

REMARKS ON THE SECOND INTERIM REPORT OF THE OSCE/ODIHR

By Claude MONIQUET, CEO and William RACIMORA, Vice-CEO

Preamble

The European Strategic Intelligence and Security Center continues today its analysis of the political situation in Azerbaijan at the eve of the Presidential elections of October 9.

Once again, we will focus on a report from the OSCE/Office for Democratic Institutions and Human Rights (ODIHR). A few days ago, OSCE/ODHIR published its “Interim report N° 2” on the preparation of the election, this one concerning the period of September 13 to September 26, 2013¹.

Several times throughout those last weeks, we highlighted the biased and unfair approach adopted by OSCE/ODHIR in their reports on Azerbaijan political life.²

In fact, the new report differs little from those previously published. We will, however, acknowledge some progress: it is not the worst assessment this organization has published about Azerbaijan.

Nevertheless, “Azerbaijan bashing” appears to be “business as usual” for OSCE/ODIHR. The organization clearly departs from an axiom: “*Azerbaijan is an authoritarian State and President Ilham Aliyev (and/or his administration) doesn’t respect civil rights*”. So far, so good. Except one little detail: in philosophy or in mathematics an axiom doesn’t need to be demonstrated. It is merely a self-supporting truth which is the basis of a thought or of an argument. Unfortunately, there is nothing like this in politics. Thus, in trying to demonstrate that its position is

¹ OSCE/ODIHR, *Interim Report N° 2*, 13-26 September 2013, published on October 1st, 2013, <http://www.osce.org/odihr/elections/106275>

² Racimora, William, *The Republic of Azerbaijan: A model of good governance*, September 09, 2013, <http://www.esisc.fr/publications/analyses/the-republic-of-azerbaijan-a-model-of-good-governance> and Racimora, William, *Remarks on the first interim report of the OSCE/ODIHR*, September 23, 2009, <http://www.esisc.fr/publications/analyses/remarks-on-the-first-interim-report-of-the-osceodihr> .

founded, OSCE/ODIHR desperately searches for evidence to corroborate it, even if in doing so it must “arrange” the facts or interpret them in a very “creative” way. For instance, in its new report, OSCE/ODIHR states that “*the campaign has been characterized by the absence of substantive debate, with a focus on personality rather than, concrete political platforms*”³. But in the same text, one could also read: “*The campaign of the incumbent President emphasizes regional stability, economic progress of the country and other achievements during his presidency*”⁴. Well, well, well, doesn’t this sound a little bit contradictory?

As faithful and perhaps even fan readers of OSCE/ODHIR literature, we are perplexed. And we are left with three and only three hypotheses to explain this inconsistency:

- a) It is not the same expert which authored this whole 8 pages report;
- b) There is just one author but he forgot what he wrote exactly 12 lines before complaining of the lack of a “concrete political platform”;
- c) For OSCE/ODHIR, the organization in charge of peace, security, cooperation and human rights in Europe, “*regional stability and economic progress*” are anything but a “*concrete political platform*”...

Frankly speaking, as European citizens paying our taxes (and thus, modestly contributing to the OSCE/ODHIR life and work), we don’t know which of the three explanations is less disturbing⁵. But let’s get to the core-arguments of the new OSCE/ODHIR report.

A) Candidate registration

OSCE/ODHIR reports that, “*on 13 September, the Central Election Commission (CEC) decided on the three remaining candidate nominations. One nominee was registered, and two were rejected for an insufficient number of valid signatures.*”⁶ The organization acknowledges the fact that its *Election Observation Mission (EOM)* “*was granted full access to the verification process. Candidates and their authorized representatives had the right to be present...*”

With this last registration, ten candidates were registered: incumbent President Ilham Aliyev for the *New Azerbaijan Party*, Mr Iqbal Aghazade (*United Party*), Mr Zahid Oruj (self nominated candidate), Mr Gudrat Hasanguliyev (*United Azerbaijan Popular Front Party*), Mr Hafiz Hajiyev (*Modern Musavat Party*), Mr Arad Alizade (*Azerbaijan Social Democrat Party*), Mr Faraj Guliyev (*National Revival Movement Party*), Mr Ilyas Ismayilov (*Adalat Party*), Mr Jamal Hasanli (self-nominated

³ Interim Report N°2, page 3.

⁴ Interim Report N°2, page 2.

⁵ And, By the way, we take this opportunity to repeat, once again, that OSCE/ODHIR never took the time to meet us, despite our repeated demands, to confront our researches. Let alone the strict question of correctness, I see there a clear lack of accountability...

⁶ Interim report, page 3.

candidate, but endorsed y several opposition parties) and Mr Sardar Mammadov (*Azerbaijan Democratic Party*).

