

*Approved by Decision 7/27-4
dated on July 18, 2008 of the
Central Election Commission
of the Republic of Azerbaijan*

*Amendments were made by
the Decision # 1/2-7, dated
March 15, 2019*

INSTRUCTION

on rules for activity of international (foreign) observers in elections (referendum) in the Republic of Azerbaijan

The instruction has been prepared according to Articles 40-42 and 44 of the Election Code of the Republic of Azerbaijan (hereinafter referred to as Election Code) and defines the rules for registering international observers, their rights and duties, as well as term of authority and termination of authority during elections (referendum) in the Republic of Azerbaijan.

I. The rule for inviting international (foreign) observers

1.1. International (foreign) observers (hereinafter referred to as international observers) shall be invited in the case implied by Article 44.2 of Election Code after the publication of the decision on the appointment of elections (referendum). After the official publication of the decision (order) on determination of elections, the invitation cards shall be sent by President of the Republic of Azerbaijan, Milli Majlis of the Republic of Azerbaijan, Ministry for Foreign Affairs of the Republic of Azerbaijan and CEC of the Republic of Azerbaijan (hereinafter referred to as the CEC).

1.2. Non-governmental organizations that have a relevant reputation in the field of protection of the civil rights and freedom can provide the deputies of the Milli Majlis, the CEC, President of the Republic of Azerbaijan and Ministry of Foreign Affairs of the Republic of Azerbaijan with their suggestions on inviting international observers.

Note: *According to Article 44.1 of Election Code, Citizens of the Republic of Azerbaijan shall be prohibited to function as a foreign observer.*

II. The rule for accreditation of international observers

2.1. Foreign citizens intending to obtain status of foreign observers shall apply to the CEC in order to be registered 10 days prior to the conduct of elections since the day of official publication of the decision (order) on the appointment of elections and complete the relevant application form (Appendix # 1 made to Instruction). 2 colored photos at 3X4 should be attached to the application.

2.2. The registration shall be considered within 3 days by the CEC on each application. The conduct of observation shall be rejected only in the case of not approving the information on the application.

2.3. When the conduct of observation is permitted, then CEC provides the international observer with a specific card in the national language of the Republic of Azerbaijan (Appendix # 2) and in one of foreign languages based on the documents submitted by

him/her. Only after getting such card, observers shall function according to Articles 40-42 and 44 of Election Code during the preparation and conduct of elections.

3. Status of international observers

3.1. During staying in the Republic of Azerbaijan international observers shall be under protection of state. The international observer functions independently and freely in accordance with the legislation of the Republic of Azerbaijan. Election commissions, state authorities and municipalities shall render necessary assistance to them.

3.2. Activity of the international observer is financed by the organization that sends him/her or from the international observer's personal funds.

3.3. The international observer also shall have the same rights and duties as that of other observers.

4. Principles of conducting observation

4.1. The conduct of observation should be based on the following principles and these principles shall be indicated on the back side of the observer's card:

4.1.1. election process should not be influenced for a candidate or political party;

4.1.2. all cases and facts on the observed actions shall be taken into consideration;

4.1.3. the observation should be conducted openly;

4.1.4. results of observation should be based on the facts;

4.2. during the observation, the observer shall certainly abide the above-mentioned principles, make official the revealed facts in the defined case (by compiling relevant act on this) and draw attention of the interested persons to making these facts official as possible. In order to ensure fairness in election process, elimination of the presumed incompatibilities and consequences of the allowed incompatibilities, expediency of drawing the attention of the relevant commission to these cases shall be permanently kept under attention.

Note: *international observers shall abide the following terms mentioned by Article 2.6 of Election Code as other participants of election (referendum):*

- *respect freedom of press;*
- *not to prevent representatives of mass media engaged in his/her occupation, not to interfere in election (referendum) campaigns of candidates, political parties (political party blocs) and not to break it;*
- *not to prevent dissemination of pre-election campaign materials;*
- *not to destroy pre-election (referendum) posters and other similar campaign materials;*
- *not to hinder the conduct of pre-election (pre-referendum) mass activities;*
- *to cooperate with election (referendum) bodies and their officials for free, independent, quiet and organized conduct of elections (referendum);*

- *not to prevent voters from expressing their will in free and independent form;*
- *respect and cooperate with the authorized persons and observers;*
- *to keep and help keeping secrecy of the voting;*
- *not to make voters to support him/her by illegal actions;*
- *not to interfere in the activities of election (referendum) commissions on the groundless reasons and not to violate the process of vote counting;*
- *to respect the results of elections (referendum) approved by law, to submit each complaint on elections (referendum) to the authorized body and abide the decision on this complaint by this body;*
- *not make speeches calling for menace, slander and violence and not to disseminate such materials;*
- *not to reward voters and not to menace them by penalty;*
- *not to use national, municipal and other public resources in the cases not implied by Election Code;*
- *not to involve voters to vote or prevent from voting by making pressures upon them or offer presents or by illegal methods;*
- *not to make voters to participate or not to participate in campaign groups on referendum, to nominate or not to nominate their candidacies, to withdraw or not to withdraw their candidacies, to participate or not to participate in pre-election (referendum) campaign by making pressures upon them or offer presents or by illegal methods;*
- *not to use assistance or activity of any incumbent in the support of the issue put in referendum or support of the candidate.*

