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## Observation of the presidential election in Azerbaijan (9 October 2013)

### Election observation report

Rapporteur: Mr Robert WALTER, United Kingdom, European Democrat Group

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### 1. Introduction

1. Following an invitation from the Chairperson of the National Assembly of Azerbaijan, the Bureau of the Parliamentary Assembly, at its meeting on 30 May 2013, decided to observe the presidential election in Azerbaijan on 9 October 2013, to constitute an ad hoc committee for this purpose composed of 30 members as well as of the two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), ex officio, and to authorise a pre-electoral mission composed of seven members: one from each political group and the two co-rapporteurs of the Monitoring Committee.

2. On 28 June 2013, the Bureau of the Assembly approved the composition of the ad hoc committee and appointed Mr Robert Walter as Chairperson. After a series of changes, the Bureau approved the definitive list of the ad hoc committee on 30 September 2013 (Appendix 1).

3. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In pursuance of Article 15 of this Agreement, “when the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice



Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser", the Bureau of the Assembly invited the Venice Commission to appoint one of its members to join the ad hoc committee as an adviser. Unfortunately, due a time clash with their plenary session, no representative of the Venice Commission was available.

4. The pre-electoral delegation, composed of Mr Robert Walter (United Kingdom, EDG), Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Mr Tadeusz Iwiński (Poland, SOC), Mr Jordi Xuclà (Spain, ALDE), Mr Dimitrios Papadimoulis (Greece, UEL) and the two co-rapporteurs of the Monitoring Committee, Mr Pedro Agramunt (Spain, EPP/CD) and Mr Joseph Debono Grech (Malta, SOC), was present in Baku on 11 and 12 September 2013 and met with presidential candidates, including the incumbent President, the Speaker of the Parliament, members of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe (PACE), the Chairperson of the Central Electoral Commission and the Minister of the Interior, as well as representatives of a cross section of political parties, non-governmental organisations (NGOs), the media, the observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and members of the diplomatic corps in Baku. The programme of the pre-electoral delegation can be found in Appendix 2.

5. In a statement issued at the end of its mission, the pre-electoral delegation welcomed "the willingness of the authorities of Azerbaijan to put to broad international scrutiny the vote in October's Presidential election". The full text of the statement is reproduced in Appendix 3.

6. During its stay in Baku, from 7 to 10 October 2013, the ad hoc committee met with presidential candidates, or their representatives, the Chairperson of the Central Electoral Commission, as well as representatives of a cross section of political parties, NGOs, the media, and members of the diplomatic corps in Baku. Its parliamentary briefings were joined by delegations from the Parliamentary Assembly of the OSCE (OSCE-PA) and the European Parliament. The briefing programme can be found in Appendix 4.

7. A delegation from the Parliamentary Assembly of the Commonwealth of Independent States also observed the election and met with the Head of the PACE delegation on election day.

8. On election day, the PACE delegation split into 18 teams which observed the opening, voting and closing as well as the vote count and tabulation in and around Baku, Qaradaq, Yasamal, Khatai, Nizami, Sabunchu, Sumgayit, Suraxani, Quba, Ismayilli and Gadabay.

9. The ad hoc committee regrets that, the day after the election day, two separate statements were delivered during two different press conferences, one by the PACE delegation and the EP delegation, and the other by the OSCE-PA delegation together with the OSCE/ODIHR. This lack of co-ordination was further highlighted by the statement later that day by Michel Voisin, Special co-ordinator of the OSCE short term observers, who said "I fully endorse the conclusions of the Parliamentary Assembly of the Council of Europe and of the European Parliament." The full text of this statement is reproduced in Appendix 5.

10. In their joint statement, the PACE and European Parliament delegations congratulated the people of Azerbaijan on their peaceful campaign and election day and encouraged the transition process towards democracy that the country was experiencing. They noted that, overall, around election day they had observed a free, fair and transparent electoral process and that, from what they had seen, electoral procedures on the eve and on election day had been carried out in a professional and peaceful way. They declared that improvements were still desirable with regard to the electoral framework, notably concerning the respect of fundamental freedoms during the months before the election, and encouraged the authorities to carefully consider previous and current recommendations from the international community.

