

Azerbaijan

Presidential Election

Observation Report

October 11, 1998

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**International Republican Institute
Election Observation Report
October 11, 1998, Presidential Election in Azerbaijan**

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EXECUTIVE SUMMARY

The International Republican Institute (IRI) sponsored an 18-member independent, bipartisan delegation to observe the October 11, 1998 Azerbaijani presidential election.

The October election was the first under Azerbaijan's new presidential election law, which was adopted on July 10, 1998. Approximately 77 percent of the population cast their ballot for one of six registered candidates in 82 territorial commissions of Azerbaijan.

IRI began its democracy building activities in Azerbaijan in late 1997 with a grant from the National Endowment for Democracy and has recently received funding from the United States Agency for International Development (U.S.A.I.D). IRI's programming in Azerbaijan is designed to promote pluralism by helping political parties strengthen their organizations and more effectively participate in the political process. In the year leading up to balloting, IRI closely monitored conditions in Azerbaijan by conducting several in-country evaluations, including a pre-election assessment conducted in Azerbaijan's regions the week prior to the election. Additionally, before observing on election day, the 18-member team received thorough briefings on the pre-election period and expectations for the election itself from a variety of groups including: President Aliyev and numerous government representatives, leaders of those opposition parties participating in, and those boycotting, the election, the Central Election Commission Chairman, the United States Ambassador, the International Foundation for Election Systems (IFES) and other observer groups such as the Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights in Europe (OSCE/ODIHR) and the National Democratic Institute (NDI).

Six IRI teams were deployed outside of Baku to Ganja, Lenkoran, Nakhchivan, Guba/Qusar, Sumgayit, and Yevlakh. Another three teams remained in Baku to observe the election. On election day, IRI delegates monitored the opening of Precinct Election Commissions (PECs) and the day-long balloting in 138 PECs, remained for the count in selected PECs, obtained voting protocols for those sites, and followed PEC officials to the Territorial Election Commissions (TECs) to track reporting of precinct results. Teams of observers and professional IRI staff coordinated with other international groups to maximize the coverage of election monitoring activities. The delegation's preliminary findings were announced to the public the evening of October 12, the day after the election.¹

¹ Questions were raised about the statement made earlier in the day by an observer delegation claiming to represent the U.S. Republican and Democratic Parties, which arrived in Baku late October 9 and departed early October 12. IRI wishes to make it clear this group has no affiliation with the Institute and disassociates itself from any comments made by this delegation.

In a number of important respects, Azerbaijan's October 11, 1998 election was an improvement over the 1993 presidential and 1995 parliamentary balloting. Changes to the Law on the Election of the President of the Republic, as amended on July 10, 1998, were made with input from the international community and demonstrated a desire by the government to advance the democratic election process. The most significant new provisions in the law allowed: candidates to appoint a member to all levels of election commissions; monitoring by domestic observers; certified copies of election commission protocols provided to observers upon request; vote count protocols to be posted at all polling stations; police permitted to enter polling stations only to restore order if requested by the precinct election commissioners; and, allocated equal and free air time on state television to all registered presidential candidates. Additionally, the formal abolition of state censorship was a positive step in the pre-election period, as was the Central Election Commission's (CEC) close cooperation with international groups such as the OSCE and IFES. While these were improvements over previous election periods, the election law was implemented in a manner that fell short of international norms and represented a missed opportunity for the people of Azerbaijan. These problems include the following:

- ◆ The Law on the Central Election Commission was not adopted with widespread support among political parties in Azerbaijan. As a result, certain opposition parties, namely Popular Front and Musavat, founded the Movement for Democratic Elections and Electoral Reform (SIDSUH) to promote greater fairness in Azerbaijan's electoral process. This movement quickly expanded and served as an umbrella group for dozens of opposition parties and non governmental organizations. Although the government did make concessions on offering more seats on the CEC (one of SIDSUH'S principal demands), the government and opposition parties were unable to reach a compromise. This contributed to SIDSUH's decision to boycott the elections and added to the overall atmosphere of distrust between the government and opposition parties.
- ◆ IRI observer teams witnessed dedicated election workers at both the territorial and precinct levels where irregularities in voting procedures were minor and can be attributed to inexperience or lack of knowledge about the law. However, the formation of the TECs and PECs was not transparent and in many instances clearly favored the candidacy of President Aliyev. Four IRI teams witnessed deliberate fraud. In Baku, Ganja, Lenkoran and Qusar, IRI delegates witnessed wads of as many as 20 ballots emerging from the ballot box at the beginning of counting. All were cast for President Aliyev. They also observed several cases where the number of voters' signatures did not match the number of ballots cast. This evidence of ballot stuffing would necessitate the cooperation of some, if not all, PEC commissioners at each site. Similar instances, a feature of Azerbaijani elections in 1993, 1995 and in a 1998 parliamentary by-election, were also reported by election observers teams from the OSCE/ODIHR, the Council of Europe, and National Democratic Institute. While all four observer teams (consisting of eight people) could necessarily observe only a portion of Azerbaijan's PECs and TECs, the number of observers witnessing fraud suggests that further investigation should have been made into the validity of a clear two-thirds victory for President Aliyev.

- ◆ Even with the abolition of state censorship for print media and equal candidate time on television, independent television was scarce, and journalists widely acknowledge that self-censorship existed. State television, the only one broadcast throughout Azerbaijan, devoted a disproportionate amount of time to the coverage of President Aliyev. The lack of media industry standards on balanced and unbiased news coverage and government intervention with media outlets hinder the ability of Azerbaijanis to make fully informed decisions about the political future of their country.
- ◆ Article 49 of the Azerbaijani Constitution allows for the right of peaceful assembly for the people of Azerbaijan. These rights were violated in the pre-election period, specifically regarding the boycotting opposition parties and their attempts to hold demonstrations. Local authorities did not grant permission for several demonstrations or required a change in location. International observers witnessed police using excessive force during a rally in Azadliq Square in Baku on September 12 and again to a lesser degree on October 9. These clashes with police resulted in over 100 people injured. Although other rallies were held without serious incident, the violence and subsequent arrest of political activists strongly contributed to the general feeling of distrust between the government and boycotting political parties.

This report will be submitted to the Azerbaijani Central Election Commission, government officials and the news media in the U.S. and Azerbaijan, Azerbaijani political parties and other interested individuals and entities. It includes an assessment of the campaign and pre-election environment, recommendations for improving election processes in future elections, and comments on the post-election period.

Azerbaijan has at least two near term opportunities to demonstrate its commitment to democratic development -- long-delayed local elections expected to be held in 1999, and parliamentary elections to be held in 2000. These elections will provide an opportunity for Azerbaijan to continue to improve its electoral environment and processes.

Post-election Period

IRI has been monitoring the political situation in Azerbaijan since the October elections, and is disturbed by the recent governmental and parliamentary efforts to restrict the press and curb freedom of assembly. These actions are inconsistent with promised and partially implemented improvements made in the pre-election period such as the abolition of state censorship and the use of public rallies by both candidates and opposition parties who boycotted the election.

In particular, IRI has concerns regarding the violence that surrounded two rallies in early November 1998. These demonstrations were held by the National Independence Party and the Movement for Democratic Elections and Electoral Reform (SIDSUH) and ended in violence. Dozens of people, including several journalists, were injured. Additionally, two Azeri opposition leaders were beaten, by alleged plain clothes policemen, in full view of police.

Since the election, the parliament has passed non-binding resolutions and laws regarding freedom of assembly and the press. On November 13, the Law on Freedom of Gatherings was adopted in spite of strong dissent by opposition parties. The law allows police to use force if a rally is not permitted or forbidden. The reasons listed for disapproving a rally include: to avoid disruption of public order; to protect public and state security interests; to protect moral norms; to protect the health of people; to prevent crimes being committed; and to protect other citizen's rights and freedom. The law also states that the group requesting the rally should notify (not ask permission) of the appropriate executive of its route, start and finish time five days before the rally is scheduled.

Also in November, amendments to the Criminal Code, Criminal Procedure and the Code on Administrative Violations were adopted to allow fines to be applied to participants and organizers of rallies. A second offense committed within a year imposes a penalty of either two years of community work or three years in prison.

The parliament also has attempted to impose new restrictions on the media in recent weeks. On November 10, a non-binding resolution was adopted by the Milli Mejlis which urged the Ministries of Justice and Press and Information to review all published materials which may incite provocation or be used as blackmail. The resolution suggested the ministries use all means necessary to stop the publication of such material.

These actions are inconsistent with the stated commitment to democracy that President Aliyev and other government officials expressed to IRI delegates in the days before the election and represent a clear step backward in Azerbaijan's democratic path. IRI encourages all political parties to enter into a dialogue immediately so these troubling problems may be addressed and work on the long delayed local elections can begin with all parties participating fully.

**International Republican Institute
Azerbaijani Election Observation
October 11, 1998, Presidential Elections**

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Introduction

In the seven years since the country achieved independence from the Soviet Union, Azerbaijanis have suffered a disastrous war with Armenia, a devastating bout of hyperinflation, and political instability. Against this backdrop, particularly with President Aliyev's stated commitment to hold a democratic election, the October 11, 1998 presidential election represented a welcome opportunity for Azerbaijan to push forward in its transition to a fully democratic system of government.

Azerbaijan has had a troubled history of election administration, most notably the November 12, 1995 parliamentary election and constitutional referendum. The law which governed the parliamentary election (passed on August 12, 1995) established a 125-seat, unicameral parliament with 100 representatives elected on a majoritarian basis and 25 distributed on a party list proportional system. Although international observers affirmed that it was a multi-party contest with active political participation, the OSCE/UN Joint Election Observation Mission concluded "*...the voting and the counting of ballots did not correspond to internationally accepted norms in many respects...*" International observers also noted concerns regarding the exclusion of 60 percent of candidates and approximately one-third of the political parties (including the Musavat Party) simply based on visual examination of signature lists.

It is with this history that the International Republican Institute sponsored its election observation mission to monitor the presidential vote. IRI has been working in Azerbaijan since December 1997 focusing on local political party development, including training on campaign communications. IRI considered the election observation mission to be a natural complement to its ongoing work with Azerbaijanis who have demonstrated a commitment to building a democratic future for their country. The delegation, which included specialists in election law, international affairs, and campaigns and communications, was the most experienced ever deployed by IRI.

