

Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

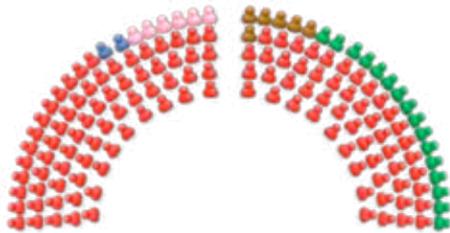
19 June 2012

Georgia lacks adequate checks and balances

The outgoing United States Ambassador to Georgia, John Bass, a few days ago addressed the American Atlantic Council, a Washington based think-tank, during which he took a wide angle look at Georgian politics. It was a thoughtful reflection by a diplomat at the end of an intensive three year period as his country's main representative in Tbilisi, and it covered many important points. Although the speech was largely sympathetic to the Georgian government, Bass did raise sensitively a number of important shortcomings.

Surprisingly however his speech failed to address what many consider to be the root cause of many of the current political problems in Georgia – the absence of adequate checks and balances. When President Saakashvili became leader of Georgia in 2003, in rather dramatic circumstances, he made it clear that he was a man in a hurry and with an ambitious agenda, and that he did not want obstacles in his way.

There have in fact been few obstacles because the president and his party have held sway over Georgian politics for the last nine years. The situation became even more acute once the other two protagonists of the Rose revolution were no longer there. Zhurab Zwania untimely death in 2005, and Nino Burjanadze's marginalisation, and eventual despatch to political oblivion, removed even the internal checks and balances that the triumvirate created after the Rose revolution had provided. The Georgian Parliament since 2004 has been overwhelmingly dominated by Saakashvili's United National Movement. Controversial legislation is often rushed through parliament with very little consideration.



The Georgian Parliament is overwhelmingly dominated by President Saakashvili's United National Movement who hold more than two thirds of the seats. The composition of the parliament is as follows: UNM 119; United Opposition 17, Labor Party 6, Republican Party 2, Christian Democrats 6.

The major concern has been the Georgian judiciary, which has been tame to the point where it will not even challenge the government on simple criminal or civil cases, let alone on sensitive political ones. The independence of the judiciary is raised as an issue in many governance and human rights reports about Georgia.

On 14 June 2012, two leading Georgian NGOs have issued two reports that are highly critical of the situation around the justice system in Georgia. The Georgian Young Lawyers Association (GYLA) and Transparency International Georgia (TI-G) presented their reports based on observation of court cases in Tbilisi and Batumi over a six month period.

According to the Chair of GYLA, Tamar Chugoshvili, there are clear indications that the courts make politically-motivated decisions and are not impartial while hearing cases. She believes that there is "too loyal an attitude towards prosecutors and a dependence of judges on them". The Chair of Transparency International Georgia, Nina Khatiskatsi, said that their observation had found that in 92.6% of all trials the judges ruled in favour of the prosecution or of Government interests. TI-G says that it monitored 252 hearings connected with 108 cases.

On the positive side, it noted that, except for a few cases, the right to a public hearing was not violated in Batumi and Tbilisi City Courts. The adversarial principle was observed in the vast majority of cases – the disputing parties had the opportunity to provide their arguments, to plead, to examine evidence, to question witnesses, and to conduct all relevant procedural actions stipulated by legislation.

The GYLA report focused on Criminal cases. GYLA found that in the majority of proceedings it monitored, the court met its obligation to provide a public trial. The notable exception to this was first appearances, where the court failed in its obligation by never providing advanced notification to the public regarding the time and place of proceedings.

While GYLA found that in most main trials the court observed the adversarial principle by allowing the parties to ask witnesses questions without undue judicial interference, there were examples where the court forgot its neutral role and took too active a role in witness examination.

GYLA found that judges could do a better job explaining essential rights to defendants at all stages of the proceedings, especially when it comes to the right to complain about ill-treatment at the hands of the authorities and the right to recuse the judge. Many judges also need to speak more loudly and clearly during proceedings to ensure that all those attending, both the parties and the public, fully understand what is happening in the courtroom.

