voters who were not added in any list. This case was connected with the voters who do not live in the addresses where they are registered and who has changed their place of residence, that, in its turn it could relate to the citizens who were not regularly registered in their actual addresses and the gaps in the field of submission of official information to the Precinct Election Commissions by the registration bodies.

The law allows adding the names of voters, who were not included to the list on the voting day. According to the final protocol of the CEC on the results of the elections, 18 452 voters were included in the additional lists. According to the observers, the process of adding voters' names to the lists on Election Day was not transparent in many polling stations and observers were not able to closely monitor the implementation of this procedure.

If the voters were not in the polling station area, where their names were added to the list, they could vote in any polling station in the country by obtaining a document called a deregistration card. The voter could apply to the polling station where he / she was registered three days prior to the voting day to obtain this document. The CEC announced that 150000 such cards were printed and 20804 voters had received such license.

VIII. OBSERVATION OF ELECTIONS

Under the Election Code, citizens of the Republic of Azerbaijan, having active suffrage have the right to observe the elections on their own initiative or on the initiative of the registered candidate, political party, block of political parties and non-governmental organizations operating in the field of elections. An application for observation of elections throughout the territory of the Republic of Azerbaijan may be submitted to the Central Election Commission

³⁵ Ministry of Internal Affairs of the Republic of Azerbaijan, Ministry of Justice, heads of local executive bodies and municipalities, commanders of military units.

³⁶ The fact that the citizen resides permanently in the territory of the relevant polling station or that they live there for at least 6 months prior to the date of the announcement of elections is taken as a basis for inclusion of the citizen into the voter list.

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from the announcement day of elections to 10 days prior to elections, but for conducting observation in the territory of one constituency, it may be submitted to the relevant constituency election commission from the announcement day of elections to 5 days prior to it. After the submission of the application, the Central Election Commission should decide on the registration within 3 days, but the relevant Constituency Election Commission within 2 days. It is required to obtain a special permit from the Central Election Commission to observe the election commission meeting until the voting day. According to the calendar plan, the registration of observers ended on April 1, at the Central Election Commission, but at the Constituency Election Commissions it ended on April 6.

According to CEC, in general 58,175 local observers³⁷ and 894³⁸ international observers have been accredited. 1968 of local observers were accredited in the Central Election Commission, which allowed them to conduct observation through the whole country. The remaining observers were registered in the ConECs.

Observers' registration has been repeatedly exceeded 2 and 3 days that stipulated by law. In some cases, in this process that lasts 10-15 days, the identity of independent observers and on behalf of whom did they conduct the observation, were investigated. Registration of 121 out of 796 trained observers, cooperating with DLPU and applying for registration to the CEC and the ConEC, has been denied under various excuses.³⁹ Because of the pressure on them, 145 registered observers had to refuse the observation on the Election Day.⁴⁰ 167 out of the 530 observers were subjected to various pressures.⁴¹ Other observers noted that they felt more control over them in the polling stations where they were on Election Day.

Opposition parties that boycotted the elections did not observe the elections. Independent civil society organizations, such as the Election Monitoring and Democracy Studies Center (EMDS) and the Democracy Learning Public Union (DLPU) that are specialized in election observation sphere, did not observe the electoral process with the status of organization. EMDS's registration was canceled in 2008. DLPU, basing on a high likelihood of pressure on them did not conduct observation as an organization. However, both organizations were able to observe elections through their cooperation with observers, registered individually on their own initiative.

The absolute majority of the registered observers were employees of state-funded organizations, representatives of government-oriented political parties and NGOs. DLPU observers noted that, in many cases, these individuals were not aware on whose initiative they took the observation and they did not even know that they were observers. There were also considerable information on their interference in the election process and the pressure on independent observers. Ensuring

³⁷ <http://www.msk.gov.az/az/elections/prezident-seckileri/11-04-2018/987/>

³⁸ In order to observe the elections, the Ministry of Foreign Affairs has sent appeals to several international organizations (OSCE PA, OSCE / ODIHR, PACE, etc.), including Milli Mejlis to the parliaments of different countries.

³⁹ Illegal reasons were shown as a basis for refusal, such as signatures on the ID card and on the application of observer did not look the same or observer lived in another constituency territory .

⁴⁰ Observers faced pressures for themselves and their relatives of being dismissed or expelled from the university they study.

⁴¹ Observers were not allowed to the polling stations and were taken out of them. They were followed and threatened by unknown people.