IRI judges elections based on four stages in the process: the first is the pre-election phase, in which candidates and parties representing a range of political views should be able to compete in an environment free of intimidation, and an election commission should be formed capable of implementing non-partisan election laws. The second stage is election day, in which the will of the voters should be accurately expressed without intimidation, through a transparent balloting process. Third is an accurate and transparent counting process, and the opportunity for fair response to charges of election day and counting irregularities; and fourth, the post-election phase, in which the election's results are reflected in the formation of a new government and the freedoms granted for the time of the election are continued or expanded.

While explicit examples and recommendations for improving future Azerbaijani elections are contained elsewhere in this report, general reflection on how these four stages were implemented provide insight on the status of Azerbaijan's transition to democracy. The pre-election phase was an improvement over past elections. Presidential candidates were allowed to

campaign openly with a wide variety of views exchanged. The lack of dialogue between the government and boycotting parties as well as ensuing violence, however, significantly undermined confidence in the election process.

IRI observation teams had a variety of experiences on election day. While all nine teams throughout the day met election officials whose commitment to a more democratic system was evident, four teams witnessed clear cases of voter and domestic observer intimidation and ballot stuffing, and a fifth team was initially barred from entering an election territorial commission, a site supposedly open to foreign observers. IRI observers also witnessed protocols being recorded at the precinct levels in pencil, which were not the totals reported at the TEC level. Such instances cast doubt as to the true transparency of the vote process and raise questions as to the validity of a clear two-thirds victory by President Aliyev. Additionally, while numerous polling sites had domestic pollwatchers, many did not understand their role and responsibilities. For example, a domestic observer group, called the Center for Democratic Elections, sponsored by the pro-government Motherland Party, was present at a majority of sites. IRI observers witnessed their pollwatchers behave in a highly partisan manner and, at times, act as members of the election commission.

IRI will conduct assessments in the post-election period to monitor the Azerbaijan government's stated goal of continuing its transition towards democracy. Recent developments since the election, however, have cast doubt as to that commitment. A continuation of the progress shown in the pre-election period, particularly in the area of censorship, would be an encouraging sign that Azerbaijan is truly dedicated to moving away from its totalitarian past. IRI looks forward to continuing to work with political parties and in helping Azerbaijan work toward reaching international democratic norms.

Azerbaijan Presidential Election Results
October 11, 1998

Six candidates were registered by the Central Election Commission to compete in the October 11 presidential election campaign. They were: incumbent President Heydar Aliyev, nominated by the New Azerbaijani Party; Mr. Etibar Mamedov, nominated by the Azerbaijan National Independence Party; Mr. Nizami Sulimanov, Chairman of the Independent Azerbaijan Party; Mr. Firudin Hassanov, appointed by one of the Communist Parties²; Mr. Ashraf Mehdiyev, Chairman of the Association of Victims of Illegal Political Repression, and Mr. Khanhusein Kazimili, Chairman of the Social Prosperity Party.

The Central Election Commission released the following results of the election on October 22:

Mr. Aliyev	2,556,059 votes	76%
Mr. Mamedov	389,662 votes	11%
Mr. Sulimanov	270,709 votes	8%
Mr. Hassanov	29,244 votes	less than 1%
Mr. Mehdiyev	28,809 votes	less than 1%
Mr. Kazimili	8,254 votes	less than 1%

A total of 3,289,221 people cast their vote.

²There are three Communist Parties in Azerbaijan.

Pre-Election Environment

In order to assess the atmosphere in which political parties, electoral blocs and candidates competed in the presidential election, IRI examined the pre-election campaign environment including campaign activities, media access, campaign finance and security issues. IRI also examined the electoral system itself, reviewed key areas of concern such as the new presidential election law, the selection of election officials, voter registration and identification, mobile ballot boxes and the numbering of ballots.

To the extent possible, presidential candidates relied on television media or public rallies to express their message. Few parties displayed campaign posters. The vast majority of posters on display were from the campaign of President Heydar Aliyev; a smaller number were from the campaign of Etibar Mamedov. Very few posters advertised the campaigns of the other four candidates.

While public rallies played an important role in the electoral campaign — and in the boycott movement spearheaded by five main opposition parties — government infringements on freedom of assembly were not uncommon. Police broke up a rally in Baku held August 15, 1998, that was attended by approximately 20,000 people. Those in attendance supported opposition demands that the governing party allow other parties to occupy half the seats on the CEC. Over 100 people were arrested. The U.S. State Department released a statement registering concern over the government's reaction to the protest and criticizing the government's inability to reach a compromise with the opposition over the composition of the CEC.

Police armed with batons used force to prevent several thousand opposition supporters from congregating on Baku's central Freedom Square on September 12. According to a report by Radio Free Europe/Radio Liberty, 10 police officers and between 70 and 100 demonstrators were injured, some seriously. Police representatives said they arrested 15 people, but opposition spokesmen estimated that between 50 and 200 were detained. Of these, nine remained in custody until released by President Aliyev on October 10. The violence began when police attacked a group of demonstrators gathered outside the headquarters of the opposition Popular Front Party and tried unsuccessfully to storm the building. One resident of the downtown area told an IRI staff member that she saw city workers on the evening before the rally spilling raw sewage onto the square where it was to take place, apparently in an unsuccessful effort to discourage attendance.

While two other rallies were held without incident in the following weeks, the official response to opposition rallies attended by IRI staff late in the campaign period was less dramatic but nonetheless troubling. Police in the capital prevented a September 30 rally from taking place.

Organized by SIDSUH, a number of buses carrying people who were planning to attend the rally were barred from reaching the downtown site where the event was to be held. Without employing violence, police dispersed the crowd while the organizers went to the parliament building to argue their case.

In the industrial city of Sumgayit, different parties received varying treatment. An October 1 rally for the New Independent Party's candidate, Etibar Mamedov, took place without incident. IRI staff estimated that 10,000 people attended. In contrast, representatives of the Musavat and Popular Front parties (who boycotted the election) said that the mayor refused their repeated entreaties for permission to hold a rally.

Freedom of assembly was curbed more severely in Ganja, Azerbaijan's second largest city. IRI staff observed an October 2 rally in that city organized by the Musavat and Popular Front parties and attended by about 250 people. Election observers from the OSCE also were present. Four or five individuals, not associated with either party, aggressively and openly videotaped the faces of the marchers. At the request of the attendees, IRI and OSCE representatives accompanied the group as it moved past the police lining the street. The site selected for the rally by city officials was three kilometers away, facing what appeared to be an empty factory. No one except marchers and police was present. IRI staff observed until the end of the rally and saw the marchers safely disperse. At a meeting earlier the same day, Salman Imanli, chairman of the Popular Front Party in Ganja, said that permission to hold the rally had only been granted "when IRI arrived in Ganja."

A. Access to the Media

Over 90 percent of Azerbaijani households have a television, making it the principal medium for the dissemination of campaign information and other news. Newspapers have limited circulation in Baku and largely are unread outside the capital, and just three radio stations are currently broadcasting.

During the official campaign period (mid-August through the election), all the presidential candidates received 30 minutes of free air time each week on the two state-owned television stations, which are the only television broadcasters with national reach. By all accounts, the presidential candidates received air time as allotted by the election law. However, opposition representatives were quick to point out that state television provided disproportional coverage of President Aliyev's campaign. Several hours of programming every day were dedicated to the activities of President Aliyev and his government. During the second half of August, for example, the Center for Pluralism INAM, a Baku-based civic organization that monitors the press, found that one of the two state-run stations provided over 18 hours of coverage of the Aliyev campaign but just six minutes for all other candidates combined. Other independent commentators agree that news coverage on state television is often slanted, for instance, reporting that 3,000 people attended the August 15 opposition rally in Baku. Foreign journalists estimated the size of the crowd that day at 20,000 while opposition leaders cited even

higher figures.

Private television broadcasters face significant difficulties. Four relatively independent television stations that began broadcasting in 1996 were shut down by the government in January 1998, and only one of the four has been permitted to resume operations (though it transmits without a license). Three private television stations operate in the capital: Sara TV, which offers no news programming; Space TV; and ANS TV. Analysts agreed that Space TV provided almost no news about candidates other than President Aliyev. ANS TV — the oldest private television station in the country — provides the most objective news coverage available on television. Nonetheless, the Center for Pluralism INAM reported that ANS TV reduced its coverage of opposition activities over the course of the campaign. Other independent analysts have described the three private television stations outside the capital — located in Balakan, Ganja and Mingacevir — as wholly dependent on their respective local governors.

As noted above, radio is a largely undeveloped medium in Azerbaijan. Two of the Baku-based private television stations — ANS TV and Space TV — have radio operations, and a third, primitive transmitter operates in the south of the country, but by all accounts radio did not play an important role in the electoral campaign.

On August 6, President Aliyev issued a decree abolishing formal censorship of newspapers and other periodicals. Prior to this decree, newspapers were required to submit each edition to a government censor before going to press, although journalists assert that the censors were haphazard in fulfilling their duties. Self-censorship was still quite common during this period.

B. Campaign Finance

Limited public funding was provided to all the candidates for the presidency. Approximately \$15,000 was given to each candidate by the CEC, although Ashraf Mekhtiev, the candidate of the Association of Victims of Political Repression, told IRI staff that he had received just half this amount. All candidates faced a legal spending cap of about \$140,000. Candidates were thus free to raise and spend up to \$125,000 in private funds. Foreign governments, corporations and individuals were barred from making campaign contributions.

The challenger to President Aliyev whose campaign achieved the most national attention was Etibar Mamedov of the National Independence Party. Ahmadov Dunyamin, chairman of the Mamedov campaign in Sumgayit, told IRI staff that his organization had succeeded in raising the full amount of private funds permitted by the election law. The limited advertising and activities carried out by the other four opposition candidates suggest that they received little in the way of private contributions.

Most independent observers and opposition representatives expressed profound skepticism that the Aliyev campaign operated within the \$140,000 spending limit imposed by the

election law. In Baku, one could hardly walk a block without seeing colorful posters for President Aliyev. A blimp with such a poster also was flown over Baku for two days preceding the election. Representatives of several different opposition groups claimed that Azerbaijani schoolchildren were pressured to purchase photographs of President Aliyev at considerable expense, the largest of three photographs costing about \$3.50. Representatives of the National Independence Party said that at least 180,000 of these photos were sold, which would have brought in over half a million dollars for the Aliyev campaign.

C. Security Issues

The revised election law set new limits on the movement of police officers around polling sites. Police were permitted to enter polling stations only at the request of a member of the PEC and could do so only in uniform. The police were charged with providing security for election materials while they were in storage at central locations and at polling sites, but transporting the materials was the responsibility of election officials.