11. The joint PACE and European Parliament delegations appreciated a more open electoral debate, compared to past elections, although freedom of expression remained a serious concern. They believed that the opposition had had a – albeit reduced – window of opportunity for this election which had to be developed in the future. The two delegations encouraged the Azerbaijani authorities to seriously continue to develop the path towards democratisation of the country.

12. The full text of the joint statement issued by the PACE and European Parliament delegations is reproduced in Appendix 6.

## **2. Political context**

13. The President of Azerbaijan (Mr Ilham Aliyev, in office since 31 October 2003, re-elected on 15 October 2008 with 88.7% of the votes) is both Head of State and head of the executive power.

14. He submits the budget to the National Assembly (Milli Mejlis), with the consent of the Milli Mejlis he appoints or dismisses the Prime Minister and members of the government and generally has a broad range of strong powers (listed in Article 109 of the Constitution).
15. The National Assembly is a unicameral body consisting of 125 members elected according to the majority system for a five-year term. The last parliamentary elections were held on 7 November 2010. The ruling New Azerbaijan Party (Yeni Azerbaijan) obtained 70 seats. The remaining ones went to independent candidates and other political parties. The Musavat Party and the Popular Front, opposition parties previously represented in the Parliament, lost their seats.
16. The President is elected by popular vote for a five-year term and, following amendments to the Constitution confirmed by a referendum in 2009, he is eligible for unlimited terms. This was considered by the Venice Commission as “a step back, in terms of democratic achievements”.<sup>1</sup> On 24 July 2013, the incumbent President announced his intention to stand for a third term. His decision not to conduct an electoral campaign of his own, on the grounds that he is well-known by his deeds, was disappointing.
17. On 7 June 2013, a number of opposition forces (including the Musavat Party and the Popular Front) established the National Council of Democratic Forces (NCDF) in order to nominate a common presidential candidate. They chose Mr Rustam Ibrahimbayov, but the Central Election Commission (CEC) rejected his nomination for failing to meet the residence qualification as listed in section 4 below, the NCDF then nominated Mr Jamil Hasanli as its joint candidate.
18. Another opposition movement, the Republican Alternative (REAL), founded in 2009, was also supposed to be represented in the presidential race by Mr Ilgar Mammadov (in detention since February 2013), but his candidature was also rejected by the CEC, due to insufficient valid signatures, as listed in section 4 below.
19. The presidential election of 9 October 2013 was thus contested by 10 candidates.

### 3. Legal framework

20. The Electoral Code of Azerbaijan is the main law addressing the electoral process in the country; however, election-related issues are also regulated in the Constitution, the law on public assemblies, legislation on mass media and the Code on Criminal Procedure. The Election Code makes reference to this legislation.
21. The Electoral Code was amended in June 2008, June 2010, April 2012 and April 2013, but, according to the Venice Commission, key issues have not been tackled, such as the reform of the composition of the electoral commissions at all levels, as they lack independence.
22. Recent amendments to the Electoral Code have removed the possibility for candidates to receive State funding for their campaign, and shortened the campaign period from 28 to 22 days. The amendments addressed some recommendations of the OSCE/ODIHR and the Venice Commission, mainly concerning the reduction in the adjudication period for complaints. However, no other previous recommendations have been addressed.
23. In 2009, the Venice Commission adopted an opinion on the draft amendments to the Constitution of Azerbaijan,<sup>2</sup> which included, among the main problematic issues raised by the reform, the aforementioned removal of the two-term limit on the election of the President and the restrictions of basic rights and liberties, mainly concerning media freedom and the limitations imposed on journalists recording public meetings or meetings of public interest unless they have received express permission to do so. The amendments nevertheless entered into force in March 2009. It is important to note that none of the amendments to the Electoral Code adopted in 2010, 2012 or 2013 were submitted to the Venice Commission for opinion.
24. In its Memorandum, dated 6 September 2013, made available to the ad hoc committee, the Venice Commission listed its view on the main shortcomings of the Electoral Code in force for the 2013 presidential election:
  - the reduction in the amount of time for the official campaign period by 5 days, bringing it down to only 22 days;

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1. CDL-AD(2009)010, Opinion on the Draft Amendments to the Constitution of the Republic of Azerbaijan, adopted by the Venice Commission at its 78th Plenary Session (Venice, 13-14 March 2009), paragraph 13.