While monitoring indicated that the court was, for the most part, providing a courtroom environment that provided the appearance of equality between parties, the monitoring of decisions provided disturbing evidence that the courts heavily favour the prosecution. This was especially evident in the monitoring of first appearances. In every single case GYLA monitored, the court did exactly what the prosecution asked when it came to the imposition of preventative measures. In every case where the prosecution asked for pre-trial detention, the court ordered pre-trial detention.

In every case where the prosecution asked for bail, the court ordered bail. The court rarely provided sufficient rationale for imposing pre-trial detention. In bail cases, the court always imposed the exact amount of bail requested by the prosecution, never anything less. Moreover, in making these bail decisions, the court made little or no effort to determine the defendant's financial status or to justify the bail figure it ordered.

It is especially troubling to note that in none of the 101 first appearances GYLA monitored was the accused released on his or her own recognizance; all defendants – even those charged with only minor crimes – were given detention or bail.

This fact provides strong support for those who claim that judges are not acting according to their individual assessments regarding the need for preventative measures, but instead are rigidly adhering to the so-called "zero-tolerance policy" of the government.

The court's preference shown to the prosecution continued into the other phases of the criminal trial process. GYLA observed that in pre-trial motion hearings the court always granted the prosecution's motion to admit evidence, but only granted the defence motion when the prosecution agreed to it. Perhaps most importantly, in all cases where the court delivered a final decision on the merits, it found the defendant guilty.

Seasoned observers of the Georgian political landscape say that the country's political system lacks real checks and balances, and that everything that happens in Georgia needs therefore to be read from this prism. ■

Source: CEO with additional information from GYLA and TI - G

Caucasus Elections Watch is a specialised weekly publication focusing on elections related processes in the Caucasus, with news and analysis compiled by experts with long experience of the region.

Caucasus Elections Watch is also distributed electronically. For more in depth articles you may also visit our website www.electionswatch.org or join our facebook page.

Published by

LINKS Analysis,
7-10 Adam House,
Adam Street,
London WC2N 6AA

T +44 2075209308
F + 44 2075209309
E analysis@links-dar.org
W www.links-dar.org

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Regional Partner

International Centre on Conflict and Negotiation (ICCN)

Machabeli str. No 5;
P.O. Box 38 Tbilisi 0179
Georgia

T: (995 32) 923 920
F: (995 32) 939 178
W www.iccn.ge

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Tbilisi

The Court of Appeal in Tbilisi, ruled on June 15, that multi-million fine imposed on Bidzina Ivanishvili, leader of opposition coalition Georgian Dream, earlier this week should be halved to GEL 74.32 million (about USD 45.4 million).

The Tbilisi City Court in its separate rulings on two cases on June 11 imposed a fine of GEL 148.68 million (about USD 90.9 million) on Ivanishvili, after upholding a decision by the state audit agency accusing Ivanishvili of violating party funding rules.

Ivanishvili's lawyers took the case to the Court of Appeals, which in substance upheld decisions of the state audit agency, and that of the court of the first instance, that Ivanishvili violated the law, but downscaled the amount of the financial penalty.

Ivanishvili said earlier that he would not to pay the multi-million fine, saying that the court ruling was part of the authorities' campaign to target him, and to curb distribution of satellite dish antennas to the provinces. He was referring to one of the two cases over which he was fined in which the state audit agency claimed that installing satellite antennas to clients "free of charge" by cable operator Global TV with funding from Ivanishvili was violation of the party funding rules. Global TV is co-owned by Ivanishvili's brother. In a separate incident, one of the co-owners of global TV, Aleksandr Ronzhes, an American citizen was detained at Tbilisi airport as he was about to leave the country. He was questioned for five hours in the presence of US embassy officials and lawyers, and later allowed to travel. ■

Baku

The OSCE Chairman-in-Office ended his trip to the South Caucasus region last week with a stop-over in Baku, where he expressed his concern about media freedom in the country.

