

**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI)
INTERNATIONAL OBSERVER DELEGATION TO AZERBAIJAN'S
NOVEMBER 5, 2000 PARLIAMENTARY ELECTIONS**

Baku, November 7, 2000

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This statement is offered by the international election delegation organized by the National Democratic Institute for International Affairs (NDI), to observe the November 5, 2000 parliamentary elections in the Republic of Azerbaijan. Official election results have not yet been announced, and complaints about the elections are just now being raised. Therefore, this is a preliminary statement, and NDI will continue to monitor the situation and will provide further comments in the weeks ahead.

These are the fourth elections in Azerbaijan that NDI has observed closely. The parliamentary elections in November 1995 were flawed, as were the presidential elections of October 1998 and the municipal elections of December 1999.

I. SUMMARY OF FINDINGS AND OBSERVATIONS

The November 5, 2000 Parliamentary elections represent a continuation of a pattern of seriously flawed elections in Azerbaijan that fail to meet even minimum international standards. These latest elections also fail to comply with Azerbaijan's election law. The violations that were witnessed undermined the integrity of the elections process and raise doubts as to whether the final results will reflect the will of the people.

There was optimism that these elections might be conducted in a more fair and open manner than previous polls because of changes in the election law this summer, the installation of a new Central Election Commission with a chairman who expressed his commitment to conducting transparent elections, and President Aliyev's decision to allow all parties to compete in the proportional representation contest and to allow more candidates to run for single mandate seats. However, this hope was dashed by other pre-election developments and by events witnessed on election day, when systematic attempts were made to change the outcome of the elections and deprive the people of Azerbaijan of their right to free and open choices.

Significant election day concerns include:

- *Restrictions on domestic election monitors* - A law passed in the month before the elections prevented any group which received more than 30 percent of its funding from outside sources from monitoring the elections. This restriction effectively eliminated the nonpartisan observation of the elections by domestic monitors. NDI has not encountered such restrictive legislation in any other countries where it has observed elections. This legislation runs counter to Azerbaijan's obligations under the 1990 Copenhagen

- *Voters' rolls* - An impartial audit of the voters' rolls revealed a 30 percent error rate. These errors contributed to confusion by voters and provided an opportunity for the authorities to inflate the vote.
- *Integrity of the ballot* - There was extensive evidence of ballot stuffing, forging of signatures and secret counting of ballots, to produce results that did not reflect the actual vote. There were also credible reports of bribery of election officials.
- *Election protocols* - Observers reported alteration of the protocols (tally sheets) in many of the precincts and districts that they visited. Such alterations included instances of inflation of the numbers of people who voted, reduction of the number of votes obtained by opposition parties to below the six percent threshold required in the proportional vote, and an increase in the number of votes obtained by the government party.

II. THE DELEGATION AND ITS WORK

The mandate of the NDI delegation was to demonstrate the international community's interest in and support for the democratization of the election process in the Republic of Azerbaijan, as well as to provide an impartial and accurate report about these election proceedings. These include an assessment of the pre-election environment, the conduct of the vote, the vote counting and tabulation, and how complaints are resolved.

The delegation considered international standards for democratic elections and internationally accepted practices in its assessment of these elections. It sought to apply the same standards of evaluation that it has used elsewhere in the region and beyond. These standards are based on Article 21.3 of the Universal Declaration of Human Rights, which states that "the will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote." The delegation also applied other appropriate international standards, including the OSCE's 1990 Copenhagen Document.

The delegation was co-led by legal authority and former UN Assistant Secretary General Cedric Thornberry and Ambassador Nelson Ledsky, NDI Senior Associate and Director for NDI Programs in Eurasia. It included 35 observers from Bulgaria, Cyprus (TRNC), Georgia, Hungary, Kazakhstan, Poland, Romania, South Africa, Sweden, Turkey, the United Kingdom, Ukraine and the United States. Delegates included political party and civic leaders, elected officials, election experts and regional specialists, many of whom have extensive experience in monitoring elections around the world. Several of the delegates had participated in NDI's international observation mission to Azerbaijan's 1998 presidential elections.