2. Ibid.

- limiting the requirement for equal campaign conditions to “public TV and radio companies” only, and exempting State-funded television and radio from this requirement;
- the high number of signatures (40 000) required for the registration of candidates;
- the continuing need to limit and clarify the reasons for refusing candidates for a presidential election;
- the lack of guarantees concerning the freedom of assembly;
- the lack of provisions for public campaign financing and the obligation for candidates to rely on private financing.<sup>3</sup>

25. In the opinion of the Venice Commission, it is clear therefore that improvements are still desirable as regards the electoral framework, notably concerning the respect of fundamental freedoms.

#### 4. Administration of the election

26. The presidential election was administered by a three-tier structure composed of the Central Electoral Commission (CEC) (with 18 members), 125 constituency electoral commissions with 9 members and 5 273 precinct electoral commissions (PEC) with 6 members. 181 additional PECs were established in military units, hospitals and off-shore drilling platforms. 38 additional PECs were established at diplomatic missions and consulates abroad.

27. The CEC is composed by the parliament: one third of its members are proposed by the majority, one third by the minority and the last one by independent deputies. Although this could be seen as an appropriate system in theory, in practice, according to the Venice Commission, this formula provides pro-government forces with a decisive majority.

28. By law, chairpersons of all electoral commissions are nominated by the parliamentary majority. The constituency electoral commissions are appointed by the CEC and the PECs are appointed by the relevant constituency electoral commission.

29. Voter registration is passive. Voter lists are extracted from a permanent voter register, under the responsibility of the CEC.

30. According to the State Statistical Committee, on 1 January 2013 the population aged over 18 was some 6.8 million. The final voter lists as of 14 September had just over 5 million names. This issue exercised the OSCE/ODHIR officials, but the difference was explained as being due to the fact that population data included citizens of Azerbaijan residing abroad, and foreign citizens in the country. However, voters could register on supplementary voter lists on election day, if they could prove that they currently resided within the precinct where they requested registration. This makes voter registration inclusive but stands at odds with paragraph 1.2.iv of the Venice Commission’s Code of Good Practice in Electoral Matters: “in any event polling stations should not be permitted to register voters on election day itself.”

31. Candidates could register from 2 August to 16 September. According to the Constitution, they had to be at least 35 years old, without dual citizenship or obligations towards other States, without a previous conviction for a serious crime, to have had their permanent residence in Azerbaijan for at least 10 years and to have a university degree. According to the Venice Commission, the last two requirements are not in line with international standards.

32. Candidates could be nominated by registered political parties or by coalitions of registered parties, by initiative groups of more than 100 voters or be self-nominated. The CEC denied nomination or registration to five potential candidates, which left ten candidates in the running.

33. Mr Rustam Ibrahimbayov’s nomination was rejected on the basis that he had dual citizenship and did not fulfil the 10-year residency requirement. Four other prospective candidates, including Mr Ilgar Mammadov, were denied registration because, after the signature verification process, the CEC concluded that the number of valid signatures was below the 40 000 required. They all challenged the criteria used by the CEC for disqualifying them, but their appeals to court were unsuccessful.

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3. CDL-AD(2011)046, Opinion of the Venice Commission on the Draft Law on amendments to the Law on Political Parties of the Republic of Azerbaijan

## 5. The election campaign and the media environment

34. The election campaign started on 16 September and lasted 22 days, until the morning of 8 October. It was characterised by limited public interest, as the political weight of the incumbent was far greater than that of any of his challengers. As mentioned above, the incumbent President decided not to campaign officially himself, but to continue to perform his current duties, touring the country in his capacity as President. His frequent presence in the media, while legitimate given his functions as the incumbent President, did, however, put the other candidates at a disadvantage.

35. The CEC compiled a list of 152 indoor and outdoor venues for meetings and rallies during the campaign.

36. During the parliamentary briefings, the PACE delegation was told about a number of alleged incidents of candidate and voter intimidation, as well as of a series of difficulties encountered by the NCDF in organising meetings.

37. Television is a primary source of information in Azerbaijan. The CEC allocated free airtime for candidates during the campaign, each candidate being allocated a total of 36 minutes of free airtime per week (18 minutes on the public television channel iTV and 18 minutes on radio) in the form of round tables. Paid political advertising was allowed, but opposition candidates complained to the PACE delegation that *de facto* they were prevented from using it.

