

# **DISGRACED**

## **AZERBAIJAN AND THE END OF ELECTION MONITORING AS WE KNOW IT**

5 November 2013

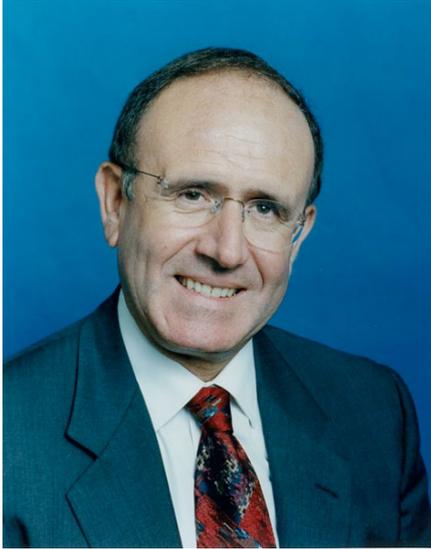


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**Cast of Characters**

*International Election Observers in Azerbaijan, October 2013*



**Pino Arlacchi (Italy)**  
Head of the European Parliament delegation  
Social Democrat



**Robert Walter (UK)**  
Head of the PACE delegation  
Conservative



**Doris Barnett (Germany)**  
Head of the OSCE PA delegation  
Social Democrat



**Michel Voisin (France)**  
Special Coordinator for OSCE short-term  
observers



**Janez Lenarcic** (Slovenia)  
ODIHR Director



**Tana de Zulueta** (Italy)  
Head of the OSCE/ODIHR delegation

### **On the 2013 Presidential Elections**

#### **Tana de Zulueta (ODIHR):**

“Looking at the facts ... the stark reality is that this process has fallen well short of OSCE commitments in most areas.” (10 October 2013)<sup>1</sup>

#### **Pino Arlacchi (European Parliament):**

“ODIHR consists of so-called experts with no political responsibilities, who were not elected by anybody. So it is easy to manipulate them.” (25 October 2013)

#### **Doris Barnett (OSCE Parliamentary Assembly):**

“The seven polling stations I visited in those two cities left a very positive impression on me.” (10 October)

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<sup>1</sup> De Zulueta: 10 October, press conference in Baku; Pino Arlacchi: [“We told the truth and refused to endorse a wrong vision of Azerbaijan”](#), APA, 25 October 2013; Doris Barnett, 10 October, press conference in Baku.

## Executive summary

According to the Central Election Commission of Azerbaijan, there were nearly 1,300 international observers from 50 different organisations in Azerbaijan for the October 2013 presidential elections. Forty-nine monitoring groups praised the elections as free and fair, meeting European standards. One group of international election monitors refused to go along with the praise: the election monitoring mission of ODIHR, the OSCE's Office for Democratic Institutions and Human Rights.

Azerbaijanis were told by the leaders of the delegations of two European parliamentary institutions – the European Parliament (EP) and the Parliamentary Assembly of the Council of Europe (PACE) – that they had just held “free, fair and transparent” elections. Pino Arlacchi, the head of the European Parliament's monitoring team questioned ODIHR's legitimacy (“not elected by anybody”), objectivity (“easy to manipulate”) and competence (“so-called experts”).

However, carrying out serious election monitoring is a resource-intensive endeavor. Only ODIHR employed a core team of experts and long-term observers, who arrived in the country many weeks before the day of elections. In addition ODIHR mobilised a large number of short-term observers for the elections themselves. ODIHR monitors observed voting in 1,151 of the 5,273 polling stations across the country. The evidence of systemic fraud was overwhelming. While voting was problematic, the counting of ballots was catastrophic, with 58 per cent of observed polling stations assessed as bad or very bad. It may have been the worst vote count ever observed by an ODIHR election observation mission anywhere.

The events in October 2013 in Baku reveal a broken system for international election observation. International monitors should provide objective assessments, based on documented observations, of whether national elections meet European and international democratic standards. This should help to prevent or resolve national disputes about election results, while guiding the international community in their future dealings with the government. Doing this requires a clear and transparent methodology.

As a rule, short-term observers arrive in a country two days before the elections. They are briefed on the election campaign. They typically spend one day meeting with representatives of the government, the opposition, mass media and NGOs. Given the limited size of their delegations, they can only visit a few polling stations on the day of elections. Few watch the crucial vote counting. Then they leave the day after the elections.

The OSCE Parliamentary Assembly argues that parliamentarians can assess whether an election meets international standards without engaging in long-term monitoring and without following any methodology, just because they have been elected themselves. This argument is absurd, but it keeps being presented as a serious claim. It is an argument that can no longer be left unchallenged by other parliamentarians concerned about the reputation of their institutions, or by international media reporting on such assessments.

This report argues that the future of election monitoring on the European continent depends on how decision makers – in the European Parliament, in the Council of Europe, in the OSCE Parliamentary Assembly and in European governments – react now. It is vital to revisit the facts and analyses behind the different assessments, and to retrace how different groups of observers could arrive at radically diverging conclusions. The relationship between long- and short-term election observers needs to be rethought.

Aliyev's victory and its scandalous endorsement by most international monitors offer an opportunity to fix a broken system. Doing so would benefit not just Azerbaijanis, but all those who believe that democratic elections are celebrations of basic human rights, in Europe and around the world.

## A. The parable of the weathermen in Baku

Imagine a situation where it is of great importance for you to understand what the weather was like yesterday in another part of the world. You find 50 people whom you can ask, because they were there. Forty-nine people assure you that the weather was sunny with clear, blue skies. One person insists that it poured with rain all day.

You wonder: perhaps the forty-nine sun-people and the one rain-person do not have the same understanding of what “rain” is? The forty-nine sun-people come from across the world; some held important positions in the past and you are inclined to trust them. However, the one rain-person is the only trained meteorologist. He also gives you a detailed report, with data on precipitation levels every hour of the day, obtained through measuring instruments put in place weeks ago.

Then you learn that some of the forty-nine people had only left the house for a few hours around noon that day. You overhear their comments that they “do not need to be outside to learn about the weather,” and certainly do not need to listen to “mere meteorologists”, because they themselves have the ability to “sniff the rain” and there was none. When pushed, some insist that what they meant by “sunny” was that “there was a little bit less rain yesterday than last week” (a fact disputed by the meteorologist’s data).

You also learn that some of them left their houses, saw dark clouds, got wet, returned home soaked ... and now assert, with a stony face: “There was no rain”. You discover that some have a personal stake in telling you that the sun was shining; members of their family hold shares in the solar panel business, or they have bet money on the sun shining the entirety of that day.

In the end you conclude that whatever the motives for each of them are, not one of them did what the meteorologist had done ... go out, look around systematically, measure the precipitation in various places, and then distinguish between phases of drizzle, thunderstorms and steady rain. So what if all forty-nine are wrong?

You see one way forward: a credible investigation of the methodologies that led all fifty observers to arrive at their conclusions. Then you realise that this might lead to a striking conclusion: perhaps in the future you should not ask any of these forty-nine people about the weather at all?

Perhaps a serious, methodological meteorologist is all that you need?

## B. A broken system

On 9 October 2013 Ilham Aliyev won a third consecutive term as president of Azerbaijan in a landslide, obtaining 85 per cent of the vote. This was not the first time he trounced his opponents. In 2003 Ilham Aliyev obtained 77 per cent of the vote.<sup>2</sup> In 2008 it was 89 per cent.<sup>3</sup>

<sup>2</sup> OSCE/ODIHR Final Report, [“Presidential election – 15 October 2003, Republic of Azerbaijan”](#), Warsaw, 12 November 2003, p. 25.

<sup>3</sup> OSCE/ODIHR Final Report, [“Republic of Azerbaijan Presidential Election, 15 October 2008”](#), Warsaw, 15 December 2008, Annex.

In 2013 politicians from across the world came to Baku as international election monitors. There were fifty international election-monitoring teams in Azerbaijan.<sup>4</sup> All but one of them praised Ilham Aliyev's election victory. Azerbaijanis were told by the leaders of the delegations of two European parliamentary institutions – the European Parliament (EP) and the Parliamentary Assembly of the Council of Europe (PACE) – that they had just held “free, fair and transparent” elections.<sup>5</sup> Pino Arlacchi, the Italian head of the European Parliament delegation, and Robert Walter, a British member of the House of Commons, presented their positive conclusions at a press conference in Baku's Hyatt Regency Hotel:

“We did not come to Azerbaijan to give lessons or to measure the rate of democratic development in the country but rather to witness and encourage the transition process towards democracy that the country is experiencing.”<sup>6</sup>

They praised the “professional and peaceful way” of electoral procedures, the “sound technical preparation”, and a “more open electoral debate.”<sup>7</sup> Government media outlets promptly reported the positive message. Ilham Aliyev had every reason to be pleased: he had not only won power, he also obtained the international legitimacy he craved.

One group of international election monitors refused to go along with the praise. This dissenting voice was, it turns out, an important one: the election monitoring mission of ODIHR, the OSCE's Office for Democratic Institutions and Human Rights. This was not new. Already before his election victory in 2008 Ilham Aliyev had told US diplomats: “Our election will be absolutely free and fair; the only question is what ODIHR will say.”<sup>8</sup>

In a press conference held in the same hotel less than two hours after the one organised by Pino Arlacchi and Robert Walter ODIHR presented a starkly different assessment. ODIHR observers found that “significant problems were observed throughout all stages of election day”, “a restrictive media environment marred the campaign” and vote counting was “assessed in overwhelmingly negative terms.” These revealed “the serious shortcomings that need to be addressed in order for Azerbaijan to fully meet its OSCE commitments for genuine and democratic elections.”<sup>9</sup>

ODIHR and the other international monitoring groups not only disagreed on the conduct of the elections, however. Pino Arlacchi, asked to explain why seven European Parliament monitors had arrived at such a different assessment from ODIHR, told the Azerbaijan Press Agency on 25 October:

“ODIHR consists of so-called experts with no political responsibilities, who were not elected by anybody. So it is easy to manipulate them. Our evaluation has been done on the sense of responsibility, also being parliamentarians we know elections very well,

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<sup>4</sup> The figure comes from an [article](#) published by the CEC, which says that there were “1295 observers of 50 competent international organizations”. However, the full list of organisations is not publicly available.

<sup>5</sup> Parliamentary Assembly of the Council of Europe, [“Presidential Elections in Azerbaijan: Joint Statement by PACE and EP Delegation”](#), 10 October 2013.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Conversation with US officials, [“DRL A/S Kramer Urges President Aliyev to Improve Azerbaijan's Human Rights Performance”](#), Cable ID: 08BAKU652, 8 July 2008.

<sup>9</sup> ODIHR, [“Election in Azerbaijan undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day, international observers say”](#), Press release, 10 October 2013.

much better than experts who want just to be sure that they will get their next job in next occasion.”<sup>10</sup>

Thus Arlacchi questioned ODIHR’s legitimacy (“not elected by anybody”), objectivity (“easy to manipulate”) and competence (“so-called experts”). ODIHR’s senior staff, on the other hand, regarded the actions of other international election monitoring teams as “whitewashing election fraud”, speaking, among themselves, of “disgraceful”, “outrageous”, “unbelievable” and “devastating” behaviour.

This report argues that the future of election monitoring on the European continent depends on how decision makers – in the European Parliament, in the Council of Europe, in the OSCE Parliamentary Assembly and in European governments – react now. It is vital to revisit the facts and analyses behind the different assessments, and to retrace how different groups of observers could arrive at radically diverging conclusions. The relationship between long- and short term election observers needs to be rethought. It is also crucial to ask what factors render election monitoring missions most vulnerable to being manipulated by governments. Above all, election monitoring teams, which arrive at judgements based on no clearly identifiable methodology at all, need to be challenged.

In December 2006 the OSCE Ministerial Council asked ODIHR to “give utmost attention to the independence, impartiality and professionalism” of its election observation activities.<sup>11</sup> In fact, a commitment to professionalism needs to be present in *all* international election observation missions, whether carried out by civil servants, former parliamentarians or current parliamentarians.

Clearly something out of the ordinary happened at this October election in Azerbaijan. At the same time, however, this crisis did not come out of the blue. It reveals deeper structural problems which – unless finally addressed – puts at risk the future of election monitoring as a credible activity carried out by professional institutions. Aliyev’s victory and its scandalous endorsement by most international monitors offer an opportunity to fix a broken system. Doing so would benefit not just Azerbaijanis, but all those who believe that democratic elections are celebrations of basic human rights, in Europe and around the world.

### C. ODIHR vs. parliamentarians

“Democratic government is based on the will of the people, expressed regularly through free and fair elections.”

*CSCE Charter of Paris for a New Europe, 1990*<sup>12</sup>

Meeting in January 1990 in Copenhagen, OSCE (then CSCE) participating states declared that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government.”<sup>13</sup> At this extraordinary moment of optimism in the wake of the fall of the Berlin Wall and the end of the Cold War, European states agreed to abide by a set of standards and made a series of

<sup>10</sup> APA, [“Pino Arlacchi: ‘We told the truth and refused to endorse a wrong vision of Azerbaijan’ – Interview – Exclusive”](#), 25 October 2013.

<sup>11</sup> OSCE Ministerial Council, [“Decision no. 19/06 Strengthening the Effectiveness of the OSCE”](#), Brussels, 5 December 2006, Section 2: Report of the ODIHR, para. 13.

<sup>12</sup> Conference on Security and Co-operation in Europe, [Charter of Paris for a New Europe](#), 1990, p. 3.

<sup>13</sup> Conference on Security and Co-operation in Europe, [“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”](#), Copenhagen, 5-29 June 2013, p.5.

extremely specific commitments. These are listed in the 1990 “Copenhagen Document” and include, among other things, the following:<sup>14</sup>

- political campaigning “can be conducted in a free and fair atmosphere without administrative action, violence, intimidation, or fear of retribution against candidates, parties, or voters”;
- there is “unimpeded access to the media on a non-discriminatory basis”;
- “votes are cast by secret ballot and are counted and reported honestly, with the results made public in a timely manner”.