The concerns were echoed by the OSCE Representative on Freedom of the Media, Dunja Mijatović, who sent a letter to Foreign Minister Mamdyarov during Gilmore's visit to Baku outlining her concerns over "the persistent intimidation of journalists and attempts to restrict access to information in Azerbaijan."

She raised the cases of imprisoned journalists, Mehman Hüseynov, Anar Bayramli, Zaur Quliyev and Vügar Qonagov, stressing that "imprisoning reporters is never the right answer to critical journalism. The media should be free to play their essential role in society."

Finally, Mijatović cautioned against amendments made on June 12 to the laws "On Receiving Information," "On the State Registry and the

State Registration of Judicial Persons" and "On Commercial Secrets" which will restrict public access to information. She called upon the authorities in Azerbaijan to "do their utmost to reverse these recent negative developments."

The letter was triggered by the arrest of 23 year old photo blogger Mehman Hüseynov, who was subsequently charged with assault and released pending trial. The charge related to an incident during the Eurovision Song Festival carries a possible penalty of five years imprisonment. ■

Yerevan

Armenia's Constitutional Court suspended hearings on a lawsuit filed by a member of Parliament from the opposition Armenian National Congress bloc Nikol Pashinyan. Nikol Pashinyan has asked the court to annul the results of the May 6 Parliamentary Elections in Constituency No. 9.

The Court said that it needed to get additional information from the Prosecutor's General Office and the Central Elections Commission. ■

Tbilisi

The Chairman-in-Office of the OSCE, Irish Foreign Minister Eamon Gilmore, was in the South Caucasus last week. Whilst the main focus of his visit seems to have been the unresolved conflicts that continue to plague the region in Tbilisi he also spoke about the forthcoming parliamentary elections. Gilmore said, "I welcome the timely invitation to the OSCE Office for Democratic Institutions and Human Rights to observe the upcoming parliamentary elections and urge the Georgian authorities to make every effort possible to ensure that the elections are in line with OSCE and international standards."

The Georgian government announced immediately prior to Gilmore's arrival that an OSCE elections needs assessment mission had arrived in the country at the government's invitation. ■

Tbilisi

On 17 June 2012 there was cyber-attack on the official web page of Georgia's governing party, the United National Movement (www.unm.ge). A UNM statement said that as a result some important information was deleted. However the website was again up and running after a short time. The statement said that the matter has been referred to law enforcement agencies. ■

“Next month’s Karabakh elections will be the best elections held in the South Caucasus”

The Chairman of Parliament of the self-declared Nagorno-Karabakh Republic was in the United Kingdom last week as a guest of the British Armenian Parliamentary Group. Ashot Ghouljian also visited Oxford University where he met a group of students and academics to discuss the situation in Nagorno-Karabakh. Speaking at Manchester-Harris College at the invitation of the Oxford Armenia Society Ghouljian answered questions regarding the forthcoming Presidential elections in Nagorno-Karabakh due on 19 July.

Ghouljian said the people of Karabakh will have a choice of candidates in the elections. “We will conduct good elections. They will be the best elections held in the South Caucasus”, Ghouljian told his audience.

Asked about reports that some international organisations have reported that the level of freedom and democratisation in Karabakh had decreased, Ghouljian said that international organisations fail to visit Karabakh and so they do not get first-hand information. He admitted however that this perception could also be due to the fact that no opposition party was elected to the parliament during the last parliamentary elections. Ghouljian said that the fact that there are external dangers does not leave much space for diversity, and most parties had a similar position with regards to foreign relations.

Ghouljian said that for the people of Karabakh it was incomprehensible why international organisations issue statements condemning the elections. He was referring to the fact that many international organisations and western governments do not accept elections in Karabakh mainly because the displaced Azerbaijani population is not able to participate in them.

