

**INTERIM REPORT No. 2
27 January – 9 February 2008**

I. EXECUTIVE SUMMARY

- The election administration appears well-prepared to conduct the 19 February presidential election. On 9 February, the deadline for candidates to withdraw from the contest expired; no candidate withdrew. Nine candidates will participate in the contest.
- All 1,923 Precinct Election Commissions (PECs) have been formed to conduct polling on election day. OSCE/ODIHR observers reported that the PEC training sessions, which began on 30 January, were well conducted.
- PECs have eight members, five of which are appointed by political parties. The large majority of the persons elected as PEC Chairs were appointed through a ‘nomination chain’ by the President, the ruling Republican Party and its coalition partner Prosperous Armenia.
- The Central Election Commission (CEC) will publish updated voter lists on its website three days before the election and will announce the number of voters registered at each PEC.
- Official public service announcements on the elections were aired on television. The CEC Chair held a press conference in which he reassured voters of their freedom of choice and the secrecy of the vote; the Ombudsman made a statement against ‘vote buying’, and the Prosecutor General made a statement highlighting legal penalties for election violations.
- The campaign rhetoric has at times been acrimonious. Eight candidates held campaign rallies. Most passed off peacefully, but unrest occurred at two of Levon Ter-Petrossian’s events. The OSCE/ODIHR EOM is aware of five incidents in which party or candidate premises have been damaged either through vandalism, shooting or possible arson.
- The serving Prime Minister, Serzh Sargsyan, is actively campaigning. In the regions, OSCE/ODIHR observers reported difficulties in distinguishing accurately between Serzh Sargsyan’s campaign and the work of local self-government, partly because some mayors are actively campaigning for Mr Sargsyan.
- Media monitoring indicates that the amount of political and election-related information has increased significantly from 21 January (start of official campaign period) onwards. On most of the media, the candidates’ total coverage time was more equitable than in the previous reporting period. However, the coverage of Levon Ter-Petrossian in various broadcast media contained many critical remarks, while the other eight candidates were presented in a generally positive or neutral manner.
- To date, 18 formal complaints were filed with the CEC. On 1 February, the Constitutional Court received a petition by a candidate, Arman Melikyan, which it dismissed. On 8 February, the Court agreed to hear a petition by Levon Ter-Petrossian claiming that biased media coverage constituted “obstacles ... that make his further participation in the election impossible”.

II. ELECTION ADMINISTRATION

The election administration appears well-prepared to conduct the upcoming election. By 27 January, the members of all 1,923 PECs were appointed and PECs were formed according to legal provisions. The decision by Heritage Party to ask other ‘opposition’ parties to provide it with nominees for PEC membership was described by the CEC Chair as interference in the activity of the election commissions. Almost all Heritage PEC nominations were confirmed.

PECs generally have eight members, but require only six to legally function. Formal PEC decisions are taken by a majority of the members present. On 28 January, PECs held their first session in which they elected a Chair, Deputy Chair and Secretary (the so-called ‘troika’ positions). More than 70 per cent¹ of the persons elected as PEC Chair were appointed through the ‘nomination chain’ of the ruling Republican Party, Prosperous Armenia or the President.² More than half of Deputy Chairs and Secretaries were appointed from the same hierarchical chain. The two members appointed through the Council of Court Chairs³ ‘nomination chain’ constitute some 20 per cent of PEC Chairs. Members appointed through the ‘nomination chains’ of ARF *Dashnaktsutiun*, Heritage Party and *Orinats Yerkir* constitute less than 3 per cent of PEC Chairs.

On 30 January, the CEC began training PECs. OSCE/ODIHR EOM observers reported that the sessions were well conducted.

Following the expiry of the legal deadline for candidate withdrawal, the CEC announced they will print 2,390,000 ballots (excluding ballots for military), starting at midnight on 9 February. Nine candidates will contest the election. Their proxies have full rights to monitor this process.⁴

Voter Registration

The National Voter Register was compiled and is updated under provisions contained in the Election Code and related regulations. Voter lists are publicly available. However, the Passport and Visa Department of the Police (OVIR) reported that citizens were not active in checking their registration entries. Local OVIR branches are undertaking door-to-door verification.