38. Media freedom is considered to be an issue in Azerbaijan, as nine journalists are currently imprisoned under charges reportedly not linked to their profession. Representatives of the media informed the PACE ad hoc committee of alleged cases of blackmail, intimidation and physical attacks.

39. Self-censorship has been mentioned to the PACE delegation as being common practice, as defamation remains a criminal offence with a penalty of up to three years of imprisonment. Special attention is paid by the authorities to online media. The Commissioner for Human Rights of the Council of Europe regretted that “amendments aimed at facilitating the application of defamation provisions to online expression were signed by the President of Azerbaijan on 4 June 2013”.<sup>4</sup>

40. The NCDF candidate, Mr Jamil Hasanli, received from the CEC a “serious warning” for having allegedly insulted the President through bringing into discussion during a televised round table the alleged foreign assets of the President and members of his family.

41. The PACE ad hoc committee, while having appreciated a more open electoral debate compared to previous elections, nonetheless considers that freedom of expression remains a serious concern in Azerbaijan. It is also of the opinion that the window of opportunity the opposition has had – albeit reduced – must be developed for the future.

## 6. Polling day and results

42. Overall, the PACE delegation observed around election day a free, fair and transparent electoral process. As stated in the joint PACE–EP statement, based on what the members of the two delegations had seen, electoral procedures on the eve and on election day were carried out in a professional and peaceful way and no actions of intimidation against voters were witnessed, in or close to the polling stations. There was no police presence around polling stations, in compliance with the electoral law, and members of the two delegations did not see any signs of campaign material close to polling stations.

43. The technical preparations and the investment made by the Azerbaijani authorities for the election were sound. However, elections are not only about what happens on election day. Some candidates reported difficulties in registration and the collection of signatures, as well as access to the media. The Assembly’s monitoring report has previously highlighted issues relating to freedom of speech and assembly.

44. There were close to 5 300 polling stations throughout the country and web cameras were installed in 1 000 of them. National and international observers were present in the polling stations in large numbers.

45. Some members of the PACE delegation reported having observed certain irregularities in the polling stations they had visited: inking was not taken seriously; there were voters who insisted on obtaining written proof that they had voted, to show to their employer, counting was not done according to the rules; and there

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4. CommDH(2013)14, report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, 6 August 2013.

was disorder due to the presence of too many people inside polling stations. The counting procedures in several polling stations observed by ad hoc committee members included procedural shortcomings and errors. One constituency electoral commission received a protocol with 100% of votes for the incumbent President; the explanation given was that it came from a military unit.

46. We were concerned by the attitude displayed by OSCE/ODHIR officials to the findings of parliamentarians experienced over many years in the conduct of elections across Council of Europe member States. They were unwilling to include any of our observations, but for the sake of completeness, we note that the Statement of Preliminary Findings and Conclusions released by the OSCE-PA and the OSCE/ODIHR on 9 October listed a series of irregularities observed by OSCE observers on election day. Some of their comments included: "Opening procedures were assessed negatively in almost 20% of observations, a significantly high number, which indicates serious problems. Observers reported clear indications of ballot box stuffing in 37 polling stations, bypassing critical measures to ensure accountability and deter potential fraud ... The counting was assessed in overwhelmingly negative terms, with 58% of observed polling stations assessed as bad or very bad. In 15 observed counts, observers reported manipulation of voter list entries, results or protocols, including cases of votes being reassigned to a different candidate. ... Key procedures on the checking of precinct-level results and their processing were frequently not followed." This statement was later contradicted by Michel Voisin, Special co-ordinator of the OSCE short-term observers. His press statement included "... this campaign has undeniably been a democratic advance by the number of candidates, an open for all television campaign, a remarkable participation in the elections of more than 72 percent, the good preliminary work and transparency in the way the central voting commission has organized these elections. ... These are the elements that I have developed and which are not included in the ODIHR report which does not reflect the positive aspects as noted by the observers of the Parliamentary Assembly of the OSCE in the short term observation".