III. Election Administration

A. Election Law

The presidential election law signed by President Aliyev on June 9 and modified on July 10 set the ground rules for the October 11 vote. A number of international organizations praised the revised version of the law as a marked improvement over election legislation in force during the 1993 presidential contest and the 1995 parliamentary elections. Both of those elections were roundly criticized by international observers. The opposition parties were consulted in the course of preparing the draft law, and a number of recommendations issued by opposition leaders were included in the final text. However, it had notable problems. For example, the method whereby the members of the CEC are selected (see the next section for a discussion of this contentious issue) was laid down in a separate law.

The provisions that allowed domestic nongovernmental organizations to monitor the election represented one of the most tangible improvements to the electoral system included in the new law. Among the local civic groups who deployed observers was the Azerbaijan Civic Initiative (For the Sake of Civil Society), and the Center for Democratic Elections, a group sponsored by the pro-government Motherland Party. In any event, the total number of domestic and international observers was approximately 2,000 — too few to provide comprehensive coverage of the country's approximately 4,300 polling stations.

Another change included in the election law was the requirement that turnout equal or exceed 25 percent of all registered voters for a runoff election to be averted. In the event that fewer than 25 percent of Azerbaijani voters went to the polls on October 11, a repeat election would be held exactly two weeks later. This provision was advocated by the parties that made up the Movement for Democratic Elections and Democratic Reforms (SIDSUH). In addition, a

candidate had to receive more than two-thirds of all the valid votes cast to prevail in the first round. A plurality would be sufficient to declare a victor in a runoff.

B. Election Institutions

The election law charged the Central Election Commission (CEC) with developing voting procedures and with responding to any problems that arose with regard to the election. Under the law, the central government and the mayors were enjoined to provide facilities for the election (such as adequate polling sites, telephones, and electricity) but were prohibited from interfering in the conduct of the election. The mayors, who met with IRI staff, insisted that they were in compliance with these terms. In some polling stations, however, IRI delegates witnessed mayors or local officials directly involved in the balloting and vote count process.

The composition of the CEC was one of the most significant points of contention between the government and the opposition during this election cycle. The CEC has 24 members of whom 12 are appointed by the president and 12 by parliament, the latter group being chosen according to the representation of each party in parliament. This arrangement provided the governing New Azerbaijan Party with a large majority. Although the government did offer more seats to opposition parties, the inability to reach a compromise on the number was one of the primary reasons given by the five major parties that constitute the Movement for Democratic Elections and Democratic Reforms for their decision to boycott the election.

The process whereby Territorial Election Commission (TEC) and Precinct Election Commission (PEC) members were chosen was not transparent and in some instances was manipulated to favor the candidacy of President Aliyev. According to the election law, local social organizations (such as those representing the elderly or displaced persons) as well as political organizations with a candidate standing in the election were called upon to nominate educated members to staff these local electoral organs. TEC and PEC members were selected by random drawings from among these nominees. The members of the TECs and PECs subsequently elected their chairman, deputy chairman, and secretary by secret ballot.

However, opposition representatives from diverse parties as well as international observers reported instances in which this process was subverted when the aforementioned social organizations were pressured to nominate members (as well as non-members) sympathetic to the governing party. IRI observers noted that many local election officials held similar election positions prior to Azerbaijani independence. Suspicions and concerns that elections will be compromised in terms of impartiality and fairness will persist as long as the same officials from Soviet times continue to administer elections.

The CEC established 82 TECs that were charged with overseeing the vote in their respective districts. These districts in turn were subdivided into approximately 4,300 precincts, each of which was provided with a Precinct Election Commission (PEC) to administer the vote at a specific polling station. The list of registered voters in a given precinct could not exceed 1,500.

C. Election Procedures

In general, Azerbaijani election law grants all citizens 18 or older the opportunity to cast a ballot, including people whose names do not appear on the voter list, people who have recently moved, the homebound and the incarcerated. But the absence of adequate safeguards left ample room for fraud.

Azerbaijani citizens receive no voter identification card, but the individual's name appears on the voter list at the corresponding PEC with a registration number. PEC officials were instructed to allow unregistered voters with an Azerbaijani passport, an old Soviet passport, a "Form 9" identification card, or a military identification card to vote in the precinct where they reside. Members of the military were instructed to vote at the PEC nearest their living quarters; at larger military barracks, polling stations were established especially for members of the armed forces.

Under the election law, registered voters who moved were supposed to have their name stricken from the voter list in their former precinct, whereupon they were given a certificate to present at the polling station near their new home on election day. However, those who failed to take this step were still allowed to vote. Their identification numbers were noted on the supplemental voter list provided for such voters, ostensibly to be checked later.

Recommendations

When monitoring an election, the International Republican Institute thoroughly examines the election's administration and the environment under which candidates, political parties and electoral blocs compete. Based on this analysis, IRI offers the following recommendations in the spirit of cooperation and in the hope of contributing to improved conditions in upcoming Azerbaijani elections.

Election Environment

I. The election boycott of several major opposition political parties severely affected the election environment. Significant improvements were made in the draft presidential election law when the opposition and government worked together to amend the legislation. With the collapse of dialogue, however, the pre-election environment deteriorated. The opposition's decision to boycott denied Azerbaijani citizens an opportunity to have a true choice in the elections and robbed the opposition of an opportunity to have its message heard. The government's decision to use violence in response to some opposition boycott rallies detracted from the advances made in the pre-election period.

Recommendation

All major political parties and the government should make every effort to enter into a dialogue to make improvements to Azerbaijan's electoral system. Long-delayed local elections are tentatively scheduled for 1999 and full participation of all parties in these important elections would make great strides in improving the confidence of Azerbaijan's electoral system.

Central Election Commission

II. The composition of the Central Election Commission was one of the major reasons cited by the opposition for boycotting the elections. Although government officials did offer the opposition more seats on the CEC, both sides' inability to reach a compromise had a detrimental effect on the pre-election period and contributed to public distrust of the electoral process. In addition, IRI delegates, in their pre-election assessments, noted a lack of transparency and reports of manipulation in the selection of election commission officials at the territorial and precinct levels.

Recommendation

The Law on the Central Election Commission should be amended to ensure more equitable representation of participating political parties. The CEC should act as a truly independent, autonomous agency with clearly defined enforcement powers and budget authority. It should be independent from both the executive and legislative branches in its decision making. Additionally, the Azerbaijani electoral system would enjoy much greater public confidence if there was greater transparency in the formation of the territorial and precinct level commissions. IRI also recommends that in future elections, new election officials be recruited on all levels, as a further step to build trust in the election process.

Independent Media

III. Although steps were taken in the pre-election period to abolish state censorship, true media freedom does not exist in Azerbaijan. Since the election, the government and parliament have taken measures to restrict the press. A truly informed Azerbaijani electorate, one with adequate opportunity to gain objective and unbiased information on candidates, political parties and election blocs, and national and local issues, will not develop until evolution of a truly independent news media that is accessible to voters.

Recommendation

National and local governments should not attempt to control news outlets and should take steps to ensure freedom of the press. Independent media should be allowed to flourish. Media subsidized by government entities should be guaranteed full editorial independence. Finally, the Milli Mejlis should approve legislative shields to uphold the basic freedoms for journalists that are outlined in the constitution.

Tracking the Ballots

IV. In the weeks prior to the election, IRI staff and delegates heard concerns that vote tabulations would be manipulated at the PEC and TEC levels. Four out of nine IRI delegate teams witnessed instances of fraud at the PEC level, including ballot stuffing. An important part of IRI's election day monitoring was to track the protocols from the PEC to the TEC level. In one instance, an IRI observer team in Baku initially was denied access to the TEC level and then saw protocols recorded in pencil. Other delegates also observed protocols recorded in pencil at the PEC level and then changed at the territorial level. In some cases, PEC chairmen did not transport their ballots at all to the TEC level, and just delivered the protocols.

Recommendation

The Central Election Commission should implement a more transparent and systematic means by which election results and ballots are transported, supervised and logged in at the PEC and TEC levels. These steps should be included in all training programs for election officials and party pollwatchers. In future elections, ballots should be printed numerically to limit

possibilities for ballot stuffing and other forms of fraud. Stringent anti-fraud measures should be implemented to prevent tampering at the territorial level. Finally, ballots should be maintained securely, in an orderly fashion, at the TEC level for at least 30 days after the election to permit challenges and recounts.

Reporting Election Results

V. Under the presidential election law, PECs were required to report their protocols to the TEC level within two days. The TECs were required to report their results to the CEC within five days after the election. President Aliyev declared victory two days after the election. Article 56 of the presidential election law states that the CEC must publish the official results of the election as well as information on territorial and precinct elections commissions 30 days after the elections. The CEC published TEC results on December 8 but, as of this writing, has yet to publish PEC results.

Recommendation

The Central Election Commission should announce preliminary results throughout the vote count process, with periodic updates as results are tabulated at the TEC levels. The CEC should comply with existing law and publish final results as stipulated. This publication should include results from the TEC and PEC levels.

Campaign Finance

VI. Although the government provided all candidates with limited funds for their election campaigns, additional financial resources for a majority of the political parties were scarce. A difference in the funds available to the governing New Azerbaijan Party was evident in its ability to mount a much larger campaign. This contrast led to a great deal of public speculation as to the source of these funds.

Recommendation

Although Article 45 of the presidential election law calls for public disclosure of campaign expenses within 10 days after the elections results are published, funds received and spent by political parties and individual candidates should be published prior to election day. Strict penalties should be imposed for failure to comply. Additionally, strict penalties should be created and enforced for misuse of state resources for a political campaign.

Mobile Ballot Boxes

VII. The CEC's Official Election Day Manual outlined procedures for the use of mobile ballot boxes, such as stipulating a 24-hour deadline for mobile box requests and requiring that two PEC

members accompany the mobile ballot box at all times. However, the administrative procedures for the use of mobile ballot boxes caused some confusion and was not sufficient to discourage opportunities or attempts at fraud. Voters who were ill or otherwise unable to visit their polling station on election day could apply up to 24 hours before the election for a mobile ballot box to be brought to their home. However, IRI observers witnessed PEC chairmen allowing voters to sign up for the mobile box the day of the election. In Yevlekh, at polling station 21 in TEC 21, IRI delegates observed that no one had registered for the mobile box at the beginning of the day. At the end of the day, however, there were three boxes full of mobile ballots. Such occurrences raise serious questions about the security of the mobile boxes.

Recommendation

Strict adherence to the election law should be required regarding the use of the mobile ballot box, especially in maintaining necessary security precautions to protect against ballot fraud.

Election Law Penalties

VIII. The 1998 election law contains guidelines and requirements for election administration and campaign activities. Penalties, however, for election law violations were not included.

