



**Office for Democratic Institutions and Human Rights**

**REPUBLIC OF ARMENIA  
PRESIDENTIAL ELECTION**

**MARCH 16 AND 30, 1998**

**FINAL REPORT**



Issued on 9 April 1998

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## INTRODUCTION

The Extraordinary Presidential Election in Armenia was called as a consequence of the resignation of President Levon Ter-Petrossian. Since the resignation of the President of the Republic of Armenia was followed by the resignation of the Speaker of the Parliament, according to the Constitution, the Prime Minister and Presidential Candidate Robert Kocharian, served as acting President during the transition period leading-up to the elections.

On 14 February, at the invitation of the Government of the Republic of Armenia, the OSCE/ODIHR began its long-term Election Observation Mission for the Extraordinary Presidential Election. During the first round of voting on 16 March, the OSCE/ODIHR Election Observation Mission deployed over 180 international observers to all parts of Armenia, visiting over 800 polling stations. For the second round of voting on March 30, 140 observers were deployed, visiting more than 700 polling stations on election day. In both rounds of voting, the counting process was observed, and then observers followed the results through numerous Community Electoral Commissions and most of the 11 Regional Election Commissions.

The OSCE/ODIHR issued two preliminary post-election statements following the March 16 and 30 polling days, in which it cited serious irregularities and sufficient evidence of vote fraud to require further investigation and possible criminal charges.

## SUMMARY OF CONCLUSIONS

**The Extraordinary Presidential Election of March 16 and 30 does not meet the OSCE standards to which Armenia has committed itself in the Copenhagen Document of 1990.**

**Armenia held elections that were characterised by serious flaws in both 1995 and 1996. This election showed improvement in some respects over the 1996 election, but the 1996 election is not an appropriate standard for assessing a meaningful election process in line with OSCE commitments.**

**The Copenhagen Document, Article 6, in which participating States declare to "recognise their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people...", was seriously challenged in this election. Of specific concern to this election is the failure to meet five out of seven applicable paragraphs under article 7 of the Copenhagen Document. The Election Observation Mission observed ballot stuffing, discrepancies in the vote count, a large presence of unauthorised persons in polling stations, and instances of intimidation directed toward voters, election commission members, candidate proxies and international observers.**

**The OSCE/ODIHR extended its observation in order to review materials related to these problems. At this stage, it is recommended that a thorough, impartial and vigorous investigation of the serious irregularities and evidence of manipulation cited in this report be undertaken urgently by the Armenian authorities. The final section of this report contains a series of further recommendations.**

## **THE ELECTION LAW**

### **Review of the Election Law**

A comprehensive Election Law reform effort was underway in Armenia, but the Extraordinary Presidential Election was called before an amended Electoral Code could be adopted. The legal review sought to address serious concerns and recommendations raised in the OSCE/ODIHR Final Report on the 1996 Presidential Election, and the report of the OSCE/ODIHR Technical Assessment follow-up mission which took place in January 1997. The need for a fundamental review remains, but it is recognised that it was not possible to pass a new law in the given timeframe of 40 days between the resignation of the President and the election of a new President. This election, therefore, had to be administered according to a law, which creates a serious administrative burden and does not guarantee transparency in the election process.

At the invitation of the Minister for Foreign Affairs, two alternative draft laws, which are intended to replace the existing election legislation, were submitted to ODIHR for comment. The ODIHR, and other international organisations, submitted substantial comments on proposed amendments to the election law.

### **Domestic Observers**

It is of serious concern that on March 2 the Parliament voted against the accreditation of domestic non-partisan observers. The non-accreditation of domestic observers is not in line with Paragraph 8 of the Copenhagen Document, which supports the participation of both foreign and domestic observers in order to enhance the integrity of, and build public confidence in, the electoral process. It is unfortunate that the several thousand Armenians who were trained and prepared to observe the election on a non-partisan basis were denied the opportunity to participate in the election process.

## **THE PRE-ELECTION PERIOD**

### **The Candidates**

Twelve (12) candidates were accepted by the CEC after they submitted the required 25,000 signatures by March 1. These included: Sergei Badalian; Ashot Bleyan; Artashes Geghamian; Karen Demirchian; Hrant Khachatrian; Vigen Khachatrian; Paruyr Hairykian; Vazgen Manukian; Yuri Mkhrtchian; David Shahnazarian; Aram Sargssian and Robert Kocharian. No candidate obtaining the required majority in the first round held on March 16, leading to Karen Demirchian and Robert Kocharian contesting a second round on March 30.

### **The Campaign**

Candidates were free to campaign throughout the country and to express their views to the voters. However, there was a serious and documented report of illegal campaigning and an incident of campaign violence which deserve attention.

## **Illegal Campaigning**

The election campaign, particularly prior to the first round of voting, experienced illicit incidents by persons representing the campaign of candidate Kocharian. The most serious and well-substantiated case was the distribution of kerosene outside of Mr. Kocharian's headquarters in Yerevan. Reports of such incidents were markedly reduced once the Observation Mission brought the seriousness of such violations to the attention of Mr. Kocharian and the government. While the occurrence of such illegal activity improved over the 1996 election, in which the machinery of state was used heavily on behalf of the incumbent candidate, it still is of serious concern. Another incident which was observed, included the distribution of Kocharian's campaign literature with customs forms on incoming Armenian Airlines flights from Amsterdam and Moscow just prior to the first round of voting.

