

REPORT ON
AZERBAIJAN'S
PRESIDENTIAL ELECTION
OCTOBER 15, 2003



**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

WASHINGTON : 2004

Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515-6460
(202) 225-1901
csce@mail.house.gov
<http://www.csce.gov>

LEGISLATIVE BRANCH COMMISSIONERS

HOUSE	SENATE
CHRISTOPHER H. SMITH, New Jersey Chairman	BEN NIGHTHORSE CAMPBELL, Colorado Co-Chairman
FRANK R. WOLF, Virginia	SAM BROWNBACK, Kansas
JOSEPH R. PITTS, Pennsylvania	GORDON H. SMITH, Oregon
ROBERT B. ADERHOLT, Alabama	KAY BAILEY HUTCHISON, Texas
ANNE M. NORTHUP, Kentucky	SAXBY CHAMBLISS, Georgia
BENJAMIN L. CARDIN, Maryland	CHRISTOPHER J. DODD, Connecticut
LOUISE McINTOSH SLAUGHTER, New York	BOB GRAHAM, Florida
ALCEE L. HASTINGS, Florida	RUSSELL D. FEINGOLD, Wisconsin
MIKE McINTYRE, North Carolina	HILLARY RODHAM CLINTON, New York

EXECUTIVE BRANCH COMMISSIONERS

LORNE W. CRANER, Department of State
VACANT, Department of Defense
WILLIAM HENRY LASH III, Department of Commerce

ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

AZERBAIJAN'S PRESIDENTIAL ELECTION
OCTOBER 15, 2003

	<u>Page</u>
EXECUTIVE SUMMARY	1
BACKGROUND	2
ELECTION LAW AND CENTRAL ELECTION COMMISSION	3
REGISTRATION OF CANDIDATES.....	4
CAMPAIGN	5
VOTING AND VOTE COUNT	5
RESULTS	6
INITIAL OSCE ASSESSMENT	6
GOVERNMENT-OPPOSITION CONFRONTATION	6
FINAL OSCE ASSESSMENT	8
CONCLUSIONS	8
DEMOCRATIZATION.....	8
ILHAM ALIEV	10
GOVERNMENT-OPPOSITION RELATIONS	11
U.S.–AZERBAIJANI RELATIONS.....	13

AZERBAIJAN'S PRESIDENTIAL ELECTION OCTOBER 15, 2003

EXECUTIVE SUMMARY

- On October 15, 2003, Azerbaijan held presidential elections. According to the official results, Ilham Aliev defeated seven challengers, winning over 76 percent of the vote. His closest challenger was Isa Gambar, leader of the opposition Musavat Party, with 14 percent.
- The election marked the transfer of power from the country's longtime, ailing leader, Heydar Aliev, to his son Ilham. The first intra-family succession in the former USSR has effectively created the region's first family dynasty.
- Violent clashes between opposition parties and their supporters, who accused the authorities of rigging the vote, and police forces took place on October 15-16. At least one person was killed, many were injured and 600-700 opposition leaders and backers were arrested. Most were soon released but in early 2004 over 100 remained behind bars, including several prominent opposition figures.
- The OSCE observation mission announced on October 16 that the election failed to meet international standards "in several respects." Nevertheless, ODIHR's final report in November bluntly concluded that the election failed to meet OSCE commitments and other international standards for democratic elections. . . . There was widespread intimidation in the pre-election period, and unequal conditions for the candidates. . . . The counting and tabulation of election results were seriously flawed. . . . Post-election violence resulting in the widespread detentions of election officials and opposition activists further marred the election process. . . ."
- Despite officials' repeated assurances that the accession of Ilham Aliev would correspond to OSCE standards, Azerbaijan's first election since joining the Council of Europe has again fallen short. Ilham Aliev's legitimacy has been correspondingly damaged.
- After years of rigged elections, a confrontation between the authorities and the frustrated opposition over the anticipated attempt to engineer the succession was widely expected in Azerbaijan. It was not clear before October 15, however, whether the opposition could assemble enough protesters to have a politically significant impact on the outcome of the election, or whether the authorities would be able to contain the demonstrations. As it turned out, the police and internal affairs forces easily put down the several thousand people who came out into the streets.
- In the wake of the election, questions remain about Ilham Aliev's capacity to rule and whether he is constrained by powerful bureaucrats and courtiers who served his father. At the same time, much is expected of Azerbaijan's new leader, at home and abroad.
- Azerbaijan's opposition still appears to be in a state of shock months after the election; though formally still functioning, its influence has waned dramatically and some observers maintain there is effectively no opposition in Azerbaijan.
- Washington congratulated Ilham Aliev in August 2003 when he was named prime minister. State Department representatives criticized the election process but it was widely perceived in Azerbaijan that the United States had favored Aliev's candidacy.