The OSCE/ODIHR EOM requested from OVIR information on the number of persons who applied to vote at the place of their ‘actual’ residence rather than at their ‘legal’ residence. OVIR responded that this information cannot be provided before the 12 February deadline for citizens to apply to use this provision. The law provides that applicants will be included in an additional voter list at the PEC covering their actual residence and that the entry in their place of permanent residence will be deleted.

The CEC informed the OSCE/ODIHR EOM that it will publish updated voter lists on its website three days before the election and publicly announce the revised number of registered voters per

¹ As per information provided to the OSCE/ODIHR EOM by the 41 Territorial Election Commissions (TECs).

² Each member of the Central Election Commission (CEC) appoints one member to each of the 41 TECs. Each TEC member appoints one PEC member.

³ The Council of Court Chairs is self-governing body to ensure the effective administration of the judiciary. It is composed of all chairpersons of all courts in the Republic of Armenia. The Chair of the Council of Court Chairs is the chair of the Cassation Court.

⁴ As at 7 February, candidates had nominated the following proxies: Serzh Sargsyan – 5,343; Levon Ter-Petrossian – 2,460; Tigran Karapetyan – 2,391; Artur Baghdasaryan – 1,964; Vazgen Manukyan – 300; others – 0.

PEC. On election day, PECs may have in their possession up to five different voter lists and may also register persons to vote on election day on a supplementary list.⁵ PEC result protocols do not contain information on the number of registered voters. Hence, it may only be possible to know the voter participation at PECs in absolute numbers; not as a percentage (turnout).

Voter Information

The OSCE/ODIHR EOM continues to receive reports of citizens being concerned about vote-buying schemes, and anxious regarding the collection of passport data and the secrecy of the vote, which adversely affects public trust in the election process.

The President of the Republic stated the intention of the Armenian authorities to conduct elections that fully meet international standards. The Prosecutor General made public statements reiterating warnings of legal penalties for election offences. On 5 February, the CEC Chair held a press conference at which he reiterated the secrecy of the vote and informed citizens that they are not obliged to provide their passport details to those who are collecting them⁶, and if they have, they can still vote as they choose without any control imposed. His comments were widely covered in the media. The Ombudsman has also made clear statements against vote buying and vote selling.

During several campaign addresses, *ARF Dashnaksutiun* presidential candidate Vahan Hovhannisian reassured voters that there were no cameras in polling booths, while *Orinats Yerkir* candidate Arthur Baghdasaryan appealed to supporters not to sell their votes and to vote according to their conscience. The Republican Party candidate and Prime Minister, Serzh Sargsyan reassured voters of the integrity of the election process.

Public information broadcasts are being aired on television *inter alia* reminding citizens ‘that their vote is secret’. In addition, on election day, PECs will display public information posters. The NGO It’s Your Choice prepared information spots aired on *Yerkir Media* urging citizens to resist attempts to buy their votes and improve confidence in the integrity of the election process.

III. THE CAMPAIGN

The official campaign period began on 21 January and will end at midnight on 17 February. The campaign rhetoric has at times been acrimonious.

During the reporting period, eight candidates campaigned through holding rallies, of which three campaigned across the country. Unlike other candidates, Levon Ter-Petrossian frequently directed derogatory comments at the authorities. Most rallies passed off peacefully. However, one incident at a rally held in Talin (Aragatsotn Region) on 27 January, related to a scuffle between a citizen and Levon Ter-Petrossian supporters, is currently before the Court of General Jurisdiction. Originally, five suspects were arrested and detained in custody; one aged under 18 was released after 48 hours. All five were charged under Article 258 of the Criminal Code. A court ordered the detention of four persons pending further investigation. If found guilty, the accused could be fined or imprisoned. One of the accused was later released.

⁵ The ‘main’ list, the list for military personnel, the list of police officers on duty at the PEC, a list of hospitalized persons, a list of persons voting at their place of ‘actual’ residence, and a supplementary list of persons eligible to register to vote on election day (supplementary list). The CEC Secretary informed the OSCE/ODIHR EOM that the number of persons registered on the supplementary list will be known only by the respective PEC.

⁶ When voting, a citizens ID card (Passport) number must be written on the voter list.

Another case relates to an unsanctioned motorcade by Levon Ter-Petrossian's supporters on 28 January in Yerevan. A criminal case was filed under Article 258 of the Criminal Code (concerning 'intentionally violating the public order') and Article 316 of 'using violence against a State authority'.

