



NDI

*National Democratic
Institute for
International
Affairs*

**COMPENDIUM OF STATEMENTS FROM
POLITICAL PARTIES ON THE
CONSTITUTIONAL REFERENDUM
AND PARLIAMENTARY ELECTIONS
OF NOVEMBER 12, 1995**

REPUBLIC OF AZERBAIJAN

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REPUBLIC OF AZERBAIJAN

December 15, 1995

(THE BALLOT)

АЗЭРБАЈЧАН РЕСПУБЛИКАСЫ
МИЛЛИ МƏЧЛИСИНƏ СЕЧКИЛƏРДƏ ЧОХМАНДАТЛЫ
СЕЧКИ ДАИРƏСИ ҮЗРƏ СƏСВЕРМƏ ҮЧҮН

СЕЧКИ БҮЛЛЕТЕНИ

12 нојабр 1995-чи ил



АЗЭРБАЈЧАН ДЕМOKPАТИК ИСТИГЛАЛ ПАРТИЈАСЫ
(ƏЛИФБА СЫРАСЫ ИЛƏ)



АЗЭРБАЈЧАН ДЕМOKPАТ СƏНБКАРЛАР ПАРТИЈАСЫ



АЗЭРБАЈЧАН МИЛЛИ ДӨВЛƏТЧИЛИК ПАРТИЈАСЫ



АЗЭРБАЈЧАН МИЛЛИ ИСТИГЛАЛ ПАРТИЈАСЫ



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(СИЈАСИ ПАРТИЈАЛАР БЛОКУНУН)
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National Democratic Institute For International Affairs

conducting nonpartisan international programs to help promote, maintain and strengthen democratic institutions



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NDI's programs in Azerbaijan, including publication of this compendium, are funded by the United States Agency for International Development and the National Endowment for Democracy.

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PREFACE

This document is a compendium of statements written by several Azerbaijani political parties in the aftermath of the November 12, 1995 constitutional referendum and parliamentary elections.

The compendium grows out of relationships developed between NDI and the political parties as a result of cooperation and consultation in advance of the November elections. The Institute provided organizational support to groups participating in the elections as part of a long-term program to promote political liberalization in Azerbaijan.

The purpose of this compendium is to provide those political parties that participated in the elections with an opportunity to express their views both at home and abroad. It is hoped that these views will help stimulate discussion and, ultimately, changes that will promote public confidence in future elections. All parties must work in a spirit of tolerance and compromise to build this dialogue. The government will bear special responsibility for fostering conditions in which meaningful discussion can occur. Its willingness to correct mistakes identified through a broad-based critique of the elections will demonstrate a genuine commitment to the creation of a political process premised on respect for fundamental rights, freedoms and law.

Statements for the compendium were solicited from each of the parties that participated in the November elections under the proportional system. In addition, NDI requested a submission from Musavat in the belief that the party's exclusion from the elections raised serious concerns about the fairness of the process. Its inclusion in future political dialogue is necessary for progress toward a pluralistic system.

NDI has translated each submission from Azeri into English, but has made no substantive modifications in the texts themselves. They have been included in the compendium in the order of their party's performance on the proportional ballot. The compendium will be widely distributed in Azerbaijan. The English translation will be provided to representatives of the diplomatic community in Baku, and to policy makers, political leaders, journalists and scholars in Britain, in Europe and in the United States.

For further information on this compendium or NDI's programs, please contact the Institute in Washington, D.C. or at the following address in Baku:

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NEW AZERBAIJAN PARTY(NAP)
(Yeni Azerbaijan Partiyası)

The November 12 elections were a momentous political event since they were the first democratic elections in the history of independent Azerbaijan. The elections should be regarded as the initial step toward the construction of our national statehood. By taking such a step, the government proved that it supports democracy and is pursuing a course of democratic development in Azerbaijan. Even though the country lacks experience in administering a mixed electoral system (one with both majoritarian and proportional representation), the democratic character of the elections was secured within the framework of the law. Electors were able to vote freely for competing candidates and to express their attitude toward the first Constitution of our independent state.

Nevertheless, opposition forces in our country have called the elections nondemocratic in order to confuse the issue, as they have done before. This is not surprising since the opposition, which has very weak support among the population, resorts to playing "a game of nondemocracy" every time it fails to implement its baseless ideas. We should recall that the opposition previously accused the government of failing to organize elections, even though a date for elections had yet to be set. Moreover, as soon as the government determined an election date, the opposition immediately began declaring that the elections were being conducted in a nondemocratic manner. The opposition did not change its attitude toward the process even after the elections were over. This fact suggests that the opposition judges everything that conflicts with its interests to be nondemocratic. To put it mildly, the opposition should not be commended for choosing an unhealthy method of political struggle that could further erode an already weak reputation among the population.

The opposition has also argued that international observers hesitated to call the elections democratic. First of all, it is worth noting that the elections were monitored by 200 observers from over 20 countries. Representing 11 respectable international organizations, they were provided with perfect conditions for monitoring the conduct of the elections. The majority of these observers was satisfied with the democratic character of the elections. The dissenting opinions expressed by a few do not change this overall perception. We do, however, admit that certain violations of the law did take place due to a lack of experience in conducting democratic elections within the framework of a multiparty system. For example, it is a fact that in some places the police interfered with the process in order to maintain law and order.

It is paradoxical, however, that while the opposition declares itself democratic, it committed serious violations of the law during the elections. For instance, in precinct 26 of Narimanov district No. 24, supporters of the Azerbaijan National Independence Party (ANIP) violated the election law by conducting propaganda against the state and against the New Azerbaijan Party (NAP), and by trying to influence electors to vote for their party. The same situation was observed in the Neftchala region. In precinct 15 of Nasimi district No. 26, Ilham Abdullayev, a member of the precinct election commission, stuffed the ballot box with 300 ballots marked for ANIP, the party with which he is affiliated. Another member of the Commission, Rauf

Iskenderov, stuffed the box with 200 ballots marked for the Azerbaijan Democratic Proprietors Party (ADPP). Protesting these violations of the law, one member of the commission, Fikret Bektashi, refused to sign the protocol that reported the precinct's final election results.

Some opposition parties undertook to interfere with the electoral process in a similar manner in such regions and districts as Yasamal, Binagady, Sheki, Gakh, Zagatala and Masally. In one precinct in the Bulbula settlement of Surakhany District, members of the Azerbaijan Popular Front Party (APFP) and ANIP beat Fattah Aliyev, an observer from NAP, physically injuring him. He was immediately taken to a first-aid station. In precinct 3 of Khatayi district No. 9, observers caught two men trying to stuff the ballot box with 500 ballots marked for the Azerbaijan Democratic Independence Party (ADIP) and for the party's Chairman, who was a candidate in the district. The two men were handed over to the police. In this precinct, APFP supporters also caused serious irregularities. Following orders given to them before the elections, 150 electors voted for the APFP twice. A special protocol was drawn up to reflect these results and was submitted to the relevant authorities. Additional violations perpetrated by the opposition could be indicated here. In general, however, the elections were conducted in a democratic manner, and the government did not interfere with the process.

NAP looks forward to seeing the democratically elected Parliament in action, functioning in the interests of the people and the state. Above all else, the newly constituted Parliament will play a major role in filling the vacuum that has hampered the construction of the national statehood of an independent Azerbaijan.

The main objectives our Parliament should pursue are the protection of the supremacy of law, the development of democratic processes, the implementation of economic reforms and the adoption of civic laws in compliance with international standards. In creating the foundations for independent statehood, the Parliament should broadly apply the experiences of parliaments of advanced states.

The New Azerbaijan Party believes that the new Parliament will fulfill the historic responsibility that rests with it, and that it will endeavor to justify the people's trust.

AZERBAIJAN POPULAR FRONT PARTY (APFP)
(Azerbaijan Khalg Japhesy Partiyasi)

The facts compel us to question the legitimacy of the new Parliament.