Ghouljian referred to recent statements by the European Union, and its policy to engage with the unrecognised entities. He said that he hoped that this was a sign that the ice was breaking, and that things will in the future be better.

The Nagorno-Karabakh Republic was declared after the conflict in the region in the immediate aftermath of the collapse of the USSR. The territory is still internationally recognised as part of Azerbaijan, but the Azerbaijani population of the territory was displaced. There are often clashes on the line of contact separating Armenian and Azerbaijani forces and peace efforts in the framework of the OSCE Minsk process, on-going for the last two decades have so far not yielded results. Azerbaijan has condemned the elections. ■

Source: CEW



Ashot Ghouljian, Speaker of Parliament in the self-declared Nagorno-Karabakh Republic was in the United Kingdom in June ahead of presidential elections in the territory.

New Armenian Government formed following elections

The President of Armenia has signed a decree appointing the new government following the 6 May Parliamentary Elections. Most Ministers kept their posts but new ministers had to be appointed to replace members of the prosperous Armenia Party which is no longer part of the governing coalition. Most ministers are members of the president’s Republican party of Armenia but three ministries go to the Rule of Law Party, the junior partner in the coalition.

The appointments are as follows: Minister of Agriculture – Sergo Karapetyan; Minister of Economy – Tigran Davtyan; Minister of Finance – Vache Gabrielyan; Minister of Transport and Communication – Gagik Beglaryan; Minister of Labor and Social Affairs – Artem Asatryan; Minister of Healthcare – Derenik Dumanyan; Minister of Justice – Hrayr Tovmasyan; Minister of Nature Protection – Aram Harutyunyan; Minister of Energy and Natural Resources – Armen Movsisyan; Minister of Education and Science – Armen Ashotyan; Minister of Culture – Hasmik Poghosyan; Minister of Sport and Youth Affairs – Hrachya Rostomyan; Minister of Diaspora – Hranush Hakobyan; Minister of Urban Development – Samvel Tadevosyan; Minister of Territorial Administration – Armen Gevorgyan

And with another decree by the President, Territorial Administration Minister Armen Gevorgyan is also appointed Deputy Prime Minister. Earlier the president had re-appointed Tigran Sargsyan as Prime Minister. ■

Source: CEW

Saakashvili: “I’m sure we will win these elections”

President Saakashvili said on June 15 that despite “Russian money” being invested in Georgian politics ahead of the October parliamentary elections, “we will not allow votes, voters and political processes to be sold.”

“We will not let certain processes, whether electoral or other political processes, to hinder country’s economic development,” he said, adding that he was expecting Georgia’s economy to grow at least 8% this year.

“I’m sure we will win these elections,” he said while inaugurating Georgian Central Bank’s new Cash Centre in the presence of representatives of senior executives from some of the leading banks in Georgia.

“We know very well that large amounts of Russian money are coming into Georgia with direct orders from the Kremlin,” he said. “One has to be a real fool not to understand that this is Russian money,” Saakashvili added.

He said that while “some degraded politicians” in Georgia make themselves available for sale, “two things are not for sale in Georgia, Georgian statehood and the Georgian people.”

“One can buy a familiar face of the past... One can buy a not very successful representative of an art circle... but one can never buy any state institution in Georgia; we have no corruption in the state apparatus and we will not allow political corruption in Georgia, we will not allow votes, voters and political processes to be sold, not for one, ten or hundred billion, because Georgia’s future costs much more than their billions,” Saakashvili said.

“We will strictly observe the law and, by the way, the entire international community will applaud us for that,” he said.

“No one will be able to take us back into corruption, neither with political corruption nor with electoral corruption and no one will be able to bribe the state apparatus - that is my firm guarantee that I give to you. This [guarantee] relies not only on me personally, but... also on institutions that we have created – transparent, beautiful, solid, clear, non-corrupt and efficient institutions, which will protect the people of Georgia and the choice of Georgia’s future,” Saakashvili said.

