

**INTERIM REPORT No. 1**  
**10 – 26 January 2008**

**I. EXECUTIVE SUMMARY**

- The election of the President of the Republic of Armenia is scheduled for 19 February 2008. The authorities have stated their intention to hold democratic elections in line with OSCE commitments.
- The Central Election Commission (CEC) has registered nine candidates. If no candidate receives an absolute majority of votes, a second round of voting will take place 14 days after the first round between the two candidates with the highest number of votes.
- The Election Code was most recently amended in November and December 2007. It incorporates recommendations made previously by the OSCE/ODIHR and provides a sound basis for the conduct of democratic elections.
- The election will be administered by the CEC, 41 Territorial Election Commissions (TECs) and 1,923 Precinct Election Commissions (PECs). The CEC has eight members, five of which are appointed by political parties. Each CEC member nominates one member to each TEC, who in turn nominate one member to each PEC. The CEC appears well-prepared to conduct the upcoming election.
- The large majority of the 123 persons elected as Chairs, Deputy Chairs or Secretaries (*troika* members) on TECs were proposed by CEC members nominated by the President, the ruling Republican Party and its coalition partner Prosperous Armenia.
- The official pre-election campaign period began on 21 January. Most candidates plan to conduct extensive campaign activity throughout Armenia. Several candidates have already organized indoor and outdoor events in various regions.
- Since 11 January, the OSCE/ODIHR EOM has been monitoring seven TV channels, two radio stations and four newspapers. During the monitoring period before the start of the official campaign (11-20 January), most of the broadcast media including public television demonstrated a clear imbalance in their coverage of the prospective candidates.

**II. INTRODUCTION**

The election of the President of Armenia will take place on 19 February 2008. In early December 2007, the OSCE/ODIHR conducted a Needs Assessment Mission (NAM).<sup>1</sup> It recommended the deployment of an Election Observation Mission (EOM). On 19 December 2007, the Minister of Foreign Affairs (MFA) invited the OSCE/ODIHR to observe the election. The OSCE/ODIHR EOM opened formally on 10 January. The OSCE/ODIHR EOM, headed by Ambassador Geert Ahrens, consists of an 11-member core team based in Yerevan and 28 long-term observers deployed throughout Armenia, drawn from 23 OSCE participating States. The

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<sup>1</sup> The OSCE/ODIHR NAM Report can be found at:  
[http://www.osce.org/documents/odihr/2007/12/28831\\_en.pdf](http://www.osce.org/documents/odihr/2007/12/28831_en.pdf)

2008 election is the seventh to be observed by the OSCE/ODIHR in the Republic of Armenia according to its standard methodology.<sup>2</sup>

### III. POLITICAL CONTEXT

The 19 February 2008 presidential election will be the fifth since Armenia gained independence. The incumbent President, Robert Kocharian, first elected in 1998, has served two consecutive terms and under the provisions of the Constitution is not eligible to contest the election. The President is elected by an absolute majority of votes cast. If no candidate receives the required number of votes, a second election round will take place 14 days after the first round between the two candidates with the highest number of votes. In a second round of voting, the candidate with the highest number of votes is elected.

Following the 2007 elections, the Republican Party has 65 faction members in the 131-seat National Assembly. It formed a coalition with Prosperous Armenia (25 faction members) and cooperates with Armenian Revolutionary Federation (ARF) *Dashnaktsutiun* (16 faction members). The opposition *Orinats Yerkir* (Rule of Law) and Heritage parties have eight and seven faction members respectively. Ten deputies are not aligned.

The Prime Minister, Serzh Sargsyan, is the candidate of the Republican Party. His presidential bid is actively supported by Prosperous Armenia and backed by 15 non-parliamentary political parties. Although it has signed a cooperation agreement with the coalition government, ARF *Dashnaktsutiun* nominated its own presidential candidate - Vice-Speaker of Parliament, Vahan Hovhannisyan. *Orinats Yerkir* nominated Arthur Baghdasaryan (party Chair and faction leader). Four candidates were nominated by non-parliamentary parties: Vazgen Manukyan (National Democratic Union); Artashes Geghamyan (National Unity Party); Tigran Karapetyan (People's Party); Aram Harutiunyan (National Accord Party). Two candidates were self-nominated: Arman Melikyan and Levon Ter-Petrossian (the first President of the Republic from 1991 to 1998).<sup>3</sup> Heritage Party did not nominate any candidate and to date has not endorsed any of the other candidates.