Recommendation

IRI recommends inclusion of specified penalties for election law violations in future election codes.

Appeals Process

IX. The election law allowed candidates to file complaints with the Central Election Commission throughout the election process. Presidential candidate Etibar Mamedov filed several complaints with the CEC during this time on matters ranging from difficulties in holding public rallies to election violations on the day of the balloting. Additionally, Mr. Mamedov filed a complaint to the Supreme Court on October 16 regarding the final election results. In his appeal, he asked that the court annul the results of the election based on National Independence Party pollwatcher reports of fraud and that criminal proceedings be brought for election violations. The Supreme Court rejected the appeal the following day but most disturbing, did not allow any of the evidence presented to be admitted and stated that obtaining protocols from the TECs or PECs was not relevant. Azerbaijan's General Prosecutor is currently investigating charges of election fraud from PECs where serious violations were reported and election results overturned.

Recommendation

Appeal procedures as spelled out in the Law on the Election of the President of the Republic should be adhered to and all complaints fully vetted. Results from the General

Prosecutor's investigation into election fraud should be made public. In order for greater public confidence to develop in Azerbaijan's judicial system, a clearer delineation of separation of powers between the judiciary and the presidency should be established.

Voter Lists

X. While the practice of employing supplemental voter lists is common in other former Soviet republics, it could provide an opportunity for individuals to cast multiple ballots at different polling stations. It seems unlikely that election officials attempted to take on the daunting task of cross checking these lists once official results were announced.

Recommendation

Anti-fraud measures should be introduced at the polling station to ensure that multiple voting does not occur. Examples include the use of an indelible mark on the voter's hand or a stamp on a voter registration card.

Ballot Security

XI. Ballots were delivered to the polling station commissions prior to the election. At most polling stations visited by IRI, the commission chairman stated that ballots had been secured until election day, usually in a locked safe with local militia standing guard.

Concerns regarding ballot security, however, were raised on election day. Many IRI delegates saw numerous unused ballots, some of which were pre-signed and pre-stamped, unattended and within easy access of anyone at the polling site.

Recommendation

IRI recommends rigid guidelines to safeguard ballot security. Ballots should remain in a secured area up until the time they are needed for distribution to voters. On the day of elections, measures should be taken so that only election commission members have access to ballots.

Baku Regional Report

Azerbaijan Presidential Election - October 11, 1998

I. Summary

Three IRI teams observed presidential polling in Baku, monitoring the vote in 28 precincts and counts at three territorial election commissions. Prior to the October 11 election, IRI Baku teams observed an opposition rally and conducted pre-election briefings. The three teams included: Team I, Ambassador Mark Palmer, delegation leader, Lorne Craner, IRI President, and Patricia Stolnacker, IRI program officer for the Caucasus; Team II, Grace Moe, IRI Vice President, and Beata Siakowska, IRI program accountant; and Team III, Judy Van Rest, Regional Director, CIS programs, and Paul Fagan, CIS program assistant.

II. Pre-Election Environment

IRI's 18-member delegation received thorough briefings in Baku on Azerbaijan's election environment and updated information on the election law prior to deployment to the regions. The delegation was briefed on October 8 by representatives of presidential campaigns and the opposition movement, Movement for Democratic Elections and Democratic Reforms (SIDSUH). Candidate representatives who participated include: Agabey Askerov, New Azerbaijan Party; Maharram Zulfugarov, National Independence Party; Agayev Nizami, Independent Azerbaijan Party; Altay Malikgasimov, Association of Victims of Illegal Political Repression. SIDSUH representatives included: Ali Mammad Nuriyev, Popular Front; Niyazi Mehdy, Musavat; Hasrat Rustamov, Azerbaijan Democratic Party; Zakir Mammedov, Liberal Democratic Party; and Nuraddin Mammadly, Foundation for Ecology and Democracy.

Delegates received additional briefings from U.S. Ambassador Stanley Escudero, Phyllis Greenfield and Bill Damour of the International Foundation for Electoral Systems, and IRI staff who had conducted pre-election assessments for the cities of Ganja, Yevlakh, Guba, Lenkoran, Sumgayit and Nakhchivan. Delegates then deployed to the regions October 9 for pre-election meetings prior to observing the vote and the count on October 11.

Following deployment of the regional teams, IRI delegates assigned to Baku attended an opposition rally on Friday, October 9. The rally began peacefully but provoked gratuitous police force and resulted in the arrest of as many as 20 people. The IRI delegates also met with leaders of SIDSUH on October 9; Isa Gambar of the Musavat Party and Albufez Elchibey of the Popular Front. On October 10, the Baku delegates met with Ambassador Escudero, Jafar Valiyev, Chairman of the Central Election Commission, and Etibar Mamedov, National Independence Party candidate. The teams also met with President Heydar Aliyev, who assured IRI that all arrested in rallies on September 12 and October 9 had been released.

III. Election Day

Team I visited 12 polling stations (including accompanying one team of election officials with the mobile box) and watched the vote count at one site near the center of the city. The team found that almost all polling stations had party pollwatchers from the New Azerbaijan Party and National Independence Party present. For the Sake of Civil Society, a local NGO, was present at several sites and the Center for Democratic Elections, a NGO sponsored by the Motherland Party, was at five precincts that Team I observed.

Team II visited six polling sites and reported that the same groups of pollwatchers were present, notably the Center for Democratic Elections. Team III observed polling in 10 sites, also reporting the presence of pollwatchers at all sites, particularly for President Aliyev and candidate Mamedov, with the exception of one site where there was none. Upon inquiry, IRI noted that few of the pollwatchers understood their role and responsibility in the election.

Overall, voter turnout in all the precincts was light in the morning and increased throughout the course of the day. IRI delegates observed only a few instances of people voting together in a booth or out in the open. Voter identification procedures seemed to be widely followed, with the teams witnessing or being told by domestic observers that people were turned away who did not have proper I.D. or who tried to vote for their spouse. All precincts visited had the standard voting instruction posters and brochures on display although most sites failed to post non-partisan candidate information. Throughout the day, the IRI teams observed that the election law's 24-hour deadline for the mobile ballot box was time and again waived, so that anyone who requested the box on election day was allowed to vote.

In many cases, election administration irregularities seemed to stem from lack of knowledge of the election law, rather than deliberate fraud. In several precincts, election commissioners proudly showed IRI delegates pre-stamped and pre-signed ballots, explaining that they were trying to avoid causing long lines for voters. At times, however, this practice seemed suspect. For example, IRI Team I delegates observed voting at a prison in the Naramonov region of Baku (PEC 28 and TEC 7). When IRI arrived at the prison at 9:45 a.m., the team was greeted by pollwatchers from the New Azerbaijan Party, the National Independence Party, and the Center for Democratic Elections and were told they had been denied access to observe the vote count. About 15 minutes after IRI arrived, however, prison officials allowed everyone in to observe. IRI delegates found that the ballots had been stamped and signed at the TEC level prior to arriving at the prison and election commissioners had no means for securing or keeping track of them.

IRI Team II witnessed at one precinct much confusion over couples going into the ballot booths together. Team II also observed that in several instances, elderly voters were unable to see in dim booths and preferred to cast their ballots outside.

IRI Team III did see an instance of the curtains of the polling booths kept open in one precinct. When the PEC chairman was asked about it, he told IRI this was to ensure only one

voter entered the booth at a time. Posters of President Aliyev also were prominently displayed at that precinct, and only taken down when the PEC chairman saw IRI delegates take note of them. In two precincts, IRI Team III saw three people in the voting booth together, with neither observers or the PEC chairman correcting the situation. The prevalence of family voting in other CIS countries where IRI observed elections was much more than witnessed in Azerbaijan.

Team I -- The polling site at which the IRI team observed the vote count was PEC 2, TEC 1 in the Binagady region of Baku. IRI first visited the site at 7:00 p.m. and noted several irregularities that prompted the team to choose that precinct as its closing site. For example, when the IRI team arrived they were notified by a domestic observer from the National Independence Party that he had been present all day and was counting the number of people voting. The observer left at 5:00 p.m. to accompany the mobile ballot box and was gone for one hour. The observer noted that his vote count at 5:00 p.m. was 300. When he returned, the vote count was at 600, casting doubt that so many people had voted in such a small time period when the rest of the day had shown much smaller numbers.

Additionally, when the IRI team first arrived at the precinct site, the team was told that the precinct had received 1,469 ballots (exactly the amount of registered voters for that site). When the question was asked how many votes had already been cast that day, the team was told 750. Yet when IRI delegates viewed the safe where the unused ballots were kept, they saw four packets containing 200 ballots (unopened) and one full open pre-stamped and pre-signed packet in the safe. This number of ballots equaled more than the number that IRI had been told, lending validity to the domestic observers' claim that more ballots were cast than voters.

Upon returning to this precinct for the closing, the domestic observer from the National Independence Party claimed that the PEC chairman had just stuffed a handful of ballots in the box. A major disturbance ensued with the observer eventually being expelled from the room. When the vote count finally began, at first the PEC Chairman would not allow any observers to stand near the box when it was opened. But after much discussion with IRI President Lorne Craner, he allowed the IRI team, along with the representative from For the Sake of Civil Society, to stand behind the commissioners and watch the vote count and also to peer into the box before the ballots were dumped on the table. After several rigorous shakes, the box was opened and IRI observers were able to look inside where they saw several wads of ballots folded together. When the ballots were finally dumped on the table, IRI observed more stacks of ballots folded together and witnessed the PEC Chairman pulling them apart. In total, IRI's team saw 18 ballots that had been stuffed, all cast for President Aliyev. Additionally, the team witnessed a wad of ballots that the PEC chairman put in his pocket when he thought no observers were looking.

Throughout the evening, IRI asked repeatedly to look at the voter list to see how many voter signatures there were. They were repeatedly denied permission. There were also a number of people in the room who were not members of the election commission that seemed to be taking part in the vote count process. One of these men was not an election official but a self-described ex-KGB officer who was evidently an authority figure. Some of other pollwatchers were

domestic observers from the Center for Democratic Elections, the NGO supported by the Motherland Party, who kept coming into the room declaring that they saw no violations. At the end of the counting process, the domestic observer from the National Independence Party that had been expelled was allowed back in the room and IRI overheard him being threatened by the ex-KGB officer.

The final protocol was prepared and IRI observers were given a copy. IRI followed the PEC chairman as he delivered the protocols and ballots to the next room which was TEC headquarters. Upon checking the next day, the official results recorded at the TEC level corresponded with the protocol given to IRI.