The delegation visited Azerbaijan from October 31 to November 7, 2000 and was briefed by Remiz Mehtiyev, Chief of the Presidential Administration, and Mazahir Panakhov, Chairman of the Central Election Commission. They told the delegation that Azerbaijan was committed to democracy, that significant changes had been made to electoral laws and structures, and to the organization of the November elections to ensure that they would be more open and fair than previous polls. The assurances of these two high-ranking officials were reiterated by President Heydar Aliyev, who later met with the

Party, the Azerbaijan Democratic Party, the Azerbaijan National Independence Party, the Azerbaijan Popular Front Party and the Musavat party, appeared before the delegation to discuss their views about the elections. A panel of journalists from state and independent media, as well as representatives of civil society organizations, also met with the NDI observer group.

The NDI delegation cooperated closely with the election observer delegation organized by the Organization for Security and Cooperation in Europe (OSCE) Office of Democratic Initiatives and Human Rights (ODIHR) and maintained contacts with other international observer delegations.

On November 3, the delegation deployed 17 two-person teams in Baku and to selected districts across the country. Each team met with local governmental and electoral officials, representatives of candidates, political parties and civic leaders. In all, the delegation observed the voting process in more than 200 polling stations and watched the vote count and monitored the tabulation process in selected precincts and districts before reconvening on November 6 in Baku.

NDI opened an office in Baku in 1995. Since then, the Institute has closely observed political developments, commenting on them as appropriate, and has supported the development of civic groups and parties across the political spectrum. It sent an international delegation to observe the 1998 presidential elections. In August of this year, NDI sponsored a delegation to Azerbaijan to assess the legal framework, the political environment and the preparations for the 2000 parliamentary elections.¹ It has assisted For the Sake of Civil Society, a civic organization that accredited and deployed more than 2,000 domestic monitors in the 1998 presidential elections and the 1999 municipal elections.

III. THE PRE-ELECTION ENVIRONMENT

The quality of an election cannot be accurately assessed in isolation from its social, political and legal environment. Adequate laws governing elections may exist, but their democratic character may be destroyed by their application. Candidates and voters are entitled to impartiality and fairness, including an efficient and timely process of electoral registration, accurate and transparent counting and tabulation of results, equitable access to the media by all parties and candidates, and balanced news coverage by state-controlled media. The purpose of such measures is to help build a climate of confidence in the government, in the overall political process, and to establish the legitimacy of the government that emerges from the elections.

In the 10 years since independence, Azerbaijan has had a troubled electoral history marred by a wide range of malpractices. Much criticism has centered on the composition and activities of the Central Election Commission and its district and precinct commissions. Political parties have been harassed, and their freedom of expression and assembly has been curtailed. Despite the formal abolition of censorship in 1998, reporters and the print media continue to come under attack.

The new law on the Central Election Commission (CEC), passed on June 9, 2000, altered the composition of the commission and for the first time provided seeming numerical balance between government and opposition parties. Government representatives on the CEC, in

the Azerbaijani parliament amended both the Law on the Central Election Commission and the Law on Parliamentary Elections, removing opposition members' ability to block a quorum on the CEC as well as on District and Precinct Election Commissions. The chair of each committee at all three levels was designated by the government party. The opposition members remained on the commissions, but their votes could no longer influence decisions.

The registration process places significant obstacles in front of individual candidates and parties seeking a place on the ballot. The election law restricts citizens from signing in support of more than one party or one candidate. Political parties are required to gather 50,000 signatures, and individual candidates 2,000 signatures to qualify for a place on the ballot.

Fewer than half of the candidates who applied for registration documents succeeded in getting a place on the ballot. Many were turned away arbitrarily. In most cases appeals to the courts proved futile. Initially only five parties qualified for the proportional representation list. Eight significant parties were denied on the basis of invalid or insufficient signatures. On October 10 the CEC, following a petition from President Aliyev to the constitutional court, reversed its earlier decisions to bar political parties, and registered the excluded eight. However, this decision was made too close to election day to enable the reinstated parties to campaign effectively.