United National Movement opts for a soft start to its campaign



Georgia’s ruling party, the United National Movement (UNM), has opted for a low key approach in the early stages of the election campaign for the forthcoming parliamentary elections, which in any case officially has not started. MPs and officials of the UNM have been visiting different regions of Georgia for meetings with voters and citizens. Under discussion are mainly local issues.

On June 16, the Speaker of the Georgian parliament David Bakradze visited Rustavi where he met with voters. Later he visited Gardabani, the Georgian city populated by a large Azerbaijani community. In his meeting with the local residents, Bakradze said that one of the most important problems of the region – irrigation problem would be solved soon. “I know the problems that concern you and we are working to solve these problems. Therefore we came here to meet you. The irrigation problem will be completely solved this year. The problem will be solved in the territories where both Azerbaijani and Georgian communities live. The problem with gas supply is being also solved. New roads and hospital are constructed in the region. We will start the reconstruction of school buildings next year.”

Bakradze also touched upon the social and health problems. He said it was impossible to solve all problems in a moment. “It was impossible to live in the country, which was destroyed and inventories of which were sold abroad ten years ago. The population feared police, inspectors, there were electricity and drinking water problems, roads were in bad situation. We started from zero and rose to current level. We are still a poor country, we still need many things. Our people have many problems, including unemployment. Pensions and compensations will be increased in September. The process is going on. It is impossible to reconstruct the country within a year. It takes long years.”

Governor of Kvemo-Kartli province of Georgia David Kirkitadze, member of the Georgian parliament Ramin Bayramov, head of the Gardabani region’s executive power Zviad Epatashvili, chairman of the regional municipality Temur Pekrishvili and other officials attended the meeting. ■

Source: CEW with APA

The Speaker of the Georgian Parliament, David Bakradze, seen here taking the message of the UNM to voters in the town of Rustavi on 16 June (Picture courtesy of the press Service of the Georgian parliament).



Georgian Dream Coalition in Guria

The Georgia opposition Georgian Dream movement took its campaign to the western Georgian region of Guria on Sunday, (17 June). The movement's leader, Bidzhina Ivanishvili addressed a large crowd in the centre of the region's main centre Ozurgeti during which he tackled a number of national and local issues. Observers noted that in his third speech to a large crowd this month Ivanishvili seemed much more confident than in his earlier performances.

In the speech Ivanishvili also touched upon some of the recent developments, including multi-million fine imposed on him after being accused of violating party funding rules. He said this fine was part of "Saakashvili's miserable tricks."

"I know that there are concerns about it in the society, but don't be afraid, it won't stop me," said Ivanishvili, who said few days ago that he would not pay the multi-million fine.



Speaking mainly without notes, Ivanishvili was often interrupted by applause from the crowd.

In his speech during the rally in Ozurgeti, Ivanishvili repeated some of the campaign promises that he had mentioned in previous rallies, including cutting utility tariffs; the setting up of a one billion investment fund for agriculture; state-funded basic health insurance for every citizen; increasing monthly pensions to the amount of minimum subsistence level, adding that subsistence level itself would be revised to set it on "real" figure.

Ivanishvili also named Georgian Dream's majoritarian candidates in all three single-mandate constituencies of the Guria region.

A former footballer Temur Chkhaidze will run in Lanchkhuti; Zviad Kvachantidze, who previously was in the diplomatic service – in Ozurgeti, and Temur Chkuaseli of folk song choir Georgian Voices, whom Ivanishvili described as his "long-time friend" will run in Chokhatauri. ■

Armenia post-elections: Former Foreign Minister put under investigation



Vartan Oskanian, former Foreign Minister of Armenia and a prominent member of the Prosperous Armenia Party (BHK) has been placed under criminal investigation by the National Security Service of Armenia (NNS)

on allegations of money laundering and tax evasion at the Civilitas Foundation, a think tank he founded and led from 2008 until this past February when he declared his intent to re-enter politics.