The Charter of Paris for a New Europe, agreed by OSCE leaders a few months later, asserted that across Europe all governments “undertake to build, consolidate and strengthen democracy as the only system of government of our nations.” It looked like the dawn of a very different era.

In 1991 OSCE participating states also established the Office for Democratic Institutions and Human Rights (ODIHR).<sup>15</sup> During the December 1994 Summit in Budapest, all OSCE members decided unanimously that ODIHR should “play an enhanced role in election monitoring before, during and after elections.”<sup>16</sup> ODIHR was tasked with developing a “handbook for election monitors.”<sup>17</sup>

The first edition of the handbook, published in 1996, lays out a methodology for observing elections. The main idea is that what happens on the day of an election is just the tip of the iceberg.<sup>18</sup> Election monitors need to focus on every aspect of an election, from the laws on freedom of assembly and candidate registration to the way complaints are handled long after election day. The handbook, now in its 6<sup>th</sup> edition, emphasizes that “an election process is more than a one-day event” and that ODIHR’s role is “long-term observation before, during and after election day.”<sup>19</sup> In 1999 OSCE participating states also specifically committed themselves to taking this seriously: “We agree to follow up promptly the OSCE/ODIHR election assessment and recommendations.”<sup>20</sup> European states agreed to bind themselves through strong mutual commitments to democratic principles, in order to resist any temptations.

The same emphasis on long-term election observation is central to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, adopted at the UN in October 2005. This declaration states that “International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques.”<sup>21</sup>

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<sup>14</sup> Ibid., pp.6-7.

<sup>15</sup> ODIHR’s original name was “Office for Free Elections”; it was changed in 1992.

<sup>16</sup> Conference for Security and Co-operation in Europe, [“Budapest Document 1994: Towards a Genuine Partnership in a New Era”](#), 5-6 December 1994, Chapter VIII, section 12.

<sup>17</sup> Ibid.

<sup>18</sup> OSCE/ODIHR, [“Election Observation. A decade of monitoring elections: the people and the practice”](#), 2005, p. 5.

<sup>19</sup> OSCE/ODIHR, [“Election Observation Handbook: Sixth Edition”](#), June 2010, p. 10.

<sup>20</sup> OSCE [Istanbul Document](#) (1999), para. 25, p. 7.

<sup>21</sup> [Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers](#), commemorated at the UN in New York on 27 October 2005, Section 5, p. 3.

The Declaration of Principles has been endorsed by 45 international organizations<sup>22</sup>, including PACE, ODIHR, and the European Parliament. Strikingly, it has *not* been endorsed by the OSCE Parliamentary Assembly.

To carry out long-term assessments is a resource-intensive endeavor. Usually ODIHR employs a core team of experts and long-term observers, who arrive in the country six to eight weeks before the day of elections. It also mobilises a large number of short-term observers for the elections themselves.

Despite this focus on methodology, ODIHR has been increasingly openly challenged in recent years, particularly by East European leaders. The turning point was the Rose Revolution in Georgia (2003), followed by the Orange Revolution in Ukraine (2004) in which outrage over election fraud led to mass demonstrations and velvet revolutions. Autocratic leaders realised that charges of election fraud, especially if backed up by credible election observers, could mobilise huge numbers of people. Monitoring was a serious issue, and independent observers a potential threat.

In December 2006, Belarusian Foreign Minister Sergei Martynov argued that “today the ODIHR deliberately ignores the principle of accountability to the participating States.”<sup>23</sup> In June 2012, after the presidential elections that brought Vladimir Putin to power for the third time, Russian Foreign Minister Sergey Lavrov said that ODIHR

“does not have clear rules on which elections observation would rely on and which would be based on uniform criteria rather than on double standards as it happens now.”<sup>24</sup>

At the same time there were increasing attacks from parliamentary short-term observers, including the OSCE PA and PACE. Cooperation between the OSCE PA and ODIHR was regulated by a special agreement signed in 1997 in Copenhagen. The Copenhagen agreement touches on how to exchange information between two observer teams and how to organise observer briefings or deliver the preliminary post-election statement.<sup>25</sup> The relationship between assessments produced on the basis of ODIHR’s long-term observation methodology and those produced by short-term parliamentary observers was never settled. In 2006, the OSCE PA international secretariat produced a memorandum where it argued that the OSCE PA “should clearly be placed in charge of OSCE elections observations” and that ODIHR should “play a subordinate and supportive role”. If that is not the case, the memorandum said,

“then the Parliamentary Assembly should take full responsibility for all election monitoring activities.... The expertise, independence, credibility, visibility and accountability of elected Parliamentarians argue strongly for this approach.”<sup>26</sup>

<sup>22</sup> The Carter Center, “Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers: [Endorsing Organizations as of Oct. 8, 2013](#).” At its inception, the Declaration was officially endorsed by 21 institutions, including the UN Secretariat, PACE, OSCE/ODIHR, and the European Commission.

<sup>23</sup> [Statement](#) by Sergei Martynov, Minister of Foreign Affairs of the Republic of Belarus at the OSCE Ministerial Council (Brussels, 4-5 December 2006). In March 2006 Aliaksandr Lukashenka had been elected president of Belarus for the third time, after the two-term limit was removed in a constitutional referendum in October 2004. ODIHR’s assessment of the election was hard-hitting: “It is clear that this election did not meet OSCE commitments and international electoral standards.”<sup>23</sup>

<sup>24</sup> RIA Novosti, “[Lavrov Calls for Uniform OSCE Election Monitoring Rules](#)”, 21 June 2012.

<sup>25</sup> [Co-operation Agreement between the OSCE Parliamentary Assembly and the OSCE Office for Democratic Institutions and Human Rights](#), Copenhagen, 2 September 1997.

<sup>26</sup> OSCE PA International Secretariat, “Excerpts from the Memorandum to President Alcee Hastings,” 29 June 2006, cited in: OSCE Parliamentary Assembly, [The Dubs Report](#), December 2012. Prepared by the

In its Vilnius Declaration of 2009, the OSCE PA reiterated that “parliamentarians provide unmatched credibility and visibility to OSCE election observation activities.”<sup>27</sup> The man who has made this point most consistently, leading the charge against ODIHR, is the secretary general of the OSCE Parliamentary Assembly, R. Spencer Oliver. Spencer Oliver, an American who has held this position since 1993, presented a report in December 2012 on problems in the cooperation with ODIHR. He warned:

“...there is the staff of the ODIHR in Warsaw, almost none of whom have ever had any political experience, have not held nor sought public office, worked in a parliament or worked on the staff of a political party. Their judgment of elections, therefore, is often questionable.”<sup>28</sup>

Oliver stressed what has become the mantra among many in the OSCE PA: that “parliamentarians, as elected politicians, are by far the most qualified election observers that can be found anywhere.”<sup>29</sup> Following this logic, parliamentarians, by virtue of who they are, do not need to be on the ground for many weeks, or visit a large number of polling stations, or follow any systematic observation methodology in order to arrive at their conclusions.

Repeated disagreements led the OSCE PA to unilaterally withdraw from the Copenhagen Agreement. Speaking at the Dublin Ministerial Council in December 2012, OSCE PA President Riccardo Migliori announced that the Agreement was “no longer valid and ... no longer operative.”<sup>30</sup> Four months later, in April 2013, the OSCE PA Bureau announced the reactivation of the Agreement.<sup>31</sup>

Many of the most bitter disagreements between ODIHR on the one hand and parliamentary delegations on the other have taken place in Azerbaijan. This has been described in a previous ESI report, *Caviar Diplomacy*.<sup>32</sup> After the 2010 elections in Azerbaijan, the head of the OSCE PA observers, Austrian MP Wolfgang Grossruck, accused ODIHR observers of non-professionalism and being prejudiced against Azerbaijan (in these elections 50 out of 88 opposition candidates had been denied registration;<sup>33</sup> on election day ballot stuffing was witnessed in 63 polling stations).<sup>34</sup> As he put it in an open letter to the OSCE Chairman-in-Office:

“Throughout the mission, we had the impression that the ODIHR was more eager to fulfil expectations from the international media, the NGO community and Azerbaijan’s

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International Secretariat at the request of Lord Alf Dubs, Member of the UK Delegation to the OSCE PA.

<sup>27</sup> OSCE PA, [Vilnius Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Eighteenth Annual Session](#), Vilnius, 29 June – 3 July 2009, “Resolution on strengthening the OSCE”, para. 14.

<sup>28</sup> OSCE Parliamentary Assembly, [The Dubs Report](#), December 2012. Prepared by the International Secretariat at the request of Lord Alf Dubs, Member of the UK Delegation to the OSCE PA, p. 1.

<sup>29</sup> Ibid., p. 2.

<sup>30</sup> OSCE PA, President Riccardo Migliori, [Remarks to the Ministerial Council](#), 6 December 2012 in Dublin.

<sup>31</sup> OSCE PA, [“OSCE PA Bureau reactivates election observation agreement”](#), Press Release, Copenhagen, 15 April 2013.

<sup>32</sup> ESI, [Caviar Diplomacy: How Azerbaijan silenced the Council of Europe](#), Berlin, 24 May 2012.

<sup>33</sup> OSCE/ODIHR Election Observation Mission Final Report, [“Republic of Azerbaijan Parliamentary Elections, 7 November 2010”](#), Warsaw, 25 January 2011, p. 9.

<sup>34</sup> Ibid., p. 3.

opposition than to demonstrate a truly professional attitude in accessing, collecting and analysing the evidence.”<sup>35</sup>

In light of this experience, it was probable that cooperation between international monitors in Azerbaijan in 2013 would not be easy. However, nobody expected just how bad the rift would turn out to be.

#### **D. What the long-term observers found**

Although the 1990 OSCE Copenhagen document provides for a standing invitation to observe elections in OSCE member states, and a formal invitation to observe elections is not actually needed, the practice in recent years has been that governments invite ODIHR to observe elections.

In August 2013 ODIHR received such an invitation from the Azerbaijani government.<sup>36</sup> A head of the ODIHR election monitoring mission was selected in a competitive process: Tana de Zulueta, a journalist with a Cambridge University degree in anthropology, former correspondent for *The Economist* in Italy and also a former member of the Italian parliament.

ODIHR’s core team of 12 experts started work in Baku on 28 August. They attended meetings of the Central Election Commission, analysed electoral legislation, met with government representatives, political parties and NGOs, and conducted media monitoring. On 11 September, 30 long-term observers were deployed in regional centres throughout the country, where they conducted much of the same work as the core team did in Baku.<sup>37</sup> The ODIHR mission then published two interim reports: one on 12 September<sup>38</sup>, the other on 1 October.<sup>39</sup>

What it found was alarming: intimidation, the imprisonment of opposition figures, a lack of media freedom.<sup>40</sup> ODIHR noted that the campaign “has been marred by some reported incidents of intimidation affecting the families of political figures.”<sup>41</sup> It gave concrete examples. On 22 September, the son of opposition party chairman Ali Kerimli was detained following an opposition rally. On 23 September, the teenage son of the spokesperson of the leading opposition candidate, Jamil Hasanli, was stabbed by unknown assailants in Baku.<sup>42</sup> ODIHR also referred to the case of Ilgar Mammadov, head of the REAL opposition party, former head of the Council of Europe School of Political Studies in Baku<sup>43</sup> who prepared to

<sup>35</sup> Azerireport, [“Dispute Over Azerbaijani Elections: Austrian Politician Complains About British Representative”](#), 20 December 2010.

<sup>36</sup> APA, [“Azerbaijan sends official invitation to international organizations for observing presidential elections”](#), 15 August 2013.

<sup>37</sup> ODIHR, [“Observation of Presidential Election in Azerbaijan, 9 October 2013: Election observation mission.”](#)

<sup>38</sup> OSCE/ODIHR, [“Interim Report no. 1, 28 August – 12 September 2013”](#), published 12 September 2013.

<sup>39</sup> OSCE/ODIHR, [“Interim Report no. 2, 13-26 September 2013”](#), published 1 October 2013.

<sup>40</sup> See also: ESI Report, [Generation Facebook in Baku – Adnan, Emin and the Future of Dissent in Azerbaijan.](#)

<sup>41</sup> OSCE/ODIHR, [“Interim Report no. 2, 13-26 September 2013”](#), published 1 October 2013, p.2.

<sup>42</sup> Ibid., p.2, fn. 4.

<sup>43</sup> European Association of the Schools of Political Studies of the Council of Europe, [“Arrest of Ilgar Mammadov, Director of the Baku School of Political Studies”](#), Declaration, Strasbourg, 7 February 2013.

run for president. Mammadov was arrested on trumped-up charges of organising public disorder and resisting the police in February 2013.<sup>44</sup>

ODIHR also described a deteriorating media environment:

“OSCE/ODIHR Election Observation Mission interlocutors have expressed concerns about the media environment being overshadowed by a number of imprisoned journalists (currently eight), the intensification of the practice of unjustified or selective criminal prosecution and reported physical attacks against journalists. All television stations with nationwide coverage are considered to be under government control.”<sup>45</sup>

Throughout the pre-election period, ODIHR found that “92 per cent [of TV coverage] was dedicated to the incumbent President, with some 8 per cent to the remaining nine candidates.”<sup>46</sup> ODIHR noted a lack of freedom of assembly. The reports focused on new amendments to the law on mass gatherings, in force since 1 January 2013, drastically increasing fines for participating in unauthorized protests.<sup>47</sup>

The laws governing elections were also problematic. For years, ODIHR and the Venice Commission, the Council of Europe legal advisory body, have urged Azerbaijan to change the composition of its election commissions. These recommendations have remained unaddressed.<sup>48</sup> Finally, there was the difficulty in registering candidates. Four candidates were denied registration because the Central Election Commission invalidated some of the signatures they had collected to support their nomination. Their appeals in court were unsuccessful.