The final version of the parliamentary election law eliminated an explicit provision stating that domestic nonpartisan monitors would be provided access to all aspects of the elections process. In October, the CEC passed a new regulation allowing for domestic monitors, but denying registration to any group receiving over thirty percent of its funding from international organizations. This effectively excluded the largest domestic monitoring group, For the Sake of Civil Society, from the elections, contradicting Azerbaijan's obligations under the OSCE's Copenhagen Document. The NDI mission raised this issue without success with President Aliyev and with the Foreign Minister in the days immediately preceding the elections.

The campaign environment in 2000 was more positive than in previous elections. Political parties that were not registered to participate in past elections had an opportunity to campaign openly this year. Azerbaijan State Television broadcast speeches of all the registered political parties' representatives. Campaign posters for candidates and parties were displayed throughout Azerbaijan's towns and cities. Candidates held rallies and meetings with voters in a more open and tranquil environment than in past elections.

However, there were still inequities during the campaign. State Television gave more airtime to the government party's campaign, and on a number of occasions in different regions of Azerbaijan the electricity was turned off during opposition candidates' presentations. The opposition's campaign posters were routinely ripped down and the government party had better access to the most prominent spaces to display its materials. Opposition party candidates were often instructed by authorities to cancel or move the location of their rallies and meetings, often with not enough time to inform citizens of the change.

A voter registration list audit was conducted by the civic group For the Sake of Civil Society to verify the accuracy of the voter registration lists. By law, voter lists were to be posted outside polling stations on October 11. Of the 355 precincts observed, only six lists had been

represented voters who had died or had never lived in the district. Perhaps of even greater concern was the fact that some 13 percent of the prospective voters whom For the Sake of Civil Society contacted were not even on the voters' list. This increased the likelihood for multiple voting or voter disenfranchisement on election day.

IV. ELECTION DAY PROCESSES

These parliamentary elections, like those five years earlier, were organized around 100 single mandate districts. An additional 25 seats were elected through a proportional representation system that required crossing a six percent threshold to gain a mandate. Each voter received two ballots, one containing the names and symbols of the 13 competing party groups and the second containing the names, party designations and brief information about the candidates vying for the district seat. Each district had at least two candidates, some as many as six or seven. Of the 400 candidates registered, nearly one-third listed themselves as independents.

Administering these elections were some 25,000 Azerbaijani workers--six commissioners per precinct, an average of around 240 per district. Most of these pollworkers, as well as the roughly equal numbers of party pollwatchers, performed their tasks before and on November 5 with dedication. Many polling stations ran smoothly and efficiently. The reception of NDI delegates in polling stations, before and during voting and in some cases while the votes were being counted, was also cordial.

While many of the problems witnessed by NDI observers may have been the outcome of poor administrative practices, the confusion and lack of accountability that resulted provided opportunities for those who sought to undermine the integrity of the election process. The examples cited below and in the pages that follow are representative of many that were observed.

Integrity of the ballot

Members of the NDI delegation witnessed ballot box stuffing, both during the vote and the counting process, the use of pre-signed and cut ballot papers and the co-mingling of ballot papers between multiple precincts and some instances of attempts to count the vote behind closed doors and to exclude observers.

- In District 39, Precinct 41, as the ballot box was opened, the lights went out and some 700 new marked ballots were thrown on the counting table. Officials then mixed the new ballots with those already emptied out of the voting box.
- In District 23, Precinct 9, only 217 voters signed the voting list, but more than 540 ballots were counted.
- In District 20, the ballots of four co-located precincts (20, 21, 22, 23) were held uncounted in a single safe and dispersed by one chairman to his own precinct and to the chairmen of the three adjacent precincts. Local observers in all four precincts complained that these ballots had also been given to unauthorized individuals for later stuffing in whichever of the four precinct ballot boxes needed extra votes to satisfy the pre-election quotas set at the district level.

Protocols

Nearly every NDI observation team reported incidents of protocols being falsified, or not being filled in at all. For example, some

had left, and lower officials were specifically sent to alter protocols after the initial reporting of figures.