Oskanian has declared that the allegations are politically motivated. According to a statement he issued on June 11, Oskanian said he finds "it strange and astonishing that my work and the work of Civilitas can in any way be linked to money laundering or illegally acquired funds."

"Even more astonishing," he continued, "is that such a question is being raised at a time when I have entered politics." He added, "it is obvious to me that the criminal case that has been opened is politically motivated."

The American Ambassador to Armenia, John Heffern also expressed his concerns. Ambassador Heffern told Radio Free Europe that more than anything "the timing of [the investigation] is troubling. The fact that this would happen at this time in the political calendar is troubling."

The investigation was initiated on May 25th, less than three weeks after the 6 May Parliamentary Elections in Armenia.

Since his re-emergence on the political scene in February, Oskanian has been a vocal critic of the ruling coalition led by the Republican Party of Armenia (HHK), particularly the HHKs conduct in the recent parliamentary elections.

Moreover, it is believed that the former Foreign Minister was instrumental in the decision of the BHK not to continue the coalition with the HHK and to drop support for the current Armenian president, Serge Sargsian, in the upcoming Presidential elections.

This has led some political observers in Armenia to speculate that these moves might be representative of Oskanian's or of other BHK leaders desire to challenge Sargsian in the upcoming Presidential elections.

The criminal investigation arises from a \$2 million donation received by the Civilitas Foundation from two American corporations, Polymer Material and Huntsman International. The donation was made as a result of the proceeds from the sale of their Armenian subsidiary, Huntsman Building Products. According to an NSS statement, Civilitas failed to report the donation to tax authorities last year. The statement also claims that \$1,135,000 was transferred directly to the bank accounts of Oskanian and Tigran Karapetian, a member of the Civilitas Board of Trustees.

While Oskanian has conceded that this donation was not reported to the tax authorities, he maintains that the process was transparent.

In a statement issued on June 12, Oskanian noted that, "In this case, the source of the funds are known, the buyer is known, the transfer of the funds to me and to Civilitas according to the donor's wishes have been transparent and electronic. The attorneys have said that no tax obligation was created as a result of the transaction."

The Civilitas Foundation, which receives support from the governments of the Netherlands, Portugal, Norway, Germany, Switzerland, the United Kingdom, the United States, and the OSCE, has maintained that its activities have always been and remain transparent.

Salpi Ghazarian, director of the Civilitas Foundation, informed the Ambassadors of Britain, France, Germany, Italy, Switzerland and Romania in Yerevan on Thursday that not only had the authorities launched the probe to pressure Oskanian but they have also launched an investigation of CivilNet Online TV. This on-line broadcast produced by Civilitas is aimed at promoting civil engagement amongst Armenian youth.

Civilitas, according to its website, aims to foster prosperous democracy and full civic participation for all in Armenia as well as to contribute to the peace process in the Caucasus region.

Ambassador Heffern told Radio Free Europe that, "Civilitas is a very important partner for us, and we think it's really important for Armenia politically and for the media."

Both Oskanian and Ghazarian have been summoned for interrogation regarding the investigation. While Oskanian has already testified once, both have decided to refuse to testify this week citing that while they thought they were being invited to testify as witnesses, they are in fact being asked to testify as suspects.

Both the leader of the BHK, Gagik Tsarukian as well as Levon Zurabian, a prominent figure of the opposition party Armenian National Congress (HAK), have come out in support of Oskanian and the Civilitas Foundation.

Zurabian argued that, "If we lived in a democratic state this would be seen as a normal process." He continued that while law-enforcement agencies certainly have the right to investigate the sources of NGO funding he cautioned that politically motivated prosecutions have occurred in Armenia and cannot be ruled out as a motivation in this particular occasion.

The government, for its part, has remained firm in maintaining that the investigation is neutral and not politically motivated. ■

Prepared by Karina Gould for CEW with additional reporting from Radio Free Europe and the Armenian Press.

