

**STATEMENT OF THE NDI INTERNATIONAL ELECTION
OBSERVER DELEGATION TO AZERBAIJAN'S
OCTOBER 11, 1998, PRESIDENTIAL ELECTION**

Baku, October 13, 1998

This statement on Azerbaijan's presidential election of October 11, 1998, is offered by the international election observer delegation organized by the National Democratic Institute for International Affairs (NDI). Official election results have not yet been announced; election complaints have not been resolved, and, under the Constitution, the possibility of a run-off exists, unless one of the candidates received more than two-thirds of the vote. This Statement therefore is preliminary in nature. NDI will continue to monitor the post-election situation and may issue further statements prior to the Institute's final report, which will follow in several weeks. This is the fifth statement issued by NDI concerning the October 11 election process.

I. SUMMARY OF FINDINGS AND OBSERVATIONS

Azerbaijan's 1998 presidential election process includes a significant number of positive aspects that represent improvements over previous elections; the process nonetheless is marked by serious flaws in both the pre-election period and election-day activities. As a consequence, the election process fell short of standards for democratic elections, which Azerbaijan accepted as the basis for organizing the October 11 poll. Further investigation is needed to determine the extent of the irregularities and incidents of fraud that affected the voting, counting and tabulation processes. These flaws give cause for serious concern and raise questions about how the possibility for a second round should be resolved.

At the same time, the government's stated commitment to organizing a truly democratic election process, demonstrated through the adoption of the new law on presidential elections, lifting of press censorship and provision of media access to presidential candidates, indicates that further reforms of the election process are possible in the days and weeks ahead. The conduct of this election indicates that they are also necessary.

The delegation sets forth below its findings and observations, as well as several recommendations, and once again emphasizes that final conclusions about this election cannot be reached until the official results are known, electoral complaints are investigated promptly and resolved effectively, and the political process in the immediate post-election period evaluated.

II. THE DELEGATION AND ITS WORK

The delegation, which visited the country from October 6-14, was invited and welcomed by Azerbaijan's government, by political parties participating in and boycotting the election and by civic organizations. The delegation comprised 22 observers from the United States, Cyprus, Germany, Georgia, Hungary, Ireland, Slovenia and Turkey. The delegation was led by: Matyas Eorsi, Member of Parliament of Hungary, Member and Deputy Leader of LDR Group in the Parliamentary Assembly of the Council of Europe; Ambassador Nelson Ledsky, NDI Senior Associate and Director of NDI Programs

The purposes of the delegation were to demonstrate the international community's interest in and support for a democratic election process in Azerbaijan, to learn from the people of Azerbaijan about the nature of the election process and its implications for the future development of Azerbaijan's democratization and to provide an impartial and accurate report of its findings to the international community. The delegation conducted its assessment on the basis of accepted international standards for election observation and in accordance with Azerbaijani law. NDI did not seek to supervise the elections or to certify them. The Institute also did not seek to interfere in the election process, nor does it at this point intend to render a conclusive assessment of the process. Ultimately, it will be the people of Azerbaijan who determine the meaning and validity of the election and the processes that surround it.

NDI has conducted more than 40 international election observer delegations and more than 60 pre-election delegations around the world. It has established a reputation for independence, impartiality and professionalism in conducting electoral assessments. This international observer delegation includes elected officials and those who formerly held elected office, political party leaders, election experts, legal scholars, regional specialists and civic leaders. The delegation members have participated in numerous election assessments and international election observer delegations around the world.

NDI opened its office in Baku in 1995 and has continuously operated programs with civic and political leaders since that time, including providing assistance to the Independent Assistance and Consulting Center for the Sake of Civic Society/Azerbaijan Civic Initiative (ACI), a civic organizations that accredited and deployed over two thousand domestic election monitors for the October 11 election. In June and July, the Institute offered commentary on the proposed election law. NDI also sent a pre-election assessment delegation to Azerbaijan, which issued its statement on September 11, 1998.

This delegation's mandate included examination of three parts of the election process -- (1) the pre-election period, including the legal framework for the election, the pre-campaign period and the official election campaign, and (2) election day voting process; and (3) the tabulation of results to date. The tabulation of results and the resolution of any electoral complaints have yet to be completed. Moreover, the immediate post-election period often is at least as sensitive and important to the legitimacy and the outcome of elections as either the pre-election period or election day processes. The delegation therefore stresses the need for monitoring of Azerbaijan's political developments and encourages other actors in the international community to take up this important work.