47. The results of the elections were made public by the CEC on 17 October and are as follows:

- Aliyev Ilham – 84.54% (3 126 113 votes)
- Hasanli Jamil – 5.53% (204 642 votes)
- Aghazada Igbal – 2.40% (88 723 votes)
- Hasanguliyev Gudrat – 1.99% (73 702 votes)
- Oruj Zahid – 1.46% (53 839 votes)
- Ismayilov Ilyas – 1.07% (39 722 votes)
- Alizada Araz – 0.87% (32 069 votes)
- Guliyev Faraj – 0.86% (31 926 votes)
- Hajiyeve Hafiz – 0.66% (24 461 votes)
- Mammadov Sardar – 0.62% (22 773 votes)

The voter turnout was 71.63%

## 7. Conclusions and recommendations

48. The result of the presidential election of 9 October 2013 reflects the pattern of votes cast and should be seen as reflecting the will of the people of Azerbaijan. The PACE delegation considers the electoral process as a start, however far from being perfect, and therefore encourages the Azerbaijani authorities to seriously continue to develop the path towards democratisation of the country.

49. The Azerbaijani authorities should act upon the recommendations concerning the electoral legislation, in particular those coming from the Venice Commission (see paragraph 24). We believe it is necessary to have a reliable voters list and, if necessary, a secure system for registering any additions on election day.

50. As both freedom of expression and freedom of assembly are among the fundamental freedoms to be guaranteed on the path towards a country's democratisation, Azerbaijan must bring improvements concerning their full respect, moving towards full compliance with the commitments Azerbaijan subscribed to upon joining the Council of Europe. The development of a strong and credible opposition in the country must be encouraged if the population is to be given a real choice in future elections.

## Appendix 1 – Composition of the ad hoc committee

Based on proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

- Robert WALTER\* (EDG, United Kingdom), Head of the Delegation
- **Group of the European People’s Party (EPP/CD)**
  - Viorel Riceard BADEA, Romania
  - Charlo BONNICI, Malta
  - Lolita ČIGĀNE, Latvia
  - Agustín CONDE, Spain
  - Şaban DIŞLI, Turkey
  - Axel E. FISCHER, Germany
  - Aleksandar NIKOLOSKI, “the former Yugoslav Republic of Macedonia”
  - Joe O’REILLY, Ireland
  - Marietta de POURBAIX-LUNDIN\*, Sweden
  - Yves POZZO DI BORGO, France
- **Socialist Group (SOC)**
  - Lennart AXELSSON, Sweden
  - Philippe BIES, France
  - Paolo CORSINI, Italy
  - Arcadio DÍAZ TEJERA, Spain
  - Andreas GROSS, Switzerland
  - Tadeusz IWIŃSKI\*, Poland
  - Stefan SCHENNACH, Austria
  - Yanaki STOILOV, Bulgaria
- **European Democrat Group (EDG)**
  - Nadezda GERASIMOVA, Russian Federation
  - Olga KAZAKOVA, Russian Federation
  - Yuliya L’OVOCHKINA, Ukraine
- **Alliance of Liberals and Democrats for Europe (ALDE)**
  - Mike HANCOCK, United Kingdom
  - Alfred HEER, Switzerland
  - Judith OEHRI, Liechtenstein
  - Andrea RIGONI, Italy
  - Jordi XUCLÀ\*, Spain
- **Group of the Unified European Left (UEL)**
  - Dimitrios PAPADIMOULIS\*\*, Greece
  - Petros TATSOPOULOS, Greece
- **Rapporteurs of the Monitoring Committee (ex officio)**
  - Pedro AGRAMUNT, Spain
  - Joseph DEBONO GRECH, Malta
- **Secretariat**
  - Vladimir DRONOV, Head of Secretariat, Interparliamentary Co-operation and Election Observation Division
  - Bogdan TORCĂTORIU, Administrator, Interparliamentary Co-operation and Election Observation Division
  - Daniele GASTL, Assistant, Interparliamentary Co-operation and Election Observation Division
  - Catherine LAKBAR, Assistant, Secretariat of the Parliamentary Assembly