Georgian Parliament approves First Reading of amendments to the Election Code

On June 12, the Georgian parliament passed the first reading of the draft amendments to the national election code.

Amendments include modifying the eligibility criteria for voter and political participation, decreasing the legal age requirement for running for office, extending the mandate of the Voters' List Verification Commission (VLVC), as well as establishing criteria for international electoral observers monitoring Georgian elections.

The amendments are designed to bring the Election Code in line with the May 2012 constitutional amendments which came into force at the beginning of June.

Of particular importance is the amendment that would allow a non-citizen to participate fully in the Georgian electoral process as outlined in the Election Code and the Law on Political Unions of Citizens if he or she is born in Georgia, retains citizenship of an EU-member state and has resided permanently in Georgia for the last five years. These rights and obligations include the right to vote, the right to campaign for political parties and the right to donate a maximum of GEL 60,000 per year to political parties.

This change, should it pass second and third readings in the parliament, would allow the unofficial leader of the Georgian Dream coalition, Bidzina Ivanishvili, to participate in the upcoming parliamentary elections in October 2012 and the presidential elections the following year.

Ivanishvili, a citizen of France but born in Georgia, was granted Georgian citizenship by incumbent President Mikheil Saakashvili in 2004. However, the President revoked Ivanishvili's citizenship in October 2011 after the businessman indicated his interest in running for politics.

According to the Georgian press, Ivanishvili has declared that he will not

make use of these "absurd" amendments arguing that it is not normal for amendments to be made on the basis of one individual. He has stated that he will only run for office when he regains Georgian citizenship, noting that he will apply for dual citizenship as recommended by the Civil Registry Agency in Georgia.

Moving in line with international standards, the amendments to the Electoral Code also include the reduction of the age requirement for a person to run for Member of Parliament from 25 to 21.

Furthermore, the amendments would extend the end date of the Voters' List Verification Commission (VLVC) mandate to December 31, 2012, thus allowing for the VLVC to carry out verification procedures on election day. Chairman of the VLVC, Mamuka Katsitadze, stated that party representatives will be able to cross-check the voters list at polling stations on election day with those compiled by the commission.

The VLVC is currently conducting door-to-door voter list verification. As has been reported previously in Caucasus Elections Watch, the accuracy of the voters' list has been an issue in past Georgian elections.

Finally, the amendments also list the eligibility criteria and standards for an organization to be registered as international electoral observers in Georgia. These amendments appear to be directed at blocking Russian observers for the fall 2012 elections.

The amendments would require observers to respect Georgian legislation, sovereignty and human rights norms, maintain non-interference in the electoral process, political impartiality, transparent financial practices and financial autonomy from Georgian political interests, as well as the full observation of international election observation standards.

Representatives of the governing United National Movement hinted that the legislation is aimed primarily at Russia and concerns that Russian observers might be planning to "destabilize the situation."

During U.S. Secretary of State Hillary Clinton's visit to Georgia last week, President Saakashvili emphasized the importance of ensuring a sense of legitimacy amongst Georgians with regards to impartial electoral observers in order to ensure "fair, transparent elections, acceptable for everyone."

However there is also concern that the legislation may be used to hinder other observers too.



Outgoing US Ambassador to Georgia John Bass

Speaking in Washington, at the Atlantic Council, an American think tank, U.S. Ambassador John Bass noted that although some additional improvements were required in the electoral process, "broadly speaking there is a landscape in place which enables the kind of competitive election that Georgians would like to see." Ambassador Bass cautioned that "one of the challenges for this period is ensuring the environment is competitive enough so that people focus more on contesting the elections themselves rather than on contesting the legitimacy of the process." ■

Report prepared by Karina Gould for CEW, with additional reporting from Democracy and Freedom Watch (www.dfwatch.net) and Civil.ge.

“Almost all our positions coincide with those of the Venice Commission.”