The delegation met with: President Heidar Alijev, representatives of the government, Central Election Commission and representatives of the New Azerbaijan Party; Etibar Mamedov, candidate for President, and other leaders of the Azerbaijan National Independence Party; former President Abulfaz Elchibey and other leaders of the Azerbaijan Popular Front Party, which boycotted the election; Isa Gambar and other leaders of the Musavat Party, which also boycotted the election; journalists, civic leaders, the International Foundation for Election Systems and others from the international community concerned with the election. The delegation also cooperated with the election observer delegations organized by the Organization for Security and

On October 9, the delegation deployed 11 teams across the country to eight regions, including Goychay, Shaki, Khachmaz, Ganja, Sumgait, Ali Bayramli, Masalli and Baku. The teams met with local government and electoral officials, representatives of political parties, as well as civic leaders. The teams then observed the voting process in more than 130 polling stations, watched the vote count in selected precincts and stayed to monitor activities in Territorial Election Commissions before reconvening yesterday in Baku to prepare this statement.

III. THE PRE-ELECTION ENVIRONMENT

No election should be isolated from the political context in which it takes place. The pre-election period, including electoral preparations and the political environment, as well as the legal framework for elections, must be given considerable weight when evaluating elections. NDI therefore sent its pre-election delegation to Azerbaijan approximately one month before the election. The statement of that delegation noted the following positive aspects of the election process at that time. It also concluded that unless vigorous and sustained efforts were put forth it would be difficult to organize elections that met standards adopted by Azerbaijan.

President Heydar Aliyev issued a decree on August 8, 1998, that abolished the government's censorship body, the Department for Protection of State Secrets in the Press and other Media. An improved law on presidential elections was passed in July, with input from political parties and the international community. The amended law is marked, among other things, by provisions for: candidates to appoint a member to election commissions at all levels and to appoint observers to monitor the work of election commissions at each step of the process; nonpartisan domestic (local) election observers from registered nongovernmental organizations to monitor the work of all election commissions; certified copies of election commission protocols to be given to observers (party, nonpartisan domestic and international) upon request, and public posting of protocols at the precinct and territorial election commissions; and all candidates should receive equal amounts of free air time on State-controlled broadcast media, which was set at seven hours for each presidential candidate. Despite these positive elements, flaws in the pre-election environment made it difficult to organize an election in conformity with international standards. Among these problems were:

There has been an absence of the kind of constructive dialogue necessary to achieve broad consensus on outstanding issues among major political parties. All those who seek political office in a democracy have an obligation to enter into dialogue concerning major obstacles to setting the basic rules for peaceful political competition, but the government has a special responsibility in this regard.

The failure to reach such a consensus on the Law on the Central Election Commission was unfortunate and had a profound effect on the election process. It is essential that the political competitors, as well as the public, have confidence in the impartiality and effectiveness of the bodies charged with administering an election. This is especially true where such authorities have not acted in a proper fashion in past elections.

The failure to agree on the composition of the CEC was the reason

to stay out of the process, is a legitimate form of political expression. That right should be respected by a government, even while genuine political debate can question the basis for the decision. The boycott did limit the choice of voters. In addition, the political polarization contributed to anxiety and a lack of public confidence in the election process.

An attempted rally by the boycotting parties on September 12 in Baku's Azadliq Square was blocked by police. Over 100 people were injured through excessive police reaction. Three rallies held at later dates, which went forth without incident, illustrate restraint by both police and demonstrators. It is hoped that continued respect for freedom of peaceful assembly will be consolidated in the post-election period and expanded to include other political gatherings necessary for the exercise of political expression and association, thus addressing complaints raised about interference with meetings in the pre-election period.

It must be noted, that NDI's September pre-election delegation witnessed at first hand infringement of the rights of representatives of boycotting political parties in Ganga to assemble and meet with NDI representatives. As noted in that delegation's report, high government authorities made representations that the problem would be corrected, but the same party representatives reported to this delegation's members that three meetings have been blocked since that time.

Pronounced media bias noted by NDI's pre-election delegation continued during the last weeks leading to the election. The availability of free broadcast time for candidates to present messages to the public was a positive feature of the electoral developments. In addition, printed press offered a variety of opinions on the election. The circulation of printed press is limited, as is the broadcast range of private electronic media. State TV and radio therefore are very important for providing political information. NDI's observations of bias in the state broadcast media was confirmed by the European Institute for the Media's October 12 report on its media monitoring activities in Azerbaijan.

IV. ELECTION DAY PROCESSES

The delegation was warmly welcomed at polling stations on election day by voters and most election officials. The delegation was impressed by the desire of voters for a democratic process on election day. In addition, polling officials worked long hours, and many expressed a hope for the country's first successful democratic election. These positive expressions fit with the statements in support of democratic elections expressed by President Aliyev and other government officials over the past year.

Almost all observer teams reported that many voters did not seem to understand the nature of the voting process. There was lack of awareness in many precincts about the concept of secrecy of the ballot. The delegation also noted that the integrity of election-day processes was uneven. There were many examples of polling stations that functioned properly, but many did not. The delegation witnessed numerous, serious irregularities and examples of fraud. The quality of the process fell well short of the standards set forth in Azerbaijan's presidential election law and international standards for elections.