BACKGROUND

Azerbaijan's presidential election in 2003 marked the end of President Heydar Aliev's decade-long political reign and the end of an epoch. The country's Soviet-era leader and former Politburo member retook power in his native land when the anti-communist Popular Front government (June 1992–June 1993) collapsed in the face of an uprising. Throughout his tenure, Aliev easily got rid of any challengers within the elite, manipulated elections and kept the opposition in constant suspense and off-balance. But in the late 1990s, as his health faltered, opposition leaders became more hopeful of returning to power and fissures within Aliev's own entourage also became increasingly evident. Thenceforth, politics in Azerbaijan revolved around "Moment X"—what would happen when Heydar Aliev left the scene.

By the late 1990s, it was clear that Aliev was grooming his son to succeed him. Ilham Aliev was named Deputy Chairman of the state oil company, a vice-chairman of the ruling YAP (New Azerbaijan Party) and head of the country's Olympic committee. In August 2002, Heydar Aliev orchestrated a referendum on constitutional changes that shifted the line of succession from speaker of parliament to prime minister. Analysts interpreted the move as an indication of Aliev's plan to name his son prime minister, facilitating his eventual accession to the presidency.

Still, as of spring 2003, Heydar Aliev gave every indication that he intended to win easy reelection in October as YAP's candidate. But on April 21, he collapsed twice during a televised address. Aliev seemed to be slowly recovering but on June 28, the ruling elite hedged its bets: an initiative group of voters from Nakhichevan nominated Ilham as well.

The move proved prescient: in July, Aliev's condition deteriorated significantly and he went to Turkey for medical treatment. Aliev was last shown on television on July 8; with rumors of his demise flying and no sign of the head of state, the authorities grew increasingly nervous, resorting to crude harassment of opposition leaders.

Meanwhile, the election cycle proceeded; the Central Election Commission (CEC) authorized nearly 20 candidates to gather signatures, but barred several prominent opposition and independent figures. All opposition members of the CEC protested these exclusions.

On August 4, after weeks of stonewalling about Aliev's health, Baku announced that he had named his son prime minister. In a show of support by Azerbaijan's ruling coterie, Ramiz Mekhtiev, Aliev's powerful chief of staff, sat next to Ilham as parliament, in televised session, approved his appointment. Aliev was then transferred from Ankara to Cleveland, Ohio for treatment, making his participation in October's election more doubtful than ever, despite continuing official assurances to the contrary.

Azerbaijani opposition leaders protested that there was no evidence the ailing president had actually signed any document naming his son to the post, and they sought to organize rallies to prevent the country's transformation into a "monarchy." Demonstrations did take place—some sanctioned, some broken up—but the opposition did not manage, during a very hot August, to gather significantly larger numbers of supporters than in previous rallies.

Foreign capitals, including Ankara, Moscow and Tbilisi quickly sent greetings. The U.S. State Department announced that it “look[ed] forward” to working with the government’s new head. The White House soon followed up with a greeting: on August 11, President Bush wrote to congratulate Ilham Aliev on “assuming the duties of Prime Minister.”

Washington’s welcome stunned Azerbaijan’s opposition leaders, who had counted on American disapproval, especially after the State Department condemned the August 2002 constitutional referendum and the crackdown on the opposition in July 2003. The U.S. readiness to see Ilham Aliev as head of government seemed to indicate a corresponding willingness to see him as head of state. That conclusion was not weakened by subsequent statements by U.S. officials stressing the need for free and fair elections. And Ilham Aliev’s August 28 reception at the State Department by Deputy Secretary Richard Armitage only confirmed the general impression.

The suspense formally ended on October 2, when Baku announced that Heydar Aliev had withdrawn from the race. Pleading health concerns, according to official sources, he stepped down and called on voters to support his son.

As October 15 approached, therefore, observers of Azerbaijani politics had reason to expect first, that the authorities would—as they had for the preceding ten years—use all necessary means to ensure the victory of the elite’s candidate. It was not clear, however, how successful these efforts would be in the absence of the country’s cunning, charismatic longtime leader.

Opposition leaders, in turn, saw the election as a historic chance: believing in their popularity and convinced that Heydar Aliev had remained in power only through force and fraud, they confidently predicted the end of the old regime. Lengthy—even tortuous—negotiations among them to reach agreement on backing a single candidate, however, ultimately failed; both Musavat’s Isa Gambar and Etibar Mamedov (Azerbaijan National Independence Party) remained on the ballot, as did several other opposition figures.

ELECTION LAW AND CENTRAL ELECTION COMMISSION

For years, Azerbaijan’s government and opposition have battled over the laws on elections, especially the manner of constituting the CEC and lower level commissions. In this unequal contest, the opposition has appealed to foreign capitals and international organizations, primarily the OSCE and the Venice Commission of the Council of Europe, to press Baku to adopt legislation meeting international standards.