An independent legislative power is a very important safeguard for the democratic reforms necessary to build a democratic and legal state in Azerbaijan, and that is why the Parliament must be formed on the basis of democratic principles and free elections. Since the Azerbaijan Popular Front Party's (APFP) political activity is based on the protection of the interests of the state and the people, the party has always supported and struggled for free elections that would result in the establishment of a democratic Parliament.

Unfortunately, the recent parliamentary elections did not make our dream come true, and an historic opportunity was wasted. The numerous violations and falsifications that took place during all stages of the parliamentary elections on November 12, 1995 led to the creation of an illegal and illegitimate Parliament.

Even though the draft law on elections, the main legal basis for the parliamentary elections, was discussed in Parliament with the participation of the political parties, it was obvious that this debate was very formal. An alternative draft law introduced by the APFP and 18 other parties unified in the "Roundtable" of political parties was never discussed. There were several issues raised by the parties that were rejected by the government, and consensus on them was never reached. These issues include: voting rights; an equal division of seats under the proportional and majoritarian systems; the democratic composition of election commissions; the establishment of a just threshold to determine the eligibility of political parties to qualify for parliamentary representation; the prohibition of government officials from simultaneously holding parliamentary seats; the establishment of oversight mechanisms to supervise the elections, and several others. As a result, the election law that was adopted fails to reflect political realities and is nondemocratic in character.

The pre-election period in the country was characterized by nondemocratic conditions, and the situation grew increasingly worse as the process developed. The APFP, like many other opposition parties, contended with beauracatic red tape from the Ministry of Justice with regard to the registration process in the pre-election period. Nevertheless the party, which enjoys the support of the public and some foreign countries, was able to protect its rights. During this period the APFP did not have access to its headquarters and its field offices, which were confiscated; political censorship was in force; and mass meetings were banned. In addition, A. Pashayev, APFP's Deputy Chairman, Tofiq Gasimov, the former Minister of Foreign Affairs and one of the leaders of the Musavat Party, I. Hamidov, the former Minister of Internal Affairs and Chairman of the National Democratic Party, and dozens of other representatives of the opposition were imprisoned and persecuted for their political views. Groundless accusations were published in the state press against the democratic forces, portraying them as "Enemies of the State."

During the first stage of the elections, all Election Commissions were constituted to include elements supported by the government, and their activity was completely controlled by the executive authorities. Many political parties and independent candidates met with obstacles when they applied to the Central and district election commissions to obtain petition forms to collect signatures as a requirement for participating in the elections. In some cases, Election Commissions made unsubstantiated rulings on the illegality of applications for petition sheets, thereby preventing applicants for candidacy from obtaining petition forms. These incidents were broadly observed in Salyan, Gedabek, Yevlakh, Samukh, Goranboy, Surakhani and Geokchay regions, as well as in Binagady and Nasimi districts in Baku, and the cities of Sumgayit and Ganja. A. Yusubova in electoral district No. 84, Y. Sevdimaliyeva in district No. 39, H. Shimiyeva in district No. 11 and others were denied petition sheets. This practice was observed in almost every electoral district. In most districts, candidates were frankly told that the electoral authorities were acting upon instructions received from the government.

During the petition process, the authorities put heavy pressure on quite a few political parties and independent candidates. In Nasimi district, R. Jahangirov, who collected signatures for the APFP, was humiliated and beaten by the police. In Salyan region, the petition sheets submitted to the district commission by A. Yusubova were delivered to the police. The police then intimidated the people who had signed their names and forced them to deny that the signatures were theirs. Such incidents were broadly observed in Goranboy, Surakhany, Gedabek, Lenkaran, Balakan and other regions. During the process of candidate registration, the opposition parties and independent candidates faced very strong resistance from the government that was accompanied by numerous irregularities. The government intentionally tried to keep the popular political parties and independent candidates off the ballot.

The verification of signatures did not rely on independent expertise and was conducted in a very arbitrary way. A lot of signatures were ruled "false" or "vague" and disallowed from the petitions. Also, many commissioners intentionally left their offices early to prevent petition sheets from being submitted on time. Such behavior was common practice in the majority of election commissions.

As a result, out of 86 members of the APFP who collected signatures to participate in the elections in majoritarian districts, only 23 succeeded in getting on the ballot, and only two made it to the run-off elections. Out of 95 members of the APFP political bloc, a union of eight political parties, only 28 were certified as candidates. Moreover, Musavat, one of the largest political parties in the country, was excluded from the proportional ballot on grounds that a prohibitive number of signatures were "false." Out of 84 Musavat members who sought candidacy in majoritarian districts, only 13 made it onto the ballot.

The campaign period was also conducted in a nondemocratic way. In contradiction to the law, political parties and independent candidates were not provided with equal conditions for running their political campaigns during the 13-day period designated for the conduct of

pre-election political propaganda. Mass meetings were banned. Quite a few candidates were not allowed to publicize their candidacies in the official press. On the contrary, illegal propaganda against candidates was observed. The time for publicity spots on TV and radio was very limited and was totally monopolized by the state. Also, the candidates who had been imprisoned were not set free.

The television speeches made by O. Gunduzov from electoral district No. 54, L. Yunusova from electoral district No. 8, G. Hasanguliyev from electoral district No. 23 and others were censored. In most regions, poor transmission prevented voters from watching election-related programs.

The actual voting, which is the most essential part of an election, was accompanied by irregularities and massive violations throughout the country. In some precincts, observers and candidate trustees were not allowed to be present. The practice of multiple voting was very common. Designated people stuffed dozens of ballots in the ballot boxes in favor of parties and candidates supported by the government, and observers and trustees who tried to protest against these violations were beaten by the police. Many were forced to leave the polling places and/or were arrested for a short time. In precincts 10, 11 and 12 of Nizami district No. 13, in precincts 73, 74, 82, 84, 80 and 91 of Yasamal district No. 8, and in precincts 1, 3, 11 and 12 of Balakan district No. 54, the violations were especially outrageous.

On election day, between 8 p.m. and 10 p.m., the violations reached their peak as irregularities were observed throughout the precincts. In order to achieve a quorum, false ballots were stuffed into the ballot boxes. The mobile ballot boxes designated for the handicapped and the sick were without the benefit of supervision by observers and trustees, taken to homes and stuffed with false ballots. The police heavily interfered with the process in the precincts. During the tabulation process observers were forced to leave the polling places, and therefore final results were inaccurately reflected in the protocols.

According to observers and trustees, just 30 to 35 percent of the electorate participated in the elections. Legally, therefore, the elections did not take place.

The commissioners falsified the documentation of the electoral results. The votes received by candidates representing the APFP and other opposition parties were minimized. The Central Election Commission (CEC) brought the 50 to 70 percent of the total vote captured by the APFP down to 24 percent, then to 20.4 percent and finally to just 9.73 percent. The CEC violated the law again in distributing parliamentary seats among the parties, and as a result the APFP received just three seats in Parliament instead of four.

The facts mentioned above prove once more that the elections in Azerbaijan were conducted in an illegal, unfair and nondemocratic manner and that the Parliament, in actuality, was appointed by the government. Such a Parliament cannot be called legitimate since it does not express the will of the people.

In accordance with the facts indicated above, the APFP has received over 1,000 documented reports from various political parties and candidates. The party has applied to the Supreme Court of the Republic of Azerbaijan with an appeal to declare the elections invalid on the basis of the violations of the law that were witnessed.

AZERBAIJAN NATIONAL INDEPENDENCE PARTY (ANIP)
(Azerbaijan Milli Istiglal Partiyasi)

Since the founding of the Azerbaijan National Independence Party (ANIP), its Political Council has demanded that parliamentary elections be held, and it anticipated that the elections would be a great event. It must be pointed out, however, that all stages of the electoral process were characterized by serious violations of the law.