\* *Pre-electoral mission*

\*\* *Pre-electoral mission only*

## Appendix 2 – Programme of the pre-electoral mission (11-12 September 2013)

### Wednesday, 11 September 2013

- 09:00-09:30 Delegation meeting
- 10:00-11:00 Meeting with Mr Ilham Aliyev, presidential candidate and incumbent President of the Republic of Azerbaijan
- 11:15-11:45 Meeting with Mr Teymur Malik-Aslanov, acting Head of the Council of Europe Office in Baku
- 11:45-13:15 Meeting with Ms Tana de Zulueta, Head of the OSCE/ODIHR Election Observation Mission, and:
- Mr Harald Jepsen, Deputy Head of Mission
  - Mr Vadim Zhdanovich, Political Analyst
  - Ms Elma Sehalic, Media Analyst
  - Mr Adolfo Cayuso and Mr Pavel Cabacenko, Election Analysts
  - Ms Meaghan Fitzgerald, Legal Analyst
- 14:45-15:45 Meeting with Mr Mazahir Panahov, Chairperson of the Central Election Commission
- 16:00-17:00 Meeting with the members of the delegation of the Milli Mejlis to the Parliamentary Assembly of the Council of Europe
- 17:00-18:00 Meeting with Mr Ogtay Asadov, Chairman of the Milli Mejlis of the Republic of Azerbaijan

### Thursday, 12 September 2013

- 09:10-11:00 Meetings with presidential candidates:
- 9:10-9:30 Mr Iqbal Aghazada, Umid (Hope) Party
- 9:30-9:50 Mr Gudrat Hasanguliyev, Whole Azerbaijan Popular Front Party
- 10:10-10:30 Mr Ilyas Ismayilov, Adalet (Justice) Party
- 10:30-10:50 Mr Azer Gasimli, Head of the election headquarters of Mr Ilgar Mammadov, independent
- 11:00-12:00 Meeting with leaders and representatives of opposition parties from the National Council of Democratic Forces (round table):
- Mr Ali Kerimli, Azerbaijan Popular Front Party
  - Mr Avaz Temirkhan, representing Ms Lala Shovket, National Unity Movement
  - Mr Sulhaddin Akbar, Open Society Party
- 12:00-13:00 Meeting with NGO representatives (round table):
- Ms Arzu Abdulayeva, Helsinki Citizens Assembly
  - Mr Natig Jafarli, The Alternative Republican Movement (REAL)
  - Mr Hafiz Hasanov, Law and Development
  - Mr Mirali Huseynov, Democracy Learning
  - Mr Intigam Aliyev, Legal Education Society
  - Mr Maharram Zulfugarli, Association for Civil Society Development in Azerbaijan
- 13:00-14:00 Meeting with media representatives (round table):
- Mr Rahim Hajiyev, *Azadlig* newspaper
  - Ms Khadija Ismayilova, Radio Free Europe/Radio Liberty
  - Mr Elchin Shikhli, *Zerkalo* newspaper
  - Mr Emin Huseynov, Institute for Reporters Freedom and Safety
  - Mr Hikmat Babaoghlu, *Yeni Azerbaijan* newspaper
  - Mr Tofiq Abbasov, *New Baku Post* newspaper

15:15-16:45

Meeting with members of the diplomatic corps in Baku:

- Mr Toralf Pilz, Chargé d'affaires, European Union Delegation to the Republic of Azerbaijan
- Ambassador Sylvia Meier-Kajbic, Embassy of Austria
- Ambassador Dimitrios Tsoungas, Embassy of Greece
- Ambassador Michał Łabenda, Embassy of Poland
- Ambassador Irfan Siddiq and Mr Adrian Lee, Deputy Head of Mission, Embassy of the United Kingdom

17:00-18:00

Meeting with Mr Ramil Usubov, Minister for Internal Affairs of the Republic of Azerbaijan

### **Appendix 3 – Statement by the PACE pre-electoral delegation to Azerbaijan**

Strasbourg, 13.09.2013 – The pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (PACE) has noted the willingness of the authorities of Azerbaijan to put to broad international scrutiny the vote in October's Presidential election. The Central Electoral Commission is conducting an awareness campaign, organising training for electoral administrators, and is continuously working on electoral lists. The effectiveness and quality of that work will be put to the test on Election Day.

The forthcoming election will be held in an apparently competitive environment, with the official number of Presidential hopefuls, yet to be finalised, likely to exceed ten. At the same time, the lack of credible challengers to the incumbent President has led to the absence of a substantive nationwide debate. Distinctions between the political platforms of would-be opposition candidates are rather vague, the struggle boiling down to a clash of personalities.