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a large number of observers at the expense of administrative resources, could be connected with the intention of creating an image of transparency and activeness in the elections.

As a result, there was not opportunity to conduct the voting under the public control at all polling stations and opportunity for independent and opposition forces to monitor all procedures at all polling stations

Organizations intending to conduct an "exit-poll" should submit their written application for accreditation to the Electoral Commission at least 20 days prior to the elections. 4 organizations⁴² have been registered to conduct "exit-poll". All these organizations are known for being governed by the authorities⁴³ and none of the independent organizations have applied for an exit poll.

IX. ELECTION DAY

On election day, with some restrictions, observers monitored the procedures of opening polling stations, voting, counting and completing protocols. Generally, observations were conducted in up to 400 polling stations of 65 constituencies. There were changes in the total number of polling stations that were observed at different stages. Therefore, the following percentages were shown only in accordance with the number of polling stations observed in the relevant procedure.

a. Opening

DLPU observers watched the process of opening at 150 polling stations. It was observed that the procedures required for compiling the final protocols were not fully implemented. Election ballots given to ConEC were not counted and protocoled in 39.6% of constituencies. As provided by law, in 48% of polling stations unused deregistration cards have not been canceled before the voting has started. In 30% of the polling stations, ballot boxes were not locked and numbers were not declared with the participation of observers. Persons who are not allowed by law in the voting rooms appeared in one quarter of the polling stations, and observers stated that they were interfering with the work of the commission in 11 polling stations. Voting in 10% of the polling stations did not start at 8.00 a.m for various reasons. 4% of the polling stations had the observers who were not allowed to voting room or expelled.

Overall, the election commission failed to properly perform various opening procedures in 48% of polling stations. Observers assessed the opening process as bad or very bad in 38.5% of polling stations.

⁴² "ELS" Independent Research Center and "RÖY" Monitoring Center have conducted exit polls independently. The Citizens' Labor Rights Protection League (together with the US-based Arthur J. Finkelstein & Associates Inc.) and the Independent Counseling and Support Center for Civil Society (together with French organization Opinion Way) conducted exit polls as well.

⁴³ Each of the four organizations conducted an exit-poll in municipal elections 2014, in parliamentary elections 2015 and a referendum 2016 and the results were consistent with the CEC's results. There is little information about the mentioned foreign organizations. In a number of studies, the US-based "Arthur J. Finkelstein & Associates Inc" is mentioned as campaign advisor.

b. Voting

The voting process was observed in 405 polling stations. In 11 polling stations observers were not allowed to enter precinct. There were observers who faced violence and physical exposure in 15 polling stations.

Observers recorded that there were campaign activities and materials in the voting room and beyond of 7% of polling stations. There were cases in the half of the observed polling stations, where voters were brought to the polling stations in an organized way or in groups. In 19% of the polling stations, voters were incited to vote for any candidate. There were persons in the voting room of 27 % of the polling stations, who were not allowed by the law. It was reported that these people interfered with the commission's activities in 7.5% of the polling stations.

Significant violations were observed during the implementation of the procedures for the voter's voting. Identity cards of voters, who came to vote have not been checked in 4% of the polling stations, but in 15% of them they have been checked sometimes. Also, when the voters entered the voting room, the presence of ink in their fingers was not checked in 9 % of the polling stations. In 24.5% of them it was checked in some cases. In one third of the polling stations, it was recorded that in some cases voters did not sign voter lists while receiving bulletins. The voters' fingers were not stained with ink before receiving ballot papers in more than half of the observed polling stations. Compulsory procedure such as marking of voters` fingers with ink before getting bulletin, was never applied or it was applied in some cases in one quarter of the polling stations. Voting procedures for secret voting were not followed in one-third of polling stations in all cases. In 20% of the polling stations, observers have found that there were more than 1 person in the voting booth. It was observed that in 19.5% of the polling stations, voters who did not have a voter card were allowed to vote. In 29.5% of the polling stations, voters who were not registered in the voter lists were allowed to vote. Observers reported that the number of voters added to the voter list was overwhelming, which confirmed that the specifying of the voter`s list had not been well-conducted in 23.5% of the polling stations,

It was impossible to record whether these requirements were met or not, as in 35 % of the polling stations, observers could not observe the registration of voters in voter lists conducted by the commission members.

In 37% of the polling stations, one voter voted for more than one time and observers recorded that in 28% of the polling stations one voter was given more than one ballot paper.