The alternative draft election law proposed by ANIP during the process of debate was ignored, as were the proposals made by other political forces. As a result, a contradictory "democratic" law was adopted. Despite inconsistencies in the law, ANIP, acting completely within the framework of the law, selected 78 candidates to run in single-mandate districts and 28 candidates to be on its party list.

During the process of candidate certification, however, we realized that executive bodies, and not the election commissions, were directing the electoral process. The executive bodies determined whether a candidate would be registered. The Central and district election commissions, under the direct control of executive authorities, violated Article 14 of the election law. Signatures collected during the petition process were ruled invalid and, as a result, candidates that did not satisfy the government's "requirements" were knocked off the ballot. In addition, precinct election commissions were established in a manner that failed to provide equal rights for all. In fact, the majority of commissioners were affiliated with the government.

Moreover, even though political parties and independent candidates were provided with "equal" rights during the political campaign, state television actually served as a podium for propaganda against the opposition. For example, on the evening of November 8 and the following morning, R. Guliyev, (Speaker of the outgoing *Milli Mejlis* who ran for reelection and regained both his seat and the Speaker's post in the new Parliament - ed.) spent 100 minutes on state television making baseless and completely incoherent charges against the opposition.

Regardless of these hurdles, the Azerbaijan National Independence Party, supported by the will and voice of the people, participated in the elections. The ANIP Political Council possesses irrefutable evidence that allows it to declare that the party received the population's support. The majority of the politically active people who took part in the elections voted for ANIP on the party list and for its candidates in the single-mandate districts. But between 8 p.m. and 9 p.m. on election day the executive authorities, having realized that the elections were not corresponding to the "scenario" developed by the government beforehand, brought "the most important factor" of the current political system into action -- the police.

With the involvement of the police, Article 45 of the election law was openly violated; observers representing opposition parties and independent candidates were forced to leave precincts throughout the country.

In contradiction to Article 19 of the law, some members of the precinct election commissions were denied access to the protocols adopted by the commission. The commissioners who requested copies of the documents were forced to leave the polling places by the police.

While the Central Election Commission (CEC) attempted to portray these complaints as examples of the opposition's pursuit of its ambitions, it continued to violate the election law after the actual voting was over. ANIP's official observers were not allowed to participate in either the final tabulation process that took place at the CEC, or in the adoption of the protocol on the results of the proportional balloting.

These facts compel ANIP's Political Council to declare that the November 12 parliamentary elections were conducted in a nondemocratic manner. Serious violations of the election law and other laws of the Republic of Azerbaijan were observed, and therefore the results of the elections cannot be considered fair.

AZERBAIJAN DEMOCRATIC PROPRIETORS PARTY(ADPP)
(Azerbaijan Demokrat Sahibkarlar Partiyasi)

The Azerbaijan Democratic Proprietors Party declined to prepare a statement for the compendium, preferring to reserve judgement on the elections until after the Central Election Commission (CEC) and the Supreme Court make final rulings on the party's appeals. The party's primary appeal concerns the CEC's decision to annul the elections in Shamakhy district No. 98, where party Chairman Mahkmud Mamedov balloted and, according to the party, received a majority of votes. The CEC charged Mr. Mamedov with bribing the district election commission and voided the results. New elections are scheduled to take place in the district on February 4, 1996.

THE MOTHERLAND PARTY **(*Ana Vatan Partiyasi*)**

On November 12, 1995 the Motherland Party participated on the party list for proportional representation and also fielded candidates in majoritarian districts for election to the new Parliament.

Seventeen members of the Motherland Party were nominated as candidates in single-mandate districts, but only three of them were certified to run. Although the party members nominated in Sabunchu district No. 15, Sumgayit district No. 40, Azizbeyov district No. 18, Jalilabad district No. 96 and Tovuz district No. 88 fulfilled all the requirements of the law, they were deprived of the right to participate in the elections by the election commissions in their districts. R. Mamedov, T. Hagverdiyev and J. Jahangirov, the three members of the Motherland Party who were certified as candidates, all failed in their bids to become deputies in the new *Milli Mejlis*.

Various violations of the law were registered by monitors in districts No. 10 and 73, where R. Mamedov and T. Hagverdiyev were candidates. In district No. 73, the Chairman of the local executive authority, R. Bagirov, permitted numerous breaches of the law and violated the rights of T. Hagverdiyev as well as those of other voters.

Another Motherland Party member, A. Sadigov, a candidate in Sharur district No. 12 for election to the Parliament of the Nakhichevan Autonomous Republic, reported that the rights of his supporters were violated by the head of the local authorities. The election results in this district were annulled after a complaint filed by the party was sustained by the Central Election Commission.

There were also serious contradictions in the official election results for parties participating in the proportional system. According to information that party monitors received from district election commission officials, the Motherland Party surpassed the 8 percent threshold. Official results, however, declare that the party received only 3.96 percent of the vote. The party is currently investigating this matter.

Accordingly, the conclusions of the Motherland Party are as follows:

- the elections, with some exceptions, were conducted freely;
- the practice of multiple-voting, when one person votes for his family members, was observed throughout the country;
- the government authorities in Kedabek, Gazakh and Saatly districts pressured and intimidated people who sought to vote for the Motherland Party; and

- the votes which the Motherland Party received were considered invalid in some districts and, therefore, were not recorded in the protocols.

The party considers the November 12 elections and the referendum on the Constitution to be important events. The elections represent a first step towards democracy.

AZERBAIJAN DEMOCRATIC INDEPENDENCE PARTY (ADIP)
(Azerbaijan Demokratik Istiglal Partiyasi)

Since its creation, the Azerbaijan Democratic Independence Party (ADIP) has supported the idea of conducting parliamentary elections and adopting a new Constitution. ADIP participated in the November 12, 1995 elections on the party list under the proportional system and also fielded candidates in the majoritarian districts.

ADIP received 3 percent of the vote on the party list, and one of its members was elected to the *Milli Mejlis* from a single-mandate district.

ADIP considers the holding of parliamentary elections to be an important achievement in the transition from residual totalitarianism to democracy. Although there were some violations in the process, the party has judged the elections to be democratic and fair. ADIP thinks that the national referendum of the Republic of Azerbaijan on the Constitution represents the greatest step towards the construction of a democratic and independent state based on the rule of law. ADIP declares that it will cooperate with all political forces and movements in its political and ideological activity in order to protect the independence of the state and to support the continued development of Azerbaijan.

THE NATIONAL STATEHOOD PARTY OF AZERBAIJAN (NSPA)
(*Azerbaijan Milli Dowlatchilik Partiyasi*)

NDI's request for a statement from the National Statehood Party of Azerbaijan (NSPA) was declined by its Chairman, Neimat Panahli. Mr. Panahli identified three reasons for his refusal which he has allowed NDI to enumerate here.

Mr. Panahli claims that he and his supporters have been subject to severe pressure from the police for over one month. Indeed, Mr. Panahli was detained by the police for 90 minutes on November 10, two days before the elections, on charges of organizing an illegal demonstration. Also, criminal proceedings have been initiated against him in connection with his role in the beating of a deputy of the *Milli Mejlis* in 1994. Mr. Panahli asserts that his arrest warrant has already been signed, and continues to be very critical of the elections and the Aliyev government.

As his second reason, Mr. Panahli stated that he refuses to cooperate with the international community, which he believes has failed to stand up for his rights. Mr. Panahli said that prior to the elections, he thought that the United States promoted democracy and freedom in the same way that the Soviet Union once supported the spread of communism throughout the world. Now, he believes that no state is fighting for human rights and democracy; each country is concerned only with its own interests. Although Mr. Panahli did meet with NDI he refused to provide the Institute with an election statement, describing it as a waste of his time.

Finally, the NSPA itself has been embroiled in an internal crisis since the beginning of the electoral campaign. Sharp disagreements over the activities of Mr. Panahli during the course of the campaign produced divisions within the organization. On December 3, several former NPSA members held an emergency congress at which a majority voted to oust Mr. Panahli as Chairman, elect Hafiz Agyarzade as Chairman of the splinter group, and merge the party with the New Azerbaijan Party. Mr. Panahli has denounced the congress and its decisions, and he and his supporters continue to work in the party headquarters.