Teams II and III observed the count at the same site where two precincts were located, PEC 18 and 19 in TEC 8. The proximity of the two precincts in the same room in itself caused some confusion. While the IRI delegates saw no evidence of ballot stuffing, there were problems with the count process, particularly for PEC 18, where commissioners argued about the process, and the IRI delegate was warned quietly by one commissioner that fraud would be committed in the count. The ballot totals were off by only three votes. Finally, the chairman of PEC 18 filled out the protocol so the number of ballots (used, unused and spoiled ballots, mobile and supplemental ballots) matched the number of ballots received.

Team III witnessed a count in PEC 19 that was, overall, properly conducted. One observer from the New Azerbaijan Party did attempt to help in the count by grabbing a pile of ballots and begin sorting them. The PEC chairman made no attempt to stop him until the IRI delegate asked if the law allowed observers to assist. Then he asked the man to step aside.

PEC 19 chairman initially told the IRI delegate that he would provide a separate and stamped protocol but later said he did not have time, and signed and stamped the hand written tally made by the delegate off the protocol. PEC 18 chairman also refused to provide any protocol copy for the IRI delegate but finally signed and stamped a similar hand-written tally, recorded from the final protocol.

Upon leaving for the territorial commission, both PEC chairmen took the protocols and ballots and disappeared into a building located next to the site. IRI delegates were not given an explanation as to why the chairmen did so.

IRI then followed the PEC chairmen to TEC 8. The IRI delegates initially were barred from entrance by militia, despite showing credentials and citing the passage from the election law that requires observer admittance to the TECs. The delegates made a call to the presidential administration office and were permitted to enter the TEC about a half-hour later. The delegates witnessed the TEC secretary record the protocols in pencil. The chairman from PEC 18 was informed that his numbers were incorrect and that a recount would probably take place, but no discussion was held as to when this would take place. The two PEC chairmen were allowed then to leave.

Ganja Regional Report

Azerbaijan Presidential Election - October 11, 1998

I. Summary

Observation delegates Thomas Herman and Eugene Zelenko traveled to Ganja to observe the October 11, 1998, presidential election. They arrived two days prior to the election to assess the pre-election period. They met with several representatives from the local government, election commissions and political parties. They visited a total of nine polling stations on election day, and concluded that there were severe violations of the election law in the region, especially at the site they closed.

II. Pre-election environment

The IRI team first met with the chairman of TEC 16, on October 10. He works as the director of a plant that produces electrical appliances. The plant also houses the polling station. The building was surrounded by multiple police forces and the chairman explained that they were there to secure safe delivery of ballots to the PECs. It seemed that there was some confusion about the transport of the ballots because the interview was disrupted several times by commissioners asking about the delivery of the ballots.

IRI asked the chairman about his knowledge of the election law and his competence as chairman. He eluded the questions for unknown reasons. When asked what the biggest difference was between the new and the old election laws, he answered in one general word, "huge." IRI pressed for a more precise answer and he said that the biggest difference was the appearance of international, domestic, and partisan observers. He expected no violations on election day and extolled the election process as Azerbaijan's first step towards the development of democratic institutions. He expressed his satisfaction with the assistance the CEC provided. The only problem the chairman foresaw dealt with the voter lists, caused by the migration of refugees.

IRI observers then tried to meet with the chairman of TEC 17. However, they were informed that he was monitoring the delivery of ballots to the PECs. Instead they met with his deputy. TEC 17 included 44 PECs, six of which closed because they are a military installation, military hospital, or a detention center. The ballots cast at a closed site were not counted at that site, but rather at an open station. The IRI team asked several specific questions about the storing of the ballots, and the composition of the commission, but the deputy said only the chairman knew the answers. He tried to answer a question relating to the composition of the TECs, but seemed very confused. IRI assessed from the answer he gave that all parties were not given an equal opportunity to send representatives to the TEC. He also said approximately half of the current commissioners participated in previous elections.

When asked about the procedure to deal with complaints, he answered that there would not be any complaints or violations. He also told IRI that TEC 17 commissioners had composed a list of

people who moved to other countries but were still registered as eligible voters belonging to TEC 17. He expected no problems on election day, except he thought that there was a possibility that the boycotting parties would cause problems.

The team then met with the local and national representatives from the NGO, For the Sake of Civic Society. They informed IRI of their role during the election. The meeting also included the chairman of the local branch of the Azerbaijan Popular Front (APF), and several representatives of the National Independence Party (NIP). They said that their organization divided into eight zones, each zone covering four to nine regions of the country. The group has a membership of more than 3,000, each of whom received necessary training and education. They also informed IRI that one member of For the Sake of Civic Society sat on the CEC.

In contrast to representatives of the TEC, the opposition parties and For the Sake of Civic Society anticipated numerous violations of the election law. They claimed observers would be barred from some election sites. NIP reported that their members experienced problems when they tried to register additional PEC members. According to their reports there were numerous cases of intimidation on behalf of the Head of Ganja Executive Committee aimed at the family members of the opposition. They filed a report with the CEC describing the harassment and violations, but received no response.

The group told IRI they were very pessimistic about the election day procedures. They predicted violations and fraud at every polling station especially in the evening, near closing time. They also recommended looking for switching of the ballots boxes, family voting, and voting using the data of registered voters that no longer lived in the precinct. They suggested that domestic as well as international observers would be refused a copy of the protocol and there was the chance that IRI and other observers would be arrested.

IRI then had a separate meeting with representatives from APF. They remarked that their party boycotted the elections because the new election law was unfair and left the door open to violations of the election process. APF was also upset with the media's biased coverage. One of the activists disclosed that he was summoned by the police for taking part in the October 9 rally in Baku. They said they expected a voter turnout of about 26 percent.

IRI also met with the head of the Ganja Executive Committee. He offered his assistance in accommodations and wished IRI success during the observation. He reassured IRI that the elections were going to be democratic and representatives of the executive branch of power were not going to interfere with the election process.

IRI then visited PEC 20 / TEC 17, which was a school. The team heard reports that commissioners had opened the sealed ballots and started to stamp and sign them. They met with the chairwoman, who looked nervous and scared. They asked her some general questions concerning the election preparations and asked if they could see the ballots. After hesitating, she ushered them into the office where the ballots were stored in a safe. On the way, the principal of the school said to the chairwoman, translated by the interpreter, "Show them only the sealed envelopes." In the

office, the principal introduced herself as a non-partisan observer. There were five others in the office. The chairwoman took one sealed envelope from the safe, but opened envelopes were in clear view. When asked about the opened ballot envelopes, she replied that they received some opened envelopes from the TEC.

IRI later met with the chairman of the Ganja branch of NIP and a NIP member of parliament. They informed IRI that their party approached the elections well organized and with determination. The chairman said the party was active in Ganja, distributing party literature, participating in rallies, and issuing a party newspaper. However, he feared many problems in the elections such as intimidation, the intrusion of the work of the PECs on behalf of the representatives of the executive branch, and illiteracy on the part of PEC chairpersons and commissioners.

III. Election Day

The IRI delegation arrived at PECs 20, 22 and 35 / TEC 17 at 6:30 a.m. All three PECs were located in the same secondary school that was visited by IRI the previous day. The IRI team watched the opening of both PEC 20 and 22 at precisely 7:00 a.m.

Throughout the day New Azerbaijan Party (NAP) pollwatchers met IRI at several polling stations as soon as they got out of the car, ushering them into the stations. The NAP observers repeatedly intruded into conversations between IRI delegates and PEC chairmen and commissioners, answering questions for them, listening attentively to what was being said, and doing their best to persuade IRI delegates to conclude that the elections were democratic and transparent. IRI observed on many occasions, commissioners who were employed as teachers or librarians at the school which was used as a PEC, while at the same time the principal or supervisor of the school was acting as an independent observer for NAP.

IRI received information from the local chairman of NIP, that commissioners from PEC 6 / TEC 17 had stacks of ballots already marked for Aliyev in their pockets. The IRI team decided to investigate the charges. They arrived a half hour later and saw a large gathering of police officers and plainclothes officials. The atmosphere in the polling site was very tense. IRI spoke to the PEC chairperson and domestic observers from NIP and NAP. A NIP observer said he witnessed an unknown person try to drop several ballots premarked in Aliyev's favor into the ballot box. He said the PEC chairperson and a NAP observer disputed his report. IRI decided to stay at the PEC for further observation. Towards the end of the day more and more police gathered, multiplied by plainclothes officials. They began to throw menacing glances towards the IRI delegation, looking frustrated with IRI's presence. The team left soon thereafter.

IRI closed election day at PEC 19 / TEC 16. As the count began and the chairwoman saw that IRI planned on staying for the duration of the count, she started crying. IRI looked at the voter list, which listed 786 signatures for those who had voted, but the number of ballots in the box was 1,030. The discrepancy was 244 votes. The chairwoman completed the first three items of the protocol which were the number of registered voters, number of voters on the supplemental list, and the number of ballots given to PEC. The commissioners signed the protocol, stamped it and went to

TEC 16. IRI followed the commissioners to the TEC. IRI arrived and found no line. The PEC 19 commissioners were supposed to hand ballots and protocol over to the commissioner of TEC 16; instead they sat in the back of the room discussing what to do. Several times TEC commissioners advised them on how to resolve the problem. The PEC 19 commissioners procrastinated for about two and half hours, but finally turned over the results to the TEC. IRI then viewed the protocol and saw entirely different numbers. The protocol listed 1,011 ballots in the box instead of the previous 1,030 ballots.

Guba/Qusar Regional Report

Azerbaijan Presidential Election - October 11, 1998

I. Summary

Two teams were sent to the Guba region to observe the October 11, 1998 presidential election. IRI observation delegates Blanche Fawell and Michael Magan composed one team and the other led by Paul Grove. Both observation teams met with leaders of various political parties, the mayor of Guba, and members of the TECs in Guba and Qusar. At each of these meetings, except for those with the opposition parties, all expressed their satisfaction with the process and the support they had received from the Central Election Commission (CEC) and felt prepared for election day. When asked about past elections, they assured the IRI delegates that these elections would be run differently and reminded them that Azerbaijan had just recently achieved independence.

II. Pre-election Environment

IRI conducted all meetings prior to the election in Guba. During meetings with the opposition parties participating in the election, IRI heard complaints their campaign posters had been taken down throughout the town. IRI was also told that the local police randomly took passport numbers of people throughout the region.

Party officials and elections officials from Guba told IRI that they expected international observers and were prepared for them. Accordingly, the two observation teams decided to travel to the nearby town of Qusar because U.S. embassy officials told them that Qusar was not going to be monitored and local officials were not expecting international observers. This became more apparent when the IRI translator met with citizens of Qusar and was told that PECs were not expecting international observers. As a result, the teams decided to cover both areas on election day.