During the run-up to the 2003 election, the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) and the Venice Commission concluded that the law passed in May 2003 largely met international norms, but the composition of the CEC remained a serious problem. Baku, however, rejected their suggestions to create commissions that enjoyed “broad consensus,” i.e., that the opposition could consider impartial or at least representative of opposition interests. In ODIHR’s view, as stated in the final report, “the governing party and its supporters had a commanding, two-thirds majority [on the CEC] that was sufficient to take decisions over any objections by opposition members. They had an even larger majority on lower level commissions, since ‘independents’ and members representing the Communist Party consistently voted with the ruling party.” Moreover, the chairperson of each commission had to represent the ruling party.

ODIHR concluded that opposition candidates lacked confidence in the neutrality and impartiality of the CEC. In a deeply divided and contentious atmosphere, the Commission decided controversial issues not “in a spirit of consensus and collegiality, but often... on 10-5 votes.”

REGISTRATION OF CANDIDATES

As ODIHR noted, the field of eight candidates provided voters with the potential for a genuine choice. Still, among the candidates denied registration were Ayaz Mutalibov, Rasul Guliev, and Eldar Namazov. Their exclusion was not especially surprising. Mutalibov, former President of Azerbaijan, has lived in Russia since 1992. He has been widely seen as Moscow’s stalking horse and, in Azerbaijan’s complex regional politics, is considered appealing to voters in Baku and surrounding areas. Guliev, the former Speaker of Parliament who fell out with Heydar Aliev, left Azerbaijan in 1996. Since then, he has engaged in opposition politics from the United States, heading the Azerbaijan Democratic Party (ADP). Many analysts believe that Heydar Aliev particularly feared Guliev—a former insider with substantial assets—who hailed from Nakhichevan, which might make him an acceptable candidate to the country’s Nakhichevani-based ruling elite.

Eldar Namazov, former chief of staff to Heydar Aliev, resigned in 1999.¹ Namazov has since sought to create a “third way,” criticizing both the authorities and the opposition. The success of his efforts is difficult to judge but it may have simply galled Heydar Aliev that his former chief of staff had the nerve to run against his son.

On July 21, the U.S. Department of State released the following press guidance:

We are troubled by recent events, such as the denial of candidate registrations and the arrests of individuals associated with certain candidates. Both seem to be driven by a desire to harass opposition candidates. . . . We are concerned about the recent harassment of opposition party leaders, particularly the arrest of associates of both Isa Gambar and Ali Karimli [Popular Front Party]. We also have serious concerns about the use of violence on the part of the authorities to break up unsanctioned public demonstrations. We have strongly urged the government to use restraint in responding to such gatherings, and to allow for the peaceful public expression of political views. . . .

The denial of this registration [Rasul Guliev] as well as...another candidate [Eldar Namazov] raise serious questions as to whether Azerbaijani law is being applied fairly. On this matter we share the concerns of the OSCE head of mission in Baku, as well as those expressed by several Members of the U.S. Congress and by the leaders of Azerbaijan’s major opposition parties.

Azerbaijani officials dutifully responded that all CEC decisions reflected Azerbaijani law. They intimated that criticism bordered on interference in the country’s internal affairs.

¹ The reported cause was his refusal to accept the terms of an agreement on Nagorno-Karabakh that Aliev was prepared to sanction. Former Aliev advisor and Karabakh negotiator, Vafa Guluzade, resigned first, and then-Foreign Minister Tofyq Zulfugarov also quit.

ODIHR's final report criticized the CEC's registration process. "No clear and specific grounds were provided for the denials; the CEC decisions merely cited general provisions of the Election Code that incorporate many possible reasons for denial. . . . It also appears that the procedure for notifying applicants of errors in their applications was not always observed Substantive reasons for refusal put forward during CEC discussion of the cases were not persuasive and did not always accord with law. The courts did not provide an effective remedy to persons denied registration." In short, the process was highly and obviously politicized.

CAMPAIGN

Until October 2, when Heydar Aliev withdrew from the race, he was YAP's candidate, but the absent, ailing president never appeared live on TV. Nor did his son Ilham participate in televised debates or roundtables. Candidates met with voters around the country but violence marred some opposition events.

A strongly negative atmosphere pervaded the campaign. On July 29, Ilham Aliev warned on state television, "We will never allow the opposition to come to power."² Especially unpleasant were ad hominem attacks (clearly staged by the authorities) on opposition contenders. One pro-government candidate, for example, was tasked to vilify the opposition, particularly Musavat leader Isa Gambar; a pro-government legislator targeted the Popular Front's Ali Karimli, publicly questioning his manhood.

According to ODIHR, media coverage of the campaign was highly biased. As stipulated by law, state TV provided free airtime to all candidates and broadcast debates, but openly supported Ilham Aliev, ignoring or disparaging opposition candidates. The same was true of the major private TV stations—Lider, Space and ANS.

Newspapers are much less influential than electronic media in Azerbaijan. Opposition parties have their publications, but they have been severely pressured by a series of libel lawsuits and crippled by heavy fines. Opposition newspapers continued to function during the campaign but they reached a relatively small audience.