5. Rights and duties of international observers

5.1. The international observer shall have the following rights besides the rights defined by Article 40.13 of the Election Code:

- 5.1.1. to be familiarized with voter lists;
- 5.1.2. to be in the voting room of the relevant polling station on the voting day at any time he/she wants;
- 5.1.3. to observe the inking of voters' fingers and inspecting via ultraviolet lamps;
- 5.1.4. to observe issuing ballot papers to the voters;
- 5.1.5. to observe voters' voting outside the polling station;
- 5.1.6. to observe the counting of the voters, ballot papers and canceled ballot papers;
- 5.1.7. to require including the results of the observation in the protocol of the election commission;

5.1.8. to observe the counting of the voters' votes without interfering in legal activity of election commissions, in a condition providing the conduct of observation and at a certain distance, during counting the votes to eye each ballot paper completed or incomplete in order to check the validness of the vote, be familiarized with the voting returns and the protocol of the election commission on the election returns and other election documents;

5.1.9. to participate in parallel counting of votes;

5.1.10. to apply to the chairman of the precinct election commission or in the case of his absence the person who substitutes him/her with suggestions and comments related to the arrangement of the voting;

5.1.11. to get free of charge and make a copy of the approved singles of the documents of election commissions, protocols on the electoral returns and voting results, included attachment documents adopted and compiled by the election commissions since the start of the work of the election commission on the voting day and locking of the ballot boxes up to adoption of the protocols on the voting results by the election commissions, to buy and make a copy of the additional copies with the payment defined by the CEC;

Note: election commission shall approve the copies of the above-mentioned documents with the request of the observer.

5.1.12. to be familiarized with the list of the persons participated in the voting;

5.1.13. to observe re-counting of the voters' votes in the relevant election commissions;

5.1.14. to observe providing the Constituency Election Commission and CEC with the election documents;

5.1.15. after the voting day to conduct the press conference and apply to the mass media about election legislation, the preparation and holding of elections;

5.1.16. to meet with voters, candidates, registered candidates, commissioners, the authorized representatives of the political parties, blocs of political parties, the agents of the registered candidates, political parties, blocs of political parties;

5.1.17. to utilize a translator service in terms of activity;

5.1.18. to take other actions (inaction) not to prohibited by law.

5.2. The following behavior shall be prohibited for international observers:

5.2.1. to issue ballot papers to voters;

5.2.2. to make inquiry with the voter on how he/she will vote or has voted;

5.2.3. to sign on getting ballot paper instead of the voter with the request of the voter;

5.2.4. to complete the ballot paper with the request of the voter;

5.2.5. to participate directly in the counting of votes together with the members of election commissions having decisive rights;

5.2.6. to behave in the way that prevents the activity of election commissions;

5.2.7. to conduct campaign among voters;

5.2.8. to behave or call so that it can be appraised as support of some candidate or political party, political party bloc or the issue put in referendum;

5.2.9. to interfere in the adoption of the decisions of the relevant election commission;

5.2.10. to inspect inking of voters' fingers or checking their inking via ultraviolet lamps;

5.2.11. to answer the questions of voters (excluding questions related to his/her own status);

5.2.12. not to use his/her status to be engaged in the activity not related to the process of election (referendum) campaign, preparation and holding of elections (referendum);

5.2.13. to take other actions (inaction) prohibited by law.

Note: 1. *When the opinions compiled by the observer on the results of observation is submitted to the chairmen of the relevant election commissions, this opinion should be attached to the protocol on general electoral results or on the voting results.*

2. *On the voting day, the list of the persons who are in the voting room and observe implementation of election actions shall be conducted by Secretary of the Precinct Election Commission.*

6. The rule for accrediting interpreters

6.1. The individual serving as an interpreter for the international observers in election process applies to the CEC with the relevant application form in the period implied by the item # 2.1 of this Instruction (Appendix # 3). The application should be attached 2 colored photos at 3X4.

6.2. The CEC provides this person with the relevant badge by considering the requirements of the item # 2.3 of this Instruction (Appendix # 4).

6.3. Term of office of the interpreter ends with the term of authority of the person to who he/she serves.

7. Term of authority and termination of authorities of international observers

7.1. Term of authority of international observers shall commence since the day of registration at the CEC and end on the day of official publication of election (referendum) returns (general results).

7.2. CEC can cancel the registration of international observers in the case of violating laws of the Republic of Azerbaijan and norms of international law.

7.3. Authority of the international observer can be terminated in other cases and manner implied by legislation.