THE ALLIANCE FOR AZERBAIJAN
(Azerbaijan Namine Allyans Partiyasi)

The November 12 parliamentary elections were the first elections in the history of our independent state that were conducted under a multiparty system. In compliance with the election law, respected international organizations and state officials monitored the electoral competition among the eight most powerful parties in Azerbaijan.

The Alliance for Azerbaijan participated in the elections primarily to promote the establishment of a new Parliament that will secure the course pursued by the President. The party's entire political campaign was based on this concept. During the pre-election period, the advantage of the Alliance over other parties was obvious, and this fact suggests that the party will enjoy great success in the future.

Certain violations of the law did take place during the course of the elections. But we must bear in mind that the parliamentary elections in Azerbaijan were conducted during a time when 20 percent of the Republic's territory is occupied, and over 1,000,000 people are forced to live as refugees. These facts, combined with the low level of political culture in Azerbaijan, had certain negative impacts on the course of the elections.

Nevertheless, the elections produced great success for the supporters of Mr. Aliyev's policies. The opposition parties once again failed to gain public support.

The Alliance for Azerbaijan views the results of the elections as evidence of the party's enormous success and concludes that, regardless of some flaws, the elections proved that Azerbaijan is pursuing a course of democratic reform. We do not doubt that these steps will be evaluated by the nations of the world accordingly, and that the elections will lead to the strengthening of the democratic countries' support for an independent Azerbaijan.

MUSAVAT PARTY **(*Musavat Partiyasi*)**

The first elections in the history of independent Azerbaijan were conducted on November 12, 1995. The prognoses of independent experts and representatives of the opposition that the elections would be nondemocratic proved accurate.

The elections in Azerbaijan can be considered in three stages: the adoption of an election law, the electoral campaign, and election day itself. All three were unfair.

The Azerbaijani opposition judges the election law to be nondemocratic. The election law was adopted only a few days before the campaign started. Since only one week was reserved for discussing the law, there was little opportunity to submit proposals to democratize and perfect the draft. Two alternative drafts of the election law prepared by political parties were not accepted for debate in the *Milli Mejlis*. Thus, the right of political parties to initiate legislation was breached. During discussions of the election law draft, the principal proposals of the parties were rejected. As a result, the Parliament adopted an article that bars political party representatives from participation in the Central Election Commission (CEC) and in district election commissions. This limited the ability of parties to participate in the elections.

The Parliament also adopted an article that allows 18 representatives of the government simultaneously to serve as deputies in the *Milli Mejlis*. This is a violation of the Constitution of Azerbaijan, which embraces the principle of the separation of powers.

The election law establishes a Parliament that will be elected under a mixed system -- 25 parliamentary seats will be filled by deputies elected under the proportional system, and 100 under the majoritarian system. This violates the principle according to which each deputy represents the same number of votes. Instead in order to win a parliamentary seat, a candidate under the proportional system must receive about four times as many votes as a candidate in a single-mandate district.

According to the law 50 percent of the membership of the CEC, and similarly the district and precinct election commissions, should be nonpartisan. But these commissioners work for organizations that are financed by the state. In effect, therefore, the state supervises the activities of the commissions and the conduct of the elections themselves. There are other articles in the election law which hinder the establishment of a democratic parliament.

In addition, the political parties did not have equal rights to publicize their messages during the election campaign. The mass media was subject to political censorship. Throughout the elections, the two television stations in the Republic broadcast propaganda supporting the government and criticizing the opposition. During the campaign, political parties and candidates in the single-mandate districts were allotted limited time on the air: each party on the ballot received one hour of television time, and each candidate only seven minutes. The speeches of some candidates and some political party representatives were censored.

The registration of some parties, including the People's Independence Party, the Islamic Party and others, was annulled on the eve of elections, preventing them from participating.

A number of political activists were arbitrarily arrested and imprisoned. Following his nomination as a candidate on Musavat's party list for proportional representation, Tofiq Gasimov, a former Foreign Minister, standing member of Parliament and a leader of Musavat, was subjected to groundless accusations and then arrested. Iskander Hamidov and Faraj Guliyev, members of Parliament representing opposition parties, were arrested and imprisoned after hastily organized trials. Thus, they were denied an opportunity to organize reelection campaigns. In addition, four journalists from the satirical newspaper *Cheshme*, two of whom had been nominated as candidates for Parliament, were imprisoned during the elections. These arrests demonstrate the authorities' intent to limit the opportunities of opposition representatives to be elected to Parliament, and to create an atmosphere of fear among the population on the threshold of elections. In support of these goals, the heads of the Security and Defense ministries appeared on television to discuss measures they were taking to punish members of the opposition. These acts were designed to frighten voters.

Additional violations of the law occurred during the process of candidate registration. The government-appointed election commissions gave a limited number of petition forms to opposition parties and to opposition representatives who intended to run in single-mandate districts. In order to be certified to participate in the elections, political parties were required to gather 50,000 signatures, and candidates in single-mandate districts needed 2,000 signatures. Despite numerous objections by the opposition, the number of petition forms remained very limited. The petition process also violated the principle of equal rights. For example, while Musavat was given petition forms sufficient for 53,000 signatures, the Azerbaijan National Statehood Party (ANSP) received enough petitions to collect 61,000 signatures. (This fact is taken from an interview with Neimat Panahli, the ANSP Chairman.)

A similar situation was observed in majoritarian districts. While some candidates were given enough petition forms to collect 3,000 signatures, all the representatives of the opposition received enough only for 2,024 signatures. Some candidates who were nominated in the Agjebedi-Fuzuli district No.52 received petition forms for only 2,000 signatures. The unfair distribution of petition sheets complicated the certification process for some candidates and political parties. There is a great deal of evidence that shows that the CEC and district election commissions did this on instructions from the authorities. As a result, more than 600 out of the 1,094 individuals who gathered signatures were denied certification as candidates, and four out of 12 parties that submitted at least 50,000 signatures were kept off the ballot.

The Musavat Party, which aimed to win the elections, was dealt the heaviest blow at this stage. Out of 83 Musavat members who collected signatures to run in the majoritarian districts, 71 were denied certification for various reasons. In addition, Musavat was not allowed to run as a party under the proportional system.

More than 50 members of the Azerbaijan Popular Front Party (APFP) were also denied certification as candidates for the same vague reasons. Other opposition parties, including the Azerbaijan Liberal Party, led by L. Sh. Hajiyeva, the Justice Party, led by I. Ismayilov and many others, were intimidated by the government during the election campaign.

The process of signature verification was conducted without the presence of representatives from interested parties. The rulings that numerous signatures were falsified were based upon the assumptions of "experts" hired by the state. Judicial norms, however, indicate that such cases should be found in favor of the defense. Despite the appeals of defendants, independent experts were not granted permission to verify the signatures. Also, most of the signatures that were allegedly falsified were never checked. Michael Ochs and Ronald Dwyer, coordinators of the UN/OSCE joint mission, obtained a list of 20,000 signatures gathered by Musavat that had been ruled invalid. Using this list independent parties went door-to-door to check the signatures, and in all cases found that the signatures had been collected according to the election law and the instructions of the CEC. These facts were disclosed when the Supreme Court considered Musavat's appeal, but the court ignored the evidence in an act that further reduced people's faith in the justice system. Demonstrating its traditional "devotion" to the wishes of the government, the Supreme Court upheld the CEC's decision and Musavat was kept off the ballot.

The court also rejected the appeals of many would-be candidates in the majoritarian districts. In response to these rulings, the UN/OSCE mission stated that the methodology and means used to verify signatures failed to satisfy international standards, and expressed its objection to the fact that independent experts were not allowed to participate in the process.