Posters of Heydar and Ilham Aliev were plastered everywhere, often with the slogan "stability and development." Opposition parties complained that their posters were ripped off walls, though this practice diminished as election day neared.

VOTING AND VOTE COUNT

On voting day, Helsinki Commission staff observed the balloting in polling stations in and around Baku. Turnout was high; people waited in lines to cast ballots. Opposition monitors or proxies were generally present in precincts visited and no violations were observed.

² "The opposition's chances of coming to power are zero. . . . The opposition is made up of mediocre and amoral people who are incapable of constructive thinking. We shall never allow people who are uneducated fruit sellers to come to power, or people who over 12 years have not managed to complete a scientific treatise." Zerkalo.az, July 29, 2003.

Commission staff observed the vote count in a precinct in downtown Baku. There were no obvious infractions in the tabulation, but observers and proxies could not see the ballots counted by the election officials, who included some opposition members. The count gave about 70 percent of the precinct's total to Ilham Aliev.

RESULTS

On October 16, the CEC announced preliminarily that Ilham Aliev had won in the first round, with 79.5 percent of the vote. The official tally for Musavat leader Isa Gambar was 12 percent. However, on October 20, after events described below, the CEC decided that reported irregularities necessitated the nullification of results in 694 precincts—12 percent of all polling stations, where over 20 percent of all votes were cast. The CEC's retabulated, final figures gave Ilham Aliev 76.8 percent, with Gambar winning 13.97 percent. No other candidate, according to official tallies, won more than the 3.6 percent of Lala Shovket (Liberal Party).

ODIHR's final report specified that the invalidation of the tallies in 694 precincts was done behind closed doors—ODIHR observers were “categorically denied access to CEC activities and documents in the period 17-19 October, while the work on the tabulation, invalidation and final results was being performed.” The CEC's actions “had the effect of disenfranchising about 20 percent of the electorate of Azerbaijan and did not address the issue of systematic and widespread election fraud.”

INITIAL OSCE ASSESSMENT

On October 16, the ODIHR, the OSCE Parliamentary Assembly and the Council of Europe held a joint press conference on the results of their observation. Their statement affirmed that “Voting in the 15 October Azerbaijan presidential election was generally well administered in most polling stations but the overall election process still fell short of international standards in several respects. International observers noted a number of irregularities in the counting and tabulation.”

It later became clear that the joint statement reflected a bitterly fought compromise among the three organizations. ODIHR's delegation had wanted a stronger statement but the OSCE PA and the Council of Europe reportedly feared, with the atmosphere so tense in Baku, to inflame the situation further. The three delegations almost failed to agree on a joint statement, which would have been embarrassing for all.

Perhaps even more embarrassing, 188 of the ODIHR's own monitors—organized by the Washington-based Institute for Democracy in Eastern Europe—issued a stinging critique of the OSCE's statement. They asserted that the election was “neither free, equal, just or transparent due to numerous violations of the fundamental principles of democracy and human rights.” It was the first time ODIHR observers had publicly dissented from an ODIHR assessment.

GOVERNMENT-OPPOSITION CONFRONTATION

The OSCE preliminary assessment followed the first of the post-balloting disturbances, which broke out late on election day. Expectations of violence between the authorities and opposition supporters were widespread in the days before the election. Knowledgeable local observers repeatedly told Commission staff that clashes were inevitable, considering the opposition's pent-up frustration over years of rigged elections and the conviction that with Heydar Aliev finally out of the picture, the opposition's moment had come. Neither side tried particularly hard to mask its intentions. Thus, a September 30 editorial in *Yeni Musavat*, Musavat's newspaper, by its editor Rauf Arif-oglu, instructed “our voters” in “truly remote

places” to “go to vote with specially prepared truncheons. Those who dare to steal his vote and future should. . . be beaten up like a donkey. . . if we witness a total falsification throughout the country, we will be issuing a call for people to stand up for revolution.”

Azerbaijani authorities, for their part, had previously signaled their readiness to handle such a contingency. On August 12, a joint statement of the Ministry of Internal Affairs and the Procuracy warned that any “attempts to [create] destabilization will be decisively crushed.”

The violence began in front of Musavat headquarters where party supporters had gathered and which police had surrounded. The atmosphere was extremely tense; during the night, Musavat claimed that Isa Gambar had won the election. Officials maintain that Musavat backers attacked the police. But according to ODIHR’s final report on the election and Human Rights Watch’s exhaustive account of these events,³ police assaulted peaceful opposition supporters at 1:00 a.m., mounting another assault at 4:00 a.m.

The decisive confrontation followed on the afternoon of October 16, when several thousand marchers assembled to protest the election results. On their way from Musavat headquarters to Freedom Square, the demonstrators vandalized property and attacked police. According to Human Rights Watch, “protesters beat dozens of police officers and soldiers, some of whom were hospitalized. The protesters also destroyed a number of police and military vehicles and damaged government buildings along the way.”