III. Election day

Both teams opened in Guba and then covered the surrounding areas and Qusar on election day. Both teams noted that PEC officials, particularly chairmen, demonstrated a bias toward Aliyev. Posters of Aliyev were prominently displayed in most polling stations. At one site in Guba, the poster was directly over the ballot box. In addition, there were blatant attempts of coercion by executive officials (not members of the election commission) in some stations. Some of the officials directly involved themselves in the voting process, following voters into polling booths or standing over the ballot box while ballots were deposited. In one Guba polling station, an official sat by the ballot box and barked instructions to voters. His presence and action were interpreted by the delegation as intimidating. Many polling stations were also observed by the Center for Democratic Elections, which was clearly partisan.

Both teams witnessed unusually high voter turnout early in the day in Qusar. Turnout was especially high in rural areas close to the Russian border. When IRI asked to see the registry it was clear that the same person had signed the registry over and over again. Observers also noted that the majority of the ballots in these areas were pre-signed, pre-stamped, and pre-cut. It was interesting to see the difference between voter turnout in Guba, where election officials told IRI they expected a contingent of international observers, and other towns in the region. In Qusar, claimed turnout on a regional level was exactly 80 percent, a number that did not correspond with the delegates' observations.

Some polling stations, particularly in remote, mountainous areas, lacked election materials from the TEC, such as posters, sample ballots, and pens. Generally, PEC officials expressed an understanding of election procedures and regulations. However, as stated before, most ballots were pre-stamped, pre-signed, and in some cases, pre-cut. Most polling stations utilized secret ballot booths, although family voting was observed on several occasions.

Most domestic observers IRI encountered were from the executive branch or New Azerbaijan Party (NAP). One "independent" observer wore an Aliyev campaign button on the lapel of his jacket. Some pollworkers also wore Aliyev pins.

At the opening of the PEC 57 / TEC 42 in Guba, PEC officials arrived late and not all were present. Posters of Aliyev were taken down as the polling station opened. The ballots were stored in the PEC chairman's home and were not counted prior to the opening of the poll. The first ballot was cast between 7:20-7:30 a.m. because of the delay of the opening. Posters explaining voting procedures and sample ballots were missing from this station. The ballot stamp had no ink pad. This differed from the other team's experience, in which the polling station was slow to open but had all the necessary materials.

After visiting several polling stations in Guba at the beginning of the day, both teams traveled to Qusar. IRI was informed at the first station visited that election officials were not prepared for random visits by international observers. The suspicions were confirmed at polling stations throughout the day.

Both teams observed the count in Qusar. The count went well at one of the polling stations. IRI followed the pollworkers to the local TEC, and met with the director of the local TEC, who explained how things were going regarding the collection of materials and protocols. During this meeting, the TEC chairman shared with IRI that turnout in Qusar was at least 80 percent with 100 percent of the precincts reporting. Both IRI teams agreed that 80 per cent was not possible.

There were other problems that the other team observed. While observing the vote count at one PEC 59 / TEC 44, the power failed at 7:57 p.m. The IRI delegate had a

flashlight and shined it over the ballot box to ensure its safety. The IRI interpreter overheard one PEC official remark, "when is he [the foreign observer] going to move?" When the ballot box was taken to the PEC chairman's office, the IRI observer followed and sat with the box. Two domestic observers from NAP were also present. The power was restored at 8:56 p.m.

When the IRI delegate reviewed the voter list in PEC 59, several names appeared to have the same signature style. A pattern of two consecutive, similar signature styles was evident throughout the voter list. When the ballot box was emptied, 10 unfolded ballots were stuck together. They had the exact same markings for Aliyev, which led the observers to believe that they were stuffed. During the count, the PEC official responsible for counting Aliyev's ballots was reluctant to do so in IRI's presence. When it was clear IRI intended to wait as long as it took for the commissioner to count the ballots, she began to do so in a less than transparent manner, quickly and with her arm covering most of the ballots.

More than 30 ballots for Aliyev were improperly marked, marked for a different candidate, or not marked at all. These were disqualified by the PEC chairman. When the counting concluded and the protocol was prepared, there was confusion as to whether the PEC had 10 days or 24 hours to deliver the ballots to the TEC.

When IRI arrived at TEC 44 at 12:45 a.m., the PEC 59 chairman did not deliver the protocols to the TEC chairman. He said he was instructed to meet with the mayor of Qusar first. Several other PEC officials with protocols were also observed waiting to see the mayor. A member of NIP reported that the mayor reviewed the protocols and changed the numbers in favor of Aliyev.

During a discussion with the TEC chairman at 1:15 a.m., IRI expressed concern with the vetting of protocols through the mayor's office. The chairman denied that any such action had taken place. The TEC chairman then stated that PECs had 10 days to deliver ballots and other election related materials to the TEC. The confusion may have been caused by the translation of election regulations.

The PEC's protocol was accepted by the TEC, without interference from the mayor's office or executive officials. IRI met with the mayor at 1:45 a.m. to inform him of "rumors" that he was changing protocols. He denied the allegations, without expressing surprise. He stated he was in his office "on duty," waiting for the elections to end. IRI observed that there were many vehicles outside the mayor's office, and a young guard stated that police and other officials had been visiting the mayor throughout the night.

Both teams returned to Guba to assess the situation there. The situation there was markedly different than in Qusar. There were less violations witnessed and the PEC commissioners had a better knowledge of election day procedures.

Lenkoran Regional Report

Azerbaijan Presidential Election - October 11, 1998

I. Summary

IRI delegates John Dunlop and Vadim Naumov traveled to Lenkoran to observe the October 11, 1998, presidential election. They arrived two days prior to the election and met with representatives of the local government, political parties and election officials to assess the pre-election environment. On election day the team visited 14 PECs, including a military base. They reported that voting was conducted in peaceful atmosphere, but witnessed many violations of the election law.

II. Pre-election Environment

The IRI delegation first met with the mayor of Lenkoran. She told the IRI team that the pre-election logistics were almost completed and all the polling stations were prepared. The mayor relayed that in the weeks prior to the election, all candidates and parties had the opportunity to conduct their meetings and rallies without any obstacles, including the boycotting political parties.

The following day, the IRI team met with the chairman of the Territorial Election Commission 22 (TEC). When they arrived, the chairman was distributing ballots to PEC chairmen. The chairman said all PEC's in his territory were prepared for the election and foresaw no problems.

IRI then met with representatives from Etibar Mamedov's National Independence Party (NIP). There were many party activists (about 50) in the headquarters, including local party chairman and the national representative of Etibar Mamedov. The chairman said each polling site would have NIP pollwatchers. He also expressed his optimism about women voting. He estimated about a 70 percent turnout rate for the region and a 10-12 percent boycott rate. However, Mr. Mamedov's representative predicted unfair elections because of the increased government pressure on voters to vote for President Aliyev.

IRI team members later visited Azerbaijan Popular Front Party (APF) headquarters and met with the local deputy chairman. He talked about the political environment leading up to the election, in particular an incident that emerged between his party and the police. He reported that APF informed the government of its intentions to hold a rally October 7 at 5 p.m. As 70 APF members were preparing for the rally, 200 policemen surrounded APF's headquarters and 50 entered the office at 3 p.m. The police announced that they were prohibiting anyone from leaving the building in order to protect the peace and order of the city. No one was arrested. The police simply surrounded and occupied the office. They explained to the party activists that they had no intentions of becoming hostile or aggressive. The police left around 7 p.m., and successfully

prevented the rally.

APF party activists reported that pressure was put on territorial and precinct commission members by the local government. According to their sources, election commissioners were called into the governor's office and told to deliver no less than 80 percent of votes for Aliyev, or be fired or arrested. APF members discussed more instances of intimidation by local authorities. They said the invitation process was unfair due the fact that many of them did not receive their voting invitations, while invitations were sent to dead people. Traffic police stopped cars and trucks on highways to collect passport information to put names on the supplemental lists. Pensioners were requested to bring their passports to local government agency under the pretext of necessary re-registration, otherwise there could be "technical difficulties" in getting their pensions on time. The Popular Front leader also stressed the fact that candidates did not have equal opportunities for campaigning. In spite of all their difficulties, he said that APF would try to send their pollwatchers to as many polling stations as possible. He said, "taking into account our boycotting status, we will manage to collect necessary information through our people in commissions and among other pollwatchers."

Throughout the day, IRI delegates visited six polling stations prior to the election. During the visit to PEC 19 / TEC 2, located at Lenkoran railway station, IRI members saw a portrait of President Aliyev in a polling booth. At the request of the IRI delegates, the chairman of the PEC presented the protocol of acceptance of the ballots from TEC 22. The PEC received 385 ballots, in spite of the fact having 390 registered voters. The chairman also volunteered to show the ballots, which were already counted, stamped and signed by commission members.

III. Election Day

The IRI delegates arrived at PEC 19 / TEC 22 at 6:30 a.m. on election day. The chairman and commissioners opened the station according to the requirements, exposing and sealing the ballot box and mobile box in front of the pollwatchers. However, the commissioners counted the ballots the day before the election and also prestamped and presigned the ballots. They did cut the ballot when it was presented to the voter. This was common practice in all the polling sites visited throughout the day.

IRI observers reported that candidates did not have equal representation at the polling stations. Only the three to four candidates who had enough money, posted their platforms and biographies at stations. Voters had trouble identifying those candidates who did not have the opportunity and money to print their platforms and post them. Commission members and government observers usually commented that it was not their responsibility to provide such materials. At the military base polling station there were no candidate information sheets posted.

In practically all precincts IRI delegates met "representatives of Territorial

Election Commissions" and "independent pollwatchers," who usually were actively participating in the election process, interrupting and correcting polling station chairmen. Some of these poll watchers admitted that they were members of New Azerbaijan Party (NAP). IRI delegates saw how commission members and common voters obeyed suggestions made by these people.

Many people who voted asked for help from commission members. Twice IRI delegates saw commission members in a booth helping people vote. Most of these people were elderly or women. Women traditionally do not vote in this region of Azerbaijan, but turned out in high numbers during this election. In many instances commission members, and the so-called "independent pollwatchers," helped voters by telling them who to vote for. In several polling stations members of NAP, wearing large President Aliyev badges, showed voters how to go to voting booths and vote. This occurred in PEC 31 / TEC 22, PEC 36 / TEC 22.

