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Azeri Election Is a Turning Point

By Jamil Hasanli

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As expected, Wednesday's presidential election in Azerbaijan was neither free, nor fair. International observers from the Organization for Security and Cooperation in Europe said that 58 percent of all observed vote counts were bad or very bad, declaring that the "October 9 election was undermined by limitations on the freedoms of expression, assembly and association that did not guarantee a level playing field for candidates." Mass-scale vote rigging, ballot stuffing and carousel voting were documented, both by our own and independent observers.

On Oct. 8, just hours ahead of the vote, an independent media outlet reported that as a result of a brief malfunction, a mobile phone app developed by the Central Electoral Commission leaked the results, giving Aliyev more than 70 percent of the vote. The scandal is gathering pace, with international media already dubbing it "AppGate." Moreover, the election took place in the context of an intensified and systematic crackdown on the opposition, civil society and independent media. Human rights organizations report some 142 political prisoners in Azerbaijan today.

I have already called for the election result to be annulled. The National Council of Democratic

Forces does not recognize Ilham Aliyev's usurpation of power and will oppose this outcome. However, it is important to recognize that this election marks a turning point in Azerbaijani politics.

The Azerbaijani democratic movement is now united in a single organization — the National Council of Democratic Forces — which elected me as its single candidate. The National Council has brought together major opposition parties — Musavat and Popular Front — civic organizations, the Azeri intelligentsia, youth activists and civil society campaigners. Despite major challenges, the National Council carried out a robust and hard-hitting nationwide campaign, laying the foundation for an active, grassroots movement. The Azeri opposition is now stronger than at any point since Ilham Aliyev inherited power from his father in 2003.

Moreover, this election served as the framework for my legal challenge against Aliyev's unconstitutional candidacy for a third term as president. The changes brought about by the constitutional referendum of 2009, which removed the limits on the number of terms a president can serve, are increasingly seen as incompatible with Azerbaijan's obligations under the European Convention on Human Rights. But, more importantly, the referendum took place after Aliyev was elected president in 2008 and he is, therefore, bound by the old, "two-terms only," constitution. In this instance constitutional laws do not have retroactive powers.

Ultimately, a full judicial review is required. On Oct. 2, 2013, I formally launched a legal challenge on the issue. It was dismissed on a procedural technicality but not on the substantive issue. Therefore, without a final, exhaustive and undisputed Constitutional Court ruling, Aliyev's third term presidency is not legitimate. Whether this judicial review takes place now or in the future, even if it takes place after Aliyev's regime is removed from power, is immaterial. The fact remains that until there is Constitutional Court ruling on the matter, a serious legal question mark hangs over anything done or signed under Aliyev's authority, from Jan. 1, 2014 onwards. This has major geopolitical implications which I trust do not need to be spelt out.

This year also marked a turning point in the opposition's foreign policy. There has been a lot of discussion of the Russian role in this election — much of it overblown and sensationalist. The National Council does enjoy high levels of support among the Azeri diaspora, including amongst Azerbaijanis living in Russia. I have received countless statements of support and endorsements from leading members of the Azeri-Russian community. The chairman of the National Council, Rustam Ibragimbekov, was extremely successful in mobilizing this support.

The idea that our campaign was a "Kremlin plot" is as fanciful and untrue as the claim that Moscow unequivocally supports the Aliyev regime. The propaganda campaign against the National Council launched by the ruling regime in the run up to President Vladimir Putin's recent visit to Baku was damaging to Azeri-Russian relations.

Azeri democrats will always stay true to our ideals, values, and principles — the independence of Azerbaijan, our territorial integrity and sovereignty, democracy and respect for human rights. However, our relations with the international community are based upon a pragmatic approach and we are open to cooperation with any party that shares our vision of a peaceful

and prosperous Azerbaijan and the wider South Caucasus region.

Russia is a major partner of Azerbaijan. As co-chair of the OSCE Minsk Group, Russia can play a positive role in ending the occupation of Azeri territories and resolving the Karabakh dispute. I believe that relations between Azerbaijan and Russia should be based on mutual respect, equality and close economic and political cooperation.

When it comes to foreign relations, the time of abstract ideologies and empty rhetoric is over. As we observe so-called champions of democracy actively promoting and endorsing Aliyev's usurpation of power, his ongoing asset-stripping of Azerbaijan and brutal human rights violations, we are aware of the reality behind the rhetoric. We stand ready to open new dialogues and build new partnerships, and we will continue to work closely with Russia's Azeri community.

This election will cast a long shadow. In 2015, Azerbaijan will hold parliamentary elections. The National Council of Democratic Forces has already started that campaign. We are confident of our eventual victory. Azerbaijan will throw off the shackles of the Aliyev regime's corruption and authoritarianism. Liberty and democracy, justice and prosperity for all Azerbaijanis — that is our goal.

Jamil Hasanli is the presidential candidate of the National Council of Democratic Forces in Azerbaijan.

The views expressed in opinion pieces do not necessarily reflect the position of The Moscow Times.

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