The only thing we can say here is that in all of the countries, the registration of some candidates is rejected for one legal reason or another. In France, 39 personalities declared their will to be candidates for the Presidential elections in 2012, but only 10 were present at the first turn, while 12 of the others were rejected because they didn't have enough signatures.

The fact that 10 candidates are authorized to run for the presidency on October 9 is in line with the situation in other countries and is a clear sign of the existence of real democratic life.

We don't think necessary to make more comments about this part of the report.

B) The election campaign and campaign finance

B.1. Incidents

OSCE/ODHIR states that *“the campaign has been generally calm thus far, it has been marred by some reported incident of intimidation affecting the families of political figures.”*⁷

The cases reported are the following:

- 1) On September 22, 3 men (including the son of an opposition leader) were arrested in Baku and charged with “intentional destruction of campaigning materials”.
- 2) A more tragic incident occurred when the son of the spokesman of Mr Jamal Hasanli, main opponent to the President, was beaten and stabbed by unknown assailants in Baku (the case is still under police investigation).

To qualify those incidents as *“intimidation affecting the families of political figures”* is a little bit premature and detrimental as, in context, it clearly implies that the government or some “dark forces” linked to the government is/are responsible(s).

The first incident is a very classic pre-electoral event. In all of the countries around the world that enjoy a political life involving elections, these types of events occur and “campaigning materials” are destroyed. Sometimes the police forces arrest the author (or the suspected authors of those acts, sometimes not. This kind of “news in brief” doesn't tell us anything about the nature of Azerbaijan political life.

For the second story (aggression and stabbing of the son of Mr Hasanli spokesperson), once again it is, sadly, a common crime in Europe: each day, dozens (if not hundreds) of young men are beaten and stabbed in the European Union.

⁷ Interim report N°2, page 2.

In this precise case, it could or it could not be linked to political climate, it could or it could not be the action of a group of persons supporting the president. Actually, as huge tensions exist between opposition leaders, the persons who perpetrated this horrible act could be linked to another opposition trend.

At this stage, nothing authorizes us to characterize those facts as “intimidation”. Actually, the political life - indeed each election in each country - is tainted by a certain level of isolated violence. Here are some examples of incidents of political violence in Europe:

- 1) On May 4, 2013, three young members of the French UMP party were aggressed while posting posters against President François Hollande.
- 2) On June 10, 2012, police forces had to protect the observers of the rightist candidate Marine Le Pen in Méricourt (Pas-de-Calais, France) as they were illegally blocked by the observers of a leftist candidate;
- 3) On May 7, 2012 a hooligan attacked 4 activists who hanged posters with a gun in Lille (France);
- 4) On April 3, 2013, a violent incident opposed activists who hanged posters of a socialist candidate to those of an ecologist candidate in Marseilles (France)
- 5) On June 5, 2009, Damien Thiéry, the mayor of Linkebeek (a small town outside Brussels, Belgium) was berated and stoned by Flemish extremists while distributing electoral tracts;

Though extremely unusual, some of these incidents end in blood:

- 1) On June 5, 2013, the young leftist activist Clément Méric was killed in Paris during a violent incident between leftists and rightists supporters;
- 2) On September 12, 1970, Jacques Georquin, a French speaking teacher of Brussels (and activist in a French-speaking defense party) was beaten and killed by Flemish extremists while posting bills in the Belgian capital.

Do these incidents tell us anything about the level of democracy in France or Belgium? Not at all, they tell us something about human nature: that some people are violent and like to confront or attack others.

What is a decisive and defining point for democracy is the level of this violence and the tolerance by society toward it. If they are isolated, unusual and firmly condemned by the society (and the authorities), then democracy is not at risk. And this is clearly the case in Azerbaijan. As OSCE/ODIHR itself states: the campaign has been “calm”...

B.2 Lack of financial and human resources

The report states that “*Some of the candidates informed the OSCE/ODHIR EOM of a lack of financial and human resources*”.⁸

This situation is common to numerous other countries and doesn't need any particular comment. Some parties and political organization have money, other haven't (or haven't the same amount). For instance, a classical political attack against the center right and right parties in France was, for decades, to characterize them as “parties of the bourgeoisie” because they had often more means than the parties of the left.

C) Election administration

The OSCE/ODIHR report states that 5273 regular polling stations and 219 “special polling stations” are established. Those “special polling stations” include stations in prisons.

It must be underlined that numerous countries don't allow polling in prisons, thus, to allow it seems to be a sign of political openness.

The report states that OSCE/ODIHR EOM visited “*all 125 constituency election commissions during the reporting period and received their full co-operation*”.

This part of the report doesn't require any other comment.

D) Voter registration

This part of the report doesn't require any other comment.