Family voting was another concern of the IRI team in Lenkoran. There were several instances of family voting witnessed by IRI. New Azerbaijan Party pollwatchers at PEC 46 / TEC 23 said at the peak voting time, between 10 a.m. and 12 p.m., there were a number of cases of family voting. As IRI left this polling station a man rushed to them and hurriedly described the fraud he witnessed. He said the village mayor was at the site all the time, openly telling villagers to vote for President Aliyev, until the IRI delegation car arrived. The man also informed them that the commission members regularly stuffed the ballot box. During this conversation, another young man rushed to IRI delegates and angrily demanded to know what the other man told the IRI delegates. Both men did not identify themselves.

IRI delegates witnessed minor systematic irregularities in the Lenkoran region. Polling station commission members did not count ballots before opening the station; they usually opened envelopes with ballots at the moment they needed them. They then proceeded to pre-stamp and presign groups of ballots.

IRI delegates went to PEC 31 / TEC 22, located in the city of Lenkoran to observe the closing. The site closed at 8 p.m. The commission members proceeded to count unused ballots, then counted the ballots in the mobile box. IRI saw two bunches of eight to ten ballots folded together in the mobile box. After those ballots were counted, the main box was unsealed and opened. Again, IRI saw six bunches of two to three ballots folded together, when the contents of the box was emptied. Counting and tabulating was conducted without violations.

After completion of the counting, the commission signed the protocols and sealed the ballots. One copy of the protocol was given to IRI delegates. IRI delegates were told that TEC 22 did not require the PECs to bring the ballots to TEC. IRI delegates followed the PEC chairman to TEC 22 and saw the protocols handed over to TEC members. Then they stayed for another half an hour and witnessed other PEC commissioners deliver

protocols. The TEC commissioners then tabulated the results on a master sheet.

Nakhchivan Regional Report Azerbaijan Presidential Election - October 11, 1998

I. Summary

IRI observation delegate David Denehy deployed to the Autonomous Republic of Nakhchivan. Nakhchivan borders Iran, Turkey and is separated from the rest of Azerbaijan by Armenia. The region is politically important because it is the home to many of the nation's ruling elite, including President Heydar Aliyev and former President Abdulfaz Elchibey.

The IRI delegate arrived October 9 and met with members of the local government, election officials and political party members. Most of the party members foresaw President Aliyev winning the election, but admitted that the National Independence Party (NIP) candidate, Etibar Mammedov, was a strong competitor. On election day, 12 polling stations were visited, mostly in rural areas. The results were overwhelmingly in favor of President Aliyev.

II. Pre-election Environment

The IRI delegate left Baku October 9 for Nakhchivan. He met with delegates from the OSCE observer delegation to Nakhchivan. The meeting was conducted at the request of OSCE and allowed both parties to establish a strategy for election day as well as to receive a political update from the two long-term observers in the region. They noted that the election atmosphere was quiet, with few parties actively campaigning. This was attributed to the perceived strength of the president and the oversight of the regions elected officials. There was a sense by all that the region's leaders wanted to look good for the president by giving him a large plurality from the region.

As stated before, the region has a strong allegiance to the president, and consequently a strong local branch of the New Azerbaijan Party (NAP). The meeting with them was less revealing than with the opposition parties. They expected the elections to be free and fair and expressed their admiration for the incumbent president.

IRI met members of NIP. Although a nascent group, they showed strong signs of building a strong coalition force and organization in the months leading up to the election. During the meeting, NIP leaders complained that their campaign materials had been torn down. Their leader complained of police harassment including being brought down to police headquarters and visits from the police. He noted that he was concerned with the post-election period, after the international observers leave.

Azerbaijan Popular Front (APF) has a representative office in Nakhchivan. When IRI met with the local representatives, they said their organization was closely monitored by the police and military, who conducted surveillance operations of the headquarters.

The police sat in cars around the building, soldiers walked with weapons up and down the street, and police assumed positions within neighboring buildings during APF meetings. Three days prior to IRI's arrival in Nakhchivan, 10 APF activists went on a hunger strike to gain attention to their cause. IRI met with them. The strikers demanded the release of several APF leaders from jail, as well as democracy, free elections, and free speech, among other things. The government put the clamps on public information regarding the hunger strike, and few knew of its existence outside of APF.

III. Election Day

The opening of PEC 7 / TEC 84, at a school inside the city of Nakhchivan, went smoothly. The poll workers appeared knowledgeable and able. The opening went quickly and without apparent mistakes. There were two poll watchers present, one from NAP Azerbaijan and one from the Movement for Democratic Elections. IRI witnessed three people vote during their stay.

Although turnout was incredibly high in the polling areas visited, IRI actually saw few people voting. Many who voted appeared confused by the process, and had to be directed through the procedure for voting by those present, including poll workers. IRI saw a few instances of family voting. Again though, poll workers and watchers claimed high turnouts, but IRI saw few people at the polls.

IRI closed PEC 17 / TEC 89. The polling station chairman did not appear to know the rules for closing. He was constantly advised by the NAP chairman, who was the former polling station chairman. Even with some confusion over the rules, the count went according to CEC procedures as did the filling out of the protocol. The PEC was in a rather small village in the mountains, so the count went quickly. The commissioners were extremely professional and in no way attempted to exclude IRI from the count.

The IRI delegate followed the protocol from the PEC to TEC 89, and watched it entered into the final protocol after the numbers were verified. At the TEC, commissioners did not seem anxious to have IRI hanging around. They allowed IRI to inspect the rest of the building. However, on several occasions they attempted to get IRI to sit in a different room away from where the ballots were counted. The IRI delegate noted that some of the villages visited on election day were over 2 hours way by car from the TEC, but delivered their protocols to the TEC an hour and a half after the polls closed.

IRI collected the protocol from PEC 17 / TEC 89 and many others. IRI departed TEC 89 at 2 a.m. Many PECs had not arrived with their protocols because they were located in remote locations.

Sumgayit Regional Report

Azerbaijan Presidential Election, October 11, 1998

I. Summary

IRI staff members John Murphy and Vadim Naumov visited Sumgayit on October 1, and John Murphy returned to the city for additional meetings on October 3. They met with election officials at Territorial Election Commissions (TECs) 18 and 19; the mayor and his staff; the campaign chairmen for the governing New Azerbaijan Party (NAP) and the National Independence Party (NIP); and representatives of two of the boycotting parties, the Musavat and the Azerbaijan Popular Front (APF) parties. They also attended a rally for NIP candidate Etibar Mamedov on October 1. On October 11, IRI staff members John Murphy and Lena Auerbach observed the vote in Sumgayit, visiting 27 polling stations and watching the vote count at one site near the city center.

II. Pre-Election Environment

IRI staff met the mayor of Sumgayit October 1. He offered his view of his office's responsibilities with respect to the elections, explaining that mayors are enjoined to provide facilities for the election (such as adequate polling sites, telephones, and electricity) but, according to law, may not interfere in the conduct of the election. He said that the mayor was also charged with regulating the placement of campaign advertising (i.e., posters) in public places. He deferred questions about the campaign of President Heydar Aliyev, directing IRI staff to the local campaign director. All of these comments reflected the dictates of the election law. In response to a query regarding permits for public rallies, he said that five of the six candidates had already held rallies, with the exception of Etibar Mamedov.

The chairman of President Aliyev's reelection campaign in Sumgayit explained to IRI staff that President Aliyev was running for reelection on the basis of his accomplishments, namely, having stopped the war with Armenia, halted the country's hyperinflation, and begun the processes of joining the world economy and democratizing Azerbaijan's politics. He was unable or unwilling to provide a clear answer to queries about campaign finance.

IRI staff spent an hour discussing the campaign of candidate Etibar Mamedov with the NIP local chairman and deputy chairman. They were carrying out last-minute preparations for an afternoon rally with the candidate. While they quickly admitted that the local authorities had not thrown up any particular barriers to their rally, they said that Aliyev backers carrying placards with the president's picture had already arrived at the rally site to draw attention away from Mamedov. They argued that these individuals had been sent to interrupt the rally by directors of the Aliyev campaign.

The deputy chairman said his organization had succeeded in raising the full amount of private funds permitted by the election law. He also said that Azerbaijani

schoolchildren have been pressured to purchase photographs of President Aliyev at considerable expense, the largest of three photographs costing about \$3.50. He said that at least 180,000 of these photos had been sold, ostensibly bringing in over half a million dollars for the Aliyev campaign.

He also said that on average six of the members of each Precinct Election Commission (PEC) were backers of President Aliyev and that just one commissioner per PEC might be considered sympathetic to his party. He described the lottery process whereby TEC and PEC members are selected as subject to manipulation by the government. He also said his party would have three accredited pollwatchers at each polling station.

Upon finishing these interviews, the IRI staff members were invited to attend the rally for Mamedov. Approximately 10,000 people attended the rally, which was held on a public square. The police in attendance in no way interfered with the event. After a brief introduction by his aides, the candidate spoke for about 25 minutes. Like other candidates, his speech lacked specific information about the policies he would carry out if elected, and his aides emphasized his decency as a person. At one point, he drew attention to the significant number of people carrying pro-Aliyev signs in the crowd, noting that his supporters had not interfered with an earlier pro-Aliyev rally; however, he called upon those present to treat the Aliyev supporters in their midst well. The rally was upbeat, and traditional musicians played between speeches.

In a later meeting, the chairman of TEC 18 described himself as a former communist, but he emphasized that he has abandoned all party affiliation in recent years. A member of a social association for the elderly, he insisted that he had been completely nonpartisan in managing the affairs of the TEC. He pointed out that he had forced various parties to remove campaign posters from the social club that serves as the headquarters of the TEC. He said that the other members of the TEC had selected him to be chairman because he was the oldest of the group, explaining that respect for one's elders is strong in Azerbaijani culture.

The chairman also described the training he and his peers had been providing to PEC members: he said that four training sessions had been held over the past month, one of which was attended by members of the Central Election Commission (CEC). He also described the process whereby the voter lists had been checked after they were received from the CEC on July 1. In the territory overseen by TEC 18, he said that door-to-door checks had identified 6,000 names of deceased persons as well as people who had moved, reducing the total number of registered voters in the territory from 87,000 to 81,000.

In the offices of TEC 19, IRI staff spoke with the TEC secretary. She explained how, with eight days remaining before the election, TEC and PEC members were taking bulletins announcing the election from door to door. One purpose of this exercise was to prepare the list of people requesting that the mobile ballot box be brought to their homes. She explained that citizens who foresee that they will be unable to visit their polling

station on election day can apply as late as the day before the election for a mobile ballot box to be brought to their home. She said that at least two PEC members are supposed to accompany the mobile ballot box at all times, and accredited party pollwatchers and other observers are also free to do so.