## **A Violent Campaign Incident**

A serious incident occurred on Sunday, 8 March, in which violence erupted at candidate Manukian's rally aimed at disrupting the meeting. Eight people were injured, two requiring hospitalisation, including one member of the Central Electoral Commission. The OSCE/ODIHR Election Observation Mission issued a statement condemning all politically related violence after meeting with two of the victims and with the local officials and the police chief. The Ministry of Interior responded to this serious incident by arresting four people and dismissing the police chief for "failing to keep public order". The police had reportedly been on hand and did not stop the incident.

## **Media**

Media coverage of the 1998 Extraordinary Presidential Election was significantly improved over prior Armenian elections, and both print and broadcast media endeavoured to provide improved coverage in the second round over the March 16 poll. All presidential candidates were provided opportunities to present themselves to the electorate through the provision of free and paid access to State media. Nonetheless, media coverage failed to meet the requirements set out in paragraph 7.8 of the Copenhagen Document to provide unimpeded access to the media for candidates on a non-discriminatory basis.

Analysis by the European Institute for the Media (EIM)<sup>1</sup> for the first round reported far more news coverage of candidate Kocharian on Channel 1 of State television than other candidates, and reported that the official Armenian-language newspaper "Hayastani Hanrapetutyun" devoted four-to-five times the editorial coverage to Mr. Kocharian than to any other candidate. EIM's report on the second round showed that "the first channel of State television devoted 42.15 per cent of its editorial coverage to candidate Kocharian and 16.65 percent to Mr. Demirchian. The rest of the time was devoted to the election process as such." "Hayastani Hanrapetutyun" devoted 53.32 percent of its coverage to Mr. Kocharian as compared to 37.79 per cent to Mr. Demirchian. The ratio of positive/negative/neutral

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<sup>1</sup> See Media Monitoring Report from the European Institute for the Media released on March 17 and Press Release of March 31.

references to candidates in the State controlled media referred to candidate Kocharian in positive terms far more frequently than to Mr. Demirchian (for example, 130 of 577 references by National radio (channel 1) to Mr. Kocharian were positive, while only 58 of 460 references to Mr. Demirchian were positive and 64 were negative). The difference in the number of references (577 versus 460) can be partially explained by the different campaign strategies of the two candidates, and it should be noted that Mr. Demirchian declined the opportunity to debate directly with his opponent on State television.

## **Ballot distribution**

The distribution of voting documents (including ballots) is not well prescribed by the Law on the Election of the President of the Republic of Armenia. For example, who actually makes the delivery of voting documents to the PEC is unclear. The only hint is in Art. 10.1.5. It implies that the REC is involved in this process. It is not clear by the law whether the delivery is directly REC to PEC, or REC to CoEC to PEC, or local authorities are also involved. The timetable of the distribution is also unclear. It happens between 5 days and 1 day prior to the election day. The printing of voting documents starts 5 days before the election day because of Art. 25.4. Art. 23.1 prescribes the issuance of receipt for the distribution. Art. 23.2 prescribes the amount of the ballots per precinct.

When consulted on the ballot issue, two representatives of the CEC assumed that there is no real counting of the ballots distributed in some REC. Only the approximate numbers of ballots are written in the receipts filled in there.

## **ELECTION DAYS**

### **Polling Station Environment**

#### General assessment

The general assessment about the conduct of the polling day, up until the vote count, was "bad" or "very bad" in 16% of polling stations observed during the first round of voting and 13% during the second round. While this means that 84% and 87% respectively recorded a "good" to "very good", these overall figures do not reflect a positive assessment and do not compare favourably in relation to other OSCE/ODIHR statistical assessments.

#### Intimidation

Also of concern for this election was Copenhagen Commitment 7.7, which ensures "that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation...prevents the voters from casting their vote free of fear or retribution."

Intimidation can have an insidious effect on voters and their ability to cast their ballot in accordance with their own free choice. While intimidation may be difficult to quantify, observers are requested to record intimidation on their checklists wherever they can detect it, and widespread trends in intimidation became readily apparent in this election.

Intimidation of voters was observed in 53 polling stations, mainly concerning the first round observations (4%), which is a high figure in relation to previous OSCE/ODIHR statistical assessments. Occurrences of voter intimidation were observed throughout the country. In a vast majority of the polling stations in which intimidation of the voters was observed, the observers' overall assessment of the conduct of the poll was negative. This impact on the overall opinion may underline the magnitude of this irregularity.

In several instances, candidate proxies were intimidated and obstructed from performing their duties. In many cases, proxies were instructed to sit in a corner of the polling station from which they could not observe the voting process in full. Likewise, commission members were intimidated by proxies or colleagues. Kocharian proxies in particular were seen in a number of polling stations exercising undue influence inside the polling station over other proxies, commission members and voters.

It is of concern that in some precincts, international observers were intimidated and prevented from undertaking their activity. There were also attempts to deny international observers access to polling stations before the start of the vote count and during the vote count.