The Azerbaijani pro opposition forum “Public Chamber” will this week hold a round table discussion on the electoral code of Azerbaijan. Ahead of the meeting CEWs Karina Gould interviewed Razi Nurullayev the Deputy-chairperson of Foreign Affairs of the Popular Front Party

of Azerbaijan and Chairman of the Board of Directors at “REGION” International Analytical Centre (RIAC).

CEW: What is the motivation behind the organization of the round table discussions this upcoming week?

RN: The round table discussions will take place on 21 June, 2012 in Baku and are being organized by the pro-democracy opposition group, the Public Chamber of Azerbaijan (PC). The PC emerged in the aftermath of the October 2010 Parliamentary Elections in Azerbaijan, which left all of the major opposition parties outside of the legislative body without a single seat due to electoral fraud. The PC is taking on this initiative because it is able to bring together most of the political parties, civil society, experts, academics and individual activists in Azerbaijan.

CEW: Who do you hope will attend the round table and why is their participation important?

RN: The round table is open to all political parties, civil society, NGOs, independent experts and ruling authorities. Invitations have already been sent to all of the above-mentioned groups and special invitations are also being sent to international missions, embassies and other relevant bodies in Azerbaijan.

The Public Chamber is trying to bring together all of the interested bodies and stakeholders in order to represent all of the interests and prepare one single document with the suggested amendments.

Usually there are several political parties and civil society organizations which prepare different papers that are sent out to the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), and the Parliamentary Assembly of the Council of Europe (PACE) as well as other relevant international bodies. Given the involvement of so many stakeholders it can be difficult to balance the different points of view and interests. The round table will try and streamline the comments and interests of the various actors involved in the process. Once there is one single document, it will be much easier to publish it and work together to achieve the amendments.

CEW: Could you outline the amendments that are being proposed to the Electoral Code and what impacts these might have on the upcoming elections in Azerbaijan?

RN: The Venice Commission of the Council of Europe prepared the proposed amendments and sent them around to the relevant bodies

in Baku. However, so far the major amendments offered by the Venice Commission, the Azerbaijani political parties as well as electoral NGOs have not been adopted.

Recently, the parliament of Azerbaijan made several technical amendments to the Electoral Code of Azerbaijan; however, they do not appear to be sufficient enough to contribute to greater transparency in the forthcoming elections.

Almost all of our positions coincide with the terms proposed by the Venice Commission. These include the need for equal representation of political parties in the composition of the Central Election Commission and other subsequent commissions at the local levels. The PC believes that no elections in Azerbaijan could potentially be free and just without an equal composition of the electoral commissions.

Another concern is about election observation and electoral complaints. As it currently stands, the law does not provide sufficient legal and practical grounds for effective observation missions. Observers are not allowed to observe the counting of ballot papers and must stand a certain distance away from the counting table. In reality and in practice, observers are unable to see the voting marks beside the names of the candidates and thus unable to evaluate the vote counting procedure.

CEW: What do you hope will be discussed and achieved during the round table talks?

RN: The major issues to be discussed will be the allocation of the electoral amendments made by the PCs into separate working groups.

There are only 15 months left until the next presidential election in Azerbaijan. The PC hopes to achieve amendments in the Electoral Code of Azerbaijan before the presidential elections in the autumn of 2013.

The PC wishes to coordinate all of the efforts from civil society, political parties and experts. If the current Electoral Code remains in place as it is now, there will be no scope to go to presidential elections. Time is therefore of the essence and we need to submit all our proposed amendments in due time to the Venice Commission and the OSCE.

The round table will define the directions of the suggested amendments. It is possible that we will also establish special commissions who will prepare the suggestions for each set of amendments.

CEW: To whom will you be submitting the conclusions of the round table discussions?

RN: Once the unified document has been fully prepared with the set of recommendations to the Electoral Code, it will be sent to the Office of the President, Parliament, the Central Election Commission and international organizations, including the Venice Commission, OSCE, EU, and European Embassies accredited to Azerbaijan. ■