



**REPUBLIC OF ARMENIA
Presidential Election
Second Round
5 March 2003**



INTERNATIONAL ELECTION OBSERVATION MISSION

Statement of Preliminary Findings and Conclusions

Yerevan, 6 March 2003. The International Election Observation Mission (IEOM) for the 19 February and 5 March presidential election is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE).

This second statement of preliminary findings and conclusions is issued before the release of the final results, before electoral complaints and appeals have been addressed by the administrative and judicial authorities, and before a complete analysis of the observation findings. This statement should be considered in conjunction with the statement of preliminary findings and conclusions issued on 20 February after the first round of voting. That statement assessed that the first round of the election was generally calm and well administered but the counting process was flawed and the long-term election process fell short of international standards in several key respects. The first round statement can be accessed on the OSCE/ODIHR website at www.osce.org/odihr and its findings and conclusions are not repeated herein. This statement addresses developments since the first round of voting.

PRELIMINARY CONCLUSIONS

The 5 March 2003 presidential election in the Republic of Armenia fell short of international standards for democratic elections. While the Election Code provided a basis for democratic elections and technical preparations for the second round voting were generally efficient, the two-week period between the two rounds of voting was characterized by significant shortcomings. These related both to the completion of the tabulation and complaints processes for the first round, and to the overall election environment for the second round. The second round of voting and counting on 5-6 March was marked by serious irregularities.

Completion of first round processes: After the IEOM Statement of 20 February, further serious problems and irregularities came to light regarding the first round, including:

- Failure by the Central Election Commission (CEC) to publish a prompt and detailed breakdown of the preliminary results of the first round, contributing to a lack of confidence in the election results;
- Confirmation by international observers of 15 additional cases of ballot box stuffing that occurred during the first round voting and counting;
- Significant discrepancies and implausible figures in the official final results from a large number of polling stations; and
- General failure by the authorities to hold accountable those responsible for irregularities in the first round.

Pre-election period for the second round: In the period between the two rounds, significant shortcomings in regard to international standards were observed:

- The period was marred by administrative detentions, in contravention of OSCE commitments and Council of Europe standards, of over 200 people, of whom at least 77 were sentenced to jail time, often in closed hearings and without the benefit of counsel; these included many opposition proxies and campaign staff. The majority were released shortly before voting day;
- Some opposition leaders made intemperate and even inflammatory statements; the opposition candidate for the second round, however, called on his supporters to take only legal actions;
- Both campaigns complained of widespread intimidation by their opponents, resulting in an atmosphere of insecurity for persons involved in the political process. Further cases of intimidation included punitive job dismissals of opposition supporters;
- Public TV was heavily biased in favour of the incumbent, failing to comply with its legal obligation to provide balanced reporting on candidates.

There were also positive elements of the period between the elections, including:

- Continued wide-scale public participation in the election campaign, including through peaceful rallies, and high levels of voter interest in the election process;
- An active civil society, including many domestic election monitoring groups;
- A general absence of serious instances of violence, despite the charged political situation; and
- The first television debate between presidential candidates ever to take place in Armenia.

On 3 March, the Constitutional Court ruled admissible an appeal of the first round results by one of the unsuccessful candidates. The Court will begin immediately with its consideration of the case, which has the potential to affect the ultimate election outcome.

On 5 March, voting took place against the background of the events of the previous two weeks in an atmosphere of increased tension. Observers reported that in general technical procedures were correctly followed, but serious irregularities, in particular ballot box stuffing, marred the process around the country. Problems were observed during counting, including additional cases of ballot box stuffing. Unauthorized persons were present in a large number of polling stations throughout the day. Significant numbers of candidate proxies and domestic observers monitored the process.

The final assessment of this election will depend, in part, on the completion of the counting and tabulation and, if relevant, the effectiveness of the complaints procedure. The institutions involved in the IEOM will continue to closely monitor these remaining steps of the process, and if necessary will issue an additional statement after the final results of the second round have been announced. The institutions will return to observe the upcoming parliamentary elections in May.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of Armenia in overcoming the remaining impediments to fully democratic elections and to build on those improvements that have been put in place.

PRELIMINARY FINDINGS

First Round Results

On 20 February, the CEC announced the preliminary results of the presidential election. The official tally showed that of 1,418,811 votes for the nine candidates, incumbent Robert Kocharyan received 707,155 votes (49.84%), just short of the required majority necessary to win in the first round, while his closest competitor, Stepan Demirchyan, received 400,846 (28.25%). Based on these results the CEC announced that a second round would be held on 5 March between Kocharyan and Demirchyan. The official results were announced five days later, showing that the incumbent's percentage fell slightly to 49.48%, while Demirchyan's total also fell slightly to 28.22%.