- In District 11, Precinct 32, a comparison of two protocols obtained by observers shows clearly that in the earlier version, the independent candidate won that precinct, whereas a later protocol, also officially signed and stamped, shows the Yeni Azerbaijan Party candidate to be the winner.
- In District 29, Precinct 11, commission members entered different figures on the protocols than the votes that were counted.
- Observers in District 66, Precinct 21 witnessed election commissioners write a second final protocol after realizing that there was a significant discrepancy between the number of ballots they had received from the district and those that they could account for at the end of polling. This second protocol accounted for the missing ballots by simply altering the number of ballots they claimed to have received from the District Commission.
- In District 10, observers received all of the precinct protocols, according to which the incumbent had lost to independent candidate Agil Semedbeyli. The government initially announced that Mr. Semedbeyli had won, but later announced that the results in this district were annulled.
- In District 80, several precinct chairmen were ordered into the local administration head's office to review their protocols prior to reporting their data to the District Election Commission, filling out protocols according to his instructions.

Voter turnout

Overall, turnout seemed to observers to be low. In a majority of precincts visited, NDI observers noted discrepancies between the number of voters election commissioners claimed had turned out and the figures recorded in the registration lists or by party observers. Observers noted that in some cases supplementary lists for voters not included on the registration list may have been used to inflate the voter rolls.

- In District 60, Precinct 12, the official reporting indicated that 250 people had voted by 5pm. When the observers returned at 6pm, they were told a total of 700 voters had voted that day. Given the time required to process each voter, it would be impossible for 450 voters to pass through the precinct in one hour.
- In District 77, Precinct 20, the supplementary list was missing at the time of the count, making it impossible for observers to verify the number claimed to be on the list. Several precincts had 20 percent of their voters register on the supplementary list.

Mobile ballot boxes

The use of a mobile ballot box is permitted for reaching aged or infirm voters who cannot come to the polls. Requests must be made in writing 24 hours in advance. Observers noted some discrepancies in the number of requests and the number of ballots in these boxes, and in some cases indicated that disproportionately large percentage of precinct's votes came from mobile ballot boxes.

ballots were counted, the distribution of votes cast via the mobile ballot box, which was vastly different from those cast within the polling station, strongly favored the government party.

- In most precincts observed in District 23, an NDI observer determined that the average number of mobile votes was under ten, yet the chairman of Precinct 4 said that his mobile box contained somewhere between 110 and 120 ballots. However, he could not show a single written request for this type of ballot.

Closed precincts

Several observers discovered polling places on military bases, which were closed to all observers. A number of these precincts had been created in the days just before the elections, and so their presence was not known to the party pollwatchers.

- District 11, Precinct 46 was said to be located at a base but had no address and could not be located. In addition, the precinct secretary could not find the precinct and was told he could not go to it.

Administrative Procedures

Many precincts were characterized by an atmosphere of chaos. Particularly in the regions, precincts were located in cramped quarters conducive to crowding and disorganization. Observers noted many instances of precincts being improperly arranged, with ballot boxes placed out of the view of domestic party observers. Confusion on the part of voters and election commissioners contributed to the general disorganization inside the polling stations. In some cases, voters who were unfamiliar with the voting process were assisted by the precinct election commission chairman (a government party member) or other partisan individuals.

In some cases several polling sites were co-located in the same building, often the same large room or corridor, leading to the loss of control by individual precinct commissioners. Some election officials seemed unaware of the correct procedures for filling out the forms for the supplemental voters list.

V. PRELIMINARY CONCLUSIONS

What began as a liberal set of measures this spring ended with a deeply flawed election in November. The National Democratic Institute delegation encourages the government of Azerbaijan to return to the earlier spirit which seemed to be leading Azerbaijan down the path toward building democratic institutions. It was the intention of the NDI observer team to help Azerbaijan on this path and it remains the wish and expectation that the partnership between Azerbaijan and NDI can be continued and strengthened in the months and years ahead. In that spirit, a series of comprehensive recommendations will be incorporated in a final report that NDI plans to make in the weeks ahead.

NOTES

¹ Please visit NDI's web site at www.ndi.org for NDI's earlier documents on the 1998 presidential and the 2000 Parliamentary elections.

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