#### Unauthorised persons

The presence of unauthorised persons inside the precincts and the counting places is of particular concern for the OSCE/ODIHR because of the intimidating effect such a presence can have. In the first round, observers reported the presence of unauthorised persons in one out of four precincts throughout the country. Despite the public statements of the Prime Minister and of the Minister of National Security and Internal Affairs on this issue, no improvement was noticeable in the second round. Unauthorised persons most frequently identified in the polling stations include police and military officers, representatives of the Interior Ministry or of the Security Forces, local authorities, and more than two proxies per candidate. Particularly in Armavir and Gegharkunik, the presence of unauthorised persons was reported in one out of three polling stations visited. There is a fairly strong relation between the observed presence of unauthorised people and the observers' overall assessment: when observers indicated the presence of unauthorised persons in the precincts, their overall assessment of the conduct of the poll at that polling station was quite often "bad" or "very bad".

#### Overcrowding, agitation and unrest

Observers reported that many polling stations were overcrowded. This was particularly true for the first round in which 22% of the polling stations were reported as overcrowded. This may have been caused by the number of party representatives inside the polling stations as well as unauthorised people present. In the second round observers reported of overcrowding in 12% of the stations visited, which is a clear improvement compared to the first round. In particular, too many people were present inside the polling places in the regions Gegharkunik, Shirak and Vayots Dzor.

In addition to a huge number of overcrowded polling stations, instances of agitation or unrest were seen in some polling stations. Observers observed agitation or unrest in a total of 106 polling stations. In 59 of these observations overcrowding occurred together with agitation or

unrest, in the other 47 stations agitation or unrest took place in polling stations that were not crowded. During the first round agitation or unrest was observed in 7% of the polling stations visited and in the second round in 6%, which are large percentages related to ODIHR/OSCE election observation experience. Such irregularities were reported from all regions in Armenia.

### Military voting

Concerns have been raised over the voting of soldiers. Voting under instruction of officers was observed both during the first and the second rounds. The modalities adopted for the military voting often resulted in a direct violation of Copenhagen Document Paragraph 7.4 which calls on participating States to ensure “that all votes are cast by secret ballot or by equivalent free voting procedure” and Paragraph 7.7, which calls on participating States to ensure that the law and public policy work to allow the voters to cast their vote free of fear of retribution.

Before the first round the Central Election Commission adopted a regulation authorising the presence of mobile boxes to allow soldiers posted at the borders of the country to cast their ballots. Unfortunately the Defence Ministry failed to communicate in due time to the Central Election Commission the exact number and location of these mobile boxes, thus hampering the transparency of the process. Therefore the decision taken by the Ministry of Defence to reduce the number of mobile boxes from 13 to 2 before the second round, was welcomed by the OSCE/ODIHR Election Observation Mission. The discovery of the existence of at least two more mobile boxes (Gegharkunik, Kut Precinct 77/1, and Syunik, Yeghek Precinct 33/1) cast a shadow on the reliability of the information provided by the Defence Ministry to the Central Election Commission and the Election Observation Mission and on the transparency of the process itself. Moreover, it is of extreme concern that one of the mobile boxes has crossed the national borders of the Republic of Armenia to collect votes of Armenian soldiers posted abroad (Kelbajar)<sup>2</sup>.

### **Ballot and coupon box stuffing**

#### Instances

The Election Observation Mission is extremely concerned about violations of OSCE Commitment 7.4, which ensures that "votes are cast by secret ballot or by equivalent free voting procedures, and that they are counted and reported honestly with the official result made public", and also of Commitment 7.3 which calls on participating States to respect the equality of suffrage. The Election Observation Mission determined that there were widespread occurrences of ballot and coupon box stuffing in both rounds of the election.

In at least 63 precincts and/or CoEC's during the first round, and in 85 precincts and/or CoEC's during the second round, the following incidents were observed, clearly indicating altogether that ballot box and coupon box stuffing had taken place:

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<sup>2</sup> This sentence was changed on 15 April 1998 to read as follows: Moreover, it is of extreme concern that one of the mobile boxes has crossed the national borders of the Republic of Armenia to collect votes of Armenian soldiers posted in the region of Kelbajar.

- direct observation of ballot box stuffing;
- direct observation of numerous small batches of ballots in the ballot box;
- direct observation of batches of coupons in the coupon box;
- direct observation of coupons without signatures and/or number;
- direct observation of forged signatures on coupons;
- direct observation of forged signatures on the voter lists;
- direct observation of tampering of protocols;
- direct observation of ballot and/or coupon box seal broken;
- evidence that more ballots appeared in ballot boxes than coupons appeared in coupon boxes;
- indications of missing ballots in the chain of ballot distribution;
- evidence of missing ballots from polling stations;
- evidence that more ballots appeared in ballot boxes than signatures appeared on voter lists;
- confirmation that persons who had signatures on the voters lists did not vote or apparently did not exist;
- reports from candidate proxies corroborated by election officials that ballot stuffing had been witnessed.

The section of this Report setting forth analysis of selected protocols shows a number of these points. The two following examples in particular, submitted by OSCE observers, illustrate the nature of one ballot stuffing scheme evident in two polling stations.

#### *Ballot box case study*

In Yerevan community polling station 4/8, OSCE observers noted that proxies had been forced for some time to stand where they could not see what was going on at the box. When the proxies were allowed to stand near the box, the Demirchian proxy saw a man dropping ballots into the box and called to stop him. Polling officials also reported that they saw this happen. The man was apprehended, allegedly with one ballot still in his hand. He was turned over to the police but evidently escaped or was released. Later in the day, observers learned that the same proxy witnessed a second man dropping multiple ballots into the box. This man escaped the station. Again, polling officials reported that they saw the event.