First Round Voting, Counting and Recounting

After issuing its Statement of Preliminary Findings and Conclusions for the first round on 20 February, the international observers continued to uncover further evidence of first round election fraud. The most serious of these included additional cases of ballot box stuffing during voting (polling station numbers 0252, 0586, 0694, 0704, 0708, 0710, 1589, 1816) and during counting (polling station numbers 0124, 0362, 1582, 1585, 1703, 1710). During a recount of polling station 0029, another instance of ballot box stuffing was confirmed, but despite the evidence, the stuffed ballots were not removed from the total tally.

In order for a polling station recount to take place, a request had to be submitted to a Territorial Election Commission (TEC) by a Precinct Election Commission (PEC) member or candidate proxy before 14:00 on 20 February. While the international observers are aware of polling station recounts conducted by six TECs (2, 7, 14, 17, 21, 34), opposition candidates complained to the CEC that a number of TECs were not open to receive complaints during the specified time. International observers confirmed that some TECs were closed when they should have been open to receive complaints in Yerevan, Armavir, Shirak and Ararat regions. It is of concern that the CEC asserted it did not have and therefore could not provide international observers with the number of requests for recounts that were received by TECs, or the number that were denied.

Tabulation and Announcement of First Round Results

The CEC failed to publish a full breakdown of results to the PEC level when it released the preliminary results. These figures were only made available to international observers when the final results were announced, six days after the election. Even then the figures were not generally available to the public, since the CEC website listed the precinct results in percentages for each candidate, rather than in absolute figures. While the provision of precinct results was a welcome development in comparison to previous elections, the delay in publishing a complete breakdown contributed to a significant lack of public confidence in the results. With rare exceptions, the 56 TECs did not post publicly a breakdown of PEC results, although copies of results protocols were made available to international observers.

Analysis of the official results for the first round showed a variety of discrepancies, for example:

- 124 polling stations where more ballots were found in the ballot box than had been issued to voters;

- seven polling stations where the turnout was greater than 100% of registered voters;
- six polling stations where results had been shifted from one candidate to another between the publication of the preliminary and final results;
- polling stations where the official results were different from the original protocols received by international observers at the time of counting, and in which recounts had not taken place;
- the total number of voters on the voter lists in the official results is 20,400 higher than the official number announced three days before the election; only about half of this difference can be accounted for by persons legally added to the list on voting day.

The official results also revealed implausible statistics, including:

- two neighboring polling stations with exactly identical results (numbers 0789 and 0790), suggesting that one of them was included twice and the other not at all;
- 12 polling stations where the incumbent won every vote;
- 96 polling stations where the incumbent won more than 90% of votes; and
- several polling stations with 100% voter turnout and almost 100 where the turnout was more than 90% of registered voters.

These anomalies would raise serious questions in any election. They are even more striking in this instance when compared to neighboring polling stations and national averages in Armenia, and when considering the large number of Armenian voters abroad who did not participate in the election. The CEC attributed some of the discrepancies to data entry errors by inexperienced computer operators, and others to lapses in procedures at some PECs. However, the figures represent unacceptably high levels of erroneous data, and many of the discrepancies cannot be explained in this way.

First Round Complaints and Disputes

In contrast to the pre-election period, the CEC has not provided international observers with complete information on the complaints it received during and following election day. Of the 106 complaints received by the CEC, none were upheld. But, 16 were referred to the Office of the Prosecutor General for further investigation, five of which were related to ballot stuffing. However, cases of election fraud and ballot stuffing observed by the international observers have received little official response. The manner in which complaints were dealt with at the TEC and CEC levels was generally not transparent and reinforced the lack of confidence in the complaints procedure.

The Office of the Prosecutor General has separately opened investigations into seven alleged violations of the Criminal and Electoral Codes relating to events in the run-up to and on the first round election day.

On 27 February, candidate Artashes Geghamyan, who officially came third with 17.66%, filed a case asking the Constitutional Court to invalidate the results of the first round of the election. On 3 March, the Constitutional Court decided to admit the case. The Court has until March 18 to review the case. The case could potentially affect the ultimate outcome of the election. The institutions in the IEOM will continue to monitor developments as the Court considers this case.

Second Round -- Election Administration

Preparations for the second round by the CEC and most TECs were generally efficient and in compliance with the law. The composition of election commissions was to have been the same in the second round as in the first, but the replacement of an apparently high number of PEC members was cause for concern. While the incumbent and parliamentary factions that support him appoint six of the nine members of every commission, the opposition candidate and his party, who had no entitlement to appoint members, were represented only by one proxy with no voting rights. The membership in election commissions was therefore even more imbalanced in favour of the incumbent than in the first round.

According to the CEC, 10,400 voters who could not find their names on the voter lists on the first round election day successfully appealed to courts to obtain a certificate which permitted them to vote. These voters were able to vote in the second round without having to repeat the procedure.