At Freedom Square, the confrontation escalated; someone seized a vehicle and drove it into police lines. But Azerbaijani authorities were ready: they brutally dispersed the march, beating participants indiscriminately. Both ODIHR and Human Rights Watch charge the law enforcement agencies—consisting of regular police, soldiers and members of the Organized Crime Unit (OCU)—with beating people already detained or trying to flee the area. At least one person was killed in the violence; an estimated 300 people were injured, including dozens of journalists and several dozen army and police personnel. Many of those arrested reported having been mistreated in police stations.

In subsequent days, police forces arrested hundreds of opposition leaders and backers all over the country, including those far from the events in Baku. Among the more prominent were Sardar Jalal-oglu of the ADP, Igbal Agazadeh of the Umid Party, Panah Husseinli (who had been denied registration as a candidate) and Etimad Asadov of the Karabakh Invalids’ Association. According to Human Rights Watch, which interviewed many individuals after their release, opposition leaders were tortured by the OCU. Many of those detained reported having been beaten and tortured either to extract confessions or to implicate the opposition in planning violence.

Throughout the country, police forces pressured local opposition leaders to denounce their parties. Human Rights Watch has documented over 100 cases in which opposition backers or their relatives were fired, often after being given “a choice” to join the ruling YAP party.

³ *Crushing Dissent — Repression, Violence and Azerbaijan’s Election*, January 23, 2004.

Of particular concern to ODIHR was “the apparently unrelated detention of dozens of election officials who refused to certify the results of the polling stations or districts” because of fraud. Numerous such individuals were forced to sign protocols “under threats to their family or their jobs.” Only on October 22 did the Ministry of Internal Affairs inform ODIHR that all detained members of election commissions had been released.

As of February 2004, over 100 people remained in prison on charges of organizing or participating in mass disorders and/or resistance to or violence against state officials. Their trials began the same month, with the cases of the best known opposition leaders scheduled to be heard last.

FINAL OSCE ASSESSMENT

ODIHR issued its final report on the election on November 12, 2003. Its judgment, in the aftermath of the clashes in Baku and presumably free of pressure from the OSCE Parliamentary Assembly and the Council of Europe, was substantially harsher than the October preliminary statement, with little qualifying language to mitigate the criticism:

The 15 October 2003 presidential election in the Republic of Azerbaijan failed to meet OSCE commitments and other international standards for democratic elections. The overall process reflected a lack of sufficient political commitment to implement a genuine election process. There was widespread intimidation in the pre-election period, and unequal conditions for the candidates. The election dispute resolution mechanism generally did not provide an effective or timely remedy to complainants. The counting and tabulation of election results were seriously flawed. Post-election violence resulting in the widespread detentions of election officials and opposition activists further marred the election process. International observers were not allowed to monitor the post-election activities at the CEC in the crucial days before the announcement of the final results.

It is worth emphasizing that a large number of irregularities and violations were witnessed by EOM [Election Observation Mission] observers during the count even though they visited only a relatively small proportion of polling stations. One can only speculate what may or may not have occurred at polling stations where international observers were not present to witness proceedings.

Overall, the presidential election was a missed opportunity for a credible democratic process. Progress toward democratic elections in Azerbaijan will now depend first and foremost on the political will of the authorities.

CONCLUSIONS

Democratization

Azerbaijan’s election realized the goal of the country’s ruling elite to install Heydar Aliiev’s son as president. Moreover, the October 16 judgment by international observers—which has a greater immediate political impact than the ODIHR’s final report—was not a blanket condemnation. The formulation that the election process had fallen short “in several respects” clearly implied that it had met international standards in other respects. From official Baku’s perspective, though not optimal, that was enough.

Still, for months before October, Azerbaijani Government spokesmen offered assurances that Baku understood how important it was for Ilham Aliev to claim the presidency by means of a free and fair election. Yet the contest, according to ODIHR's final judgment, did not meet OSCE norms. Even worse, the election provoked serious clashes between the government and its citizens. Many inside and outside Azerbaijan remain unconvinced that Ilham Aliev won his post fair and square. The main opposition challenger, Isa Gambar, continues to claim that he won the election, which he says the authorities falsified massively. Influential foreign opinion-makers—specifically the *New York Times* and the *Washington Post*—have described the election as rigged and forced down voters' throats by means of police clubs.⁴

Azerbaijani officials strongly defend their conduct of the election. In fact, for the first time in ODIHR's history, Baku has presented the organization with a detailed rebuttal of its final election report.⁵ But Azerbaijan's election offered a stark demonstration of what can happen when a series of falsified elections have convinced opposition supporters that contesting for power through the ballot is impossible. The absence of normal politics leaves only quiescence or abnormal politics as options to those on the outside. Highly criticized presidential and parliamentary elections took place in Armenia in 2003, but there the opposition shrank from a major confrontation; in Azerbaijan, circumstances were even more tense—after years of rule by the elderly authoritarian Heydar Aliev, the opposition believed that if his son came to power, all hope would be lost for the foreseeable future.