And yet, if these facts were striking, none of them were truly surprising. In 2003 ODIHR had concluded that presidential elections “failed to meet OSCE commitments and other international standards for democratic elections.”<sup>49</sup> In 2005 ODIHR had assessed 41 percent of ballot counts as “bad” or “very bad”, with large scale ballot stuffing and other manipulations.<sup>50</sup> In 2010 the head of the ODIHR observers, Audrey Glover, concluded that “the conditions necessary for a meaningful democratic election were not established.”<sup>51</sup> The same head of the Central Election Commission, Mazahir Panahov, had overseen all of these elections. He was still there in 2013.

Nor were ODIHR’s findings unfamiliar to anyone who had read recent assessments by other international organisations. In May 2013, the Council of Europe’s Human Rights Commissioner Nils Muiznieks criticized widespread arrests of journalists and activists in

<sup>44</sup> OSCE/ODIHR [“Republic of Azerbaijan, Presidential Election, 9 October 2013: Interim Report No. 1 \(29 August – 12 September 2013\)”](#), p. 2.

<sup>45</sup> OSCE/ODIHR, [“Interim Report no. 1, 28 August – 12 September 2013”](#), published 12 September 2013, p. 5.

<sup>46</sup> OSCE/ODIHR, [“Statement of Preliminary Findings and Conclusions”](#), 10 October 2013, p. 10.

<sup>47</sup> OSCE/ODIHR, [“Interim Report no. 1, 28 August – 12 September 2013”](#), published 12 September 2013, p. 2.

<sup>48</sup> The latest opinion issued jointly by the Venice Commission and ODIHR in 2008 stated, “several important recommendations have not been addressed or have not been addressed adequately.” See ODIHR/Venice Commission, [“Joint Opinion on the Draft Law on Amendments and Changes to the Electoral Law of the Republic of Azerbaijan”](#), CDL-AD(2008)011, 23 June 2008, p. 3.

<sup>49</sup> OSCE/ODIHR, “Republic of Azerbaijan Presidential Elections 15 October 2003. Final Report”, 12 November 2003, p.1.

<sup>50</sup> OSCE/ODIHR Election Observation Mission Final Report, [“Republic of Azerbaijan Parliamentary Elections 6 November 2005”](#), Warsaw, 1 February 2006, p. 22.

<sup>51</sup> Azerireport, [“November-2010 Elections In Azerbaijan: Press Conference of European Election Observation Missions”](#), Transcript of the press conference, Baku, 8 November 2010.

Azerbaijan.<sup>52</sup> In June 2013, the European Parliament adopted an urgent resolution condemning the arrest of Ilgar Mammadov, calling for his “immediate and unconditional release.”<sup>53</sup> (He remains in pre-trial detention).

The ODIHR reports did not refer to the history of repression of dissent and political opposition in Azerbaijan under Ilham Aliyev before 2013.<sup>54</sup> If ODIHR had made reference to the extensive research by international human rights NGOs, its report would have been even more critical. In May 2013 Amnesty International wrote in its annual report: “Peaceful assemblies were regularly dispersed with excessive force by police and those who attempted to take part in peaceful rallies faced harassment, beatings and arrest.”<sup>55</sup> In September 2013 Human Rights Watch released a 100-page report on Azerbaijan, *Tightening the Screws*. It said:

“Azerbaijan’s record on freedom of expression, assembly, and association ... has seen a dramatic deterioration since mid-2012. Since then the government has been engaged in a concerted effort to curtail opposition political activity, punish public allegations of corruption and other criticism of government practices, and exercise greater control over nongovernmental organizations (NGOs).”<sup>56</sup>

Human Rights Watch also noted:

“The Baku municipal authorities have implemented a blanket ban on all opposition demonstrations in the city center since early 2006. The authorities have broken up unsanctioned ones – often with violence – and have arrested and imprisoned peaceful protestors, organizers, and participants.”<sup>57</sup>

On 1 October, the Human Rights Club, a leading NGO in Azerbaijan, issued an updated list of political prisoners containing 142 names. The list included 10 journalists and bloggers, 11 youth activists, 6 oppositional party activists and 75 religious activists.<sup>58</sup> Finally, on 8 October 2013, on the eve of elections, Amnesty International wrote:

“With new arrests of civil society activists reported almost daily, it’s hard to keep up with the sheer number and the speed at which dissenters are being persecuted at the moment.”<sup>59</sup>

And yet for the leaders of the short-term parliamentary election monitoring missions which began to arrive in Baku on Sunday 6 October the assessment of facts provided by ODIHR was unacceptably critical. They were determined to see progress and praise the elections, even before one vote had been cast.

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<sup>52</sup> Council of Europe Commissioner for Human Rights, “[Azerbaijan: greater freedom of expression and assembly urgently needed](#)”, 27 May 2013.

<sup>53</sup> European Parliament, “[2013 Resolution on Azerbaijan](#)”, 13 June 2013.

<sup>54</sup> See Annex A for more detail.

<sup>55</sup> Amnesty International, *Annual Report 2013: The state of the world’s human rights* (May 2013), [Chapter: Azerbaijan: Freedom of assembly](#).

<sup>56</sup> Human Rights Watch, *Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent*, September 2013, p. 1.

<sup>57</sup> Human Rights Watch, *Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent*, September 2013, p.4.

<sup>58</sup> Civil Solidarity, “[Azerbaijan: an updated list of political prisoners](#)”, 1 October 2013.

<sup>59</sup> Amnesty International, “[Azerbaijan in downward spiral of oppression ahead of presidential elections](#)”, 8 October 2013.

On Monday evening (7 October) ODIHR send a draft report summing up the findings of the long-term observers to the heads of delegations of PACE, the EP and the OSCE PA in sealed envelopes with watermarks. On Tuesday early afternoon (8 October), a first meeting of the heads of the four teams of international election observers took place at the Hyatt Regency hotel in Baku. Three parliamentary bodies sent their heads of delegations: the OSCE Parliamentary Assembly,<sup>60</sup> the European Parliament,<sup>61</sup> and the Parliamentary Assembly of the Council of Europe (PACE).<sup>62</sup>

Doris Barnett, a German Social Democrat from Ludwigshafen, an industrial city on the Rhine, was the head of the delegation of the OSCE parliamentary assembly. Barnett had never visited Azerbaijan before and it was her first time heading an election observation mission. She admitted openly that she knew little about the political environment in the country. She also explained to ESI that she tried not to read too much before arriving, in order “to keep an open mind about the country.”<sup>63</sup> By contrast, Robert Walter, head of the PACE delegation and a UK Conservative from rural North Dorset in southwest England, knew Azerbaijan very well, having been an observer at numerous elections before. Pino Arlacchi, an Italian sociologist and politician and an expert on transnational organized crime, headed the small group of European Parliament monitors.<sup>64</sup> There was also French parliamentarian and mayor of a small town north of Lyon, Michel Voisin, the special OSCE coordinator appointed by the foreign minister of Ukraine (the OSCE chairman-in-office). He had also attended previous Azerbaijani elections.<sup>65</sup>

Tana de Zulueta presented ODIHR’s pre-election findings. She talked about media freedom and freedom of assembly. She described the legal situation and election-relevant human rights abuses. These findings were immediately criticized by the leaders of the parliamentary delegations, who, one observer noted, appeared to act “in unison.” Pino Arlacchi and Robert Walter disagreed with the “tone”. They demanded that there be changes. They did not dispute specific facts, having only arrived in Baku a few days before; but they did challenge the overall political assessment. No agreement was reached and the issue was postponed to the next day.

## E. Election Day and the great divorce

On 9 October 2013, some 3.7 million Azerbaijani voters went to the polls to cast their votes. The incumbent, Ilham Aliyev, was running for his third consecutive term. His main rival was 61-year-old Jamil Hasanli, a history professor and former opposition member of parliament (2000-2010). In 2008, key opposition parties had boycotted the elections. This time they joined forces, creating the National Council of Democratic Forces in May 2013 and chose a united candidate.<sup>66</sup> Hasanli’s main message to Azerbaijani voters was: “Enough!”<sup>67</sup>:

<sup>60</sup> The OSCE Parliamentary Assembly is a body comprising 323 members from 56 national parliaments (there are today 57 OSCE participating states, but the Holy See has no parliament).

<sup>61</sup> The European Parliament has 766 directly elected representatives from the 28 EU member states.

<sup>62</sup> PACE brings together 318 representatives (and 318 substitutes) from the national parliaments of the Council of Europe’s 47 member states.

<sup>63</sup> ESI Interview, October 2013.

<sup>64</sup> Tom Blickman, [“New Possibilities for Change in International Drug Control”](#), *TNI Drug Policy Briefing Nr. 1*, December 2000.

<sup>65</sup> APA, [“OSCE short-term observation mission head: “The elections in Azerbaijan have been free, transparent and fair”](#)”, 10 October 2013.

<sup>66</sup> For more background on Jamil Hasanli, read RFE/RL, [“Azerbaijani Opposition Chooses Backup Presidential Candidate”](#), 23 August 2013.

“If elected, I have undertaken to serve for a limited, two-year term only, to oversee a transition to democracy and the establishment of the rule of law. Tackling corruption, ending oligarchic control of the national economy, releasing political prisoners, limiting presidential powers, strengthening parliament, democratising and opening up the peace process with Armenia are some of the key measures we are proposing.”<sup>68</sup>

There were eight more contenders.<sup>69</sup> They were mostly from pro-government parties. During debates they did not challenge Aliyev but Hasanli. Aliyev declined to participate in public debates, sending a representative instead.

On election day there were 319 ODIHR observers, 26 observers from the OSCE PA, 33 PACE observers and 7 European Parliament observers.<sup>70</sup> Across the country there were 5,273 polling stations.<sup>71</sup>

The four heads of the election monitoring missions met again on 9 October, the day of the elections, in the late afternoon. For this meeting the head of ODIHR, Janez Lenarcic, a senior Slovenian diplomat, also joined the group. This meeting was even more difficult than the first. Arlacchi and Walter rejected a new, slightly modified draft of the ODIHR text as too negative. They pointed out that they were the politicians, and were thus better placed to assess political sensitivities. Robert Walter suggested a compromise: to issue two post-election day statements, one by ODIHR alone, summing up its pre-election findings, and a joint one by PACE, the EP, the OSCE PA and ODIHR on the election day itself. ODIHR rejected this as running counter to the basic notion that credible election observation could *not* only focus on the tip of the iceberg. At one point Arlacchi challenged ODIHR’s very legitimacy: “What right do you have to criticise their constitution or election law?” Tempers ran high. Efforts by Doris Barnett to “mediate”, as she explained to ESI later, were to no avail.

In previous elections in Azerbaijan different monitoring groups had already struggled to agree on common language. In 2008, some PACE members led a rebellion against the leader of their monitoring group and against any compromises with ODIHR.<sup>72</sup> They were, narrowly, rebuffed. In 2010, a carefully crafted compromise formula was reached between ODIHR and the parliamentary delegations, only for totally divergent assessments to come out at the press conference. In 2013 no agreement was possible. And thus on Wednesday 9 October in the early evening, the heads of the PACE and European Parliament delegations decided to break with the ODIHR and OSCE PA observers.

A joint press conference scheduled for the next day was called off. PACE and the EP decided to draft their own conclusions and hold their own press conference. This also meant that

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<sup>67</sup> Jamil Hasanli, [“Azerbaijan must use this election to end the Aliyev dynasty”](#), The Guardian, 8 October 2013.

<sup>68</sup> Jamil Hasanli, [“Azerbaijan must use this election to end the Aliyev dynasty”](#), The Guardian, 8 October 2013.

<sup>69</sup> Igbal Agha-zade (Umid/Hope party), Araz Alizade (Social Democratic Party), Hafiz Hajiyevev (Modern Musavat Party), Gudrat Hasanguliyev (People's Front of United Azerbaijan), Ilyas Ismayilov (Adalet/Justice Party), Faraj Guliyev National Revival Movement), Sardar Jalaloglu Mammadov (Democratic Party of Azerbaijan), and Zahid Oruj (independent).

<sup>70</sup> OSCE/ODIHR, [“Statement of Preliminary Findings and Conclusions”](#), 10 October 2013, pp. 13-14.

<sup>71</sup> In addition to these 5,273 polling stations, “181 PECs were established in special locations, such as military units, prisons, hospitals, and off-shore oil drilling platforms, as well as 38 PECs at diplomatic missions and consulates to facilitate out-of-country voting.” Source: ODIHR, Statement of preliminary findings and conclusions, p. 4.

<sup>72</sup> See: ESI, Caviar Diplomacy (2012), p. 18.

neither the European Parliament delegation with its 7 members nor PACE with its 33 members sought access to the detailed information of ODIHR's 30 long-term and 289 short-term monitors, from whom findings were still being collected.

As the polling stations closed, the observation report forms of ODIHR short-term observer started coming in. Typically, ODIHR short-term observers visit some 10 polling stations during the day in teams of two. For every visit, they fill out a form containing a checklist. These were sent back to the ODIHR headquarters in the Landmark Hotel. In total, ODIHR monitors observed voting in 1,151 of the 5,273 polling stations across the country.<sup>73</sup> By the evening, as more information came in from the field, the data was put together and analysed by ODIHR's Swedish lead statistician and his team.