In Sumgayit, the Musavat Party and APF share offices and cooperate extensively. An APF leader related to IRI staff how the Musavat Party had been frustrated by the mayor's office in its attempts to rent an appropriate office in the city, but he said APF was happy to help the smaller Musavat Party by providing office space.

While the October 1 rally for the NIP's Etibar Mamedov took place without incident, the assembled representatives of the Musavat and APF parties said that the mayor had refused their repeated entreaties for permission to hold a rally. They said that they had been told their most recent request was being considered and that they would receive a response by October 7, but they were not hopeful. They asserted that Mamedov was secretly allied to Aliyev and that this alliance was the reason he was receiving more favorable treatment.

The APF leader argued that 95 percent of the people staffing the TECs and PECs were Aliyev supporters whom he described as ready to commit fraud to ensure his victory. He said that the social organizations that nominate commissioners are often pressured to name particular people, including plant managers, who are bound to back the president.

The assembled party representatives also spoke about their fellow party members — 48 of them — who remain in prison in the aftermath of the September 12 rally in Baku, in which between 70 and 100 demonstrators were injured and between 50 and 200 people were originally detained.

III. Election Day

IRI staff members John Murphy and Lena Auerbach observed the vote in Sumgayit, visiting 27 polling stations and watching the vote count at one site near the city center. The team found that each polling station had party pollwatchers from the governing NAP as well as the NIP; almost all polling stations had at least one pollwatcher from another party, the strongest showing being turned in by the NGO sponsored by the Motherland Party. Three or four had observers from For the Sake of Civil Society, a local NGO; one of these was a Musavat Party leader with whom the IRI team had met the previous day.

Overall, a steady stream of voters was seen coming into the polling stations, and voter turnout figures advanced over the course of the day in a normal fashion. In the afternoon, the IRI team returned to a number of polling sites it had visited early in the day; these visits uncovered nothing out of the ordinary. Most sites appeared to be headed

toward a turnout level of about 55-60 percent, a level that appeared to be in keeping with the number of people casting ballots.

The IRI observers noted several instances of people (usually the elderly) voting together in a booth, but these were not extremely common. Most sites also failed to post nonpartisan candidate information, though most did have the standard voting instruction posters on display.

One odd circumstance noted by the IRI team was that about half of all PEC chairman had previously served on PECs (especially in the 1995 parliamentary elections), quite often in the same leadership position. One man boasted that he had chaired PECs on over 30 occasions, a claim that seemed incredible but which he repeated several times. The IRI team concluded that these findings cast doubt on the fairness of the system whereby election officials are selected, supposedly by random drawings.

The team visited one polling site where most of the registered voters were members of the military, but voting appeared to progress normally there: members of the armed forces came mostly one by one to cast their ballots. The IRI observers also visited a prison around 4 p.m. but learned that the roughly 80 inmates had cast their ballots during a one-hour period in the morning, after which the PEC had closed down and the electoral materials were said to have been delivered to the corresponding TEC.

The polling site at which the IRI team observed the vote count was quite well organized. The members of the PEC were extremely cooperative and friendly. The IRI observers were invited to watch from a very close proximity as the ballot box was opened, and there was no indication of stuffed ballots. The IRI observers were also invited to recount ballots themselves (the offer was declined). The number of signatures on the voter list (i.e., the number of people to whom ballots were given) matched the number of ballots counted at the end of the day perfectly. The final protocol was well prepared, and the IRI observers were given a copy. The IRI team also accompanied the PEC members and two police officers as they delivered the election materials to the TEC.

Yevlakh Regional Report

Azerbaijan Presidential Election - October 11, 1998

I. Summary

IRI observation delegate Tom Garrett traveled to Yevlakh. The team arrived two days prior to the election to conduct meetings with members of political parties, the local government and election officials. On election day he visited 11 polling stations, including one located in an Internally Displaced People's (IDP) camp.

II. Pre-election

In the pre-election assessment period, IRI staff met with the region's presidentially appointed governor and with the New Azerbaijan Party (NAP) and Azerbaijan Popular Front Party (APF) representatives. IRI also visited the TEC #21 three separate times. In the meetings with the governor and TEC chairman, both stressed their commitment to democratic principles and did not predict problems on election day. Following the meeting with Yevlakh's governor on October 10, IRI met with the chairman of APF. Since the local APF branch was denied office space from the local government, the meeting convened in a restaurant. The meeting between IRI and APF was monitored by the governor and his aides.

Later, the team went to the TEC office, and met the chairman for the second time. The chairman expressed his displeasure over IRI's meeting with APF, and said he should have been seen first. The IRI team replied that they were meeting with all elements of the election. They then proceeded to ask him two or three questions about the ballots and other voting related issues. The chairman said ballots were already counted and sealed in packages of 200, and distributed to the PECs. He said ballots were to be marked, stamped and cut only in front of the voter, not in advance. Further, he welcomed IRI to observe activities at any stage of the process.

Attempts to contact domestic pollwatchers were unsuccessful, as were attempts to find representatives of the National Independence Party (NIP) or Musavat. However, IRI traveled to an IDP camp in the countryside. Food and other assistance had arrived to the camp from Baku only two days prior to the election, but the people were still unsure of where they were to vote. The IRI team located the polling site in the area, across an irrigation canal in a neighboring village. This was the station the team decided to open on election day.

III. Election Day

The IRI team arrived at 6:20 a.m. at a polling site in Malbinesi, the village next to the IDP camp. Villages or camps of Kovar-Kolari, Garammendli, Goubina and Malbinesi voted at this site. There were two domestic pollwatchers, one represented For

the Sake of Civic Society and the other NIP. A militia guard and one commission member were present. The chairman arrived at 7:00 a.m., and only then began to arrange the site. At 7:16 a.m., he opened the packages of ballots, sealed the box in view of the observers and three commission members, and allowed the first person to vote at about 7:30 a.m.

Approximately 11 people voted between 7:30 and 8:00 a.m. The chairman said no requests for the mobile box had been received prior to this time, but that he would accept any requests that came in on election day. By 8:20 a.m., all seven members of the commission were finally present. Their chief task seemed to be pre-signing and stamping the ballots, although they did wait until a voter requested the ballot before cutting the corner of the ballot.

There were no voting instructions posted. An actual ballot was posted, with the check next to Aliyev's name. A well-dressed gentleman arrived around 8:15 a.m., and introduced himself to IRI as a representative of the Movement for Democratic Elections, supposedly an independent pollwatching group. The gentlemen requested a business card from the IRI delegate, and asked to have a photo taken with him.

By 1:00 p.m. IRI visited three sites, staying approximately 45 minutes at each. Two were in Yevlakh city, one was in a remote town, Xaldon. At two of these sites, the Movement for Democratic Elections "observers" were very involved in running the site, directing voters, interrupting and correcting commissioners as they answered IRI's questions. At all three PECs, voting proceeded rapidly, President Aliyev's name was marked on the sample ballots, and ballots were pre-signed and stamped in advance of voters. All PEC chairmen said they honored "day of" requests for the mobile ballot box.

After 1:00 p.m., the IRI team went to Salamabad, a polling site for the villages of Salamabad, Garaoblon and Ajami. The team then visited a site in Varvara, an isolated town accessible by a dirt road only. Voters from the village Khildahan also voted at this site. A NIP pollwatcher attempted to speak to IRI, but was angrily silenced by commissioners and militia. Later, he refused to speak or look at IRI observers.

The IRI team traveled to Salahli and Mengechivir. At the latter site, the gentleman from Movement for Democratic Elections, that IRI encountered in Malbinesi, was present, videotaping observers, most of whom stated that no problems were witnessed. When a NIP observer began listing problems, the Movement for Democratic Elections observer switched off the camera and left the site. The NIP observer said that PEC members were NAP members, which he said was a violation of the law.

The final two visits were to polling sites in Aran and in Malbinesi. The Aran site was without electricity. The local Movement for Democratic Elections observer took great pains to assure IRI the power had only been out a few minutes, during which time no voters came. The IRI team returned to the original site PEC 21 in Malbinesi for the

closing. Power was also off there, but was returned during the visit. During IRI's absence, well-dressed individuals, never identified, had stationed themselves at the site and directed the chairman and commissioners. The observer for Civic Society asked the chairman for a look at the supplemental list, which he allowed her to copy. One of the unidentified individuals saw this, immediately spoke to the chairman, who hurriedly removed the list from the observer.

Voters still arrived at 8:00 p.m. and the unidentified individuals acted as PEC members, roughly guiding the voters through the process. Balloting halted at 8:20 p.m., at which time the unidentified individuals spoke to the chairman. The chairman then announced all observers must leave the site. This caused an uproar among the domestic observers, who quickly cited the relevant passage of the law. The chairman threw up his hands and proceeded to open the mobile ballot box.

When IRI interviewed the chairman in the morning, no requests for the mobile box had been made. However, at the closing there were three separate mobile ballot boxes, two created during the day. He said 20 people had balloted with these three boxes. The original mobile box was first to be opened. Its contents were placed on a table, sorted, but not counted. As the chairman prepared to open the second box, one of the strangers came in with a cup of tea, handed it to the chairman and muttered to come outside. The chairman left the room, angry words were heard. Then the chairman stormed in, grabbed the large ballot box and dumped its contents all over the floor. While everyone sat stunned, he opened the other two mobile boxes and mixed those with the others. All of this happened quickly, but it appeared that more than 20 ballots were contained in one of the three mobile boxes.

After the commotion, the commissioners began to separate ballots. After a few minutes, the strangers began to pound on the closed, locked door, but the chairman ignored them. Ten minutes later, a commissioner left, came back and said the room was too warm to work in, so the door was left open. This allowed the unidentified individuals to stand in the door and observe the proceedings.

Although the protocol balanced, this proved little as separate counts were not maintained. IRI observed a commissioner counting ballots into irregular stacks. The IRI team departed at 11:35 p.m. for the TEC in Yevlakh.

At the Yevlakh TEC, many people were walking out of the building towards the governor's office with ballots. IRI observed the local chairman of NAP walking around with packages of ballots. OSCE observers, who remained at the TEC all night, told IRI they saw some areas of irregularities, but nothing major at midnight.

In IRI's observations, the Movement for Democratic Elections observers were more aggressive than the PEC members in painting a positive picture of the day's balloting. The intimidation of the chairman of PEC 23 was particularly troubling. The

NIP and For the Sake of Civic Society pollwatchers were very effective in PEC 23, taking copious notes, standing up for their rights, but not interfering with the official work of the commission.