The APFP, the only opposition party permitted on the ballot, characterized the obstacles preventing Musavat's participation in the elections as a grave form of lawlessness. ANSP Chairman Panahli who, as Heidar Aliyev's former companion-in-arms used to have access to government secrets, stated, "I knew from the very beginning that even if Musavat gathered 150,000 signatures, the party would not be allowed on the ballot." The Communist Party, The Party of Hope and the Azerbaijan People's Democratic Party, all of which lack a broad social base in the country, were also kept off the party list. A number of political activists who had a real chance to be elected faced similar barriers.

The government aimed to exclude serious political parties, political activists and independent candidates not affiliated with the authorities from representation on the CEC and district election commissions. It also limited the number of petition sheets; refused to verify signatures in the presence of interested observers; and committed serious violations of the law. Thus, the plan prepared beforehand was fulfilled. The evidence shows that the results of the November 12 elections were predetermined in favor of the authorities.

Violent incidents also occurred during the election campaign. R. Javanshirov and N. Aliyev, who were gathering signatures for Ibrahim Zeynaddinly, a Musavat Party leader who sought candidacy in Nasimi district No. 26 in Baku, were physically assaulted and taken to the

hospital. People gathering signatures for opposition candidates in Khatai district No. 10 in Baku, Beylagan district No. 55, Ganja district No. 31, and elsewhere were also exposed to physical pressure. Members of district election commissions Nos. 19 and 20 did all they could to avoid accepting petition sheets from Vurgun Eyyub and Rovshan Demirov, both of whom are members of Musavat.

Opposition representatives were denied certification in the districts where R. Guliyev, R. Mekhdiyev, Chief of the President's administration, I. Aliyev, Vice-president of SOCAR, and other state employees were running. Two weeks before the elections, ANSP Chairman Panahli published a list of 125 candidates whom he claimed had been chosen by the President's administration "to be elected" to Parliament. The November 12 elections substantiated the list. This proved once again that all the promises of the government to conduct fair elections were false. Opposition representatives, journalists and local and international observers collected numerous reports of violations permitted by the authorities during the campaign. These complaints have been partially published in the mass media.

Violations continued on election day. All precincts were kept under police control. In many instances, trustees of candidates and local and international monitors were not allowed into the precincts. There is evidence that the voters were not active -- only 30 percent of the electorate came to the polls to express its views. In many precincts, candidate trustees and observers were forcibly evicted before the tabulation process began.

In an overwhelming majority of precincts multiple-voting, a serious violation of the law, was common practice. This enabled election commissions to "provide" a quorum for the elections and for the constitutional referendum. Observers and voters witnessed these and other violations.

APPENDIX A

THE OFFICIAL RESULTS OF THE PROPORTIONAL BALLOTING AS ANNOUNCED BY THE CENTRAL ELECTION COMMISSION OF AZERBAIJAN IN THE OFFICIAL NEWSPAPER, AZERBAIJAN, NOVEMBER 22, 1995

On November 12, 3,556,277 voters or 86.05 percent of those eligible, took part in the proportional system elections to the *Milli Mejlis* of the Azerbaijan Republic. From a total of 3,511,055 ballots that were cast, 140,642 were considered invalid. The results for the eight parties which participated in the elections are listed below.

<u>Rank</u>	<u>Party</u>	<u>Vote</u>	<u>Percentage</u>
1.	New Azerbaijan Party (NAP)	2,228,435	62.66%
2.	Azerbaijan Popular Front Party (APFP)	346,092	9.73%
3.	Azerbaijan National Independence Party (ANIP)	331,865	9.33%
4.	Azerbaijan Democratic Proprietors Party (ADPP)	142,343	4.00%
5.	Motherland Party	140,821	3.96%
6.	Azerbaijan Democratic Independence Party (ADIP)	106,782	3.00%
7.	Azerbaijan National Statehood Party (NSPA)	43,259	1.21%
8.	Alliance for Azerbaijan	30,811	0.86%

The New Azerbaijan Party, the Azerbaijan Popular Front Party and the Azerbaijan National Independence Party collected more than eight percent of the vote (the minimum threshold for qualifying for parliamentary representation under the proportional system-trans.), and thus will share the 25 parliamentary seats determined under the proportional system. Since 2,906,392 voters chose one of the three parties that will receive seats under the proportional system, each of the 25 deputies will represent 116,256 votes. Therefore, the seats will be divided among the three parties in the following way:

<u>Rank</u>	<u>Party</u>	<u>Proportion</u>	<u>Seats</u>	<u>Balance</u>
1.	New Azerbaijan Party	2,228,435/116,256	19	19,571
2.	Azerbaijan Popular Front Party	346,092/116,256	2	113,580
3.	Azerbaijan National Independence Party	331,865/116,256	2	99,353

The remaining two seats will be given to the APFP and ANIP since their balances of unrepresented votes are highest. Therefore, under the proportional system, the New Azerbaijan Party will have 19 parliamentary seats, and the Azerbaijan Popular Front and the Azerbaijan National Independence Party will each have three seats in the new *Milli Mejlis*.

These seats awarded to the parties will be occupied by the individuals listed below based on the lists each party submitted to the Central Election Commission prior to the elections.

The New Azerbaijan Party - 19 parliamentary seats:

1. Ziya Bunyadov Musa oglu
2. Murtuz Aleskerov Najaf oglu
3. Fuad Guliyev Khalil oglu
4. Ali Nagiyev Teymur oglu
5. Mikhail Zabelin Yuriyevich
6. Asya Manafova Khudat gizy
7. Eldar Ibrahimov Rza oglu
8. Zahid Garalov Ibrahim oglu
9. Ali Insanov Binnat oglu
10. Zamina Dunyamaliyeva Dunyamali gizy
11. Kerim Kerimov Hajikhan oglu
12. Shahlar Askarov Gachay oglu
13. Kheiraddin Gojayeov Sayyaddin oglu
14. Mazdak Huseinov Memish oglu
15. Agabey Askerov Mammed oglu
16. Sudeif Imamverdiyev Bashir oglu
17. Fikret Ismailov Ismail oglu
18. Ali Asadov Hidayat oglu
19. Eldar Safarov Sabir oglu

Azerbaijan Popular Front Party - 3 parliamentary seats

1. Ali Kerimov Amirhusein oglu
2. Mirmahmud Fattayev Mirali oglu
3. Gulamhusein Aliyev Surkhay oglu

Azerbaijan National Independence Party - 3 parliamentary seats

1. E'tibar Mamedov Salidar oglu
2. Nazim Imanov Muzaffar oglu
3. Shadman Husseinov Bahlul oglu

**OFFICIAL RESULTS OF THE BALLOTING IN MAJORITARIAN DISTRICTS
AS REPORTED IN THE OFFICIAL PROTOCOLS OF
THE CENTRAL ELECTION COMMISSION**