Observers reported that the voting process was bad or very bad in 47.5% of the polling stations.

c. Vote counting

DLPU observers observed vote counting stage in 140 polling stations of 65 constituencies. Violations related to the preparation of vote counting with participation of observers and other persons were recorded in one-fifth of the polling stations. In 22 % of the polling stations, there were persons who had no right to participate in the vote counting process by law. It was registered that these persons interfered with the work of commission almost in half of these polling stations. Non-members of the ConEC were directly involved in the counting of votes in 12 polling stations.

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At one third of the polling stations, observers were unable to monitor the vote counting without obstacles. In 21% of the polling stations, observers were removed from the place during the counting process. Vote counting process did not take place in the voting room in 5 polling stations.

The cases of non-observance of the procedures to be fulfilled before the boxes were opened were of mass character. Unused ballot papers have not been counted and canceled before the opening of boxes at one third of the polling stations.⁴⁴ In 38% of polling stations, number of signatures in the list of voters has not been determined in order to define the number of voters who received the ballot and voted⁴⁵ and subsequently it was not known basing on what information the relevant paragraphs in the protocols of election commissions were filled⁴⁶. The CEC announced that voter turnout was 74.30%. However, some observers on their observations reported that there were significant differences between the number of voters who voted and the figures announced by ConECs.

Observers reported they did not met the procedure for the counting of spoiled bulletins in a large number of polling stations. According to the CEC, two thirds of the polling stations did not have spoiled ballot papers.⁴⁷

During opening of boxes the number of locks on them has not been announced in one fifth of the polling stations. The number of ballot papers in the portable ballot boxes was more than the number of incoming applications in 5% of the polling stations. When the boxes were emptied observers registered visible stack of ballots in 27% of the polling stations. The difference between the number of ballot papers from the boxes and the number of voters who received ballot papers was observed in 23 % of the polling stations. In 45.5% of the polling stations, vote counting process was organized in such way that the observers could not see whose name was marked in the ballot papers.

In general, only in a quarter of the polling stations, figures determined as a result of counting of votes have been included in the protocols. There was a discrepancy between the numbers included in the protocol in 18% of the polling stations.

The final protocol was fully filled with pen and in the polling station only in 27% of observed polling stations. In nearly half of the polling stations, the final protocol was signed by ConEC members without being fully completed.

Observers could not receive a copy of the protocol at one third of the polling stations, and 47% of the polling stations did not hang a single copy of the final protocol for familiarizing of voters.

Observers assessed the process of counting and completing the protocols as bad or very bad in 44% the polling stations.

⁴⁴ According to the CEC protocol, 1,383,792 ballot papers were canceled without being used.

⁴⁵ In 48% of polling stations, the number of registered de-registration cards and in 44% of polling stations, the number of portable boxes with voters who voted, were not registered.

⁴⁶ According to the official protocol, 3,962,123 signatures were signed to receive voter ballots

⁴⁷ The number of spoiled ballot papers (only 1888 units) was 0.32 percent of the total number of ballot papers.

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X. ELECTION RESULTS

The CEC began to place the preliminary results from polling stations on their webpage at night. It had been declared that 74.30% of the citizens with the right to vote had participated in the voting, however, the observers reported that official figures showing voter turnout were exaggerated. At some polling stations, observers who count alternate number of voters, reported that the released figures on voter turnout during the day were more than the actual numbers. Nevertheless, no official complaints were received from the candidates' headquarters and other election participants regarding voting and votes counting procedures on election day.

Candidates' received votes were as follows:

Candidate`s name	Number of received votes	Percent
Ilham Aliyev	3,394,898	86.02%
Zahid Oruj	122,956	3.12%
Sardar (Jalaloghlu) Mammadov	119,621	3.03%
Gudret Hasanguliyev	119,311	3.02%
Hafiz Hajiyeu	59,924	1.52%
Araz Alizadeh	54,533	1.38%
Faraj Guliyev	45,967	1.17%
Razi Nurullayev	29,229	0.74%

According to the announced results of the elections, Ilham Aliyev has won 86.02% of the votes and has been elected president for the fourth term. All other candidates declared that they recognize the results. However, the National Council of Democratic Forces and the Musavat Party, which refused to participate in the elections, declared that they did not recognize the election results 3 days after elections on a protest rally with the reform demands on establishment of a fair and free election environment, elimination of pressures against the media, restoration of civil society activities, including the demands of political reforms.