The post-election violence and the crushing of the opposition have demonstrated the willingness of Azerbaijan's authorities to use force to retain power. Azerbaijan and its new head of state look even worse by comparison to neighboring Georgia, where, as in Azerbaijan, a veteran of the Soviet Politburo left the scene in 2003. But in November, young Mikheil Saakashvili led an opposition coalition that peacefully brought down the corrupt government of Eduard Shevardnadze by organizing a popular movement that protested rigged elections and achieved its goal peacefully.

Still, certain important nuances deserve mention. In previous elections, the opposition was united in its condemnation of the CEC's results. This is no longer true: though most opposition figures assert the election was fraudulent, some—like candidates Lala Shovket and Sabir Rustamkhanly—have publicly accepted the official outcome and called for government–opposition reconciliation. Others, though sharing the view that the official tallies were inflated, privately concede that Ilham Aliev may have garnered more votes than any other contender. The Popular Front's Ali Karimli, for his part, argues—based on reports from the APF's members of election commissions and poll watchers—that no candidate got the required 50 percent and that Ilham Aliev and Isa Gambar should have contested a runoff. Such assessments may signal an ongoing reconsideration among the opposition of its own popularity and prospects.

The ramifications of Azerbaijan's election have spread far beyond the country's borders. As many analysts had predicted, the first successful establishment of a family dynasty in a post-Soviet republic has had a powerful resonance in Central Asia, where presidents seem intent on remaining in power for

⁴ See the *Washington Post's* editorial "Our Man in Baku," January 24, 2004 and the *New York Times*, "Nepotism in Central Asia," October 27, 2003.

⁵ In November 2003, Ilham Aliev refused to meet in Baku with the director of the ODIHR

life. They are presumably tempted to follow Azerbaijan's lead and install their children in office; in Kazakhstan and Kyrgyzstan, "royal" children have already become openly involved in politics. The example of Azerbaijan will surely embolden them.

Ilham Aliev

Heydar Aliev's wish to transfer power to his son has been fulfilled. Whether or not he really wants the job,⁶ Ilham Aliev is now president of a country with substantial potential and major problems.

Given the post-election violence and ODIHR's assessment, the 42-year-old Aliev begins his tenure under a cloud. Yet much is expected of Azerbaijan's new leader. Though he often says he will continue his father's course, many aspects of that system—especially corruption and regionalism—are in desperate need of change, as acknowledged even by those who respected Heydar Aliev and appreciated the stability he provided. According to Azerbaijani officials, a major reform program is planned. Two of its priorities are streamlining government structures, with corresponding cadre turnover, and improving economic conditions in the countryside. Aliev has pledged to create 600,000 new jobs.

It remains to be seen whether Ilham Aliev can implement such reforms, particularly personnel turnover.⁷ His cabinet is staffed by long-time officials experienced in bureaucratic struggle, with major economic interests to defend. Given the new incumbent's inexperience, relative weakness and the lack of a team of his own, they can resist his efforts to remove them and/or make a case for their own indispensability.

While Aliev has sacked the minister of communications and started to replace the heads of executive authority in the regions, these dismissals do not signal any fundamental break with the past or particular risk—that would come with any possible moves against much more powerful ministers. A bellwether in this regard is Ramiz Mekhtiev, Heydar Aliev's chief of staff and widely viewed as the regime's grey eminence. Conversations with opposition leaders, the diplomatic community in Baku and ordinary people suggest that getting rid of Mekhtiev is a key indicator of Ilham's viability as a serious politician with a realistic reform agenda. Given Mekhtiev's position, power and experience, his departure in the near term is unlikely. But if Aliev has not moved to replace other important ministers within a reasonable period, he will increasingly be seen as a figurehead. Several people who voted for him told Helsinki Commission staff on election day that they expect him to change things, which specifically involves purging his father's entourage. Accordingly, moving against this solidly entrenched group may be the most meaningful reform measure he can launch—and the riskiest.

⁶ It is a peculiar aspect of Azerbaijani politics that people still question whether Heydar Aliev's son shares his father's interest in – indeed, passion for – politics or was pressured into seeking the position.

⁷ Some opposition leaders dismiss out of hand the notion that Ilham Aliev, given his background, could be a reformer and mock "naive" Westerners who ask questions on that assumption.

One striking change that has accompanied the transfer of power is the end of media adulation of the president that characterized Heydar Aliev's rule.⁸ State TV, which used to be "all Heydar, all the time," does not feature Ilham Aliev with anywhere near the same frequency or sycophantic tone. In fact, he has bemoaned leader-worship: "I take an extremely negative view of this. . . . I don't need panegyrics to be sung to me. . . . This is a shameful phenomenon."⁹

On December 12, 2003, Baku announced that Heydar Aliev had died at the Cleveland Clinic. He had been out of public view since July 2003. Apart from having lost a father, Ilham Aliev has also lost his most important patron and is now on his own. But though most observers see him as lacking his father's gifts and ruthlessness, he has not yet had the chance to display his abilities; he may be more adept at Azerbaijani politics than anyone suspects.