E) Media

The report states that on September 19, Jamil Hasanli was issued “*a serious warning [...] for insulting the honor and dignity of the President and his family*”⁹. OSCE/ODIHR underlines that the European Court for Human Rights considers that “*criminal defamation provisions and special protection given to public holders are unjustifiable limitations of freedom of expression*”¹⁰

We fully understand and accept the importance of freedom of expression and we think that any limitation of it could be seen as a problem.

However, we must stress the fact that such laws protecting the Chief of States (as well as other personalities) exist in a large number of old democracies: in France, for instance, to direct an “Insult toward the President of the Republic” was a crime (Article 26 of the law on the Freedom of Press) until August 7, 2013.

⁸ Interim report N°2, page 3.

⁹ Interim report N°2, page 5.

¹⁰ Ibid.

Regarding a young democracy and independent state (as Azerbaijan is, in our view), we think that it is important to establish clear limits (“red lines”) between the normal political debate and insults. If this is not the case, the country is at risk of living in a kind of permanent “cold civil war” where everything is allowed.

OSCE/ODIHR states also that “*the incumbent President received a much greater amount of coverage in news programs on television in comparison to other political actors*”¹¹

We acknowledge that this is certainly the case. As it is the case in all of the democratic countries around the world: the Chief of State receives considerable media coverage because he is ... the Chief of State. This is not a question of political status but of “acting position.” During the elections, the President continues to work and gets more attention from the media as is the case in France with the President, in the United Kingdom, Italy or France for the Prime Minister, in Germany for the Chancellor etc. These criticisms could be (and frequently are) addressed in every single country.

F) Personal observations and remarks not directly linked to the OSCE/ODHIR report

Between September 23 and September 27, ESISC conducted a new field research project in Baku. On September 24 and September 25, Claude Moniquet personally met three opposition leaders and candidates: Mr Gudrat Hasanguliyev, Mr Araz Alizade and Mr Jamil Hasanli. The discussions were extremely open and all of the subjects were addressed frankly in an ambiance that proved the three candidates were not afraid to speak:

- 1) Mr Hasanguliyev and Mr Alizade underlined the “*general lack of culture of democracy*” in the country to explain the tensions and verbal violence between the candidates.
- 2) They both acknowledged that the political life is “too polarized”: “*in a democracy, we must agree that all the good people and the good ideas cannot be on one side and all the bad people and the bad ideas on the other side*” said M. Alizade.
- 3) Both Mr Hasanguliyev and Mr Alizade told us that “*it is wrong to describe Azerbaijan as a dictatorship [as so many NGO do] or a country where censorship exist as “many opposition newspapers and websites exist and are freely available”*”.
- 4) Concerning more precisely the case of M. Avaz Zeynalli, editor-in-chief of Khural” newspaper, who was found guilty of various criminal offences and is often portrayed as a “political prisoner,” Mr Alizade told us: “*he just used his position to blackmail prominent personalities and take bribes...*”

¹¹ Interim report N°2, page 6.

- 5) Mr Hasanguliyev explained to us that *“as the standards of life are increasing and economy does well, the population is not very interested in new ideas [opposition ideas]”*.
- 6) Mr Hasanguliyev and Mr Alizade criticized openly the government for not allowing enough financial means to the political life and to the parties.
- 7) Mr Alizade told us that he could agree with the international and regional independence policy of President Aliyev but that he strongly disagrees with his internal policy. More precisely, he accused the “system” of favoring corruption and oligarchy.
- 8) Despite those criticisms, Mr Alizade underlined that he *“cannot complain of any restriction to his campaign and to his freedom of speech”*.
- 9) We observed that the Social Democrat Party of Mr Alizade has very few financial and human means. Mr Alizade described himself as *“the only leftists candidate, the candidate of the retired and the poors...”*
- 10) Meeting Mr Hasanli at the New Musawat Party (which endorsed his candidature), we observed that this candidate (often presented as the key opposition candidate) has very important human resources as the party offices were full of young and very lively activists. None of them showed any sign of fear or seemed to worry about retaliation.
- 11) Mr Hasanli was, from afar, the most critical of President Aliyev but also of the other opposition candidates. He told us that *“most of the other so-called opposition candidates are not genuine opponents but are there to undermine my position. They play the game of the power and are fake candidates...”*
- 12) Mr Hassanli complained that he was *“under permanent surveillance and huge pressure, often insulted and threatened”*. He told us he could be *“arrested of even killed at any moment...”*

Our assessment is that their ability to voice these harsh criticisms is not consistent with the claim that Azerbaijan is not a real democracy as Mr Hassanli frequently repeated.

Last but not least, we confirm that ESISC will conduct an Electoral Observation Mission in Azerbaijan from October 6 to October 11. We’ll deploy a team of nine observers, all with a consistent professional background and relevant experience and 7 being not directly linked to our organization.