The President's decision not to conduct a campaign of his own on the grounds that he is well-known by his deeds is disappointing. Furthermore, his frequent presence in the media, while totally legitimate given his functions as the incumbent, puts other competitors at a disadvantage.

Many recommendations made in PACE reports have not been implemented. We particularly refer to those concerning freedom of expression, assembly and association, and the functioning of pluralist democracy. The Venice Commission recommendation related to the composition of electoral commissions at all levels was never properly addressed.

Despite the problems mentioned, and given that the campaign has not yet started, the delegation is hopeful that, following the vote, it will be in a position to assess the election as meeting the standards of the Council of Europe and seen as reflecting the will of the people of Azerbaijan.

The delegation was in Baku from 10 to 13 September 2013 at the invitation of the Chairman of the Milli Mejlis. It met with the candidates, including the incumbent President, the Speaker of Parliament, members of the Azerbaijani delegation to PACE, the Chairman of the Central Electoral Commission and the Minister of the Interior, as well as representatives of a cross-section of political parties, NGOs, the media and the diplomatic corps. A full, 32-member PACE observer delegation will be back on 7 October.

## Appendix 4 – Programme of the election observation mission (7-10 October 2013)

### Monday, 7 October 2013

- 10:00-10:30 Meeting of the PACE ad hoc committee
- 10:30-11:00 Opening by the heads of parliamentary delegations
- Mr Robert Walter, Head of the PACE Delegation
  - Mr Michel Voisin, Special Co-ordinator to lead the short-term OSCE observer mission
  - Ms Doris Barnett, Head of the OSCE-PA Delegation
  - Mr Pino Arlacchi, Head of the Delegation of the European Parliament
- 11:00-11:30 Background
- Mr Teymur Malik-Aslanov, Acting Head of the Council of Europe Office in Baku
  - Mr Nicolas Detsch, Head of the Democratisation Unit, OSCE Office in Baku
  - Mr Toralf Pilz, Head of the European Union Delegation to the Republic of Azerbaijan
- 13:30-14:00 Mr Mazahir Panahov, Chairman of the Central Election Commission of the Republic of Azerbaijan
- 14:00-16:00 Briefing by the OSCE/ODIHR Election Observation Mission Core Team:
- moderator: Mr Harald Jepsen, Deputy Head of Mission
  - introduction: Ms Tana De Zulueta, Head of Mission
  - candidate overview, overview of the campaign, gender and national minority issues: Mr Vadim Zhdanovich, Political Analyst
  - electoral system, legal framework, complaints and appeals: Ms Meaghan Fitzgerald, Legal Analyst
  - media regulatory framework, campaign in the media, preliminary media monitoring results: Ms Elma Sehalic, Media Analyst
  - election administration, how does the CEC function (candidate registration), voter list and ability to register on election day, domestic observer groups: Mr Adolfo Cayuso and Mr Pavel Cabacenco, Election Analysts
- 16:00-19:00 Separate meetings with presidential candidates:
- Mr Ali Ahmadov, Executive of the New Azerbaijan Party, representing Mr Ilham Aliyev, incumbent President of Azerbaijan
  - Mr Iqbal Aghazada, Umid (Hope) Party
  - Mr Ilyas Ismayilov, Adalat (Justice) Party

### Tuesday, 8 October 2013

- 09:00-10:30 Panel discussion with leaders and representatives of opposition parties from the National Council of Democratic Forces Initiative Group:
- Mr Jamil Hasanli, presidential candidate
  - Mr Isa Gambar, Musavat Party
  - Mr Ali Kerimli, Azerbaijan Popular Front Party
  - Mr Eldar Namazov, "EL" Movement
  - Mr Avaz Temirkhan, National Unity Movement
  - Mr Sulhaddin Akbar, Open Society Party
- 10:30 -12:00 Panel discussion with representatives of NGOs:
- Mr Natig Jafarli, Alternative Republican Movement (REAL)
  - Mr Azer Gasimov, Law and Development
  - Mr Intigam Aliyev, Legal Education Society
  - Mr Maharram Zulfugarli, Association for Civil Society Development in Azerbaijan
- 12:00 -13:30 Panel discussion with media representatives:
- Mr Rahim Hajiyev, *Azadliq* newspaper