The OSCE observers also observed the count at 4/8. The observers witnessed the chairwoman adding signatures and passport numbers to the voter lists. The observers were able to see the list and noted the voter numbers corresponding to the added signatures. The observer team copied the names and addresses corresponding to those numbers. Two additional OSCE observer teams visited a few of these addresses and learned that in one instance the name and address was correct, but the woman reported that she had not voted in years. A second address turned out not to exist. At a third address, the resident reported that she had not voted and that she had never heard of the names presented, even though she had lived at the address for a long time.

When the ballot box was opened at 4/8, the OSCE team observed that there were a significant number of small batches of ballots in the ballot box. These included approximately four to seven ballots that were tightly folded together. Some of the batches could have occurred by

coincidence, but the number of batches showed that ballot box stuffing was likely. In addition, the man assigned to remove ballots from the box stirred the ballots frequently and otherwise broke up the batches before bringing ballots into the view of other PEC members and proxies. A second man occasionally helped remove ballots from the box; these sometimes included batches. When the chairwoman unfolded the batches, she attempted to conceal them, but close observation revealed that as they were placed on the table, each was an identically marked ballot for candidate Kocharian.

The possibilities for ballot box stuffing at 4/8 were increased because the chairwoman had instructed proxies to sign the back of coupons rather than signing as required on the back of ballots. This removed one measure of ballot security.

Observers also visited the count at station 4/6 and noted batches of identically marked Kocharian ballots as well as apparently forged signatures on the voter list. These irregularities fit the pattern observed at 4/8. Precinct 4/8 had curious voter turnouts: 61.2 per cent in the first round and 83.2 percent in the second round. At polling station 4/4, observers noted that proxies had signed the backs of coupons rather than ballots. The turnout at 4/4 was 65.8 per cent in the first round and 97.6 in the second.

Other OSCE teams observed ballot box stuffing and other serious violations on a significant scale.

#### *Fabricated signature count*

In Yerevan Community 3, polling station 3/24, the observers noted that the PEC chairman conducted the count of signatures on the voter list at such a high rate of speed that no one could confirm it exactly. This could suggest a deliberate manipulation of the signature count to cover ballot box stuffing.

The chairman's signature count was 2943, which was 659 signatures more than the number (2284) derived by adding totals on the lists displayed prior to their amalgamation. The observers also attempted to independently keep count along with the chairman and came to totals that varied considerably from his; one of them reached a count of 2094 signatures, and the other's count was 2045. The observers agreed that the 50-signature difference between their counts was not unreasonable, given the high speed of the chairman's count, but they questioned the accuracy of the chairman's count as compared to the addition of signatures on the lists they observed. The observers' estimation suggested that the count overstated the true figure by 500-600 signatures.

#### *Coupon box stuffing*

Detachable coupons at the bottom of ballots are designed to provide a safeguard against ballot box stuffing. Manipulation of coupon counts defeats this safeguard and provides evidence of fraud and irregularities. Numerous examples of coupon box stuffing were evidenced in both rounds of the election in Yerevan. Evidence of this took the forms: of apparently forged coupons and coupons without signatures and/or number found in coupon boxes; coupons found in stacks in the boxes – sometimes in stacks of over 100; stacks of coupons with sequential numbers; large numbers of coupons folded together; and broken seals on coupon

boxes. In addition, there was evidence of Community Electoral Commissions fabricating numbers on protocols in order to show that the number of coupons for a precinct matched the ballot count on the PEC's protocol.

In both rounds there were numerous instances where coupon and ballot counts did not match; of course, equal stuffing of ballot and coupon boxes would create matching numbers of ballots and coupons. In the second round, in Yerevan community 8, there were 16 polling stations with reported differences between the number of ballots in the ballot box and the number of coupons in the coupon box. Five of these discrepancies were over 50 ballots; in one instance there were 113 more ballots than coupons (station 8/30), and in another 190 more coupons were recorded than ballots (8/16).

### Sealing of the boxes

Over the two rounds, observers reported problems related to the sealing of the ballot boxes in 44 polling stations. Such violations, which may jeopardise the integrity of the ballot, were in particular witnessed in the regions of Armavir, Gegharkunik and Lori.

### **Vote Count**

OSCE observers were present and reported the vote counts in 63 precincts during the first round and 62 during the second round. In the first round, they recorded 16 "bad" to "very bad" assessments (1 in 4) and in the second round they recorded 23 "bad" to "very bad" assessments (1 in 3). These assessments reflect the observer findings that in a high instance of cases, ballots were not counted accurately. There were numerous reports of discrepancies between ballots, coupons and signatures, thereby not accurately reflecting the choices expressed by the voters. (See Analysis of Polling Station Protocols).

During the first round, two blank protocols which had already been signed, thereby making them official, were identified in precincts Lori 1/5 and Armavir 94/1. During the second round, observers reported that in three precincts, votes for candidate Demirchian had been either removed or counted inaccurately (Yerevan 1/6, 8/14, 11/38).

In the second round, observers reported that the PEC member did not understand the counting process in one in six polling stations. In addition, observers reported that in one in four stations the vote count was badly organised.

### **Anomalies in Turnout and Voting Patterns**

#### Introduction

In the first round of voting the difference between the candidates Kocharian and Demirchian was 8%. Except for the regions of Tavush and Yerevan, Kocharian won in all regions. The clear difference in favour of Demirchian in the first round in Yerevan, reversed itself in the second round (Kocharian 56% and Demirchian 44%).