- Intimidation of domestic election observers, party observers, particularly from the Azerbaijan National Independence Party, some members of Precinct Election Commissions (PECs) and some attempts to intimidate members of the delegation.
- Most delegation members reported that a significant number of PEC and Territorial Election Commission (TEC) members did not act independently of the ruling party and that in some instances that party's observers or even government officials seemed to be actually in charge of the precinct or involved in the work of the PECs.
- Evidence of box stuffing, for example, in Precinct No. 1, Territory No. 30, Region of Aghstafa, where members of the delegation at about 5:30 p.m. counted approximately 700 signatures on the voter list, noted that there were 1390 ballots received at the precinct, but were told that only about 40 unused ballots remained. Members of the Precinct Election Commission were then observed forging signatures on the voter list. When the ballot box was opened for the count, a much larger number of ballots were in the box than signatures on the list. Local officials admitted both fraud and forgery and asked that no report be made on the subject.
- Evidence of ballot box stuffing, for example at Precinct 45 and 46, Balachani, where upon the dumping of the ballot box onto a table for the count, members of the delegation observed wads of ballots of two types – those in batches of approximately twenty and those in batches of approximately seven, some batches folded in half, some folded in quarters. The delegates convinced PEC members to separate the wads from the other ballots and count the others first, then to count the wads separately. In Precinct 45, the wads added to 102 ballots; in Precinct 46 they totaled 262 ballots. All were for the President, and in both cases these ballots raised the President's total from below to above two-thirds of the votes cast.
- There were several other examples where voter lists appeared to contain forgeries. In several precincts where the voter turnout seemed low, the votes recorded indicated an unusually high vote.
- One team of delegates witnessed tampering with PEC protocols at TEC No. 11, in Baku. Yellow protocols were submitted to the TEC, then the official, serial numbered white protocols, pre-signed by the PEC members were completed after consultation with TEC members. The team also witnessed numbers entered on some protocols in pencil and the changing of some numbers on protocols.
- A number of NDI observer teams expressed concern that the large number of names on supplementary voter lists they saw raised questions about the likelihood of unauthorized voting.
- Many of the delegation members witnessed or learned directly from ACI domestic observers that there were problems for ACI observers to gain entry to polling stations to monitor. This stood in contrast to another domestic monitoring organization that seemed to have easy and direct access to monitor the election process.

The delegation witnessed other serious irregularities and a few other examples of apparent fraud. In addition, a large number of less significant irregularities were witnessed by all teams. It was very disturbing that almost all of these seemed to operate in the same

practice into conformity with stated government commitments.

V. CONCLUSIONS AND RECOMMENDATIONS

The delegation was encouraged by the desire for democratic elections expressed by so many of the persons it met, whether voters in villages and large cities, political party observers, civic activists or governmental leaders. Many Azerbaijanis seemed to recognize that they had a choice in this election, which they appeared eager to exercise. With this in mind and in the spirit of international cooperation, the delegation offers the following recommendations in the hope of contributing to improved conditions for Azerbaijan's democratic future.

- 1) The political leaders of Azerbaijan should reach out to each other in a renewed and concerted attempt to re-open dialogue to address outstanding issues that present obstacles to full participation in elections and the broader political process. It is necessary to amend the Law on the Central Election Commission, the provisions of the election laws on the composition of subordinate election commissions and to reconstitute them. It is essential that the political contestants in any election agree to the rules of the competition and have confidence in electoral authorities. There are a number of ways to address this problem, which could be discussed in a constructive dialogue.
- 2) Election complaints and violations of the election law must be investigated promptly and thoroughly. Effective remedies must be provided to ensure the fairness and integrity of the election process. Full enforcement of the provisions of the law, which calls for both civil and criminal penalties, should be pursued against violators at all levels of government. If raised expectations for democratic elections are followed by disappointment, and no action is taken, disillusionment can set in and make it more difficult to advance democracy.
- 3) It is important that the President and other authorities make public assurances and take effective action to ensure that no retribution will be suffered as a consequence of how any person, precinct or territory voted in the election, nor as a consequence of the exercise of the rights of political expression, association and peaceful assembly.
- 4) Action must be taken to bring state television and radio into compliance with the election law and established democratic practices for coverage of elections and the broader political process.
- 5) In any future election, ballots should be serially numbered to limit possibilities for ballot stuffing and other forms of electoral manipulation.
- 6) Voter education, particularly concerning the importance of secrecy of the ballot, should be conducted throughout the country.
- 7) More extensive training and education should be provided to members of PECs/TECs.
- 8) Next year local government elections, that should have been organized in 1997, should be held.

proper administration of the election.

The delegation would like to express its appreciation to all of those with whom it met. It could not have accomplished its tasks without the generous cooperation of the candidates, governmental, political and civic leaders who gave their time and shared information, insights and analysis. The delegation hopes that its recommendations will assist those working to advance the democratic process in Azerbaijan. While the election fell short of international standards, significant improvements were made in the last year. If concerted efforts are put forth by political leaders to address serious problems and to engage in a constructive exchange, then the immediate period ahead may result in an improved democratic process. NDI will continue to monitor this process and to assist such efforts.



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