- Mr Khalid Aghaliyev, Media Rights Institute
- Ms Khadija Ismayilova, Radio Free Europe/Radio Liberty
- Mr Hikmat Babaoglu, *Yeni Azerbaijan* newspaper
- Mr Fizuli Ismayilov, Public Broadcaster Radio and Television, iTV

14:00

Deployment

Area-specific briefings by OSCE/ODIHR long-term observers

Meeting with interpreters and drivers

**Wednesday, 9 October 2013**

Election day

**Thursday, 10 October 2013**

10:00-11:00

Debriefing of the PACE and European Parliament delegations

13:00

Joint press conference of PACE and European Parliament delegations

**Appendix 5 – Statement of 10 October 2013 on the Azerbaijan Presidential election by Michel Voisin, Special co-ordinator of the OSCE short-term observers**

Beyond all polemics and minor problems the result of this election has produced one undisputable winner as indeed all the exit-polls have confirmed. Beyond the observation of the specialized organizations this campaign has undeniably been a democratic advance by the number of candidates an open for all television campaign a remarkable participation in the elections of more than 72 percent the good preliminary work and transparency in the way the central voting commission has organized these elections.

This has been my fourth participation as an observer in Azerbaijani elections and the electoral process has undergone a very significant progress in reaching the OSCE and the Council of Europe standards.

I consider that the elections were transparent free and honest and I fully endorse the conclusions of the Parliamentary Assembly of the Council of Europe and of the European Parliament.

These are the elements that I have developed and which are not included in the ODIHR report which does not reflect the positives aspects as noted by the observers of the Parliamentary Assembly of the OSCE in the short term observation. I wish to bring this to your attention in order to make sure that my comments cannot be misunderstood.

## **Appendix 6 – Joint statement on the Azerbaijan Presidential election by the delegations of the Parliamentary Assembly of the Council of Europe and the European Parliament**

Strasbourg, 10.10.2013 – Election observation delegations of PACE and the EP were invited by the Azeri authorities to observe the Presidential election held on 9 October 2013. As the Heads of Delegation, we would first of all like to congratulate the people of Azerbaijan on their peaceful campaign and Election Day. We did not come to Azerbaijan to give lessons or to measure the rate of democratic development in the country but rather to witness and encourage the transition process towards democracy that the country is experiencing.

Overall around Election Day we have observed a free, fair and transparent electoral process.

The will of the authorities of Azerbaijan to have a large presence of national and international observers for the 2013 presidential election is commendable.

From what we have seen, electoral procedures on the eve and on Election Day have been carried out in a professional and peaceful way. We were pleased to see the sound technical preparations and the investment made by the Azeri authorities for this election.

On election day we did not witness any evidence of intimidation against voters, in or close to polling stations. There was no presence of police around polling stations in compliance with the electoral law. We have not seen any signs of campaign material close to polling stations.

However, improvements are still desirable with regards to the electoral framework, notably concerning the respect of fundamental freedoms during the months before the election.

We encourage the authorities to carefully consider previous and current recommendations from the international community.

We also appreciated a more open electoral debate, compared to past elections, although freedom of expression remains a serious concern.

We also believe that the opposition has had – although reduced – a window of opportunity for this election which must be developed for the future.

This electoral process can be seen as a start. It is far from being perfect, but a start. We encourage the Azeri authorities to seriously continue to develop the path towards democratisation of the country.

Azerbaijan has been a member of the Council of Europe for more than 10 years and the 2013 presidential elections were held at a crucial moment for relations between the EU and Azerbaijan, that is less than two months before the Eastern Partnership Summit in Vilnius.

Final reports on the observation of the elections will be delivered in the forthcoming weeks by the two institutions.

The European Parliament stands ready to keep working closely with the Parliament of Azerbaijan to enhance EU-Azerbaijan relations, both bilaterally and in the context of the Eastern Partnership.

Azerbaijan remains under the monitoring procedure of the Parliamentary Assembly of the Council of Europe, and the Assembly will continue to work with the Azeri authorities towards their full compliance with the commitments Azerbaijan subscribed to upon joining the Council of Europe.