The evidence of systemic fraud was overwhelming. There were "clear indications of ballot box stuffing in 37 polling stations."<sup>74</sup> In other words, electoral officials or others with access to the ballot boxes were filling them with stacks of fraudulent ballots. (Local observers and journalists also posted videos detailing violations on YouTube. In one of them, the same group of women is shown voting at six different polling stations).<sup>75</sup>

ODIHR also observed 105 vote counts and the tabulation process at 95 out of 125 constituency election commissions.<sup>76</sup> This stage of the election process – vote count and tabulation – is crucial, since that is where fraud is most likely to take place.<sup>77</sup> While voting was problematic, the counting of ballots was catastrophic: "The counting was assessed in overwhelmingly negative terms, with 58 per cent of observed polling stations assessed as bad or very bad, indicating serious problems."<sup>78</sup> In 2008, 23 per cent of vote counts were assessed as "bad or very bad."<sup>79</sup> Vote tabulation – the process in which the voting results from local polling stations are transmitted to the higher-level election commission and entered into the database (tabulated) first regionally and then nationally – was then also assessed negatively in 23 of the 95 constituency election commissions observed. One experienced observer, asked by ESI to put this in context, noted this was along the worst elections ODIHR had ever monitored anywhere. A leading ODIHR expert present in Baku later described this election as being "off the chart" in the number of violations uncovered. It may have been the worst vote count ever observed by any ODIHR election observation mission anywhere.<sup>80</sup>

On this basis ODIHR prepared its statement. It concluded:

"The limitations placed on the fundamental freedoms of assembly, association, and expression, the lack of a level playing field, the allegations of intimidation all came in the lead up to an election day that our observers found to be seriously flawed."<sup>81</sup>

<sup>73</sup> OSCE/ODIHR, "[Statement of Preliminary Findings and Conclusions](#)", 10 October 2013, p. 14.

<sup>74</sup> Ibid., p. 3.

<sup>75</sup> RFE/RL, "[Liveblog: Azerbaijan Votes For President](#)", 9 October 2013, also available from RFE/RL Azerbaijani Service Radio Azadliq, "[Komissiya üzvü seçiciləri təlimatlandırır ...](#)", 9 October 2013.

<sup>76</sup> OSCE/ODIHR, "[Statement of Preliminary Findings and Conclusions](#)", 10 October 2013, p. 14.

<sup>77</sup> OSCE/ODIHR, "[Election Observation Handbook: Sixth Edition](#)", June 2010, p. 79.

<sup>78</sup> OSCE/ODIHR, "[Statement of Preliminary Findings and Conclusions](#)", 10 October 2013, p. 3.

<sup>79</sup> OSCE/ODIHR, "[Republic of Azerbaijan Presidential Election 15 October 2008: Final Report](#)", Warsaw, 15 December 2008, p. 22.

<sup>80</sup> For comparison with other elections see: ESI, Caviar Diplomacy, Table 4, p. 26.

<sup>81</sup> OSCE, "[Election in Azerbaijan undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day, international observers say](#)", accessed 23 October 2013.

For the supporters of president Ilham Aliyev, on the other hand, this was another triumphal election. The official result of the elections, announced by the Central Election Commission, showed that Aliyev obtained 84.5 per cent of the votes. The runner up, Jamil Hasanli, only got 5.5 per cent. In the end none of the other eight candidates received more than 2.5 per cent of the vote. Five of them had so little popular support that they polled less than the 40,000 signatures they had somehow managed to collect as a legal precondition to their candidacy. Hafiz Hajiyev of the Modern Musavat party obtained 24,461 votes.<sup>82</sup> He had caused a scandal during a pre-election televised debate by hurling a water bottle at Jamil Hasanli.<sup>83</sup>

The next day OSCE and ODIHR held their press conference at the Hyatt Regency Hotel, less than two hours after the heads of the PACE and the European Parliament monitoring missions, Pino Arlacchi and Robert Walter, praised the elections as free and fair. Michel Voisin read out the joint statement:

“The 9 October presidential election in Azerbaijan was undermined by limitations on the freedoms of expression, assembly and association that did not guarantee a level playing field for candidates. Continued allegations of candidate and voter intimidation and a restrictive media environment marred the campaign.”<sup>84</sup>

Then Doris Barnett spoke on behalf of the OSCE parliamentarians. She noted that she had never been to Azerbaijan before. She described her own experience as an observer:

“On election day I went to the cities of Baku and Sumgayit. Sumgayit happens to be the Azerbaijani twin city of my German hometown of Ludwigshafen. Of course, I could only see a very small part of the overall picture of the elections in this country. The seven polling stations I visited in those two cities left a very positive impression on me.”

And then she added:

“I noted very worrying reports from the long-term observers about the pre-election period, and the short-term observers of the OSCE also reported about serious problems over the course of the election day. This strikes me because it troubles the positive picture I had myself on that day ...”

Finally, Tana de Zulueta explained the findings of the ODIHR observers. Her message was clear: these elections were deeply problematic and “seriously flawed” in all aspects.<sup>85</sup>

Journalists in the room started shouting angrily. One asked why ODIHR was delivering a “biased” statement when the EP and PACE delegations had announced that the elections were free and fair. Bahruz Guliyev, editor-in-chief of the pro-government *SES* newspaper, accused ODIHR of having prepared the entire preliminary statement long before coming to Azerbaijan. Other journalists in the room broke into loud applause. Two months earlier, Guliyev had been granted a free apartment by President Aliyev in the new government-built residential complex for journalists.<sup>86</sup> “The OSCE is good for nothing any more. The OSCE

<sup>82</sup> CEC of Azerbaijan, [“Presidential Election of the Republic of Azerbaijan: Protocol of Voting Results, compiled 17 October 2013”](#), 17 October 2013.

<sup>83</sup> Radio Free Europe, [“Hurled Bottle Derails Azeri Presidential Debate”](#), 19 September 2013.

<sup>84</sup> The full video of the press conference is available on YouTube, [“Pro-government reporters turn the OSCE/ODIHR news conference into chaos”](#), Obyektiv TV Channel, uploaded 12 October 2013.

<sup>85</sup> OSCE, [“Election in Azerbaijan undermined by limitations on fundamental freedoms, lack of level playing field and significant problems on election day, international observers say”](#), accessed 23 October 2013.

<sup>86</sup> SIA, [“6 employees of “SES” Media Holding granted new apartments”](#), 22 July 2013.

must be destroyed,” said Ittafaq Mirzabeyli, a journalist with the state-owned *Khalq* newspaper.<sup>87</sup> More shouting, booing and clapping followed. Amidst the chaos, it was no longer possible to continue with the press conference, and it was officially ended by the ODIHR spokesman.

Then something surprising happened. All OSCE representatives left, with the exception of one person, Michel Voisin. After an interruption, he decided to take questions from journalists. Voisin now swiftly distanced himself from the ODIHR conclusions that he himself had agreed to before and which he had read out during the press conference. One journalist asked him whether he thought the ODIHR’s interim reports showed that the organisation was prejudiced against Azerbaijan. Voisin’s response:

“I will not permit myself to judge whether the reports had a partial or impartial character. ODIHR long-term observers are technical experts ... as for partiality or impartiality, I will refrain from judging it.”

Later Azerbaijani media quoted Michel Voisin disagreeing with the findings he had himself presented in Baku:

“According to him, it is impossible to agree with most of report's provisions. Voisin added that the presidential elections in Azerbaijan have revealed a significant step towards meeting the standards of the Council of Europe and OSCE, stressing that the elections were transparent, free and fair, and show serious progress on the path to democracy. Voisin also noted that, in this regard, he supports the statements of the Parliamentary Assembly of the Council of Europe and the European Parliament.”<sup>88</sup>

Voisin did not provide any explanation on what facts he based his reassessment, or why he had initially gone along with the ODIHR statement.

The Central Election Commission of Azerbaijan called the ODIHR’s statement an “insult” to Azerbaijani voters. It said that ODIHR “isolated itself” from other organizations, which had praised the conduct of the elections.<sup>89</sup> Elnur Aslanov, a representative of the presidential administration, complained about ODIHR’s “extreme incompetence and a something close to simple stupidity.”<sup>90</sup> Ali Hasanov, another heavyweight in the presidential administration, said,

“This announcement by the monitoring group is disrespectful of the wishes of the Azerbaijani voter, and simultaneously a blow to the prestige of the OSCE itself. It isn’t based on a single serious fact, and refers just to the lies spread by the opposition.”<sup>91</sup>

Hasanov threatened that Azerbaijan might discontinue its relationship with ODIHR altogether.<sup>92</sup>

<sup>87</sup> Shahin Rzayev, [“OSCE Faces Fury for Calling Azeri Polls ‘Flawed’”](#), IWPR, 11 October 2013.

<sup>88</sup> Trend.az, [“Head of short-term observation mission: OSCE/ODIHR report on elections in Azerbaijan doesn’t reflect views of OSCE PA, PACE and European Parliament observers”](#), 13 October 2013.

<sup>89</sup> Central Election Commission of the Republic of Azerbaijan, [“Statement of the Central Election Commission of the Republic of Azerbaijan regarding the Statement of OSCE/ODIHR and OSCE Parliamentary Assembly on Preliminary Findings and Conclusions of the Presidential Elections in the Republic of Azerbaijan conducted on October 9, 2013”](#).

<sup>90</sup> News.az, [“Azerbaijan’s high-ranking official slams OSCE/ODIHR report on elections”](#), 11 October 2013.

<sup>91</sup> Shahin Rzayev, [“OSCE Faces Fury for Calling Azeri Polls ‘Flawed’”](#), Ibid.

<sup>92</sup> News.az, [“Statements on behalf of observer mission are disrespect to voters’ will”](#), 11 October 2013.

Another veteran of Azerbaijani election monitoring, Wolfgang Grossruck, mayor of a small town in Lower Austria and the head of the OSCE PA election monitoring mission to Azerbaijan in 2010, also blamed the embarrassing divergence of views among international monitors on ODIHR:

“... the comments and observations of the ODIHR reports are not always based on concrete facts but on hearsay ... The method of observation of the elections in the OSCE as an organization should be revisited. Thus it is necessary to change the election-related methodology of ODIHR not only in Azerbaijan but also in the world ... Therefore, we must develop new standards and methodology. And most importantly, OSCE and the ODIHR should build new relations based on new principles of work.”<sup>93</sup>

The “so-called experts” had to be put in their place. If only ODIHR had accepted to be guided by the parliamentary missions in Azerbaijan, in 2010 and in 2013, there would have been no embarrassing disagreements in public and instead a clear consensus in favour of recognising Aliyev’s re-election as “free and fair.”

## F. Friends of Azerbaijani elections

“A shadow market of monitoring thus exists, in which some organizations are created or at times willing to provide less critical assessments and bestow pseudo-legitimacy on the governments that are not willing to risk holding clean election.”<sup>94</sup>

*Judith Kelley, Monitoring Democracy*

“Azerbaijan is an island of development and prosperity ... According to the head of the mission, which comprised representatives of six Pakistani parties, the elections were almost in full compliance with the legislation of the country and the observers did not notice any serious irregularities.”<sup>95</sup>

*Fifteen-member Pakistani delegation led by Mushahid Hussain Sayed, chairman of the Pakistani Senate Defence Committee*<sup>96</sup>

According to the Central Election Commission of Azerbaijan, there were nearly 1,300 international observers from 50 different organisations in Azerbaijan for the October 2013 presidential elections.<sup>97</sup> They came from all over the world. There were parliamentarians and heads of central election commissions; delegations from Italy and France, the Czech Republic and Germany, the United States of America and Pakistan, the European Parliament and the Parliamentary Assembly of the Council of Europe. Following the elections the vast majority of these international observers heaped praise on the Azerbaijani authorities for the way these elections were conducted.

<sup>93</sup> News.az, [“Flexing negative aspects of issues has become second nature to the OSCE/ODIHR”](#), 14 October 2013.

<sup>94</sup> Judith G. Kelley, *Monitoring Democracy – When International Election Observation Works, and Why It Often Fails*, Princeton University Press, 2012, p. 56.

<sup>95</sup> Central Election Commission of the Republic of Azerbaijan, [“Pakistan’s Observation Mission Praises Elections in Azerbaijan”](#), 10 October 2013.

<sup>96</sup> Senator Mushahid Hussain Sayed official website, [“Mushahid to lead Pakistan Parliamentary Delegation to Azerbaijan”](#), 6 October 2013.

<sup>97</sup> Central Election Commission of Azerbaijan, [“The Central Election Commission ended the Presidential Elections”](#), 17 October 2013.

Who were the 900 international election monitors in Baku who came for a few days and overwhelmingly agreed that what they saw were free elections? What brought them to Azerbaijan? And what facts did they see that were so different from the facts presented by the ODIHR observers?

The Italian, French and Czech senates all sent very small delegations. The Italian Senate delegation had three members. It was headed by Sergio Divina (Lega Nord). Bizarrely, Divina focused on gender equality in his praise of elections in which ten male candidates competed.<sup>98</sup>

“Women’s involvement in the political life of the country is a very important step towards the development of democracy. The work of the polling stations was organized at the highest level. The presidential election in Azerbaijan was held in a free and transparent atmosphere.”<sup>99</sup>

The Italian Senate delegation had visited “eight polling stations in Baku, Sumgait and other cities” of a total of 5,273 polling stations in the country.<sup>100</sup> The Czech Senate’s delegation called the elections “well-organized and transparent.”<sup>101</sup> Czech Communist Party leader Vojtech Filip, member of this group, described the elections as “regular, democratic and meeting European standards.”<sup>102</sup>

The French Senate’s delegation of five members was headed by Senator Nathalie Goulet.<sup>103</sup> The day before the elections, Goulet told Azerbaijani media:

“The Central Election Commission has done everything possible to perfectly organize the elections. Some people and international organizations express their views without seeing everything with their own eyes and without going deeply into details. I believe that it is not right. We will go to the regions to monitor the voting there.”<sup>104</sup>

It was not announced how many polling stations the five French senators managed to visit. However, after the elections Goulet explained:

“I am observing progress in the conduct of elections in Azerbaijan, achieved within 10 years. Some candidates say that they faced difficulties. However, we didn’t face such cases during our observations.”<sup>105</sup>

Nathalie Goulet is a member of the France-Caucasus parliamentary friendship group.<sup>106</sup> Azerbaijan’s wealthy Heydar Aliyev Foundation, run by the president’s wife, has funded the restoration of seven medieval churches in Goulet’s constituency, the Orne department in

<sup>98</sup> He was joined by Mauro Marino from the centre-left Democratic Party and Mariella Rizzotti from the People of Freedom, a liberal-conservative party. Trentino Corriere Alpi, [“Rientrata dall’Azerbaijan la delegazione con Divina”](#), 13 October 2013.