The unusual pattern described below may give some concerns regarding the treatment of the ballots during the poll and the vote count. Further investigation may be needed in order to

pursue whether or not voters on the supplemental lists were real in precincts with extraordinarily high turnout and in precincts with unusually higher turnouts in the second round. Considering these figures, for the Election Observation Mission the following three points are of significance:

- The turnout patterns between the first and second round differ. The OSCE/ODIHR Election Observation Mission has no explanation for a voting behaviour in which a turnout gap between the first and second round is indicated before 16:00 (more voters voted in the first round), which disappears after 16:00.
- Observer reports indicating large number of voters on the additional list in the Yerevan region.
- Observers reported an extraordinary turnout increase in some second round polling stations in comparison to the first round.

### Supplemental voting lists

The current procedures of aggregating the number of voters in the regular voter lists with those on the supplemental lists, does not allow for a transparent presentation of the voters registers. The supplemental list was used as a regular instrument of registration and not as a tool to correct an exceptional case, thus allowing the possibility of double voting which was observed in 37 instances, 31 in the first and 6 in the second round. Multiple voting was most prevalent in the regions of Tavush (precincts 12/1, 16/1, 17/1, 24/1, 57/1, 58/1) and Gegharkunik (e.g. precincts 26/1, 16/1, 17/1, 3/2 and 13/2). Except for Armavir and Vayots Dzor, this multiple voting was observed in each region at least in one polling station. In more than half of the polling stations in which double voting was witnessed the observers' overall opinion was "bad" or "very bad".

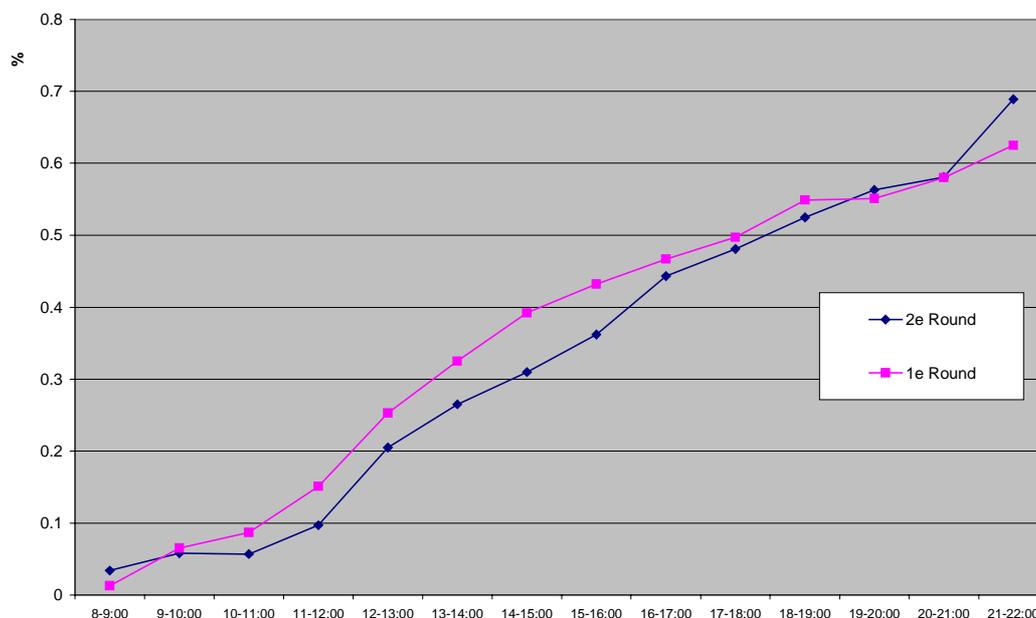
The numbers of the registered voters on the voters' list added to the number on the supplemental lists may provide a rough indication of the total number of registered voters in a specific polling station. Many observers reported that the number on the supplemental list was very large. This was particularly noted in Yerevan. During polling day observers asked for the number of voters on the supplemental lists. On average observers reported in the Yerevan polling stations nearly 100 voters on the list, whereas in the regions Aragatsotn and Vayots Dzor the average was 24. In the first round, observers reported more than 200 voters on the supplemental list in 76 polling stations visited, mostly in Yerevan. In the second round such a large number of voters on the supplemental list were recorded in 48 stations visited, of which 43 were in Yerevan. These numbers are exceptionally large considering the average time of day - 16:15 - observers recorded this information; this indicates that these examples of voters on the additional list are an underestimation.

### Turnout patterns

The observer reports provide information as to the turnout patterns during polling day. By means of this information it is possible to compare the first and second round turnout patterns. Observers were asked to note the number of voters who already had voted at the time of their observation. In most polling stations, the chairman of the PEC provided this information on

request. Observers also filled out the time when the number of voters who had cast their vote had been counted. From this information it is possible to give a rough indication of the turnout rate during polling day in the precincts observed, as represented in the graph below. In the first hour of the first round only one out of a hundred eligible voters had cast their vote. By 18:00 half of the voter population had voted. According to observers reports during the last hour of the poll a turnout rate of 63% was measured. In comparison with the second round, the turnout figures between 8:00 and 10:00 are more or less the same. However, between 10:00 and 16:00 the turnout in the first round was higher than in the second. Thereafter, no differences in turnout were revealed between the two rounds. This means that the turnout gap between the two rounds had been narrowed. There is an indication that during the last hour of the opening of the polling stations, the turnout in the second round increased to 68%. However, due to a limited number of observations, this result does not differ statistically from the first round 63%.

