Parliamentary Assembly
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Resolution 1480 (2006)[1]

The challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds

Parliamentary Assembly

1. At the opening of the first 2006 part-session of the Parliamentary Assembly on Monday 23 January 2006, the credentials of the Azerbaijani delegation were challenged on substantial grounds under Rule 8 of the Assembly Rules of Procedures in connection with the parliamentary elections that took place on 6 November 2005.

2. In its Resolution 1456 (2005) on the functioning of democratic institutions in Azerbaijan, the Assembly had warned that it would regard the 2005 parliamentary elections as a decisive test for the democratic credibility of the country as all previous ballots held since Azerbaijan's accession to the Council of Europe in 2001 had failed to meet basic democratic standards.

3. The Assembly deeply regrets that the parliamentary elections in Azerbaijan on 6 November 2005 once again did not meet a number of international standards. The most unacceptable violations found by the ad hoc committee which observed the elections were: intimidation and arbitrary arrests of opposition candidates and supporters; impediments to the right to peaceful assembly; disproportionate use of force by the police in dispersing unauthorised rallies; interference of local authorities in the electoral process; abuse of administrative resources; ballot stuffing; and serious violations during the counting and tabulation of results. The media bias and the lack of impartiality of the election commissions also contributed to creating unfavourable conditions for free and fair elections.

4. The Assembly deplores the excessive use of force by the police to disperse a post-electoral opposition rally in Baku on 26 November 2005. The means used against peaceful protesters, including many women and children, are unacceptable in a civilised society.

5. The Assembly notes that the Central Election Commission and the Constitutional Court invalidated the results in 10 constituencies (out of 125), where re-run elections will be held on 13 May 2006. It also takes note of the dismissals of the heads of the executive power in three regions and of the small number of criminal cases that are currently pending before the courts.

6. Administrative and legal measures, however, cannot repair the serious damage caused by the violations: the fact that the entire democratic process has been undermined, that political dialogue is jeopardised and that the newly elected parliament lacks the democratic credentials of the Azerbaijani people.

7. The attitude of the opposition, which intends to boycott the parliamentary sittings and the re-run elections, is not constructive either and is not conducive to the development of the democratic process. The Assembly considers that the place of the opposition is in Parliament, not on the streets and it therefore urges the opposition to reconsider its decisions.

1. Assembly debate on 25 January 2006 (5th Sitting) (see Doc. 10807, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Tony Lloyd). Text adopted by the Assembly on 25 January 2006 (5th Sitting).

8. Free and fair elections are at the basis of democracy and constitute one of the most important commitments and obligations of any country sharing, as a member state, the values and standards of the Council of Europe. The way the November elections were conducted clearly shows that there is a persistent failure by Azerbaijan to honour its commitments to the Council of Europe. This must be sanctioned.

9. In order to restore confidence in the electoral, and more generally the democratic process, Azerbaijan needs to ensure that the re-run in the 10 constituencies fully abides by democratic principles. To this effect, the following measures need to be taken urgently:

9.1. investigations into electoral fraud should be conducted in a totally impartial and professional way, without any political or administrative pressure;

9.2. the results of these investigations should be made public and justice should be administered in an equally impartial and professional way, without any political or administrative pressure;

9.3. the newly elected parliament should amend the electoral legislation in line with the recommendations of the European Commission for Democracy through Law (Venice Commission), in particular with regard to the composition of the electoral commissions;

9.4. freedom of assembly should be fully guaranteed;

9.5. media pluralism in the electronic media and freedom of expression should also be fully guaranteed.

The Assembly concludes that the conduct of the November 2005 parliamentary elections in Azerbaijan falls within the provisions of Rule 8.2.b of the Assembly Rules of Procedure: “persistent failure to honour obligations and commitments”.

However, the Assembly decides to ratify the credentials of the parliamentary delegation of Azerbaijan.

The Assembly decides to observe the re-run elections on 13 May 2006. It instructs its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to submit to the Assembly at its June part-session a report on the progress made in all the areas mentioned in paragraph 9 of this resolution. On the basis of this report, the Assembly will then examine whether to apply Rule 9 of the Rules of Procedure on the reconsideration of previously ratified credentials on substantial grounds.