The Central Election Commission (CEC) announced its results which were not different from the preliminary results on April 15 at their meeting and the final protocol⁴⁸ was approved and sent to the Constitutional Court. The CEC stated in its decision⁴⁹ that the elections were held in a free, fair, transparent and open environment, that the lower-level election commissions submitted all relevant election documents on time and that the protocols on voting results were

⁴⁸ <https://goo.gl/eShgof>

⁴⁹ The CEC's decision: http://www.msk.gov.az/plugins/pdf/datafiles/az_FILE_C9306E-DF962C-921CAF-09411A-352A45-6FA116.pdf

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effectively investigated. It was declared that the smallest violations that could affect the legitimacy of the elections and that did not comply with international standards had been investigated, and as a result, in 4 polling stations with law violations that allowed voters to determine their will, election results had been declared invalid.⁵⁰

According to the law, the Constitutional Court of the Republic of Azerbaijan had to examine the CEC protocol and other relevant documents within 10 days and decide on the approval of the election results. Two days later, on April 17, the Constitutional Court made a decision on approving the election results at its plenary session, and on 18 April, Ilham Aliyev began his duties as a president, taking the oath at the meeting of the Milli Majlis.

XI. RECOMMENDATIONS

Based on the observation and analysis of the results of April 11, 2018 presidential elections, the DLPU considers it important to take the following measures in order to improve election practice in Azerbaijan and to ensure free, fair and genuine elections:

- Effective measures should be taken to protect human rights, the legal basis on the use of rights of expression, assembly and association should be improved, persecutions based on public-political activity and expression of thought should be stopped.
- Rules for announcing early elections, should consider reasonable time allowing for technical preparation of the elections, for all interested parties who wants to participate in the elections. The legal-political conditions and the grounds, necessary to determine early elections should be clearly defined in the legislation.
- The major electoral reforms proposed in the previous elections should be reflected in the legislation, particularly the rules for forming election commissions should be revised. Effective representation of election commissions with the participation of all stakeholders and the organization rules ensuring professional, impartial and transparent activity without dependence on political will, should be determined. Also, measures should be taken to increase the transparency of the process of determining the composition of the lower election commissions.
- The composition of the subgroups, for examples subgroups on checking voter signatures collected for the registration of candidates and on complaints investigation created within the election commissions, should be made by independent experts to ensure transparency and confidence of the electoral process participants. Effective informing methods should be used in order to ensure participation of candidates and other interested election participants in the meetings of these groups.

⁵⁰ The voting results of the PEC # 2 of Kurdamir Con.EC # 57, PEC # 10 of Lankaran city Con.EC # 73, PEC # 26 of Jalilabad-Masalli-Bilasuvur Con.EC # 69, PEC # 12 of Lankaran village Con.EC # 74 were invalidated and the PEC # 2 of Kurdamir Con.EC # 57 and PEC # 10 of Lankaran city Con.EC # 73 were dismissed in full composition

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- Verification of signatures should be ensured by the means and methods that do not create conditions for subjective judgments. Candidates should be given additional opportunities to replace the invalid signatures in the process of signature verification and eliminate other deficiencies in the submitted documents. At the same time, the limitation on a single voter's signature to support only one candidate should be eliminated. To this end, relevant amendments should be made to the Election Code.
- Commitment provisions should be considered for public awareness regarding time and agenda, as well as the decision of the lower-level election commissions` meeting.
- The responsibilities of the election commissions should be determined on elimination of interference cases for signature collection of candidates, pre-election campaign and voluntary voting of voters, in particular, involvement cases of administrative resources
- Restrictive measures (for example practices that are not envisaged by law, such as determining the list of meeting places) applied by the CEC for the conduct of pre-election campaigns through mass actions should be abandoned. Candidates should be able to meet with their voters in the appropriate place they want. Also, free airtime allocated to candidates should be available to them as they wish.
- During the promotion period, control over the observance of the principle of equal opportunities for candidates in separate media bodies should be increased.
- Considering the need for serious updating in the voter lists, they should generally be re-drawn. The reasons for the differences between the number of voters in the voter lists and the official statistical data should be investigated.
- Opportunities should be simplified for inclusion of voters, who has changed their addresses, in the list on their actual addresses and for removal from the registration of previous addresses. More intensive information exchange should be provided between the election authorities and election commissions, as well as among election commissions, in order to eliminate the sparseness in voter list`s updating.
- The activities of unbiased observation groups should be encouraged to increase effective public control over the elections. Observers must comply with the registration procedures, particularly the registration deadlines. Requirements limiting observation of voting, vote counting and other procedures in the voting room by observers with subjective considerations, should be simplified.