High-level State officials of Armenia have stated their intention to hold democratic elections in line with their commitment as an OSCE participating State and informed the OSCE/ODIHR EOM that this intention has been conveyed to the lower levels of the State administration.

### IV. LEGAL FRAMEWORK

The Constitution of Armenia guarantees the civil and political rights necessary to conduct democratic elections. The Election Code is the most important piece of primary legislation regulating elections.<sup>4</sup> The OSCE/ODIHR Final Report on the May 2007 parliamentary elections found that “The Election Code, considerably amended and improved since the 2003 parliamentary elections, provided a sound basis for the conduct of democratic elections, although shortcomings remain”.

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<sup>2</sup> See OSCE/ODIHR Reports on the presidential elections of 1996, 1998 and 2003 and on the parliamentary elections of 1999, 2003 and 2007, available at: [www.osce.org/odihr-elections/14350.html](http://www.osce.org/odihr-elections/14350.html)

<sup>3</sup> Mr. Levon Ter-Petrossian is supported by 15 non-parliamentary political parties.

<sup>4</sup> Other legal acts relevant to the holding and conduct of elections include: the Law on the Constitutional Court; The Criminal Code; The Administrative Procedures Code; The Law on Carrying out Meetings, Assemblies, Demonstrations and Processions; the Law on Political Parties, and the Law on Television and Radio Broadcasting. In addition, the CEC issues decisions on the operation of election processes.

Since the 2007 elections, the Election Code has been amended twice – on 16 November and 18 December 2007. The latter amendments came into force after the deadline for the submission of candidate nominations. The December amendments establish that the Administrative Courts – rather than the Courts of First Instance – have jurisdiction to hear election-related complaints and appeals, and strengthen the enforcement of campaign expenditure rules.

While the OSCE/ODIHR and the Council of Europe’s Venice Commission were not directly consulted on the November/December amendments of the legislation, a number of the changes address recommendations in the OSCE/ODIHR Final Report on the 12 May 2007 parliamentary elections.

## V. CANDIDATE REGISTRATION

The deadline for nominating candidates expired on 6 December 2007. Nine nominees submitted complete registration documents. To be eligible to contest the presidential election, candidates must have attained at least 35 years of age, and have been a citizen of Armenia and have permanently resided in Armenia, for the preceding 10 years. Following a legislative amendment adopted in February 2007, dual citizens are not eligible to seek election as President.

Candidates may be nominated by a party, or – following the adoption of amendments to the Election Code in November 2007 – may be ‘self-nominated’ (i.e. as a non-party or independent candidate). The amended legislation dispenses with the requirement that presidential candidates gather citizens’ signatures in support of their nomination. However, the monetary deposit payable by candidates was increased from 5 million Armenian Drams (AMD) (approx. EUR 12,000) to 8 million AMD (approx. EUR 17,000).

Among others, civil servants, high State officials and persons occupying “political or discretionary positions” may register as candidates. On 7 January 2008, the CEC issued an official clarification on the categories of persons who are required to take a leave of absence when registered as a presidential candidate (under Articles 22.1 and 78 of the Election Code)<sup>5</sup> whereby persons defined under law as ‘civil servants’ are obliged to take leave from their official duties, whereas persons in ‘political and discretionary positions’ need not.<sup>6</sup> However, no candidate shall make use of the advantages of their official position, and the right to access state property for campaigning is the same for all candidates. High State officials retain the right to receive protection and security accorded to them in their official capacity. Serzh Sargsyan, the Prime Minister, is continuing with his official duties as well as standing for election.