Government-Opposition Relations

From 1993-2003, government-opposition relations were fairly clear. In Heydar Aliev's semi-authoritarian system, opposition parties functioned, though their ability to influence politics was severely constrained, as were their opportunities for engaging the public. Taking a cue from the top, local officials, for example, often refused to let opposition parties meet with voters and even opposition legislators could not always interact with their own constituents.

Nevertheless, opposition leaders, though frustrated by these impediments, enjoyed privileged status. Barring unusual circumstances, they could expect to occupy offices in central Baku, meet with associates and foreigners, criticize the authorities, including Aliev, squabble and negotiate with rivals, all the while knowing that their activities had minimal impact on matters of power and related responsibilities: nobody believed that Aliev would leave office while he still breathed, unless his health failed him.

Accordingly, opposition leaders spent much time planning for Aliev's departure. Many based their calculations on several key assumptions: first, that Aliev's system would not survive him, and that confusion or even chaos could follow his demise. Second, most opposition leaders disparaged Ilham Aliev. Some saw him as a likeable fellow, others as a beneficiary of a corrupt system, but none took him seriously as a politician and none saw him as a threat. Some opposition leaders even predicted that he might even leave Azerbaijan after his father's death rather than struggle with the veteran, power-hungry leaders of the ruling elite.

Third, opposition leaders believed and/or hoped that with Aliev gone, that elite would cast about for an appropriate candidate to back, *other than Ilham*. Naturally, each could offer scenarios in which he would come out on top.

All these assumptions proved groundless in autumn 2003. After Heydar Aliev left the political scene in July, the state apparatus continued to function. As the October election approached, the elite united behind Ilham Aliev's candidacy, if only for tactical reasons. By contrast, the opposition continued its tired, hapless negotiations about the elusive unified candidacy of one of its leaders. Popular Front leader Ali Kerimli withdrew his candidacy in favor of Etibar Mamedov, who agreed to step down in favor of Musavat's

⁸ Gone are the paeans of praise, such as the remarkably obsequious ode to Aliev and his son published in August 2003 by Hacibala Abutalibov, the Mayor of Baku: "They have reached the most glittering and highest peak... they have become living legends; they overshadow with their might, their power and their lives not only society but nature itself—the moon and the sun." *Bakinskii Rabochii*, August 8, 2003.

⁹ *Izvestiya*, August 15, 2003.

Isa Gambar. But their bargaining over the powers of the president and prime minister was less than satisfactory: the next day, Gambar announced that he had instead come to terms with ADP leader Rasul Guliev. Several people told Helsinki Commission staff that these last-second maneuvers reflected badly on the opposition and in some cases, were an important reason they decided *not* to vote for any opposition candidate.

Some parts of the opposition laid hopes on a popular protest movement. Expecting another rigged election, they looked to large demonstrations that would force the authorities to annul the election results and/or drive them from power. For instance, Isa Gambar—often seen as the most popular opposition leader—cast the issue as the natural reaction of an outraged electorate. When asked before October 15 by international observers if he expected violence, he said that if the voters rose up to defend their votes and prevent falsification, he “could not stop them.”

The authorities knew that some opposition leaders expected and may have been hoping for a showdown with the authorities. However, when the clashes started, only several thousand people took part, as opposed the scores of thousands who participated in rallies before the vote. Law enforcement agencies proved easily capable of putting down the demonstrations—another object lesson in unjustified opposition assumptions, both about the number of protestors ready to confront the authorities and the capabilities and readiness of Azerbaijan’s police and internal troops.

In the wake of the election, the violence of October 15-16 and the subsequent crackdown, the nature of government-opposition relations has changed substantially. None of the opposition parties has been banned. Isa Gambar continues to lead Musavat, though in a new location, far from downtown, in a rundown building. Government spokesmen occasionally hint of criminal charges against Gambar but have shown no sign of prosecuting him, which would both enhance his status and make him a martyr. More important, however, he and Azerbaijan’s opposition generally have ceased to exert even a minimal influence on policy or politics.

In sum, Azerbaijan’s authorities have successfully routed those who criticized and sought to replace them, while the opposition has been deeply discredited. Some fault the opposition for failing, others for trying. Many decry opposition leaders’ chronic internecine warfare and unbridled ambition. But all are tainted to varying degrees by failure: losing to Heydar Aliev, the wily, universally respected master, is one thing; losing to his son, whom they professed to disdain, is quite another.