<sup>99</sup> News.az, [“Italian Senate delegations hails presidential vote in Azerbaijan”](#), 10 October 2013.

<sup>100</sup> Ibid.

<sup>101</sup> The Czech delegation was led by Jaroslav Palas, a Social Democrat. Trend.az, [“Czech senator: Presidential election in Azerbaijan well organized”](#), 10 October 2013.

<sup>102</sup> Prague Daily Monitor, [“NGOs criticise Communist leader’s assessment of Azeri polls”](#), 15 October 2013.

<sup>103</sup> ANN.az, [“French senator Nathalie Goulet praises Azeri presidential election”](#), 10 October 2013.

<sup>104</sup> CEC of Azerbaijan, [“French Senate observation mission highly appreciates pre-election preparations in Azerbaijan”](#), 11 October 2013.

<sup>105</sup> News.Az, [“I am observing progress in conduct of elections in Azerbaijan – Nathalie Goulet”](#), 10 October 2013.

<sup>106</sup> Senat de France, [“Membres du groupe France-Caucase”](#).

northwestern France.<sup>107</sup> In March 2012 Goulet spoke at the opening ceremony of the French office of the European Azerbaijan Society (TEAS), a lobby group set up in 2008 by Tale Heydarov, the son of the powerful Azerbaijan Emergency Minister Kemaleddin Heydarov.<sup>108</sup> In March 2013, Goulet chaired one of the sessions at a business forum organized in Paris by TEAS.<sup>109</sup>

There were also individual members of the European Parliament who travelled to Azerbaijan independently. One was Kristiina Ojuland, a former Estonian foreign minister and current member of the European Parliament. She was quoted after the elections by a pro-government news portal: “The elections were transparent, free and fair. No country is perfect, all have flaws, but we see the development of democracy in Azerbaijan.”<sup>110</sup> Ojuland explained that she had been invited by the Azerbaijani Parliament.<sup>111</sup> She had been in Azerbaijan on numerous previous occasions, always defending the democratic record of the Aliyev regime.<sup>112</sup>

Another member of the European Parliament praising the elections was Nick Griffin, chairman of the far-right British National Party:<sup>113</sup>

“The system here is far more transparent than back home ... They’ve got a healthy disregard for authority here, you must have seen how they argue with traffic policemen. The election might have been fiddled – perhaps in a *‘my dick’s very big, I’ve got a huge majority’* kind of way – but even without that, if it happened or not, the president won fair and square on the day.”<sup>114</sup>

Then there was Eduard Lintner. Lintner, a former conservative member of the Bundestag from Bavaria who today heads the Berlin-based Society for the Promotion of German-Azerbaijani Relations (GEFDAB), is open about his role as a lobbyist for Azerbaijan. In an interview given to a German newspaper in 2011 Lintner explained that he travelled to Azerbaijan six to ten times a year. He described the essence of his work as “accompanying the country on the way to parliamentary democracy.”<sup>115</sup> *Der Spiegel* described GEFDAB as “essentially a lobbying group funded by Azerbaijan.”<sup>116</sup>

<sup>107</sup> Heydar Aliyev Foundation, [“The Heydar Aliyev Foundation participated in restoration of 7 churches dating back to the 10th to 12th centuries at the Orne department of France”](#), 13 May 2013.

<sup>108</sup> Visions of Azerbaijan, [“The European Azerbaijan Society Launches Paris Office”](#), March-June 2012, pp. 34-35.

<sup>109</sup> The European Azerbaijan Society, [“Azerbaijan – Locomotive of the Caucasus Potential and Investment Opportunities”](#), Business Forum, 14 March 2013.

<sup>110</sup> News.az, [“Azerbaijan with this election showed clear intention to integrate to Europe”](#), 10 October 2013.

<sup>111</sup> European Voice, [“European Parliament goes soft on flawed Azerbaijan election”](#), 17 October 2013.

<sup>112</sup> In a [June 2008 debate in PACE](#), Kristiina Ojuland argued that PACE was using “double standards” in its criticisms of Azerbaijan: “We have been quite unfair and we have been treating countries differently in checking how they are honouring their commitments.” She also cited the conclusions of a pro-government Azerbaijani NGO, which denied a deterioration of the human rights situation in the country. In a debate in the European Parliament on 12 September 2012, Ojuland voted against the resolution that criticized the Azerbaijani government’s pardon of Ramil Safarov, a convicted murderer sentenced to life imprisonment in Hungary. Source: European Parliament, [Debates, Thursday, 13 September 2012 – Strasbourg, 16.3 Azerbaijan: the Case of Ramil Safarov](#).

<sup>113</sup> European Voice, [“European Parliament goes soft on flawed Azerbaijan election”](#), 17 October 2013.

<sup>114</sup> Andrew Connelly, [“Nick Griffin, thug police and a corrupt regime ensured Azerbaijan’s election went smoothly”](#), 18 October 2013.

<sup>115</sup> MainPost.de, [“Was macht eigentlich ... Eduard Lintner in Aserbaidtschan?”](#), 20 June 2011.

<sup>116</sup> Ralf Neukirch, [“A Dictator’s Dream: Azerbaijan Seeks to Burnish Image Ahead of Eurovision”](#), Spiegel, 4 January 2012.

A long-time member of PACE, Lintner had earlier chaired two committees that dealt closely with the situation in the country: in 2002-2005, the Committee for Legal Affairs and Human Rights, which monitored the situation with political prisoners in Azerbaijan and later the Monitoring Committee (from late 2006 until 2007). He observed the 2005 parliamentary elections in Azerbaijan, which were marred by numerous violations. In the PACE debate in January 2006, he argued against imposing sanctions on Azerbaijan, saying that

“...the Council of Europe needed to support and accompany it [Azerbaijan] along the road to democracy, acting critically and intensively.”<sup>117</sup>

GEFDAB was behind the 36-strong “German Election Observation Group” invited by the Azerbaijani Central Election Commission.<sup>118</sup> GEFDAB covered the cost of business class flights and lodging for delegation members.<sup>119</sup> One of them was Alexandra Thein, a liberal MEP representing Berlin and Brandenburg, who published the group’s statement on her website on 18 October. It said that the vote complied with “the basic and democratic rules of a free and independent election.”<sup>120</sup> Not altogether surprisingly Lintner was also quoted on election day:

“The election process itself was organized at a high level and meets such standards as in Germany, for example ... All procedures stipulated by the law were observed during voting at all the polling stations that we visited. Our team did not notice any irregularities.”<sup>121</sup>

GEFDAB also provided financial support for observers from the “European Academy of Election Observation” (EAEO) in 2010 and in 2013.<sup>122</sup> EAEO was set up in Brussels in August 2010.<sup>123</sup> In November 2010, EAEO sent 163 parliamentarians to observe the parliamentary ballot in Azerbaijan and concluded that the voting procedures were held in “in line with international standards” and that the vote count was “open and transparent.”<sup>124</sup>

EAEO President Stef Goris, a former liberal Belgian Senator and former member of PACE, is a frequent visitor to Azerbaijan and knows the country and Ilham Aliyev well. In August 2008 he led a delegation which met with President Aliyev and discussed energy security issues.<sup>125</sup> In 2009, he chaired a panel “Looking forward to stronger partnerships with NATO and European Union”<sup>126</sup> at an international conference organized in Baku by a pro-government

<sup>117</sup> PACE, [Verbatim transcript of the debate on 25 January 2006](#).

<sup>118</sup> European Voice, [“European Parliament goes soft on flawed Azerbaijan election”](#), 17 October 2013.

<sup>119</sup> Alexandra Thein MEP, [“Erklärung über die Teilnahme eines Mitglieds an von Dritten organisierten Veranstaltungen auf Einladung”](#), 14 October 2013.

<sup>120</sup> Alexandra Thein, [“Statement of German Election Observation Group Regarding Presidential Election in Azerbaijan on October 9, 2013”](#), published 18 October 2013.

<sup>121</sup> RFE/RL, [“Liveblog: Azerbaijan Votes For President”](#), 9 October 2013.

<sup>122</sup> European Academy of Election Observation, [Home](#); EAEO, [“Legislative elections in line with democratic standards according to international observers”](#), 8 November 2010; European Voice, Andrew Gardner and Toby Vogel, [“European Parliament goes soft on flawed Azerbaijan election”](#), *European Voice*, 17 October 2013.

<sup>123</sup> EAEO, <http://www.eaio.eu/english/wordpress/>.

<sup>124</sup> EAEO, [“Legislative elections in line with democratic standards according to international observers”](#), 8 November 2010.

<sup>125</sup> AzerTAc, [“President Ilham Aliyev Receives Honorary President of Western European Union Assembly Stef Goris”](#), 26 August 2008.

<sup>126</sup> [Voice of Karabakh # 60](#), October 2009, The conference title was “Security and Stability in the Caspian Sea Region from the Point of New Geopolitical Reality” and it was organized by the Association for Civil Society Development in Azerbaijan (ACSDA) together with the French organisation “Eurasia: New horizons” headed by Thierry Mariani.

NGO.<sup>127</sup> He returned to Baku on many more occasions.<sup>128</sup> In 2013, as stated on its website, EAEO brought “135 MPs and political experts from 24 European Union countries and Canada” to observe the Azerbaijani elections.<sup>129</sup> The mission described the vote as:

“marking further progress for the consolidation of democratic elections and meeting international standards in Azerbaijan, which is a relatively young democracy.”<sup>130</sup>

The “Central European Group for Political Monitoring” (CEGPM), an NGO registered in Wurzburg, Germany, in 2006 and reported to have sent a 500-strong team of monitors, arrived at the same conclusion.<sup>131</sup> It included a 48-member US delegation composed of “former Members of Congress, business leaders and heads of not-for-profits and non-governmental organizations.”<sup>132</sup> On 10 October, the group issued a final report on its website, which stated,

“The official mission of international observers CEGPM believes that the electoral process of the 2013 Presidential Elections in Azerbaijan were legitimate, democratic, reflected the free will of Azerbaijani citizens and were conducted in accordance with the country’s Electoral Code and basic international principles of Electoral Law.”<sup>133</sup>

The group did not provide information on the composition of its mission on its rudimentary website. It has primarily monitored elections in the post-Soviet space, in countries like Ukraine and Azerbaijan, as well as in unrecognized states like Transnistria and South Ossetia.<sup>134</sup>

On 25 October one of the group’s members, former US Congressman Michael McMahon, published an article in *The Hill* calling the Azerbaijani election “fair, well-organised and transparent.”<sup>135</sup> McMahon co-chairs the government relations (lobbying) division of the US law firm, Herrick, Feinstein LLP.<sup>136</sup>

The Commonwealth of Independent States (CIS), the Russian-led grouping uniting ten former Soviet republics, also sent a large delegation. It had 276 members, including twenty long-term observers.<sup>137</sup> It was led by Sergey Lebedev, CIS Executive Secretary and former head of the Russian foreign intelligence service.<sup>138</sup> CIS monitors have endorsed many controversial elections in CIS member states. Notable examples include Belarus in 2004 and 2010, and Uzbekistan and Kyrgyzstan in 2005 – all cases where other international monitors reported

<sup>127</sup> New Azerbaijan Party, [“Baku hosting international conference on security and stability in Caspian sea region”](#), 18 September 2009.

<sup>128</sup> 2011 Baku International Humanitarian Forum, [“Foreign Participants”](#).

<sup>129</sup> EAEO, [“Statement by the EAEO Observation Mission in Azerbaijan \(Presidential elections, Thursday, 10 October 2013\)”](#), posted 21 October 2013.

<sup>130</sup> Ibid.

<sup>131</sup> Michael McMahon, [“Azerbaijan election was fair, well-organized and transparent”](#), *The Hill – Blog*, 25 October 2013. The article is no longer available on the original website but was reposted by [News.az](#) and cited by [APA](#) and other Azerbaijani media outlets.

<sup>132</sup> EAEO, [“Statement by the EAEO Observation Mission in Azerbaijan \(Presidential elections, Thursday, 10 October 2013\)”](#), posted 21 October 2013.

<sup>133</sup> Central European Group for Political Monitoring, [“Report of the Central European Group for Political Monitoring for the Presidential Elections in Azerbaijan – 2013”](#), Baku, 10 October 2013.

<sup>134</sup> Central European Group for Political Monitoring, [Publications](#).

<sup>135</sup> Michael McMahon, “Azerbaijan election was fair, well-organized and transparent”, Ibid.

<sup>136</sup> Herrick, [“Michael McMahon Authors The Hill Article ‘Azerbaijan Election Was Fair, Well-Organized and Transparent’”](#), 25 October 2013.

<sup>137</sup> CIS Information Portal, [“Press Release”](#), 7 October 2013. SIA agency, [“Presidential elections in Azerbaijan were held in accordance with international standards, CIS mission says”](#), 11 October 2013.

<sup>138</sup> Sergey Lebedev, Executive Secretary of the CIS, [“Curriculum Vitae”](#), accessed 23 October 2013.

significant electoral fraud.<sup>139</sup> CIS observers have also repeatedly praised Azerbaijani elections. In 2010, they stated that “the authorities took all necessary measures for holding democratic, transparent and free elections” and that the vote conformed to legal standards.<sup>140</sup> Speaking at a press conference in Baku on 10 October 2013, Lebedev announced, “The elections took place in democratic conditions and their results reflect the real picture.”<sup>141</sup>

There were many more delegations. The Inter-parliamentary Assembly of the Commonwealth of Independent States sent twenty-six observers.<sup>142</sup> The Parliamentary Assembly of Turkic Speaking Countries (TURKPA) was reported to have “over 10 observers.”<sup>143</sup> The Organization of the Islamic Conference (OIC) sent five. The Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC) also sent a delegation. So did the Independent American Center of Political Monitoring registered in Broken Arrow, Oklahoma.<sup>144</sup> All of these bodies praised the conduct of the October 2010 Azerbaijani elections.