On 18 January the CEC registered all 9 nominees as candidates. Candidates may withdraw from the contest up until 9 February, after which ballots will be printed. Candidates appear on the ballot in alphabetical order.

## VI. ELECTION ADMINISTRATION

The election is administered by a three-tiered structure headed by the Central Election Commission (CEC), 41 Territorial Election Commissions (TECs) and 1,923 Precinct Election Commissions (PEC). The CEC and TECs are permanent state bodies while PECs are temporary

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<sup>5</sup> Article 78 provides that the incumbent President, if seeking election, shall continue his/her duties. In the event that the Prime Minister or Chair of the National Assembly are serving in the capacity as acting President while also having registered as a candidate, they too shall continue their duties.

<sup>6</sup> CEC Decision 7 January 2008, #N1.

bodies formed no later than 27 January. Each commission has a Chair, a Deputy Chair and a Secretary ('the *troika*'), who were elected at the first session of each commission.

The CEC has eight members. One member is nominated by the President and two are nominated by the Council of Chairmen of the Republic of Armenia Courts.<sup>7</sup> The five parties with National Assembly deputies (the Republican Party, Prosperous Armenia, ARF *Dashnaktsutiun*, *Orinats Yerkir*, and Heritage Party) each nominate one member. Appointments for election commissions are made in a hierarchical manner, in which each CEC member nominates one member to each TEC, who in turn nominates one member to each PEC under that TEC.

Of the 123 persons elected to *troika* positions on the TECs, 93 (some 75 per cent) were proposed by CEC members nominated by the President, the Republican Party or Prosperous Armenia; 23 were proposed by the CEC member nominated by ARF *Dashnaktsutiun*. Only seven were proposed by the CEC member nominated by the opposition *Orinats Yerkir* and Heritage parties.

By law, all members of all election commissions must have undergone training and have received a certificate of qualification. According to the CEC Chair, three training sessions were held in 2007 and some 50,000 persons have undergone certification.

The Heritage Party, which in 2007 gained parliamentary seats for the first time, compiled a list of some 450 potential PEC members – some 1,470 persons less than the number of PECs to be formed. On 18 January, the party invited "opposition" candidates to submit names of some persons (that have been certified as polling officials) to the party so that it might nominate them as PEC members.

The Election Code entitles each candidate to appoint proxies and confers on them various rights, including to: participate in election commission sessions; examine and receive copies of election documents; appeal decisions, actions or inactions of election commissions; observe the process of printing, transporting, storing and counting ballots; make comments and suggestions to the commission chair regarding the commission's work, and to observe election day proceedings.

The CEC held two formal sessions during the reporting period. These were attended by journalists, election observers and authorized candidate representatives. The OSCE/ODIHR EOM was invited to attend a 'working meeting' of the CEC, held on 16 January. The CEC appears well-prepared to conduct the upcoming election. It has adopted numerous decisions supplementing provisions of the Election Code. The CEC plans to hold 164 PEC training sessions between 30 January and 12 February. The members of PEC *troikas* will receive additional training on vote count and protocol completion procedures.

OSCE/ODIHR long-term observers have met with all 41 TECs, which appeared generally well-prepared and equipped. TECs will hold formal sessions on 27 January to appoint PEC members. Most candidates had yet to appoint proxies to these bodies.

### **Voter Registration**

With few exceptions, all citizens who have attained at least 18 years of age may vote. Citizens may only be registered to vote in one polling place. In February 2007, an amendment to the

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<sup>7</sup> Under the Election Code (Article 35), the parliamentary group of deputies outside a party faction is entitled to nominate a CEC member. As this group has not been formed after the 12 May 2007 parliamentary elections, Article 35.3 of the Election Code provides that the Council of Court Chairmen nominates a second CEC member.

Election Code restricted voting to the territory of Armenia, hence all citizens eligible to vote require residency in Armenia.