On 6 February, in Artashat (Ararat Region), during one of Levon Ter-Petrossian's campaign rallies a small group of persons indiscriminately threw objects at the attendees. One of Mr. Ter-Petrossian's bodyguards was physically attacked and suffered bodily harm. The Prosecutor General's office received an additional complaint from two persons who attended the rally. They allege that they were assaulted and suffered physical injury after loudly voicing their objections to comments made by Levon Ter-Petrossian which allegedly insulted the Government. The incident is being investigated by the local police.

During a campaign rally on 3 February attended by OSCE/ODIHR EOM observers, *Orinats Yerkir* candidate Arthur Baghdasaryan alleged that he had recently received death threats. He did not specify who had made the threat. The Head of the National Security Service formally offered Mr Baghdasaryan protection, which he accepted. A criminal investigation was instigated regarding the allegation.

The OSCE/ODIHR EOM is aware of five incidents in which a party office or a candidate's campaign office was damaged.⁷

The campaign material of Serzh Sargsyan is highly visible in Yerevan and other towns, particularly through the use of advertising billboards and display in shop windows. Vahan Hovhannisyanyan's and Arthur Baghdasaryan's campaign material is visible in Yerevan and some regional centres, to a much lesser degree. By law, 'Community Leaders' are obliged to designate places, at least one per precinct, where candidates may display campaign material. OSCE/ODIHR EOM observers reported inconsistent implementation of this provision.⁸

The Election Code is silent on the question of posting campaign material in non-designated public areas. The Mayor of Yerevan stated to the OSCE/ODIHR EOM that the posting of campaign material in non-designated public areas is "against the procedure", an interpretation supported by the Chief of Yerevan Police. Vahan Hovhannisyanyan's and Levon Ter-Petrossian's campaigns informed the OSCE/ODIHR EOM that their campaign posters placed on buildings were systematically removed, pasted over or destroyed. In the 2007 parliamentary election, the local authorities took a tolerant approach towards posting of campaign material in unsanctioned public areas. Campaign material for Serzh Sargsyan is located on or in a number of publicly owned buildings.

The Election Code does not define "goods in kind", that is any goods or services that are provided to a candidate free of charge. However, the CEC informed the OSCE/ODIHR EOM that although a candidate supporter could provide office space free of charge for a campaign, large scale printing should be calculated, even if it is donated.

⁷ Vandalism at the party premises of *Orinats Yerkir*, in Vanadzor (Lori region) on 25 January; possible arson incidents at Levon Ter-Petrossian's campaign office in Silikian neighbourhood (Yerevan) on 30 January and at his campaign office in Vanadzor on 1 February, and the shooting with a firearm of two Republican Party office buildings in Nor Nork – Avan District of Yerevan on 1 February.

⁸ For example, in Ijevan, the mayor had designated these places while in Gyumri the mayor had not. In Akhulyan (Gyumri region) and Artik (Shirak), the mayors informed political parties that payment was required to display campaign material at community locations. In Yerevan, some *Orinats Yerkir* and Levon Ter-Petrossian campaign teams appeared unaware of the existence of official space to display their posters.

The Election Code requires candidates to create a specific bank account for campaign-related contributions and expenditure. Candidates may receive and spend up to AMD 70,000,000 (approx. EUR 155,000). Should a candidate use financial means other than these bank deposits, the CEC may request a court to annul his registration. The Bank holding the account must notify the CEC of deposits and transactions every three days and candidates were required to disclose to the CEC details on donation by 31 January. The campaign disclosures to date demonstrate a wide disparity in the financial resources available to the candidates.⁹

Serzh Sargsyan is actively campaigning. He has not resigned his role as Prime Minister. In December 2007 as Prime Minister he established a working group within “Republic of Armenia Government Staff” to analyze issues raised by citizens and to review their requests and complaints. On 3 February, the media reported on a visit of the Prime Minister to the office of the group “to verify its work”, during which he met applicants. Citizens who had received assistance from the group were featured, some of whom praised the Prime Minister. The United Liberal National Party, which is campaigning for Serzh Sargsyan, informed the OSCE/ODIHR EOM that it is conducting a door-to-door campaign inviting citizens to complete ‘applications’ which have been submitted to the permanent division hosting the same working group.¹⁰ The Election Code prohibits the use of administrative resources for campaign purposes.