And then there were the representatives of the parliamentary assemblies of three key European institutions: the European Parliament, PACE and the OSCE PA.<sup>145</sup> The European Parliament sent an official seven-member delegation. It was led by Pino Arlacchi, a former executive director of the United Nations Office on Drugs and Crime (1997-2002). Arlacchi is today a member of the European Parliament for the centre-left Italian Democratic Party. At the press conference with British MP Robert Walter on 10 October, Arlacchi described the elections as “free and transparent.” This claim is reiterated on the homepage of his website.<sup>146</sup>

The majority of the members of the European Parliament’s delegation had prior experience in and links to Azerbaijan. One of them was Evgeni Kirilov from Bulgaria. In October 2011 he spoke at a conference on the 20th anniversary of Azerbaijan’s independence which presented the country as a success of democratic development.<sup>147</sup> The event had been organized in the European Parliament by the Azerbaijani lobby group TEAS. In May 2012 Kirilov argued *against* adopting a resolution criticizing human rights violations in Azerbaijan ahead of the Eurovision Song Contest in an EP debate.<sup>148</sup> In September 2012 Kirilov went further, voting against a European Parliament resolution condemning the pardon of Azerbaijani officer and convicted murderer Ramil Safarov. During a NATO-sponsored English language course in

<sup>139</sup> The only time CIS observers strongly challenged the results of an election was during the final round of the presidential elections in Ukraine in 2004, which brought to power pro-Western Viktor Yushchenko following the Orange Revolution.

<sup>140</sup> CIS Executive Committee, [“Заявление Миссии наблюдателей от Содружества Независимых Государств по результатам наблюдения за подготовкой и проведением выборов в Милли Меджлис Азербайджанской Республики”](#) (Statement of the CIS Observer Mission on the observation of the elections to the Milli Majlis of the Republic of Azerbaijan), November 2010.

<sup>141</sup> International Institute for Monitoring Democratic and Parliamentary Process, [“Sergey Lebedev, ‘Vyборы proshli v demokraticeskikh usloviyakh i ikh rezul’taty otrazhayut realnyuyu kartinu’”](#) (Sergey Lebedev: The elections took place in democratic conditions and their results reflect the real picture), 10 October 2013.

<sup>142</sup> Interparliamentary Assembly of the CIS, [“Final statement of the IACIS election observer delegation to the presidential elections in Azerbaijan on 9 October 2013”](#), 9 October 2013.

<sup>143</sup> Trend.az, [“Interview with Ramiz Mekhdiyev”](#), 14 October 2013. According to the TURKPA’s [website](#), the observer mission consisted of MPs from Kazakhstan, Kyrgyzstan and Turkey.

<sup>144</sup> APA, [“Director of Independent American Center of Political Monitoring: ‘We are satisfied with the high level of organization of the presidential elections in Azerbaijan’”](#), 9 October 2013.

<sup>145</sup> PACE sent 33 observers, OSCE PA 26, and the European Parliament 7.

<sup>146</sup> Headline: [“Elezioni libere e trasparenti”](#) (“Elections free and transparent”), Pino Arlacchi, MEP, 10 October 2013.

<sup>147</sup> TEAS, [“Azerbaijani success recognised in the European Parliament”](#), 22 October 2011.

<sup>148</sup> European Parliament, [Parliamentary session from 21/05/2012 to 24/05/2012](#). Azerbaijan (debate), 24 May 2012.

Budapest in 2004, Safarov had murdered an Armenian officer, a fellow participant, with an axe in his sleep.<sup>149</sup>

Norica Nicolai, another member of the European Parliament delegation, was from Romania's centre-right National Liberal Party. In September 2012, together with Evgeni Kirilov, she also voted against the Safarov resolution. In the debate on this murderer, sentenced in Hungary and celebrated as a hero by the regime in Baku, she argued:

“I would like us to stop trying to play games in this case, favouring one side or the other, where we are managing to destabilise a situation in which the European Union ought to be playing a decisive role.”<sup>150</sup>

A third member of the EP group was Filip Kaczmarek, a Christian Democrat from Poland. He last visited Azerbaijan in July 2013, just a few months before the presidential elections, with a group of MEPs at the invitation of Elkhan Suleymanov, Baku's chief propagandist in the Council of Europe.<sup>151</sup> As reported in Azerbaijani media the “visit of the MEPs will contribute to their awareness of Azerbaijani problems and to sustained political support of our country.”<sup>152</sup>

And then there was Fiorello Provera, a former Italian Senator from the Lega Nord and a former member of PACE (2000-2006), today vice chairman of the EP's Committee on Foreign Affairs.<sup>153</sup> Provera had already visited Azerbaijan in 2005.<sup>154</sup> In December 2009, the European Parliament debated a motion for a resolution criticizing the deteriorating media freedom situation in the country after two critical bloggers were sentenced to imprisonment on trumped-up charges.<sup>155</sup> Provera argued against it:

“All parliamentary groups, with the exception of ours, support a motion for a resolution on Azerbaijan that is harsh and out of step with the partnership initiatives that we have undertaken. I am convinced that the strong views contained in the resolution put to the vote today may not only lead to the Azerbaijani Government stiffening relations with Europe, but may also have a counterproductive effect on the case of these two young people, in that this resolution could jeopardise the granting of a pardon.”<sup>156</sup>

In June 2010 Provera travelled to Baku as Vice Chairman of the EP Foreign Affairs Committee, in order to strengthen ties between the EP and Azerbaijan.<sup>157</sup>

<sup>149</sup> Following the murder, Safarov was convicted and sentenced to life imprisonment in a Hungarian prison. Eight years later, in August 2012, Hungary unexpectedly decided to extradite Safarov to Azerbaijan. Instead of going to prison, Safarov was greeted as a hero, pardoned, given back pay for eight years, promoted and granted a new apartment in Baku. See: BBC, [“Azeri killer Ramil Safarov: Concern over Armenian anger”](#), 3 September 2012.

<sup>150</sup> European Parliament, [Debates, Thursday, 13 September 2012 – Strasbourg, 16.3 Azerbaijan: the Case of Ramil Safarov](#).

<sup>151</sup> APA, [“Members of European Parliament visit Azerbaijan”](#), 8 July 2013.

<sup>152</sup> Ibid.

<sup>153</sup> The European Parliament, [Committees, Foreign Affairs – Members](#).

<sup>154</sup> Today.az, [“Azeri President receives head of Italian Senate”](#), 10 June 2005.

<sup>155</sup> The full text of the adopted resolution is available here: [“European Parliament resolution of 17 December 2009 on Azerbaijan: freedom of expression”](#).

<sup>156</sup> European Parliament, [“Debates, Thursday, 17 December 2009 – Strasbourg”](#), Fiorello Provera.

<sup>157</sup> AVCIYA, [“EP Committee: Structure intends to expand cooperation with Azerbaijan”](#), 8 June 2010. President of Azerbaijan, [“Ilham Aliyev received Vice-Chairman of European Parliament's Committee on Foreign Affairs”](#), 10 June 2010.

Then there was the 33-member PACE mission<sup>158</sup>, led by Robert Walter. Walter chairs the European Democrat Group, EDG, in PACE, which includes British conservatives and Aliyev's New Azerbaijan Party, Putin's United Russia, and most members of Yanukovich's Party of the Regions in Ukraine.

The Parliamentary Assembly of the Council of Europe (PACE) has observed every single election in Azerbaijan in the last decade. Walter observed elections in Azerbaijan in 2005, 2008, and 2010. In January 2006, he noted:

“We have to accept that Azerbaijan is a young democracy that lacks the traditions, procedures and checks and balances that we in our mature democracies are well used to.”<sup>159</sup>

In September 2011 Robert Walter led a high-level British trade mission to Baku to investigate business opportunities.<sup>160</sup> According to the organiser, the London-based Middle East Association, the visit was “fully supported” by the Azerbaijani lobby group TEAS.<sup>161</sup>

In January 2013, Walter voted against a PACE resolution criticizing the imprisonment of the regime's political opponents. He argued that the author of the resolution, special PACE rapporteur Christoph Strasser,

“passed judgment on the conclusions of his report before ever attempting to go to Azerbaijan. He based his report on blogs, non-governmental organisation reports and hearsay.”<sup>162</sup>

This was deeply dishonest: Strasser had submitted three visa applications in order to carry out a fact-finding visit to Azerbaijan, and was refused entry all three times, something everybody in PACE knew.

What all of these parliamentarians shared was a conviction that it was perfectly normal for short-term observers to come to different conclusions from long-term observers. But what was the methodology of these observers? How could seven EP members disprove the findings of 319 ODIHR observers? How many polling stations could the members of the PACE delegation visit in one day? How many watched the counting of votes?

Or is there, in the final analysis, no objectivity to election monitoring in any case, and everything just a matter of opinion? This appears to be the view of Fiorello Provera, a member of the European Parliament's delegation. He explained:

“I know that there is difference between opinion of the EP and that of Council of Europe and ODIHR. Everyone has the right to express his opinion and everyone is responsible for his own point of view.”<sup>163</sup>

<sup>158</sup> See the full list of members here: <http://website-pace.net/documents/10643/110596/20130925-AzerbaijanPresidentialListRev-BIL.pdf/eaab6174-3c16-447b-b217-fbd228588793>.

<sup>159</sup> PACE, Verbatim transcript of a debate, 25 January 2006. “[The challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds](#)”.

<sup>160</sup> Embassy of the Republic of Azerbaijan to the United Kingdom of Great Britain and Northern Ireland, Newsletter, September 2011, issue 5, “[British Trade Mission visited Azerbaijan](#)”.

<sup>161</sup> Middle East Association, “[MEA trade mission to Azerbaijan](#)”, 4 November 2011.

<sup>162</sup> PACE, [Verbatim Transcripts, 23 January 2013](#).

<sup>163</sup> CEC of Azerbaijan, “[Azerbaijan – a country having great importance not only to Europe, EP member](#)”, 10 October 2013.

### G. Does election monitoring have a future?

The events in October 2013 in Baku reveal a broken system for international election observation. International monitors should provide objective assessments, based on documented observations, of whether national elections meet European and international democratic standards. This should help to prevent or resolve national disputes about election results, while guiding the international community in their future dealings with the governments in question.

In fact, there is today a lucrative market for observers – former and current members of international and national parliaments. The more observers there are the more likely they are to undermine any sense that there even exist any international standards. Thus a selection of self-appointed short-term observers is offering impromptu opinions based upon cursory observations, little objective information and in many cases a striking ignorance of or even disregard for international standards. Their presence means that the one credible international monitoring institution, ODIHR, finds clear and uncomfortable findings questioned and undermined at every turn without reference to facts.

Even with the right motivations, how can short-term observers avoid amateurish evaluations if they are in small numbers? As a rule, short-term observers arrive in a country two days before the elections. They are briefed on the election campaign. They typically spend one day meeting with representatives of the government, the opposition, mass media and NGOs. Given the limited size of their delegations, they can only visit a few polling stations on the day of elections. Few watch the crucial vote counting. Then they leave the day after the elections.

The OSCE Parliamentary Assembly argues that parliamentarians can assess whether an election meets international standards without engaging in long-term monitoring and without following any methodology, just because they have been elected themselves. This argument is absurd, but it keeps being presented as a serious claim. It is an argument that can no longer be left unchallenged by other parliamentarians concerned about the reputation of their institutions, or by international media reporting on such assessments.

How about the argument that parliamentary short-term observers are by definition “independent and credible”? The Italian magazine *Panorama* alleged recently that, behind closed doors, Pino Arlacchi had explained to other members of the European Parliament that in Azerbaijan he had “defended the interests of Italy in the region.”<sup>164</sup> *Panorama* then referred to Italian investments in the energy sector. Many parliamentarians volunteering to take part in election observation missions come from countries that have economic interests in Azerbaijan.

However, if observers are not offering objective assessments based on a rigorous methodology then they are merely offering opinion. These opinions are open to influence through geopolitical interests and alliances, commercial incentives and sometimes even worse: blackmail and corruption.

European democracies have long supported and financed election monitoring missions. They have done so convinced that this contributes rather than undermines the promotion of

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<sup>164</sup> *Panorama*, [Azerbaijan: Pino Arlacchi imbarazza l'Europa](#), 28 October 2013.

democracy. Unfortunately, they can no longer be sure. When the European Parliament decided to send a delegation of seven members on 12 September<sup>165</sup> it did so with a purpose:

“The aim of the MEPs’ mission is to *assess whether the 2013 presidential elections in Azerbaijan are conducted according to the country’s international commitments and national laws*. MEPs’ work will be guided by international standards and criteria, as defined by the Office for Democratic Institutions and Human Rights (OSCE/ODIHR), and grounded in fundamental civil and political rights”<sup>166</sup> (*emphasis added*).

On 23 October the European Parliament voted at a plenary session in Strasbourg on an amendment to the European Neighbourhood Policy report. It distanced itself from the findings of its own monitoring mission in Azerbaijan:

“The European Parliament regrets the fact that, according to the conclusions of the ODIHR long-term mission, the latest presidential election, held on 9 October 2013, once again failed to meet OSCE standards; the European Parliament calls, in view of this, on the Azerbaijani authorities to address and swiftly implement all the recommendations included in present and past ODIHR/OSCE reports.”<sup>167</sup>

The vote in the European Parliament on 23 October is a start, but it is not enough. It is still likely that at its next session in January 2014 PACE will arrive at diametrically opposed conclusions concerning these elections, upholding the finding of its own team of short-term observers that these elections were free and fair. This would make clear that in the end assessing elections is about mobilising majorities and that there is no real need for monitoring at all.