In early 2004, opposition leaders, foreign embassies, NGOs, and even more thoughtful government officials are wondering what happens now. The old, uneven balance between government and opposition is gone, and no new structures or approaches have emerged. With Ilham Aliev installed and the old crowd still in power, opposition leaders themselves are hard pressed to explain what they look forward to, or why people should join their party or support the opposition at all. Some well known opposition activists have left their parties. In fact, some appear willing to consider working for the government—if they are asked. But Ilham Aliev has yet to extend such an invitation, which would signal a major break with past practice.

Azerbaijan will hold municipal elections in December 2004. Some opposition leaders, ever hopeful, have declared their intention to participate.

U.S.-Azerbaijani Relations

Some months before Georgia's scheduled parliamentary election in November 2003, President Bush sent former Secretary of State James Baker as his personal emissary to Tbilisi. His mission, with an important parliamentary election coming up, was to help break the logjam between Eduard Shevardnadze's government and the opposition over the election rules and to create a CEC that would enjoy the confidence of all sides. But the "Baker plan" was not fully implemented by Georgia, and the November 2 election featured widespread fraud followed by popular protests that eventually ousted Shevardnadze.

Nevertheless, the show of American interest in an election in the Caucasus was remarkable and on an unprecedented high level. Washington never made any similar effort in Azerbaijan. Although during the summer of 2003 U.S. Government spokesmen often urged Baku publicly and privately to hold a free and fair election, it was widely believed in Azerbaijan that the United States favored Ilham Aliev's accession to the presidency. That impression, as noted above, stemmed, *inter alia*, from Washington's welcome to Aliev in August, when he became prime minister, as well as the lack of any special Baker-like initiative to promote the holding of a better election than in the past. Cementing that perspective was a phone call two days after the vote, when opposition backers all over the country were being arrested, and before final results had been announced, by Deputy Secretary of State Richard Armitage to Baku. According to the State Department, he congratulated Ilham Aliev on his "strong showing" and "reiterated our desire to work closely with him and with Azerbaijan in the future."¹⁰

However, after growing international criticism of the crackdown on the opposition, the State Department was forced to backtrack. On October 20, its spokesman said: "The United States is deeply disappointed and concerned that the October 15, 2003, presidential election in Azerbaijan failed to meet international standards." Listing the various shortcomings observed by the OSCE, he concluded that "*These problems cast doubt on the credibility of the election's results.*"

That formulation was unusually harsh. Nevertheless, the Department's spokesman continued: "The United States will work with President-elect Ilham Aliev and his government, but we believe that Azerbaijan's leadership missed an important opportunity to advance democratization by holding a credible election. The United States calls for an immediate, independent, thorough and transparent investigation of all election violations."

No high-level U.S. delegation attended Aliev's inauguration on October 31. By contrast, after Mikheil Saakashvili became president of Georgia in a landslide election victory (96 percent) which nobody questioned, Secretary of State Colin Powell attended his January 25 inauguration. Moreover, Saakashvili was invited to Washington to meet President Bush; Aliev has yet to receive such a privilege. The State Department's annual report on human rights practices, released in February 2004, was unsparing in its assessment of Azerbaijan's record and the October election.

Official Baku has effectively ignored the U.S. call for an investigation into election violations. Ilham Aliev has dismissed criticism as an "attempt to pressure the young leadership" of strategically important, oil-rich Azerbaijan, which he said is doomed to failure.¹¹ Nevertheless, cooperation between the U.S. and Azerbaijan has continued. In December, Secretary of Defense Donald Rumsfeld visited Baku, where he

¹⁰ The *Washington Post* published a stinging critique of Armitage's phone call on October 22: "A Strong Performance?"

¹¹ *Izvestiya*, February 4, 2004.

praised the strategic ties between the two countries, while declining to comment on the October election or concerns about democratization. His trip sparked hopeful forecasts in the Azerbaijani press (and worried commentaries in Russian media) about the impending stationing of U.S. military forces in Azerbaijan.

Since then, both American and Azerbaijani sources have downplayed the prospect of U.S. military bases in Azerbaijan, while holding alive the possibility of the deployment of mobile forces. But U.S. spokesmen have continued to impress upon Ilham Aliev the need for change—welcoming his amnesties of prisoners but urging him to launch systemic reforms.

This is a U.S. Government publication produced by
the **Commission on Security and Cooperation
in Europe (CSCE)**.

★ ★ ★

This publication is intended to inform interested
individuals and organizations about developments
within and among the participating States of the
Organization for Security and Cooperation in Europe
(OSCE).

★ ★ ★

All CSCE publications may be freely reproduced,
with appropriate credit, in any form. The CSCE
encourages the widest possible dissemination of its
publications.

★ ★ ★

Visit our site on the World Wide Web at

<http://www.csce.gov>

The Commission's web site provides instant access
to the agency's latest press releases and reports
on recent hearings and briefings in addition to
an electronic subscription service. Using the
Commission's subscription page, readers with
e-mail may choose to receive press releases, notices,
reports, and other documents on issues in
which they are most interested.

Please subscribe today.