In the regions, OSCE/ODIHR EOM observers have reported a difficulty in distinguishing accurately between the Republican Party campaign supporting Serzh Sargsyan and the work of local-self government, partly because some Mayors are actively campaigning for the election of Mr Sargsyan.¹¹ In addition, the Republican Party has a number of offices in local self-government buildings at various levels (City districts, regional towns and villages).¹² The OSCE/ODIHR was informed by Serzh Sargsyan’s Campaign Manager that all local Republican Party branches had been ‘converted’ into campaign offices, including those located in local self-government buildings.

An employee of a State institution reported to OSCE/ODIHR EOM observers that they were directed by their superior to attend one of Serzh Sargsyan’s campaign events. OSCE/ODIHR EOM observers reported that on 6 February, the day of a campaign rally by Serzh Sargsyan in Vanadzor (Lori region), local public transport was free from 11:30 to 23.30 hrs and that offices in the municipal building and in the regional administration were mostly deserted. Observers were informed by employees that they had been told they could leave work to participate in the rally. Levon Ter-Petrossian’s campaign complained to OSCE/ODIHR observers of obstructions to their campaign events in Metsavan, Odzun and Alaverdi communities (Lori region) which on occasion involved local officials.

⁹ The CEC announced that the candidates had raised the following amounts: Serge Sargsyan AMD 69,550,000; Vahan Hovhannisyanyan AMD 45,500,000; Arthur Baghdasaryan AMD 21,960,000; Levon Ter-Petrossian AMD 16,286,500; Artashes Geghamyan AMD 14,600,000; Vazgen Manukyan AMD 2,412,000; Tigran Karapetyan AMD 600,000; Aram Harutunyan AMD 190,000, and Arman Melikyan had no campaign contributions. Only Mr. Hovhannisyanyan reported receiving finance from his party.

¹⁰ The OSCE/ODIHR EOM has copies of 32 applications bearing the stamp of the Government Staff.

¹¹ For example, the mayors of Alaverdi (Lori region) and Gyumri (Shirak) are continuing to carry out their official duties while being active in the Republican Party’s campaign to elect Serzh Sargsyan. The mayors of Goris (Syunik) and Masis (Ararat) and the community leader in Erebuni District of Yerevan informed OSCE/ODIHR observers that they had taken temporary leave from their posts to work on Mr Sargsyan’s campaign, while the mayor of Armavir (Armavir) stated that he was only active in his campaign outside normal working hours. The village head of Odzun (Lori), is splitting the working day between the two functions.

¹² Article 26 on the Law on Political Parties provides that “State and local self-governing bodies, provide premises to parties on equal conditions”. It also states that “they ensure equal opportunities for parties to conduct election campaigns”.

IV. MEDIA

On 11 January, the OSCE/ODIHR EOM commenced its media monitoring activity.¹³ This report covers the period from 21 January, when the official campaign period commenced, to 5 February. During this period, the amount of campaign and election-related information aired in the media increased significantly.

To date, *H1* (public TV) and Public Radio have complied with their legal obligation to provide free time for all contestants.¹⁴ Two candidates - Tigran Karapetyan and Arman Melikyan - chose not to use this airtime on public radio. The latter candidate and Aram Harutiunyan have not yet purchased any advertising space on either public broadcaster.¹⁵ The free slots were broadcast starting at 17.15 hrs, a time outside primetime viewing hours.

During the reporting period, *H1* was reasonably equitable in the coverage time of all nine candidates. The talk-show '*Evropolis*' aims to host all candidates, prior to election day. However, Levon Ter-Petrosian did not participate in its 29 January edition, in which he was due to appear, ostensibly due to his busy schedule. The news coverage of Levon Ter-Petrosian mostly contained critical remarks, while the other eight candidates were presented in a generally positive or neutral manner. Public Radio gave the candidate less total coverage time than *H1* but had a similar approach in the tone of its presentation.

Among the six private TV stations monitored, *H2* offered the nine candidates generally equitable airtime. *Armenia TV* has granted eight of the candidates an equitable amount of airtime but has given Serzh Sargsyan approximately double the amount of coverage of any other candidate. *Shant TV* has covered six candidates equitably, while *ALM* has devoted some 75 per cent of its time to three candidates.¹⁶ *Yerkir Media* granted Vahan Hovhannisyan most (some 36 per cent) of the time devoted to all nine candidates.