Since 2005, a considerable effort has been made to improve voter registration. The police are responsible for maintaining a centralised and computerised voter register. The CEC informed the OSCE/ODIHR EOM that the data contained in the voter register is based on the national register of population – also maintained by the police – rather than on the registration of their residence as provided by the Election Code. The Passport and Visa Department of Police (Russian acronym - OVIR), provided the CEC with the updated voter register sorted by TECs and election precincts (hereafter: voter lists) within the legal deadline (10 January). On this day, the voter register contained 2,311,665 entries, some 6,000 less than for the 2007 elections.

Citizens can check voter registration entries on the CEC website or at designated voting places - where the lists are currently on public display. Citizens may apply to local community heads or to OVIR to be registered to vote, to be removed from the register, or to have their registration details corrected. Any person can download voter lists from the CEC website.

The November 2007 amendments to the Election Code allow citizens to vote at their place of actual residence rather than their legally registered residence, provided that citizens apply in advance of election day to be registered to vote in the community of their actual residence, and to be temporarily excluded from the voter lists in their place of legal residence.

### **Voter Information**

OVIR established a hotline for citizens to report inaccuracies in voter lists and to deal with queries. It prepared public service announcements (PSAs) on how citizens can have their names added to voter lists or make corrections. These are aired on public TV and radio once per week. The CEC has increased the capacity and functionality of its website ([www.elections.am](http://www.elections.am)) and, with the assistance of international organizations, has produced two public service announcements covering voting procedures which are being aired frequently on eight TV stations and local media.

Previously the OSCE/ODIHR noted widely circulating anecdotes and speculation concerning the integrity of the election process, e.g. regarding the collection of passports and vote-buying, which adversely affected public trust in the election process.<sup>8</sup> Similar anecdotes are circulating prior to the 2008 elections, and one of the presidential candidates, Levon Ter-Petrossian, has made various claims that preparations are underway to manipulate the elections.

The OSCE/ODIHR EOM Final Report on the 2007 parliamentary elections recommended that voter education be enhanced to encourage confidence in the elections. While the media is broadcasting the officially approved PSAs, the 2008 OSCE/ODIHR EOM is not aware so far of any specific public information reassuring citizens of the secrecy of their vote, warnings on the legal penalties for buying or selling votes, and legal safeguards to prevent multiple voting.

## **VII. THE CAMPAIGN**

The 28-day ‘official’ campaign period started on 21 January and will end one day before the election. Notwithstanding allegations of ‘early’ campaigning made by some candidates against

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<sup>8</sup> See OSCE/ODIHR EOM for the parliamentary elections 2007: Interim Report 3 and Final Report; also OSCE/ODIHR NAM Report for the 19 February 2008 presidential election.

the activity of others, there are no legal provisions that explicitly prohibit election campaigning before the start of the ‘official’ campaign period. Between the deployment of the OSCE/ODIHR EOM on 10 January and 20 January, election campaigning activity was generally low key.

On 15 January, Levon Ter-Petrossian’s campaign team gave formal notice of their intention to hold an assembly (rally) and a procession in central Yerevan on 22 January. On 16 January, the Mayor of Yerevan City made a statement calling on political parties, non-governmental organizations and individual citizens to refrain from organizing processions due to potential traffic congestion and adverse weather conditions.<sup>9</sup> In a written response to Levon Ter-Petrossian’s campaign, the Yerevan Municipal authority referred to the Mayor’s statement but did not prohibit the procession. Notwithstanding controversy resulting from the Mayor’s statement and the Municipality’s handling of the application, the rally and procession were held without incident.

The legislation entitles candidates to engage in a range of campaign activity providing that they do not spend more than 70,000,000 AMD (approx. EUR 155,000). ‘Community leaders’ are obliged to designate places for posting campaign material no later than 5 days after the start of the official campaign period (25 January). By law, material displayed at these sites may not be removed. However, the posting of campaign material at sites other than those specifically designated, is not legally prohibited - although it enjoys no specific legal protection.