The practice of international election monitoring has thus reached a crossroads. It is imperative for the European Parliament to launch an investigation into what has happened in Baku, inviting all participants to a public hearing. Parliaments of member states of the European Union, which are concerned about the state of democracy in Europe and parliaments of other Council of Europe members might also want to look into the state of international election monitoring in light of this experience.

Azerbaijan is about to take over the rotating chairmanship of the Council of Europe’s Committee of Ministers in May 2014. Recent events in Baku have deepened the crisis of credibility of the Council of Europe.<sup>168</sup> There is now a pattern of PACE parliamentary delegations concluding – against all evidence – that elections in Azerbaijan are “free and fair”: this already happened in 2010 and now again in 2013.

There is thus also a need to act for governments in the Committee of Ministers of the Council of Europe and for the secretary general of the Council of Europe, former Norwegian prime minister and current head of the Nobel Peace Prize Committee, Thorbjorn Jagland. Jagland might want to invite a group of eminent international judges and election experts to

<sup>165</sup> European Parliament, Conference of Presidents, “[Draft Minutes of the ordinary meeting of Thursday 12 September 2013](#)”, Strasbourg, Part 8a, “Request to send an Election Observation Mission to observe the Presidential Election in Azerbaijan on 9 October 2013,” pp. 21-22.

<sup>166</sup> Press release of the EU mission in Baku, cited in: Contact.az, “[Members of European Parliament will observe presidential elections in Azerbaijan](#)”, 7 October 2013.

<sup>167</sup> [European Parliament resolution of 23 October 2013](#) on the European Neighbourhood Policy: towards a strengthening of the partnership. Position of the European Parliament on the 2012 reports (2013/2621(RSP)), para. 32.

<sup>168</sup> ESI Report, [Caviar Diplomacy: How Azerbaijan silenced the Council of Europe](#), Berlin, 24 May 2012.

investigate *how* it has been possible for the judgements of PACE observers to differ, again and again, so dramatically from those of the long-term observers of ODIHR.

What about future international election observation missions? How can one prevent a repetition of what has occurred in October 2013 at the next elections in Azerbaijan ... or anywhere else?

The previous practice of ODIHR experts and heads of parliamentary delegations bargaining over the assessment of elections in the hours before a press conference deserves to end. Of course parliamentarians should continue to travel to observe elections. If parliamentarians fill out the election observation forms they become a useful addition to the team of ODIHR short-term observers. They will also gain their own impressions, which are important in later debates on elections in the European Parliament or PACE. However, in doing so they should not speak for their institutions. Robert Walter should present his observations on elections in Azerbaijani as a Tory member of the House of Commons, or as a political ally of Ilham Aliyev's (and Vladimir Putin's) party in the European Democrat Group caucus in PACE. Short-term monitors should not be given a mandate by their assemblies to judge, on the spot and based on limited observation only, whether an election meets international standards.

ODIHR should expect to be challenged on its judgements. It should be questioned on its methodology. It should also be invited to brief the European Parliament and PACE directly. At the same time it should not ever shy away from clear language, lest it betray the hopes of democrats and the values and standards it is set to defend.

The crisis of credibility of international election monitoring missions put so visibly on display in Baku in October is not about Azerbaijan. It is about the very future of election observations as an international activity that promotes democracy. It is about the credibility of some of Europe's most respected institutions.

## ANNEX A: Background to elections – Repression in Azerbaijan

How popular is Ilham Aliyev and his ruling Yeni Azerbaijan Party?

In truth, nobody knows, since there have never been truly free elections (not in 2003, not in 2008 and not in 2013). What *is* known is that his regime makes a huge effort to suppress any challenge: opposition leaders, journalists, youth activists, whoever dares to challenge the rule of Ilham Aliyev risks jail or worse.

### *Opposition leaders*

The list of opposition leaders targeted is long. Looking at just a few cases during the past decade a very clear pattern emerges:

In 2003, following the presidential elections, seven prominent opposition leaders were arrested for taking part in protests challenging the official election results. They were sentenced to jail terms between 2.5 and 5 years.<sup>169</sup>

In 2005, Sahib Huseynov, an activist of the Popular Front Party, was severely beaten in Nakhchivan before the parliamentary elections. He was then pushed over the border to Turkey.

In May 2005, Ehtiram Jalilov, deputy head of the opposition Democratic Party, collapsed dead while drinking tea with a friend. The mysterious death led to allegations of poisoning.<sup>170</sup>

Three months earlier, another opposition activist imprisoned after the 2003 presidential elections had died in prison of unknown causes.<sup>171</sup>

In February 2011, one of the party's youth activists, 19-year-old Jabbar Savalan, was arrested on drug possession charges. The arrest came days after he had posted information on Facebook calling for a protest against the authorities. He was sentenced to 2.5 years in prison.

In April 2011 Popular Front's Deputy Chairman Hasan Karimov and Tazakhan Miralamli, chairman of a regional branch of the party, were arrested. Karimov, an older man in poor health, suffered a heart attack while in detention.<sup>172</sup> Miralamli was beaten while in custody.<sup>173</sup>

In April 2011, Arif Hajili, executive head officer of the second traditional opposition party, Musavat, and Tural Abbasly, head of the party's youth organization, were arrested

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<sup>169</sup> They were Sardar Jalalovlu of the Democratic Party, Iqbal Agazade of the Umid (Hope) Party, Panah Huseynov, a former prime minister of Azerbaijan (1992-1993) and leader of the Khlaq Party; Etimad Asadov, the chairperson of the Karabakh Invalid's Association; Rauf Arifoglu, a deputy chair of the Musavat party and chief editor of the opposition daily Yeni Musavat; Arif and Ibrahim Ibrahimli, both deputy chairs of the Musavat party. The seven were released in March 2005 thanks to the pressure from the Council of Europe. See: FIDH, "[Azerbaijan: deterioration of the situation of human rights on the eve of the forthcoming parliamentary elections](#)", 7 June 2005.

<sup>170</sup> FIDH, "[Azerbaijan: deterioration of the situation of human rights on the eve of the forthcoming parliamentary elections](#)", 7 June 2005.

<sup>171</sup> FIDH, "[Azerbaijan: deterioration of the situation of human rights on the eve of the forthcoming parliamentary elections](#)", 7 June 2005.

<sup>172</sup> Azerireport, "[PFPA Official Hasan Karimov Suffered Heart Attack While In Detention](#)", 4 April 2011.

<sup>173</sup> Amnesty International, "[Azerbaijani authorities target opposition rally leaders](#)", 7 April 2011.

for participating in a peaceful protest rally in Baku. In October 2011 both were sentenced to 2.5 years in prison.

Bakhtiyar Hajiyev, a former independent parliamentary candidate in the 2010 elections, educated in Harvard, was arrested in March 2011 on draft evasion charges. He was sentenced to two years in prison in May 2011. He had called for peaceful protests on Facebook.

Vidadi Iskenderov, an outspoken human rights defender, also ran as an oppositional candidate in the 2010 elections. He then investigated electoral fraud in his electoral district. In April 2011 he took part in protests in Baku. He was arrested together with a number of other participants. The charges brought against him focused on him “forcing to vote people for himself” during the elections. In August 2011, he was sentenced to three years in prison.

In February 2013, two oppositional leaders, Ilgar Mammadov, chairman of the REAL movement, and Tofiq Yagublu, a journalist and deputy chairman of the Musavat party, were arrested on charges of inciting mass disorders in the city of Ismailly on 23-24 January 2013. Their trial began on 4 November 2013.

In March 2013, Sabir Veliyev, a 59-year-old party branch leader in Nakhchivan, Azerbaijan’s exclave known for its especially grim human rights record, was found unconscious with broken bones and a concussion. The attack came only 20 days after Veliyev had been elected to his position.<sup>174</sup>

### *Journalists and editors*

Another target are journalists. Editors-in-chief of all critical newspapers have been arrested and sentenced since Ilham Aliyev came to power in 2003, on charges ranging from “disturbing public order” to hooliganism, from drug possession to treason, from bribery to insulting Islam:

In 2004 Rauf Arifoglu, the editor-in-chief of one widely read opposition daily critical of the government, *Yeni Musavat* (New Equality) was sentenced to five years in prison.<sup>175</sup> The paper has a circulation of some 12,000 copies.<sup>176</sup> The charge against him: “disturbing public order” and organizing protests after the presidential elections in 2003.

In 2005, Elmar Huseynov, editor of the critical weekly *Monitor* and an investigative journalist, was gunned down in front of his own apartment. *Monitor* ceased to exist. Huseynov’s murder was never solved.

Bahaddin Khaziyev, the editor-in-chief of the oppositional *Bizim Yol* (Our Way) newspaper, was kidnapped in May 2006 by five unknown assailants and driven outside Baku with a bag over his head. He was beaten and left lying on the ground with multiple fractures to his legs.<sup>177</sup> In April 2011, another *Bizim Yol* journalist was beaten by the police as he was filming a demonstration next to the presidential palace.<sup>178</sup>

In May 2007 Samir Sadagatoglu, editor-in-chief of *Sanat*, a small bimonthly publication, was sentenced to 4 years’ imprisonment for inciting religious hatred over an article

<sup>174</sup> RFE/RL, [“Azerbaijani Opposition Party Leader Hospitalized After Beating”](#), 15 March 2013.

<sup>175</sup> Arifoglu was released in 2005, after 18 months in prison, and he remains editor-in-chief to this day. See: Reporters without Borders, [“Rauf Arifoglu finally released”](#), 21 March 2005.

<sup>176</sup> Public Dialogues, [“Print Media in Armenia and Azerbaijan”](#).

<sup>177</sup> OSCE, [“OSCE Office in Baku condemns violent attack on journalist”](#), 19 May 2006.

<sup>178</sup> IFEX, [“‘Bizim Yol’ reporter assaulted during protest”](#), 19 April 2011.

critical of the role of Islam in Azerbaijan. In the same case, one of the paper's journalists, writer Rafiq Tagi, was sentenced to 3 years. Both Sadagatoglu and Tagi were pardoned in December 2007.<sup>179</sup>

In October 2007, Eynulla Fatullayev, editor-in-chief of the government-critical *Realny Azerbaijan* and *Gündelik Azerbaijan* newspapers, was sentenced to 8 years and 4 months. The charges against him: terrorism, incitement of ethnic hatred and tax evasion.

In 2008 Ganimat Zahid, the editor-in-chief daily *Azadliq* (Freedom), was sentenced to four years in prison. The paper, with a circulation of 9,000,<sup>180</sup> is close to the Popular Front political party. The charge against him: hooliganism.

In 2008 *Tolishi Sado's* editor, linguist Novruzali Mammadov, was convicted on charges of "high treason" in a closed trial. He died in prison in 2009. The weekly *Tolishi Sado* (Voice of the Talysh) was the only publication in the language of the Talysh minority in southern Azerbaijan.

In June 2012 Hilal Mamedov, the new editor-in-chief of *Tolishi Sado*, was arrested on drug possession charges. Later charges of high treason and inciting ethnic hatred were added. He was sentenced to 5 years in jail in September 2013.

In August 2012 Faramaz Novruzoglu, a freelance journalist writing about government corruption, was sentenced to 4.5 years in prison. The charges against him: inciting public disorder and illegal border crossing.

In March 2013 Avaz Zeynalli, editor of the daily *Khural* (Assembly) critical of the government, was sentenced to 9 years in prison for bribery and extortion. The charges against him were brought by Gular Ahmedova, a then-MP from Azerbaijan's ruling party. Later in September 2012, an exiled Azerbaijani university rector published an online video in which he appears to negotiate with Ahmadova a million manat (ca. 1 million euros) bribe for obtaining a seat in the parliament. Following the revelation that this deal involved the head of the presidential administration Ahmadova was stripped of her parliamentary mandate and eventually charged with embezzlement in February 2013.<sup>181</sup>

On 5 April 2013, Araz Guliyev, editor of the Islamic news resource called Xeber44.com, was sentenced to 8 years in prison.<sup>182</sup> He was found guilty of possession of firearms, disrupting public order, inciting ethnic and religious hatred, resistance to the authorities, and insulting Azerbaijan's state symbols.<sup>183</sup> Guliyev had been arrested in September 2012 at a protest by Muslim activists at a folk festival in Masally.

In addition to being sent to prison on trumped-up charges critical journalists in Azerbaijan are under constant threat of physical attacks, kidnappings and assassination.

As one of the most popular critical newspapers, *Azadliq* has seen many of its reporters assaulted over the years. In 2006, its reporter Fikret Huseynli was kidnapped and tortured in Baku.

In 2008, Agil Khalil, another reporter for *Azadliq*, was beaten by National Security Ministry employees as he was photographing the destruction of a public olive grove.

<sup>179</sup> English PEN, "[Azerbaijan: Rafiq Tagi pardoned](#)", 28 December 2007.

<sup>180</sup> Marion Kipiani, "['Azadliq' newspaper under threat of closure](#)", CommonSpace.eu, 18 November 2012.

<sup>181</sup> APA, "[Gular Ahmadova arrested](#)", 13 February 2013.

<sup>182</sup> Reporters without Borders, "Islamist Website Editor Sentenced to Eight Years in Prison", 8 April 2013.

<sup>183</sup> IFES, "[Editor of religious news website faces lengthy jail term in Azerbaijan](#)", 8 April 2013.

Three weeks later, two unknown assailants stabbed him in the chest. He survived the attack, but another two months later, someone tried to push him in front of an approaching subway train but the journalist managed to escape.

In March 2011, Azadliq reporter Seymur Haziyevev was kidnapped and beaten by masked assailants who warned him to stop criticizing the president in his articles. Just ten days later, another Azadliq journalist Ramin Deko was abducted, driven outside of Baku and given a warning to refrain from critical reporting.<sup>184</sup>

In 2008, Emin Huseynov, journalist and director of NGO Institute for Reporters Freedom and Safety, was beaten so severely that he sustained brain injuries and had to be placed in intensive care.