Private and public media generally covered Serzh Sargsyan in his capacity as a presidential candidate. Almost all broadcast media presented him in more favourable terms than the other candidates. Private media has been largely devoid of critical remarks regarding seven of the other eight candidates, whereas the majority of Levon Ter-Petrosian's coverage in three of six private TV stations was mostly negative in tone.

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'. In part, the more negative coverage of Levon Ter-Petrosian arises because of the frequency with which other candidates, in particular Artashes Geghamyan, as well as the incumbent president (who is not a candidate) have criticised Levon Ter-Petrosian.¹⁷ The news programmes of almost all broadcast media (except RFE/RL) have almost entirely omitted to air Levon Ter-Petrosian's critical remarks regarding Serzh Sargsyan and the incumbent president. Mr. Ter-

¹³ The OSCE/ODIHR EOM is monitoring *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).

¹⁴ By law, during the campaign period, each candidate is entitled to receive up to 60 minutes of free time on public television (*H1*) and up to 120 minutes on public radio.

¹⁵ Data provided by National Commission for TV and Radio (6 February 2008)

¹⁶ Serzh Sargsyan received 35 per cent of airtime, Tigran Karapetyan and Vahan Hovhannisian both received 21 per cent.

¹⁷ Comments made by the President on 26 January, 1 and 8 February.

Petrosian has however on occasions criticised the incumbent president and Serzh Sargsyan during the free airtime.

Due to relatively low circulation rates the print media has less influence than the broadcast media. The State-funded *Hayastani Hanrapetutyun* offered Serzh Sargsyan 38 per cent of space given to all candidates in which he is presented in favourable terms. Conversely, privately-owned *Haykakan Zhamanak* has offered Levon Ter-Petrosian strong support and 65 per cent of space given to all candidates. More balanced reporting has been noted in *Aravot* daily.

V. COMPLAINTS AND APPEALS

Complaints may be made to the CEC, TECs, the courts or the Prosecutor General. Appeals are heard by the recently established Administrative Courts. As of 8 February, 18 complaints were filed with the CEC, all on behalf of citizens (members of Levon Ter-Petrosian's election 'monitoring group'). Nine complaints have been dismissed; two, which concern vote buying, were referred to the Prosecutor General, one to the National Commission on Television and Radio and four, concerning alleged campaign violations, are pending. The CEC has not had a formal session since 21 January. Nevertheless, it has dealt with complaints by issuing a letter signed by the CEC Chair. This is not part of the formal CEC decision making process. Article 32.2 of the Election Code requires election commissions to act on the basis of 'collegiality'.

Two election-related cases are before the Administrative Courts. On 7 February, it heard a complaint filed by citizens (members of Mr. Ter-Petrosian's election 'monitoring group') regarding the response of the Mayor of Yerevan to Mr. Ter-Petrosian's request to hold a rally and procession in Yerevan on 22 January (see OSCE/ODIHR EOM Interim Report No. 1). A decision is to be issued on 11 February. The second case, which has yet to be heard, concerns an appeal against the CEC's response to a formal complaint.

Two election cases have been filed by candidates with the Constitutional Court. On 1 February, Arman Melikyan requested the Court to "eliminate an insurmountable obstacle" that he faced as a candidate because by law citizens residing outside of Armenia cannot vote. The Court refused to hear the application on the ground that the legal provision was not an "insurmountable obstacle" to his candidacy as envisaged by the Election Code. On 8 February, the Court agreed to hear a petition by Levon Ter-Petrosian who claims that "obstacles have been created ... that make his further participation in the election impossible", specifically, that for the past three months public TV and radio have been broadcasting a campaign against him, and as such he does not enjoy equal campaign conditions as required by law. Should the Court recognise that this obstacle exists, the elections would be postponed for two weeks. If the obstacles cannot be removed, new elections would be held in 40 days.

The Office of the Prosecutor General established a special working group to investigate election-related violations under the Criminal Code. The Office has opened criminal files including those concerning attacks on Republican Party offices, an attack on an *Orinats Yerkir* office, incidents involving campaigning by Mr. Ter-Petrosian and damage at one of his campaign offices and alleged threats made on Arthur Baghdasaryan's life.