**Observed turnout on polling days**



Apart from the above-mentioned information, some observers commented on the turnout rate. Based on the observers' narrative reports, in some polling stations, an unexpectedly higher turnout was reported in the second round compared to the first round. One observer team based in Ararat reported: "A dramatic increase of the turnout rate in the second round, from 47% to 87%". This reflects what many other observer teams reported.

Moreover, according to the preliminary results released by the CEC, the turnout in some polling stations was equal or even higher than 100%. This is particularly true for the Yerevan region, in which some polling/ stations reported an exceptionally high turnout. In precinct 7/4 the turnout (was 102.9% (second round). Also in other precincts the turnout was very high in the second round, such as Lori 88/1 (839.4%), 8/17 (105.2%), 5/17 (98.8%), 4/4 (97.6%) and 7/28 (99.96%).

## Protocol tampering

During the first and second rounds several cases were reported by international observers of election protocols being tampered or completely forged. An extremely serious episode occurred at Community 8 in Yerevan, where the Chairman attempted to destroy in front of the international observer a fake protocol. Once rescued by OSCE/ODIHR observers the forged protocol revealed an attempt to modify the final result of the precinct (Yerevan 8/14) by adding 456 votes to the candidate Kocharian and subtracting the same number of votes from the candidate Demirchian.

## THE POST-ELECTION PERIOD

### Analysis of PEC protocols

A study of some 141 PEC Summary Protocols and 4 CoEC Protocols was undertaken in connection with numerous observers' statements for observed protocol figure discrepancies and improper counting procedures. Out of all copies of PEC protocols made available to the EOM either by the observers themselves or by the responsible Armenian authorities a selection was studied comprising the PEC protocols from almost all polling stations in Communities 3 (36 Protocols), Community 5 (33 Protocols, PEC Protocol from Polling Station N 11 is missing), Community 7 (34 Protocols) and Community 11 (38 Protocols) from Yerevan City Marz, where more than 30% of the eligible voters in Armenia reside. It should be stressed that all of what follows is based on documents issued from the Armenian election authorities at different levels.

### General Comments

The study of the above-mentioned Summary Protocols clearly indicates the existence of problems, often localised at a community level. Some of these will be illustrated in what follows.

A number of balance equations have to be satisfied by the figures contained in each Summary PEC Protocol, namely:

(a) - The number of coupons found in the coupon box, given in the CoEC protocol, should match exactly the number of ballots found in the ballot box (Point 5 (p.5) in the PEC Summary Protocol). A check revealed that this balance is violated to some extent in more than half of the PEC's studied:

Community	Number of PEC	PEC where (a) is not satisfied	Percentage
3	36	21	58%
5	33	21	64%
7	34	21	62%
11	38	33	87%.

In some cases there are severe discrepancies, e.g.

Community	PEC N	Coupons - Ballots
3	14	-159
3	24	- 46
5	19	- 29
5	26	- 42
7	13	- 42
7	14	+198
7	24	- 54
11	2	+ 54

(b) - The number of voters who received a ballot paper (**p.2** in the PEC Summary Protocol) should not exceed the number of registered voters (**p.1** in the PEC Summary Protocol). Paradoxically though, there are cases, when this was also violated, see lines 1 and 2 of the table below. In addition to this, improbably high turnouts were reported in a number of other PEC Protocols.

Community	PEC N	Turnout
8	17	105.15%
7	4	102.87%
7	28	99.96%
5	17	98.78%
4	4	97.58%

(c) - The number of ballots delivered to the PEC (**p.3** in the PEC Summary Protocol) should be 5% more than the number of the registered voters before the polls were opened, as required by Art.23.2 of the Law of the Republic of Armenia on the Elections of the President of the Republic of Armenia. While **p.1** in the PEC Summary Protocol gives the number of registered voters after the closure of polls, it should be noted that, if the quantity of ballots allocated to the individual PEC was in line with the requirements of Art.23.2, it then follows that a very high number of voters were registered on the supplemental lists on election day under Art.21.3 of the law. Consequently, the quality of the voter registers was low - a grave error is demonstrated by any figure exceeding 5% per polling station, and is far from acceptable by both domestic law and international standards.

The violation of the legal requirement described in (c) is also frequent. By studying the above set of PEC Summary Protocols one finds that in a significant number of polling stations the number of registered voters exceeds the number of the ballots allocated to these polling stations by the election administration.

Community	Number of PEC	PEC where reg. voters are more than the ballots allocated	Percentage
3	36	15	42%
5	33	21	63%
7	34	20	59%
11	38	20	53%.

In some of the above PEC the number of registered voters notably exceeds the number of ballots allocated:

Community	PEC N	Number of registered voters minus number of ballots allocated
3	15	727
3	32	637
5	33	863
5	34	558
7	12	384
7	18	468
11	2	568
11	21	804
11	34	634

**(d)** - The number of ballots delivered to the PEC (**p.3** in the PEC Summary Protocol) should be equal to the sum of the ballots received by registered voters upon signature in the voters' register (**p.2** in the PEC Summary Protocols) and the number of cancelled ballots (**p.4** in the PEC Summary Protocol). Balance equation **(d)** was violated in a little less than half of the precincts

Community	Number of PEC	PEC where <b>(d)</b> is violated	Percentage
3	36	12	33%
5	33	18	54%
7	34	15	44%
11	38	15	39%.