The Code also provides that State bodies should, on the basis of equality, provide premises suitable for holding campaign events free of charge.<sup>10</sup> Previously, the CEC decided that candidates wishing to hold events at these premises should apply in the first instance to the respective TECs which should then forward requests to the competent State body.<sup>11</sup>

At the commencement of the official campaign period, many candidates conducted press conferences to announce their election platforms. Most candidates plan to campaign extensively throughout Armenia. Several candidates have organized indoor and outdoor events in various regions and have established or plan to establish campaign offices throughout the country. Levon Ter-Petrossian’s campaign told OSCE/ODIHR observers that it faced difficulties in some areas to find persons willing to rent space for use as campaign offices. Orinats Yerkir informed OSCE/ODIHR observers it had to close a campaign office in Lori region because of threats made against the landlord of the property. On 25 January, its party office in Vanadzor was vandalized.

Hovik Abrahamyan, Minister of Territorial Administration and Deputy Prime Minister, informed the OSCE/ODIHR EOM that he is taking a vacation from his ministerial duties to act as Serzh Sargsyan’s campaign manager and that all Governors belonging to the Republican Party have been asked either not to campaign directly for Serzh Sargsyan, or to do so in non-working hours. Three ministers belonging to the ARF *Dashnaktsutiun* have also taken a vacation from their ministries.

## VIII. MEDIA

The Constitution provides for freedom of speech and freedom of information. The Criminal Code, however, contains provisions which make libel and insult punishable by imprisonment.

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<sup>9</sup> The announcement was posted on the Yerevan Municipality website on 16 January 2008: [www.yerevan.am](http://www.yerevan.am)

<sup>10</sup> The CEC informed the OSCE/ODIHR EOM that it believes that the provisions of the Code require only property owned by the State authorities at national level to be provided free of charge.

<sup>11</sup> CEC Decision #38-N, 3 August 2005.

The Law on Television and Radio Broadcasting, amended in November 2007, forbids censorship. However, in December 2007, the OSCE Representative on the Freedom of the Media (RFoM) wrote to the Minister of Foreign Affairs to express his view that “recent cases of harassment and violence against independent and opposition media have contributed to an atmosphere of intimidation and fear in the journalistic community in Armenia”.<sup>12</sup>

Under the provisions of the Election Code, public and private media are required to present ‘impartial and non-judgmental’ information about the candidates’ campaigns; and to ‘guarantee equal conditions for access to mass media’. While the Code requires the CEC to oversee that the mass media ensure equal opportunities for campaigning, the National Commission for TV and Radio actually monitors compliance.

Candidates are provided with free airtime and may also purchase airtime. Each candidate is entitled to receive up to 60 minutes of free time on public television and up to 120 minutes on public radio. In addition, candidates may purchase up to 120 minutes on public TV and up to 180 minutes on public radio. In compliance with the provisions of the Code, on 21 January, the CEC established by lottery the schedule for broadcasting candidates’ free and paid airtime. Its formal decision provides that campaign slots on public TV should be aired from 23 January daily from 17:15 hrs – hence the slots will be broadcast mostly outside primetime viewing hours. The timing of the slots follows the proposal of the Council of Public TV and Radio.

Television is the most important information source for citizens. Despite the relatively high number of media outlets in Armenia, international organisations dealing with freedom of expression including the OSCE RFoM have previously noted a lack of diversity of viewpoints presented in the broadcast media.<sup>13</sup> On 11 January, the OSCE/ODIHR EOM commenced its media monitoring activity. Seven TV channels, two radio stations and four daily newspapers are being analysed *inter alia* to assess the diversity of political viewpoints covered by the media in reporting on the election campaign.<sup>14</sup>

During the monitoring period before the start of the ‘official’ campaign (11-20 January), three out of seven monitored TV channels granted Serzh Sargsyan a majority of the total time allocated to all nine contestants in their news broadcasts.<sup>15</sup> He was mostly covered in his official prime-ministerial capacity. The amount of time received by Mr. Sargsyan, on privately owned H2, Kentron, Shant and Armenia TV, even taking into account the execution of his official duties, exceeded what could be reasonably considered appropriate.

