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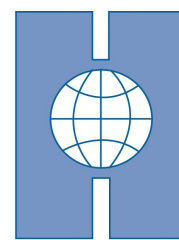
Federación Internacional  
de Derechos Humanos

Международная Федерация  
за права человека

الفدرالية الدولية لحقوق الإنسان



SOS-Torture Network



NORWEGIAN  
HELSINKI COMMITTEE

**Attn. Members of the PACE Election  
Observation Mission**

Paris-Geneva-Oslo, October 27, 2015

**Re: legislative elections in Azerbaijan**

Dear member of the PACE Election Observation Mission,

On November 1, 2015, roughly five million citizens of Azerbaijan will be called to vote in the legislative elections in Azerbaijan. **FIDH, OMCT** and the **Norwegian Helsinki Committee** have taken due note of the fact that PACE will deploy an Election Observation Mission on that occasion, and wish to extend our deepest concern regarding the conditions in which the polls are being organised, which, we believe, will not meet the provisions of the Declaration of Principles for International Election Observation, endorsed by PACE and a number of other international organisations<sup>1</sup>.

- ***Threats against opposition candidates***

Over the past weeks, local observers have reported cases of intimidation of local population trying to prevent signature collection for opposition candidates, and restrictions were also imposed on opposition parties collecting signatures. It was also highlighted that the situation in the country with respect to political freedoms, freedom of expression and media, and freedom of assembly does not provide conditions for holding free and democratic elections, and that the violations which occurred in the first stage of the elections – in the process of nomination and registration of candidates – cast doubt on legitimacy of the process. For example, the Central Election Commission registered the candidacy of only 25 out of 60 potential contenders from the major opposition party Musavat, after declaring invalid signatures from 40 of the contenders, even signatures from the contenders' own relatives. The Deputy Chairman of Musavat, Tofiq Yagublu, is serving a five year prison sentence on clearly politically motivated charges. The leader of the opposition movement *REAL*, Ilgar Mammadov, has been convicted to seven years in prison. On May 22, 2014, the European Court of Human Rights (ECtHR) held Azerbaijan responsible for violating the European Convention of Human Rights in arresting and sentencing Mr. Mammadov. The decision of the ECtHR has remained unimplemented by the authorities. Another major opposition party, the Popular Front Party, has decided to boycott the election.

- ***Freedom of expression***

Azerbaijan faces significant challenges with respect to the exercise of fundamental freedoms. Those who express critical views of the government are being systematically harassed and prosecuted. Pluralistic views and impartial information is limited, journalists are being judicially harassed, detained and threatened. The case of investigative journalist **Khadija Ismayilova**, sentenced to 7 years in prison on bogus charges, clearly illustrates the atmosphere of intimidation and threats that independent journalists face. Several other journalists are serving prison sentences. Independent media outlets have been forced to close down or leave the country. In the context of the election campaign, such challenges result in uneven media access where Azerbaijani opposition candidates are significantly disadvantaged in electoral campaigning.

<sup>1</sup> The Declaration is available at: <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282005%29036-e> or [http://eeas.europa.eu/eucom/pdf/declaration-of-principles\\_en.pdf](http://eeas.europa.eu/eucom/pdf/declaration-of-principles_en.pdf).

- ***Imprisonment of independent human rights defenders***

Over the past years, opposition candidates, civil society activists, and human rights defenders have remained subject to continuous harassment and arbitrary detentions in Azerbaijan.

The Director of the Election Monitoring and Democracy Studies Centre (EMDS), Mr. **Anar Mammadli**, was arrested and condemned to 5.5 years' imprisonment, for his election monitoring and other human rights activities<sup>2</sup>. The main representatives of independent civil society organisations such as **Leyla Yunus**, **Arif Yunusov**, **Intigam Aliyev**, **Rasul Jafarov** are currently serving harsh prison sentences. Many other political prisoners are detained, and their number is hard to assess as people who were compiling the list of political prisoners and calling the Azerbaijani government to respect its international obligations – such as Rasul Jafarov and Leyla Yunus - languish themselves behind bars.

In this context, the Secretary General of the Council of Europe announced on October 7 that it withdrew the Council's participation in the Azerbaijan Joint Working Group on Human Rights, arguing that the "overall situation of human rights defenders in the country has deteriorated dramatically", as "an increasing number of human right defenders has recently been imprisoned, and that the Council of Europe has received worrying reports concerning unacceptable detention conditions"<sup>3</sup>.

- ***Electoral commissions***

According to the Electoral Code of Azerbaijan, Chairpersons of all electoral commissions are nominees of the parliamentary majority, which is currently composed of pro-government political parties, thereby undermining the impartiality of the whole election administration.

- ***Reactions from other international institutions***

On September 11, 2015, the **OSCE/ODIHR** took the decision not to send an election observation mission, on the grounds that restrictions imposed by the Azerbaijani authorities would not allow the Organisation to fulfill its mandate. In a needs assessment report, OSCE/ODIHR had previously stressed that the 2013 Presidential elections were undermined by limitations on freedoms of expression, assembly and association that did not guarantee a level playing field for candidates. The OSCE/ODIHR had addressed several recommendations to the authorities on how electoral processes may be improved, which have remained unaddressed, in particular regarding the composition of election commissions and the non-transparency of candidate registration procedures.

On September 10, 2015, the **European Parliament** decided not to send election observers to Azerbaijan, highlighting that "the background for holding free and fair elections does not exist and limitations on the freedoms of expression, assembly and association in the country make it impossible to create a level playing field for candidates and to organise a genuinely competitive vote".

Accordingly, we believe that the restrictive political environment in Azerbaijan, notably the unprecedented and ongoing crackdown on civil society, render the upcoming election inconsistent with the Council of Europe standards of free and fair elections.

We are confident that our concerns will be echoed throughout your assessment within the framework of your mandate, and remain at your disposal to provide you with further evidence regarding such situation.

Thanking you for the attention,

Sincerely,

**Karim LAHIDJI**  
FIDH President

**Gerald STABEROCK**  
OMCT Secretary General

**Bjørn Engesland**  
Norwegian Helsinki Committee Secretary General

<sup>2</sup> See Urgent Appeal AZE 002 / 1213 / OBS 098, issued by the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT).

<sup>3</sup> See Press Release issued by the Council of Europe Secretary General, *Council of Europe leaves Azerbaijan human rights working group*, October 7, 2015: <http://www.coe.int/en/web/portal/-/council-of-europe-leaves-azerbaijan-human-rights-working-group>.