<u>Electoral district name and number</u>	<u>Deputy</u>
Sharur-Sadarak, No. 1	Vasif Talybov Yousif oglu
Sharur-Babak, No. 2	Nizami Khudiyev
Nakhchyvan, No. 3	Mahmud Mammadgulyev Akhmed oglu
Babak-Shahbuz, No. 4	Rza Ibadov Aidyn oglu
Julfa-Ordubad, No. 5	Faramaz Magsudov Gazanfar oglu
1st Yasamal, No. 6	Mubariz Gurbanov Gahraman oglu
2nd Yasamal, No. 7	Fatma Abdullazadeh Hussein gizy
3rd Yasamal, No. 8	Gulnara Gurbanov Shychali gizy
1st Khatayi, No. 9	repeat elections*
2nd Khatayi, No. 10	repeat elections
3rd Khatayi, No. 11	Rasul Gulyev Bairam oglu
1st Nizami, No. 12	Shamil Gurbanov Dunyamaly oglu
2nd Nizami, No. 13	Sirus Tabrizli Khudadat oglu
Garadagh, No. 14	Ilham Aliyev Heidar oglu
1st Sbunchu, No. 15	Zalimkhan Yagubov Usub oglu
2nd Sbunchu, No. 16	Orudj Mammadov Pasha oglu
Sbunchu-Azizbeyov, No. 17	repeat elections
Azizbeyov, No. 18	Shaitdin Aliyev Sardar oglu
1st Surakhany, No. 19	Anar Mammadkhanov Jamal oglu
2nd Surakhany, No. 20	Magsud Ibrahimbeyov Mammad Ibrahim oglu
Binagadi, No. 21	repeat elections
Binagadi-Nasimi, No. 22	Akif Muradverdiyev Shamsaddin oglu
Binagadi-Garadagh, No. 23	Madar Musayev Alasgar oglu
1st Narimanov, No. 24	Eldar Abbasov Shamkhal oglu
2nd Narimanov, No. 25	Rafael Allahverdiyev Khanali oglu
1st Nasimi, No. 26	Yusif Vakilov Samed oglu
2nd Nasimi, No. 27	Validimir Timoshenko Vasilevich
Sabayil, No. 28	Omar Eldarov Hassan oglu
Ali Bairamly, No. 29	Naira Shakhtakhtinskaya Aliabbas gizy
Yevlakh, No. 30	Shafiga Mammadova Hashym gizy
1st Kapaz, No. 31	Shamil Yusofov Jamil oglu
2nd Kapaz, No. 32	Aslan Abbasov Mammad oglu
Ganja - 1st Nizami, No. 33	Yusif Baghyrzadeh Nadir oglu
Ganja - 2nd Nizami, No. 34	repeat elections
Lankaran Municipal, No. 35	Yashar Rzayev Hujjatullah oglu
Lankaran Rural, No. 36	Hady Rajabov Musa oglu
Mingachevir, No. 37	Nizami Alakbarov Hassan oglu
1st Sumgayit, No. 38	Fikrat Sadygov Mammad oglu

2nd Sumgayit, No. 39
3rd Sumgayit, No. 40
4th Sumgayit, No. 41
front zone, No. 42
Shaki Municipal, No. 43
Shaki Rural, No. 44
Shusha-Jabrayil-Khojavand, No. 45
Absheron, No. 46
Aghdam Municipal, No. 47
Aghdam Rural, No. 48
Aghdash, No. 49
Aghstafa, No. 50
Aghsu-Kurdamir, No. 51
Aghjabadi-Fuzuli, No. 52
Astara, No. 53
Balakan, No. 54
Beilagan, No. 55
Barda, No. 56
Barda-Aghjabadi, No. 57
Bilasuvar, No. 58
Gazakh, No. 59
Gakh-Zagatala, No. 60
Gabala, No. 61
Gobustan-Siyazan, No. 62
Guba, No. 63
Guba-Davachi, No. 64
Gusar, No. 65
Zagatala, No. 66
Zardab-Imishli-Ujar, No. 67
Imishli, No. 68
Ismayilly, No. 69
Yardymly-Masally, No. 70
Kalbajar-Tartar-Khojaly-Lachyn, No. 71
Kurdamir, No. 72
Gadabay, No. 73
Gornaboy-Naftalan, No. 74
Gyoychay, No. 75
Lerik-Lankaran, No. 76
Masally Municipal, No. 77
Masally Rural, No. 78
Neftchala-Salyan, No. 79
Oghuz-Shaki-Yevlakh-Mingachevir, No. 80
Saatly, No. 81
Sabirabad, No. 82
Sabirabad-Salyan, No. 83
Salyan, No. 84

repeat elections
Matlab Mutallimov Azizullah oglu
repeat elections
no elections
Natig Rasulov Ismayil oglu
Eldar Salayev Yunis oglu
Byul-Byul Polad
Jabir Novruzov Mirzabey oglu
repeat elections
Sofiq Husseinov Kalbi oglu
Nigar Alakbarova Ibrahim gizy
Eldar Namazov Sagif oglu
Mikayil Mirzayev Shahvalad oglu
repeat elections
Sultan Mammadov israfil oglu
Ali Ansukhski Abdulgadirovich
Novruz Guliyev Mahammad oglu
Tarlan Musayeva Hassan gizy
repeat elections
Akif Shahbazov Rahim oglu
Teimur Bunyadov Amiraslan oglu
repeat elections
Fattah Haidarov Samad oglu
Maksim Musayev Talyb oglu
Hamdullah Jafarov Yunis oglu
repeat elections
Zeinaddin Khasmatov Nuraddin oglu
Hajymammad Ramazanov Yusif oglu
Sayyad Salahov Adil oglu
Elmira Gasymov Mahammad gizy
Musa Yagubov Safimammad oglu
Sabir Rustamkhanly Khudu oglu
Aliovsat Akhalarov Ibrahim oglu
Rizvan Jabiyev Israfil oglu
repeat elections
Safyar Musayev Beylar oglu
Anar Rzayev Rasul oglu
Firdovsi Aliyev Shahmirza oglu
Ahad Abiyev Mikayil oglu
repeat elections
Arif Rahimzadeh Gafar oglu
Bakhtiyar Vahabzadeh Mahmud oglu
Jalal Aliyev Alirza oglu
Minaya Aliyeva Alisahib gizy
Ibrahim Gafarov Musa oglu
Ramiz Mehdiyev Anvar oglu

Samukh-Gyoranboy, No. 85
Tartar, No. 86
Tovuz Municipal, No. 87
Tovuz Rural, No. 88
Ujar-Gyoychai, No. 89
Fizuli, No. 90
Khanlar-Dashkasan, No. 91
Khachmaz, No. 92
Khachmaz-Davachi, No. 93
Hajygabul-Salyan, No. 94
Lachyn-Zangilan-Gubadly, No. 95
Jalilabad Municipal, No. 96
Jalilabad Rural Khachmaz, No. 97
Shamakhy, No. 98
Shamkir Municipal, No. 99
Shamkir Rural, No. 100

Solmaz Alasgarova Habib gizy
Zeinab Khanlarova Yahya gizy
Zakir Zeinalov Alikhan oglu
Samur Novruzov Hassan oglu
Sattar Safarov Ismayil oglu
Mammad Mammadov Jumshud oglu
Yashar Aliyev Tofigi
Beyukagha Gurbanov Jabir oglu
Jabrayil Ahmadov Rashid oglu
Samaya Piriyeva Aslan gizy
Imamverdi Ismayilov Ibish oglu
Dunyamaly Mammadov Beyukkhhan oglu
Yusif Humbatov Karim oglu
repeat elections
Baghyr Musayev Namaz oglu
Mahir Asadov Asgar oglu

*Repeat elections will be held on February 4, 1996.

APPENDIX B

DIRECTORY TO THE POLITICAL PARTIES

New Azerbaijan Party (NAP)

(Yeni Azerbaijan Partiyası)

Founded by President Heidar Aliev in 1993. The country's ruling party, NAP claims over 100,000 members and 1,500 local branches throughout Azerbaijan. Similar in structure to the Communist Party of the former Soviet Union, NAP's members dominate ministerial structures and local executive offices across the country. Moreover, it sponsors other organizations that are engaged in all sectors of Azerbaijani life and which actively promote the President. By endorsing both party-affiliated and independent candidates in the single-mandate districts this November, NAP sponsored a total of over 100 candidates in the 100 majoritarian races.

Azerbaijan Popular Front Party (APFP)

(Azerbaijan Khalg Japhesy Partiyası)

Formed in 1988 to promote the policies of *perestroika* in Azerbaijan. In 1989, after leading mass meetings and strikes in response to the war in Nagorno-Karabagh, it was registered as a civic organization and became an umbrella group for all those opposed to the communist regime. Although it was not a political party, the Popular Front was allowed to field candidates in elections for the Supreme Soviet in October 1990, in which 25 of its members were elected. In 1992, the APFP led protests in Baku against President Ayaz Mutalibov, forcing him to resign. That June, the Front's Chairman Abulfaz Elchibey was elected President. At that time, the Popular Front claimed 81,000 members and 1,845 local branches throughout Azerbaijan. In June 1993, the Popular Front lost power in a bloodless coup and President Elchibey fled to Nakhichevan, where he remains. The Front still considers Elchibey to be the legitimate President of Azerbaijan. At its June 1995 convention, it voted to register officially as a political party in order to contest the November parliamentary elections, and named Elchibey as party chairman. The party is a guiding force in the political party Roundtable, and led this loose opposition coalition in a threat to boycott the elections on grounds that its members had been kept off the ballot unfairly.