In some case the violation of **(d)** were of substantial size, e.g.

Community	PEC N	The difference <b>p.3 - (p.2 + p.4)</b>
3	19	+ 61
5	24	+130
5	32	+ 73
7	10	- 586
7	17	+500
11	9	+ 36
11	29	- 49

In the last column, the “-“ sign means that after the vote count it was established that more ballots were found in this precinct compared to the number of ballots allocated to the PEC by the election authorities before the opening of the election day, while the “+” sign indicates that some of the ballots allocated to this PEC “disappeared” from the PEC premises between the opening of the election day and the respective stage of the vote count. Both options violate Art.23.1 of the Armenian election law.

(e) - The number of ballots found in the ballot box (**p.5** in the PEC Summary Protocol) should be equal to the number of registered voters who received ballots upon signature (**p.2** in the PEC Summary Protocol). Violations of balance equation (e) are described by the following tables:

Community	Number of PEC	PEC where (e) is violated	Percentage
3	36	13	36%
5	33	13	39%
7	34	12	35%
11	38	14	37%.

In some cases the violation of (e) were of substantial size, e.g.

Community	PEC N	The difference <b>p.2 - p.5</b>
3	19	- 65
3	24	- 43
5	18	+252
5	24	+ 71
7	5	+ 42
7	24	+ 39
11	10	+ 27
11	38	- 33

In the last column, the “-“ sign means that more ballots were found in the ballot box than the ballots received by the voters signing the registers - this is an indication of potential or likely “ballot box stuffing”, while the “+” sign means that although some of the registered voters received ballots they did not choose vote. This is a highly unlikely event and indicates potential forging of voter lists.

(f) - The number of ballots found in the ballot box (**p.5** in the PEC Summary Protocol) should match exactly the sum of the valid ballots (**p.5a** in the PEC Summary Protocol), the invalid ballots (**p.5b** in the PEC Summary Protocol) and the number of ballots not corresponding to the approved specimen (**p.5c** in the PEC Summary Protocol), while the number of the valid ballots (**p.5a**) should match exactly the sum of the ballots “against all candidates” (**p.6** in the PEC Summary Protocol) and the valid ballots containing votes for the individual candidates (**p.7.1, 7.2**, in the PEC Summary Protocol).

In Communities 5, 7 and 11, approximately 20-25% of the PEC have not been adequately instructed how to treat the votes “against all candidates” (whether to add them to the valid votes or to treat them separately) and the invalid votes which results in the violation of (f). For this

reason, tables similar to the above will not be presented. Certain “suspicious” precincts, e.g. Community 5 / PEC N 20, Community 7 / PEC N 5, 10, 21 and 30, and Community 11 / PEC N 28 can however be also identified.

**Note:**

It is difficult to say that the PEC protocols (Forms 1-4, Summary) enhance the transparency of this stage of the election process. It is enough to recall that the PEC has to sign five separate forms (in an unknown number of copies) instead of signing one detailed carbon-backed protocol. Moreover the separate forms do not contain many more details than the summarising form, e.g. Form N 3 gives one single figure - the number of registered voters, but does not detail it into registered voters before election day and registered voters on election day - upon a decision of the PEC Chairman, Art.21.3. Although obviously the original idea has been to sign a protocol form after the completion of each individual stage of the counting process, this results in unnecessary complication of the work of the PEC while no improvements in transparency are achieved. Transparency could be enhanced if there were a special requirement to fill the figures in the protocols both in digits and in text.

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**Community 3**

The CoEC signed an additional protocol according to which stacks (packs, bunches) of coupons were found as follows: in Precinct 11 - over 200 coupons, in Precinct 12 - 30 coupons, in Precinct 19 - about 100 coupons, see also the second tables in sections (d) and (e) above. In addition to the above, unsigned coupons were found in Precinct 23/10 coupons and in Precinct 35/9 plus 45 additional coupons.

**Community 3, Precinct 5**

One Xerox copy and one original of the PEC Summary Protocol from this precinct were made available to the OSCE/ODIHR. The figure for the number of “against all candidates” votes, p.6 in the PEC Summary Protocol, in these two forms differ by 10. The Xerox copy indicates a correction from 23 to 33 for p.6, authorised by the Chairman of the PEC.

**Community 3, Precinct 14**

The original PEC form, available to the OSCE/ODIHR, seems to have been pre-signed by the PEC and later the figures have been filled in by the PEC Chairman. It is not advisable to work with pre-signed blank forms. It should also be noted, that the number of ballots found in the ballot box exceeded by 159 the number of coupons, found in the coupon box for this precinct (see also the second table in Section a above).

**Community 3, Precinct 23**

According to official records for this precinct, the number of coupons found in the coupon box at the CoEC exceeds by 3 the number of ballots found in the ballot box. OSCE/ODIHR observers reported, however, that there were 40 coupons less in the coupon box compared to the number of ballots found in the ballot box. According to the PEC Summary Protocol, the number of registered voters exceeds by 352 the number of ballots allocated to the PEC, (see Section (c) above), while the number of ballots received by voters upon signature exceeds by 45 the number of ballots found in the ballot box (see Section (e) above).