The other eight candidates received some coverage on most of the TV stations monitored. However, in contrast to the almost exclusively positive or neutral coverage afforded to Serzh Sargsyan, Levon Ter-Petrossian was regularly portrayed in a negative light. On two TV channels, H2 and ALM, the volume of ‘negative’ coverage of Levon Ter-Petrossian exceeded the combined amount of ‘positive’ and ‘neutral’ coverage.

<sup>12</sup> [www.osce.org/fom/item\\_1\\_29104.html](http://www.osce.org/fom/item_1_29104.html)

<sup>13</sup> [www.osce.org/documents/rfm/2006/07/20007\\_en.pdf](http://www.osce.org/documents/rfm/2006/07/20007_en.pdf)

<sup>14</sup> H1 (public-service broadcaster), ALM TV, Armenia TV, H2 (nationwide TV channels), Kentron TV, Shant TV, Yerkir Media (TV channels with limited coverage outside Yerevan); Public Radio, RFE/Radio Liberty (radio stations); Hayastani Hanrapetutyun (State-funded), Aravot, AZG, Haykakan Zhamanak (newspapers).

<sup>15</sup> On H2, Serzh Sargsyan received 66 percent of news coverage devoted to the nine contestants. The figures for the other stations are as follows: Kentron (56 per cent), Shant TV (53 per cent), Armenia TV (48 per cent), H1 - public TV (31 per cent) and ALM (29 per cent).

The radio stations monitored by the OSCE/ODIHR EOM presented Serzh Sargsyan more frequently as a candidate than in his official role. The monitoring results (11-20 January) reveal that Public Radio was, in general, more balanced in the amount of time allocated to the prospective candidates than TV channels. The broadcasts of RFE included greater diversity in their coverage of the nominees, including presenting Serzh Sargsyan and Levon Ter-Petrosian in positive, negative and neutral tones.

## **IX. COMPLAINTS AND APPEALS**

Under the provisions of the Election Code, decisions, actions and inactions by PEC can be appealed to the appropriate TEC. Following the recent amendment of the Election Code, decisions, actions or inactions of the TEC can be appealed to the Administrative Courts.<sup>16</sup> The Special Investigative Services (SIS), established in January 2008, is responsible to investigate electoral offences committed by the executive, judicial and legislative branches of government, under the Criminal Code.<sup>17</sup> It is independent of the Government and the office of the Prime Minister and is supervised by the Prosecutor General. Previously, the investigation of electoral offences was devolved; now they are centralised. The SIS is not established as a proactive body – it acts only on the basis of submitted complaints.

The Election Code requires election commissions to monitor the conduct of the campaign. The CEC has advised the OSCE/ODIHR EOM that it monitors four aspects of the campaign: posters, candidate programmes, leaflets, and the holding of meetings, to ensure compliance with established procedures. The CEC will also accept campaign-related complaints from citizens. Should the CEC identify a violation of the campaign provisions it can issue a warning to the candidate giving him three days to take action to rectify the situation. However, the CEC has no jurisdiction to rule on the matter. Should a candidate having received notice from the CEC fail to take remedial action, then the CEC refers the matter to the Administrative Court.

## **X. OSCE/ODIHR EOM ACTIVITIES**

The Head of the OSCE/ODIHR EOM has been received by President Kocharian, Prime Minister Serzh Sargsyan and Minister of Foreign Affairs, Vartan Oskanian. Regular and cooperative working meetings have been held with the MFA and the CEC. The first meeting with representatives of the embassies of the OSCE participating States was held on 17 January. The OSCE/ODIHR EOM expects to complete initial meetings with all candidates by 1 February.

The OSCE/ODIHR has requested the OSCE participating States to nominate 250 short-term observers. The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament will also send observer delegations. On 25 January, the OSCE Chairman-in-Office designated OSCE PA Vice-President, Ms. Anne-Marie Lizin, as Special Co-ordinator to lead the OSCE short-term observers.

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<sup>16</sup> The Administrative Courts were recently created as part of the ongoing judicial reform process.

<sup>17</sup> Previously these were dealt with by the office of the Prosecutor General.