Azerbaijan National Independence Party (ANIP)

(Azerbaijan Milli Istiglal Partiyası)

Founded in 1992 by Etibar Mamedov, who led the radical wing of the Popular Front from 1989 to 1991. Mr. Mamedov was a member of the old *Milli Mejlis* since December 1991; he ran for President in 1992, but withdrew his candidacy before the completion of the electoral campaign. Before the elections, ANIP characterized itself as part of the loyal opposition. However, it threatened to boycott the November elections in connection with the failure of many ANIP candidates to obtain certification for participation in single-mandate races.

Azerbaijan Democratic Proprietors Party (ADPP)

(Azerbaijan Demokrat Sahibkarlar Partiyası)

Founded in April 1994 and currently led by Gunay Bank Executive Officer, Makhmud Mamedov. The ADPP is a pro-government party which believes that rapid privatization and

market reform should be the focus of state policy. The party claims 22,700 members and has regional organizations in 45 districts.

The Motherland Party

(Ana Vatan Partiyasi)

Founded in November 1990, registered in August 1992 and currently led by Fazail Agamali. The Motherland Party supported the Popular Front's rise to power in 1992, but shifted its position and adopted a moderate pro-government stance before the November elections.

Azerbaijan Democratic Independence Party (ADIP)

(Azerbaijan Demokratik Istiglal Partiyasi)

Split off from the Azerbaijan National Independence Party (ANIP) in October 1993 and is currently led by Vagif Kerimov. A pro-government party, ADIP was until this spring under the chairmanship of Gabil Husseinli, a former councilor to President Aliev.

The National Statehood Party of Azerbaijan (NSPA)

(Azerbaijan Milli Dowlatchilik Partiyasi)

Founded in July 1994, and presently divided over political orientation and leadership. The party was recognized as a pro-government organization when it announced its decision to contest the November elections under the stewardship of Chairman Neimat Panahli. Panahli unleashed great controversy two weeks before the elections when he declared himself in possession of a list, allegedly compiled by members of the President's office, that identified in advance the candidates who would win the elections in the single-mandate districts. In conjunction with his "disclosure," Panahli issued strident criticisms of the electoral process and declared his opposition to the Aliev regime. Since the elections a faction of the party has split off and, under the leadership of Hafiz Agyarzade, has declared allegiance to the President and unification with the New Azerbaijan Party. The faction is denied legitimacy by Panahli and his supporters.

The Alliance for Azerbaijan

(Azerbaijan Namine Allyans Partiyasi)

Founded in November 1994 in Sumgayit, registered as a party in June 1995 and currently led by Abutalib Samedov. It is a pro-government party that claims 13,000 members.

Musavat Party

(Musavat Partiyasi)

Claims lineage from the old Musavat Party that ruled Azerbaijan during the country's brief period of independence from 1918 to 1920, and is led by Chairman Isa Gambar. Until 1990, Musavat competed with the Popular Front for the allegiance of nationalists. In 1991, Musavat and the Front temporarily joined forces, and Gambar served as Speaker of Parliament during the presidency of Abulfaz Elchibey. The September arrest of a Musavat candidate on the party's proportional list and the party's eventual disqualification from competition under the proportional system prompted members to consider boycotting the November elections. Musavat is a leading member of the political party Roundtable.

APPENDIX C

SELECTED STATEMENTS FROM THE INTERNATIONAL COMMUNITY ON THE NOVEMBER 12, 1995 PARLIAMENTARY ELECTIONS

- 1) **Statement of The OSCE/UN Joint Electoral Observation Mission in Azerbaijan**
- 2) **Council of Europe Press Release on the Elections in Azerbaijan**
- 3) **United States Embassy Post-Election Statement**



REF.OD/56/95 *Comm*
21 November 1995

ENGLISH only

Office for Democratic Institutions and Human Rights

STATEMENT OF THE OSCE/UN JOINT ELECTORAL OBSERVATION MISSION IN AZERBAIJAN

On 12 November 1995, Azerbaijan held both its first parliamentary election as an independent state and referendum on a new constitution. At the invitation of the government of Azerbaijan, an OSCE/UN Joint Electoral Observation Mission was established in Azerbaijan to observe the electoral process. Since the middle of September, the Joint Operation has been observing the electoral process, from the registration of candidates and parties, through the official determination of their eligibility to participate to the appeal process for excluded parties and candidates. To observe the 12 November voting and vote count, the Joint Operation deployed over 100 international observers from the Joint Operation's offices in Baku, Ganja and Nakhichevan.

The Joint Operation notes that Azerbaijan's first post-independence parliamentary election was a multi-party, multi-candidate election. Opposition parties were able to take part in the campaign, and to make their case to the voters through their own newspapers. Opposition parties as well as independent candidates also received free air time on state television. The election law permitted observers and authorized representatives of political parties and candidates to monitor the voting and vote count at the precinct and district level. Provisions were also made for candidates to appeal their exclusion by district election commissions to the Central Election Commission. Candidates and parties could appeal their exclusion by the Central Election Commission to the Supreme Court, which considered and ruled on these appeals before the 12 November election.

However, the Joint Operation considers that in many respects the election campaign, the voting and the counting of ballots did not correspond to internationally accepted standards. Voters' freedom of choice was limited by decisions to exclude about 60 percent of candidates and one-third of the political parties on the basis of a methodology that is open to question: a visual examination of the signature list by election officials and government experts, without an original of the signature. While these lists undoubtedly contained improper signatures, as acknowledged by some parties and candidates, the exclusion of many signatures was debatable. Moreover, contrary to international norms, there were no independent experts to dispute the judgments of official experts who played a crucial role in decisions on their exclusion.

While candidates and parties could appeal to the electorate on state television and radio, in some instances their remarks were censored. Political censorship of party and independent newspapers, though not officially acknowledged, and though less onerous in the immediate pre-election period, also restricted the freedom of speech of political parties.

Though observers did find precincts which efficiently and honestly conducted the balloting, in many others the voting and vote count featured serious irregularities in at least three respects: widespread interference by representatives of local executive authority, including the police; multiple voting, with the acquiescence of election officials; and highly disorganized counting procedures at the precinct and district levels.

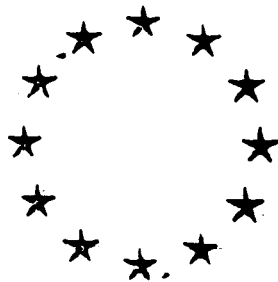
In particular, the official acceptance of widespread multiple voting on election day was in stark contrast with the practice followed during the election campaign, when signatures on behalf of candidates and parties were rejected on the basis that one person had signed for several family members. This inconsistency alone places the fairness of the conduct of the election in serious doubt.

Moreover, the Joint Operation has good reason to suspect that election officials inflated the vote count in many instances, so as to artificially increase the voter turnout. In several instances, international observers personally witnessed the exclusion of local observers from polling stations during the vote count and they themselves were at times barred from polling stations.

Based on the above observations, the Joint Operation has serious doubts as to the fairness of the election. The Joint Operation will issue a final statement on the election in Azerbaijan at the conclusion of the entire process and after the official announcement of the results.

Baku, 15 November 1995

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PRESS RELEASE

ELECTIONS IN AZERBAIJAN

BAKU, 13 November 1995 - On the basis of our initial findings, the elections were held peacefully, but with a certain number of irregularities and clear cases of fraud, declared Mr Jacques BAUMEL, on behalf of the Council of Europe's Parliamentary Assembly delegation in charge of monitoring these elections.