### **Community 5, Precinct 24**

This precinct was cited above to illustrate problems with balance equations Sections (d) and (e) above. OSCE/ODIHR observers report that during the coupon count at the CoEC, it was established that there were 62 coupons more than there were ballots in the ballot box.

### **Election Administration and Appeals Process**

The Election Administration has to be commended for having organised and implemented the election within the extremely short timeframe imposed by the law. However, the election administration exhibited at times a degree of negligence and lack of transparency that cause concern. Particularly the ability of the Yerevan Regional Election Commission to address only 7 complaints out of the 103 related to discrepancies and none out of the 70 related to general irregularities after the first round, raises doubts about the professional behaviour and commitment of the Commission members to seriously address the complaints. This is particularly true since the incapacity of the Regional Election Commission to process the complaints was partially due to the absence of part of its members, which resulted in the repeated failure to reach the quorum needed for the Regional Election Commission to hold meeting.

The poor standards with which the counting was conducted and the protocols filled in (see Section Analysis of Polling Station Protocols) underline the urgent need to provide better training to the election administrators. The inconsistencies, which characterised the ballot distribution between the Community and the Precinct level, also demonstrate the need to clarify the chain of responsibility over sensitive election material between the different levels of the election administration. This is a failure of the CEC to exercise its regulatory powers as provided in the law.

Between the two rounds of voting, a significant number of precinct and community level commissioners were replaced. This introduced an element of instability in the election administration, and created the opportunity for accusations that the removals were due to a partisan agenda.

The right to appeal to an independent, impartial legal body is not properly ensured in the Republic of Armenia. The issue of complaints after the first round in particular, as well as the firing of the Mashtot District Prosecutor of Yerevan, are of particular concern in this field.

The case of this prosecutor (procurator) is particularly revealing. The decision by the acting President to remove this Prosecutor from his Office, with no formal explanation, was taken in accordance with Article 55.1 of the Constitution of the Republic of Armenia. Such decision, however, three days after the opening of an investigation on one of the most blatant cases of electoral fraud, can only serve to undermine the confidence of the citizens of Armenia in the electoral process. A thorough investigation on the cases of election fraud, as well as the appropriate actions by the responsible Armenian authorities, should be conducted vigorously and impartially.

## **Extension of the OSCE/ODIHR Election Observation Mission in Armenia**

As indicated in the Press Statement of April 3, the OSCE/ODIHR decided to extend its Election Observation Mission in Armenia to pursue the investigation on the widespread irregularities uncovered by the observers. The team of long-term observers reviewed election material of certain sensitive precincts and commissions, and followed up on the issues emerging from the second round. Co-operation with the Armenian authorities was not as forthcoming as previously, and only limited access to original documents was granted. Copies of protocols, final results and complaints were however made available.

## **RECOMMENDATIONS**

The OSCE / ODIHR Election Observation Mission has revealed the serious flaws in the Armenian election process and would like to offer the following recommendations:

- The preparation of a new electoral code taking into account the comments submitted by the OSCE/ODIHR and other international organisations, should be urgently pursued.
- The issue of unauthorised persons in polling stations needs to be addressed. Those persons authorised to be present needs to be clarified, and the intervention of representatives of the Ministry of the Interior, as well as police and security forces, in the election process in polling stations also needs to be seriously addressed.
- Adequate measures should be taken to ensure the integrity of the ballot which is essential for ensuring confidence in the election process, particularly against such blatant election fraud as ballot stuffing. Clearly those authorities that do not administer the law correctly should be sanctioned.
- The issue of complaints procedures should be addressed in a timely and consistent manner, and provide the opportunity to redress irregularities and unlawful acts.
- The vote count, verification and aggregation of the results need to be reviewed and clarified, in order to facilitate and accelerate these aspects of the election administration.
- The partisan nature of electoral commissions needs to be addressed, and full-fledged multi-party commissions strengthened. Moreover, standardised training needs to be introduced for election officials at all levels in the new electoral code.
- The slow nature of the counting process, which was observed at the CoEC's also needs to be addressed. The function, structure, and number of CoEC's needs to be reviewed. Furthermore, some standardised training needs to be organised.
- It must be ensured that the role of the candidate proxy is clearly understood as an equal role for each candidate's proxy, and a proxy should not be permitted to bring undue influence upon other proxies or commission members.

- The Armenian authorities should take all necessary steps to ensure accreditation of non-partisan civic observers in future elections, as stated in Paragraph 8 of the OSCE Copenhagen Document.
- The State Media should become truly depoliticised, and the media should assure a standard that permits voters to make an informed choice when casting their ballot. Balanced editorial coverage as well as candidate debates should be encouraged.
- The Voter List urgently needs to be updated and improved for accuracy. The supplemental list should be used to correct extraordinary situations, not just as an instrument of ordinary registration.
- The issue of the military voting should be addressed in a manner that guarantees that soldiers are able to make their choice at the ballot box free from undue pressure or influence
- If a decision to use mobile ballot boxes is continued, it should be regulated in a transparent and accountable manner.
- Given the extent of the irregularities, the Government of Armenia should undertake an immediate and full investigation, and should prosecute blatant violations of the election law, in order to make clear its commitment to a fair electoral process and to encourage a better performance in future elections.