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*8 November 2010*

### **Parliamentary elections in Azerbaijan cannot be considered free and fair**

**Mobile election monitoring group in Azerbaijan, consisting of members of the Human Rights House Network, regrets the fact that the parliamentary elections in Azerbaijan cannot be considered free and fair because of the wide spread irregularities and fraudulent practices.**

The right to freedom of expression and assembly were subject to systematic violations in the run-up and during the parliamentary elections on 7 November. In the pre-election period, the government displayed discriminatory approach towards the realization of the right to peaceful assembly. Public meetings were widely restricted or selectively permitted and authorized in highly unfavourable areas. On the eve of the parliamentary elections, there was an increase in the number of illegal interferences by the executive authorities and law enforcement bodies into seminars and meetings conducted by civil society organizations in the regions.

The deterioration of freedom of expression in Azerbaijan, which is characterized by a climate of impunity in relation to harassment of journalists and numerous defamation cases, also influenced the election campaigns. The absence of free and pluralistic media and vivid public debate during the election campaign prevented the public from the opportunity to formulate their opinions freely.

The mobile monitoring group, consisting of the Human Rights House Network's members has gathered credible information how the basic conditions for equal participation in the pre-election period was effectively undermined by serious problems related with the collection of signatures, registration of candidates, access to the electorates and unbalanced representation in the election commissions.

Despite the technical improvements to the centralized voter register, the voting process was not free or transparent. There were facts of falsifications, like multiple voting and ballot stuffing. The Human Rights House Network's representatives received reliable information how authorities interfered in the election process in favour of the pro-governmental candidates.

The confidentiality was not entirely ensured. Modification of the results occurred, the final tabulation was not completed in a transparent manner and the result was not posted at the polling station. One of the serious problems was the pressure on the observers by the authorities. There were many instances where observers were obstructed from performing their functions. Some



**HUMAN RIGHTS HOUSE  
NETWORK**

observers were removed from the polling stations; in some instance they were assaulted. In Surakhani district (election districts 30 and 31 ConECs), police detained eight observers for allegedly protesting against the falsification of the protocol of the above mentioned ConECs. Among the observer was a journalist from the Institute for Reporters' Freedom and Safety. The election observers were detained for more than four hours in the courtyard without access to lawyers or legal counselling. Representatives from the Human Rights House Network were not allowed to communicate with the relevant law enforcement officials to obtain information about the causes of detention.

Due to the pressure on the observers, there is not any possibility to recognize the transparency and legality of the process of counting the votes.

Considering the above-mentioned violations, we urge the Azerbaijani authorities to:

- Redress the electoral fraud and bring those responsible for falsification and violence to justice swiftly and transparently. The General Prosecutor should initiate investigation into serious complaints of criminal offences before and on the election day.
- Call upon the Central Election Committee to adjudicate complaints received by voters, candidates, political parties and observers.
- Annul the results in all districts where there have been falsifications and hold new elections.

We further call upon the international community to reinforce its pressure on Azerbaijani government in order for it to honour its international obligations, including recommendation of the Venice Commission and to:

- Create conditions for ensuring freedom of expression and freedom of assembly
- Create equal conditions for all political forces guaranteed by the law and to re-structure the composition of the Central Election Commission

We finally call upon the Parliamentary Assembly of the Council of Europe to take measures to not accept the credentials of the Azerbaijan National Delegation to PACE until a proper and thorough investigation into the electoral violations is carried out.

Sincerely,

Human Rights House Foundation, Norway  
Ukrainian Helsinki Human Rights Union, Ukraine  
Article 42 of the Constitution, Georgia

*Copies have been sent to:*

- Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg
- Office of the Commissioner for Human Rights in the Council of Europe, Strasbourg
- Delegation of the European Commission to Azerbaijan, Baku



**HUMAN RIGHTS HOUSE  
NETWORK**

- The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, Warsaw
- UN Special Rapporteur on the Situation of Human Rights Defenders, Geneva
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Geneva
- The Human Rights House Network
- South Caucasus Network of Human Rights Defenders

*\*The Human Rights House Network's mobile monitoring group is in Azerbaijan in the period of 6-10 November to support human rights defenders and organisations during the parliamentary elections. The group consists of representatives from the Human Rights House Foundation (Norway), Article 42 (Georgia) and Ukrainian Helsinki Union (Ukraine). The members of the group will prepare a report based on their monitoring.*

*The Human Rights House Network (HRHN) is a forum of cooperation between established and emerging Human Rights Houses, uniting 70 NGOs in 15 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. Human Rights House Baku is a member of the HRHN in Azerbaijan. HRHN's aim is to protect, strengthen and support human rights defenders and their organisations.*