The delegation's seven members went to several electoral districts in the country and visited dozens of polling stations.

The irregularities found included in particular the fact of allowing some heads of family to vote for all the family members as well as the lack of prior verification of ballot boxes. In addition, in some cases several persons went together into the ballot booth.

The delegation was highly upset to learn that on the eve of the elections, the Central Electoral Commission decided for no valid reasons to strike off two candidates in the 84th district, whereby there only remained the candidate from the government party. This represents a very serious breach of the electoral law and the delegation asks the authorities to provide an explanation for this incident. Consequently, it expresses its reservations as to the validity of some of the results.

The delegation also noted that there had been serious irregularities during the election preparation process, regarding in particular the registration of opposition parties and candidates. An unequal access to the media did not enable them to conduct their electoral campaign on an equal footing with the government candidates. These problems were of a nature to harm the democratic character of the elections.

The delegation was also concerned over several provisions of the electoral law, notably the short time periods and the practical modalities for collecting, filing and verifying signatures necessary in order to participate in the elections.

As to the referendum on the draft constitution which took place at the same time as the elections, the delegation members criticized the fact that the final draft was published only four days before the election day, thereby excluding the possibility of its in-depth examination.

While expressing these serious reservations, the delegation considers that these elections, in which eight parties - both governmental and opposition - took part, represent a first step towards a more democratic system in Azerbaijan.

It expresses the hope that through the respect of fundamental freedoms, economic development and a just settlement to the conflict with Armenia the democratic forces will succeed in overcoming the country's totalitarian past.

The Council of Europe should intensify its political and legal assistance to Azerbaijan so as to make it possible in the future for the country's Parliament to be granted special guest status in the Parliamentary Assembly of the Council of Europe, concluded Jacques Baumel on behalf of the delegation.

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RELEASE NEWS

UNITED STATES INFORMATION SERVICE / EMBASSY OF THE UNITED STATES OF AMERICA

November 18, 1995

On November 12, the Republic of Azerbaijan held its first parliamentary elections since independence and conducted a constitutional referendum. According to preliminary reports, the Central Election Commission claims 80 percent of the voters took part in the election and that a majority of voters endorsed the Constitution.

In many districts sincere and conscientious efforts were made to carry out fair and transparent elections and local monitors were willing to share information about election problems. However, observers have pointed to a number of polling deficiencies, including poor control of ballots, intimidation, and voting irregularities in some districts. Lack of training and the absence of outside assistance to train local officials were important factors in the uneven execution of electoral processes at the local level.

Observers also questioned the fairness of the elections due to the Central Election Commission's arbitrary application of the electoral law, particularly in its failure to register a major opposition party and some individual candidates. The press was also pressured. Likewise, the observers voiced concerns that the tabulation of voters was not transparent. Despite these problems and doubts by international observers that the electoral process met international standards, several opposition parties and candidates were able to mount credible campaigns.

Overall, the elections in Azerbaijan constitute an initial, important, but flawed step in that country's long path forward toward democracy.

APPENDIX D

EXECUTIVE SUMMARY OF THE NDI PRE-ELECTION REPORT (Reprints of the complete report are available from NDI.)

The National Democratic Institute for International Affairs (NDI) opened an office in Baku, Republic of Azerbaijan in August to provide support to political parties in advance of parliamentary elections scheduled for November 12, 1995. NDI's activities have built upon relationships that NDI developed and maintained from abroad with Azerbaijani political leaders over the past two years.

During its work in Azerbaijan, NDI has observed first-hand the preparations for the elections, and spoken to all those involved in the process. On the basis of this work, we have produced this report to document what we have seen and learned. The report identifies certain issues associated with preparations for the elections and encourages authorities to address them in a manner that ensures that the elections are in keeping with international norms. The report also provides information about the elections to international monitors to help them interpret what they will observe at the polls on election day.

NDI considers the issues outlined in this report serious, reflecting growing concern in Azerbaijan that aspects of the electoral process discourage popular participation rather than promote it. Whether such concerns are perceived or real they attest to flaws in a process that will produce an important institutional foundation of a newly independent Azerbaijani state: the parliament. For a nation long at war and subject to a variety of domestic and international pressures, the new parliament could and should serve as a vehicle to unify and mobilize the strength of the people. Its success in fulfilling this function will depend upon the extent to which it commands public trust.

It is the government's responsibility, among others, to promote such acceptance by creating an environment that ensures representative and fair elections. The ballot must be open to diverse and competing political forces. The campaign period must encourage peaceful expression and allow for open debate of policy alternatives. The press must report without fear of censorship or reprisal. An independent process for the resolution of complaints and appeals must exist. Citizens must understand the choices they confront, and have confidence in their vote.

Uncertainty and disappointment have led many political leaders in Azerbaijan to consider boycotting the elections. At this juncture we offer our judgement that it is in the interest of the nation that the elections and resulting parliament be considered legitimate by the Azerbaijani people and, for the sake of legitimacy, that conditions be provided to enable the widest participation possible. It is in this spirit, and in the spirit of international cooperation, that NDI urges the government to resolve all outstanding concerns that threaten to weaken public trust and participation in the events of November 12. Specifically, we

recommend that the following steps be taken to address problems and promote a more open process:

The electoral commissions should:

- be staffed and operating during their stipulated hours of work;
- ensure that complaints and appeals by political parties and individual candidates relating to the certification process be treated in an open and timely manner, and that those who win the appeals process be granted an easy means to get back on the ballot and compete in the election campaign;
- publish in all media, including press, radio and television, guidelines concerning the rights and regulations pertaining to candidates, political parties, election commission workers, and the media so that each may understand his or her role and responsibilities in the electoral process;
- inform voters of the kinds of documentation that are acceptable for the purpose of voting, and instruct them that each has a right to vote and that no one may cast a ballot for someone else;
- publish and post in a timely manner before election day copies of registered voter lists, including lists of refugee voters;
- publish a list of the total number of registered voters by district in advance of election day to be checked against the final vote count;
- publish and post at all polling places a statement of the rights and functions of party and candidate monitors;
- process requests for accreditation of party and candidate monitors in an expeditious and open fashion, and accord them all rights and conditions to which monitors are entitled on election day in compliance with the election law;
- ensure that voting and tabulations are conducted in the presence of political party and candidate monitors;
- provide voters, candidates and political party representatives with easy access to complaint forms, and publish an explanation of the complaint process for display and distribution at polling sites; and
- resolve the contradiction that currently allows for run-off elections to be conducted before the official announcement of first-round election results.

In addition to these steps, government officials should:

- eliminate remaining impediments to free expression and take steps to eradicate fears of harassment or reprisal that allow habits of self-censorship to persist;
- issue clear guidelines concerning the role of the media in the electoral process, and encourage media representatives to provide nonpartisan information concerning the elections and sponsor candidate forums and debates; and

- instruct the police against undertaking activities that might interfere with peaceful election activity and the work of the electoral commissions, and ensure that any instances of harassment and campaign-related violence are completely investigated.

In this report we are able to provide only a cursory treatment of the issues surrounding the adoption of a new constitution, for which a public referendum is also scheduled to take place on November 12. Adoption of a new constitution is no less significant an event than elections for a new parliament. However, the views of the public were not elicited during the drafting process and little information about the content of the constitution has been disseminated. NDI urges the government to make every effort in the remaining weeks to acquaint the electorate with the draft, thereby ensuring that the referendum is a meaningful process and that its outcome is popularly accepted.

NDI recognizes that these elections are but one aspect of Azerbaijan's political development. We greatly appreciate the hospitality extended to NDI's representatives in Baku over the past several months, and the encouragement and commitment to ongoing cooperation we have received from President Aliev with respect to our work. We look forward to continued close cooperation with all those in Azerbaijan who have pledged their efforts to building democracy.