His younger brother, photojournalist Mehman Huseynov, was arrested for hooliganism and resisting the authorities in June 2012 several weeks after he had filmed at a protest on the eve of the Eurovision Song Contest in Baku. Although he was released the following day, the charges against him still stand and carry a potential 5-year sentence.<sup>185</sup>

In 2010 *Yeni Musavat*'s reporter Elmin Badalov was attacked and beaten by security guards as he was taking photographs of villas near Baku.

In November 2011, *Sanat* journalist Rafiq Tagi was stabbed seven times by an unknown assailant in Baku and died in a hospital four days later.<sup>186</sup>

In April 2012, Idrak Abbasov, an award-winning reporter for the often critical *Ayna-Zerkalo* newspaper, was brutally beaten by the government oil company's security guards as he was filming the company-ordered demolition of settlements. No charges against his attackers were filed. Another *Zerkalo* journalist, Rashad Rustamov, was attacked and beaten in the Chovdar village in western Azerbaijan in March 2013. He was investigating a land dispute between villagers and a mining company controlled by the president's family.<sup>187</sup>

Prison terms for editors and physical attacks on journalists come in addition to defamation lawsuits. Despite pressure from human rights groups and the Council of Europe, defamation remains a criminal offence in Azerbaijan. There are hefty financial fines running into tens of thousands of euros against opposition publications. In February 2013, Baku courts upheld rulings that force the *Azadliq* newspaper to pay nearly ca. 62,000 euros in libel charges – bringing one of Azerbaijan's oldest oppositional newspapers to the brink of bankruptcy.<sup>188</sup>

In October 2011, the office of the Khural newspaper was raided and all its assets seized by the authorities.<sup>189</sup> Few businesses dare place their ads in oppositional newspapers,

<sup>184</sup> RFE/RL, [“Two Opposition Journalists Abducted in Azerbaijan”](#), 5 April 2011.

<sup>185</sup> Amnesty International, [“Azerbaijan retaliates against Eurovision democracy activists”](#), 13 June 2012.

<sup>186</sup> An outspoken critic of Islam, Rafiq Tagi had enemies both in Azerbaijan and Iran. In 2007, an Iranian cleric issued a fatwa against him. The government presented the stabbing as an attack by radical Islamists over a recent article in which Tagi had criticized the Iranian regime. However, Iran denied any involvement in the attack. What was suspicious about Tagi's death is that it took place in a hospital after he had made a recovery from his wounds and an hour after he had spoken with Radio Free Europe journalists. The hospital initially identified the cause of death as choking but following the autopsy it was changed to stroke. Tagi's brother disputed the conclusion and claimed that Tagi died because of medical neglect.

<sup>187</sup> IFEX, [“Azeri reporter assaulted while investigating land dispute”](#), 6 March 2013.

<sup>188</sup> Reporters without Borders, [“Courts use heavy damages awards to stifle opposition newspaper”](#), 28 February 2013.

<sup>189</sup> IWPR, [“Azeri Newspaper to Fight Property Seizure”](#), 21 October 2011.

depriving them of much-needed revenue. Distribution of critical newspapers remains a problem too.

The GASID distribution company that works with many government-critical newspapers has had over half of its newsstands in Baku closed in 2011-2012, allegedly on the orders coming from the city's executive authority. Other kiosks in the city rarely carry Azadliq, Yeni Musavat, or Ayna-Zerkalo,<sup>190</sup> or do so in very limited quantities (2-3 issues per kiosk).<sup>191</sup>

### *Protests and civil society movements*

Simple participation in peaceful protests carries heavy penalties. Since 2005, not a single protest rally has been authorized in Baku's city centre. Unsanctioned rallies are broken down by the police. On 12 October 2013, a post-election protest rally in Baku, which gathered some 4,000 people, ended in violence as the police beat and arrested demonstrators.<sup>192</sup>

Being exposed to police brutality has always been the price of participating in any acts of civil disobedience. Starting from January 2013, there have been heavy financial penalties as well. A law adopted in November 2012 (and copied from a very similar law in Russia, adopted in the summer 2012) increased fines for participating in unauthorized protests, which now run from several hundred euros for participating to several thousand euros for organizing protests.<sup>193</sup> Dozens youth participants in the recent protests in Baku have already been fined hundreds of euros each.<sup>194</sup>

Starting from 2005, the year of the parliamentary elections in Azerbaijan, a number of government-critical youth movements groups have been established in Azerbaijan modelled on the experience of youth movements in other post-Soviet countries. Some are independent and others party-affiliated. All of them have been targeted by the authorities, with many activists ending in jail:

Yeni Fikir (New Idea/New Thinking) was created in 2004 as a youth wing of the Popular Front Party to campaign for free and fair elections on behalf of the oppositional bloc called Azadliq. The movement's chairman was activist Ruslan Bashirli. In August and September 2005, with several months remaining until the elections, all top leadership of Yeni Fikir was arrested: Ruslan Bashirli on 3 August 2005, Said Nuri on 12 September and Ramin Tagiyev on 16 September. In 2006, the three were convicted of an attempted coup. Bashirli was sentenced to 7 years in prison, Said Nuri to 5 years (his sentence was suspended because of a serious health condition) and Tagiyev to 4 years.<sup>195</sup> All three were recognized prisoners of conscience by Amnesty International.

Maqam (Enough!) was another youth movement created ahead of the parliamentary elections, in February 2005. It was led by journalist Emin Huseynov who had already covered the 2003 presidential elections in Azerbaijan. Maqam campaigned for free and fair elections and organized hunger strikes in protest against the expulsions of activist

<sup>190</sup> Article 19, [“Azerbaijan: International organisations condemn deteriorating freedom of expression situation”](#), 7 September 2012.

<sup>191</sup> Contact.az, [“Pressure on the Press continues”](#), 2 March 2013.

<sup>192</sup> The Guardian, [“Azerbaijan demonstrators beaten and detained after election protest”](#), 12 October 2013.

<sup>193</sup> IWPR, [“Azerbaijan Protesters Face Harsh Penalties”](#), 12 November 2012.

<sup>194</sup> RFE/RL, [“Azerbaijani Protesters Fined Under New Mass-Gatherings Law”](#), 14 January 2013.

<sup>195</sup> Amnesty International, [“AZERBAIJAN: Ruslan Bashirli , Said Nuri and Ramin Tagiyev. Health concern/Fear of torture or ill-treatment/Legal Concern”](#), 7 August 2006.

students from Azerbaijani universities.<sup>196</sup> Emin Huseynov, who also heads the Institute for Reporters' Safety and Freedom, was severely beaten in 2008.

Another youth protest movement trying to build on the success of “colour revolutions” in the post-Soviet space was Yox! (No!), modelled on Ukraine’s PORA. Yox! was led by Razi Nurullayev, who ran in the 2005 elections as an independent candidate. Nurullayev was detained in May 2005 but released after several days.

By 2006, young activists became disillusioned about whether political movements could bring about change in Azerbaijan. That’s when OL! (Be!) was created in 2006 as an organization not affiliated with any political party and whose goal was to promote youth civic activism and education. However, even with these modest goals, they suffered. When two of OL! members, Adnan Hajizade and Emin Milli, created a satirical video about corruption in Azerbaijan, they were attacked and arrested on trumped-up hooliganism charges in July 2009. They were sentenced to 2 and 2.5 years in prison respectively.

OL’s successful educational project was recently targeted as well. On 10 April 2013, with no previous warning, employees from the Prosecutor General’s office shut down one OL!’s Free Thought University (Azad Fikir Universiteti). Launched in 2009, AFU was an educational initiative which aimed at promoting critical thinking and democracy among young people. AFU was a unique project for Azerbaijan, where bribes in educational institutions are ubiquitous and professors do not dare express views that may contradict the official line. With funding coming from Western donors such as USAID and the German Marshall Fund, AFU organized free public lectures twice a week on a variety of topics ranging from philosophical, such as the meaning of courage, to the analysis of pro-democracy movements in the Arab world, to exploring the controversy over genetically modified products. Guest lecturers included Azerbaijani and foreign critical journalists, professors, writers, artists and opposition politicians. Videos of the lectures are freely available on AFU’s website.

Dalga (Wave) Movement was created in February 2005 by a group of students at Azerbaijan State Economic University. The movement’s stated goal is to promote liberal values, civil society and youth participation in democratization of Azerbaijan. In particular, the movement targeted cases of corruption in Azerbaijani universities. In October 2011, Dalga’s office was raided by the police. In February 2013, three Dalga members were arrested for distributing leaflets containing a list of recommended books for young people.<sup>197</sup>

Among the currently active youth movements in Azerbaijan, NIDA (Exclamation!) Citizen Movement is the best-known and most tech-savvy one. In 2013, seven NIDA activists have been arrested in Azerbaijan.

On 7 March 2013, three NIDA members were kidnapped by plainclothes policemen. Bakhtiyar Guliyev, Shahin Novruzlu, and Mahammad Azizov were charged with planning to incite violence at the March 10 protest and possession of firearms.<sup>198</sup> A fourth NIDA board member, Rashad Hasanov, was detained a week later and sent to pretrial custody for three months, also on weapons charges. They appeared on national TV reading prepared confessions. This sparked concerns about possible torture.

<sup>196</sup> Institute for Democracy in Eastern Europe, [“Stand Up to Your Words. An Appeal to President George W. Bush from Azerbaijani Youth”](#), 27 April 2006.

<sup>197</sup> Trend.az, “Detained members of Dalga youth movement released”, 8 February 2013.

<sup>198</sup> Amnesty International, [“Azerbaijan: Authorities Targeting Youth Activists”](#), 3 April 2013.

On 30 March, two more board members of the NIDA movement, Uzeir Mammadli and Rashadat Akhundov, were detained and taken to the grave crimes investigation department and accused of illegal possessions of arms. They were sentenced to 3 months of pre-trial detention by the Nasimi court. On 1 April, Zaur Gurbanli, NIDA's project coordinator, was arrested too. All seven have been recognized prisoners of conscience by Amnesty International.<sup>199</sup> In September 2013, new charges were brought against the NIDA members. They are now accused of organisation of and participation in mass disorders.<sup>200</sup>

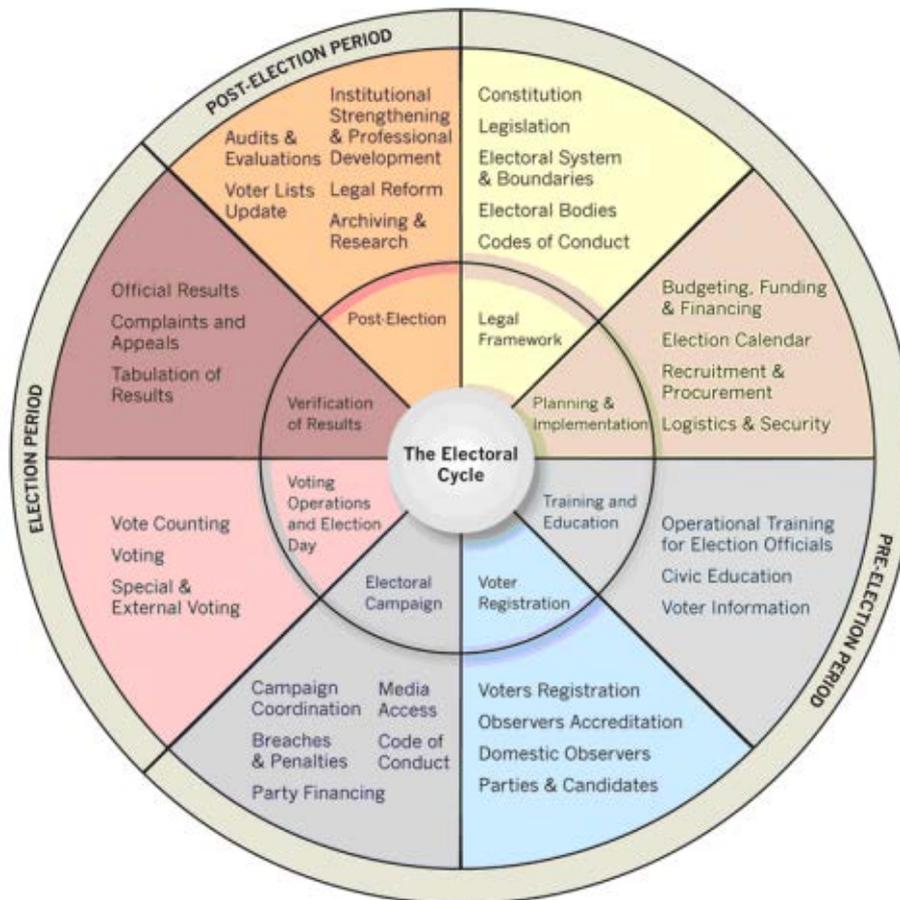
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<sup>199</sup> Amnesty International, "[Azerbaijan starts Presidential election campaign with at least 14 Prisoners of Conscience](#)", Public statement, 8 August 2013.

<sup>200</sup> RFE/RL, "[Additional Charges Brought Against Azerbaijani Youth Activists](#)", 13 September 2013.

## ANNEX B: Monitoring and the election cycle

Today, the gold standard for election observation focuses on the electoral cycle approach. This was developed in 2004 by election experts from the European Commission and the International Institute for Democracy and Electoral Assistance (IDEA), a Stockholm-based intergovernmental organization.<sup>201</sup> It has been incorporated into the European Commission's Methodological Guide on Electoral Assistance (2006).<sup>202</sup>



Source: [Idea Website](#)

<sup>201</sup> IDEA, *15 Years of Supporting Democracy Worldwide*, "Elections: A Continuous Cycle."  
<sup>202</sup> European Commission, [Methodological Guide on Electoral Assistance](#) (2006), pp. 45-46.