

**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS BY MEMBERS OF THE
PACE OBSERVATION MISSION OF ELECTIONS TO PARLIAMENTARY ELECTIONS IN
AZERBAIJAN , 1 NOVEMBER, 2015**

We would like to congratulate the people of Azerbaijan on their peaceful campaign and election day and express our regret that we cannot regard these elections as a step towards free, fair and democratic elections. Though we acknowledge the technical and logistical achievement that mark these elections, the situation in the country with respect to political freedoms, freedom of expression and media, and freedom of assembly and association does not provide conditions for holding free and democratic elections.

The run-up to the elections was marked by a deterioration in respect for human rights which are an essential prerequisite for free and democratic elections.

There has been an apparent intensification of the practice of unjustified or selective criminal prosecution of journalists and others who express critical opinions.

The use of administrative detention against those who organise or participate in “unauthorised” public gatherings has increased and there have been persistent reports of limitations imposed on freedom of assembly, notably the excessive use of force by law enforcement officials to disperse demonstrations.

Obstacles encountered by NGOs in carrying out their work in Azerbaijan, especially those operating in the field of human rights and those openly critical of the government, have increased. The concerns expressed by the Council of Europe’s Venice Commission regarding the law on non-governmental organisations (NGOs) have not been addressed. Several representatives of independent civil society organisations such as Leyla Yunus, Arif Yunusov, Intigam Aliyev and Rasul Jafarov are currently serving prison sentences.

The situation of freedom of expression, including freedom of the media, in Azerbaijan has been a long-standing concern among national and international observers and has deteriorated further, with an intensification of the practice of unjustified or selective criminal prosecution of journalists and others who express critical opinions. A number of media outlets have closed since the previous parliamentary elections, including the Baku office of Radio Free Europe/Radio Liberty, while the independent newspaper *Azadliq* faces large fines from several pending defamation lawsuits.

Concerns expressed by the Council of Europe’s Venice Commission regarding the election code, particularly regarding the composition of the electoral commissions and candidate registration, have also not been addressed.

It is noted with regret that the OSCE’s Office for Democratic institutions and Human Rights (OSCE/ODIHR) was prevented from deploying sufficient long-term observers to carry out its election observation methodology.

We did not come to Azerbaijan to give lessons to the people of Azerbaijan or its government. As a majority of the Bureau of the Parliamentary Assembly voted to send an international election observation mission to Azerbaijan to observe election day under conditions that make it likely that its presence on election day could be interpreted as giving legitimacy to a clearly undemocratic electoral process, in line with the Declaration of Principles for International Election Observation, which the Parliamentary Assembly has endorsed, we have no

alternative but to make this public statement to ensure that our presence does not imply such legitimacy¹.

SIGNED AND ENDORSED BY:

Ute Finckh-Kraemer, MdB, (Soc) Germany

Michael McNamara, TD, (Soc) Ireland

Frank Schwabe, MdB, (Soc) Germany

This statements remain open for endorsement by other members of the PACE Election Observation Mission in advance of the finalisation of the Mission's report.

-
1. Paragraph 11 of the Declaration of Principles for International Election Observation, endorsed by the Parliamentary Assembly of the Council of Europe, states:
A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organization should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.¹