Second Round – Campaign Developments

Three large unsanctioned opposition gatherings took place in Yerevan between the first round and the official start of the campaign for the second round. Some opposition leaders addressed the crowds with intemperate and even inflammatory statements including calls for unconstitutional action such as the takeover of the presidential palace. The opposition candidate himself, however, called on his supporters to take only legal actions. Police were much in evidence at the gatherings, but behaved correctly. Overall, the events were largely well-ordered and peaceful. Outside Yerevan, international observers witnessed police stopping public transport in order to prevent people joining the demonstrators. The President and other officials made strong public statements warning against illegal activities.

On 22 February, police began detaining opposition supporters at their homes in the very early morning, for alleged hooliganism and/or participation in unsanctioned public meetings. At least 200 individuals were detained including many opposition proxies and campaign staff. Of these, at least 77 were sentenced administratively to jail time of up to 15 days, while 65 others were fined; the rest were released without sanction. Many of the hearings were closed; the accused in general did not have legal counsel present. The whereabouts of some of the detainees was not made known to their families. On 1 March, 47 of those detained were released, many of them prior to completing their sentences.

The detentions were under provisions of Armenia's Administrative Violations Code, covering non-criminal behaviour. The Parliamentary Assembly of the Council of Europe, in a September 2002 resolution, urged the authorities to abolish the provisions of the Code concerning administrative detention and to refrain from applying them in the interim. The detentions were also at odds with the OSCE commitment that administrative actions should not be used to bar candidates from freely presenting their views. The detentions of opposition activists contributed to a negative and highly charged political atmosphere that clouded the run-up to the second round.

The official campaign period for the second round began on 26 February. Several of the losing candidates announced their support for the opposition candidate. There remained a general absence of issue-based campaigning. In contrast to the first round, campaign events were concentrated in Yerevan and were not much in evidence elsewhere. A rally by the

opposition candidate in Armenia's third largest city, Vanadzor, went ahead on 1 March despite obstacles including police confiscation of sound equipment and the brief detention of people assisting the meeting organizers.

The campaign teams of both candidates complained to international observers about harassment and intimidation by the other side. On the basis of concrete information received, international observers confirmed further job dismissals of three individuals connected to the opposition candidate's campaign. There were also credible new allegations that persons who had supported candidates other than the incumbent in the first round experienced punitive job dismissal or threats of job dismissal. Two persons associated with the opposition candidate's campaign were arrested on 18 and 23 February on criminal charges related to the posting of a threatening notice on the wall of a polling station the night before the first round. International observers also confirmed an arson attack on the opposition candidate's campaign office in Abovyan, which is under police investigation.

Public buildings continued to be used in support of the incumbent, repeating a pattern of unequal treatment of candidates by the authorities.

Media Coverage for the Second Round

In the period between the first and second rounds, publicly-funded TV comprehensively failed to meet its obligation outlined in the Law on Radio and TV Broadcasting, as well as in a CEC decision of 15 January, to provide voters with information about the candidates free from prejudice or preference. While public TV adhered to the legal provisions to provide 15 minutes of free advertising to both candidates during the official campaign period for the second round, its news and analytical programmes overtly promoted the incumbent, who continued to receive extensive coverage. Public TV also produced a primetime news item discrediting the opposition candidate. The President received 69% of primetime coverage on public TV news and analytical programs, almost all of it positive or neutral (93%). In contrast, Stepan Demirchyan received 31% of the coverage, of which 67% was negative.

In a positive development, for the first time during an Armenian presidential election, a TV debate between the two main contestants took place on public TV and was aired by several other TV channels. In addition, several private TV stations organized a number of debates and discussions between candidate representatives.

Private broadcasters monitored by international observers failed to provide a level playing field for the opposition candidate and remained openly biased in favour of the incumbent in their primetime news coverage in the period between the two rounds. In contrast to the first round, five private television stations decided not to offer air time for paid political advertising, further limiting the possibility for the opposition candidate to present his views.

The print media continued to show clear bias in favour of their chosen candidate to the extent that it was almost impossible for a voter to rely on any one source of information to gain an objective view of the campaign. The state-funded *Hayastani Hanrapetutyun* remained heavily biased in favour of the incumbent by allocating him 57% of its candidate coverage with an exclusively positive tone. In comparison, the opposition candidate received 43% of coverage, of which 67% was negative. The only alternative sources of political information were a limited number of opposition newspapers that showed clear bias against the incumbent and offered a platform to his opponent. The *Aravot* daily, for example, allocated

62% of its coverage to the incumbent, with an overwhelmingly negative tone. However, due to low impact and localized circulation, the few opposition newspapers could not compensate for the lack of balance in the electronic media.

International observers continued to receive credible reports of intimidation and harassment of journalists in the period between the two rounds. In particular, some journalists reported that they experienced pressure, coercion and editorial interference akin to censorship following their coverage of opposition gatherings and subsequent detentions. The Russian independent TV station NTV, which provided full coverage of the events, has been off the air in Armenia since 26 February; the local company Paradise, which re-broadcasts NTV programs in Armenia, reported technical problems with its transmitters. Senior public TV sources also reported that its journalists received threats. In general, the media's biased coverage of the election demonstrated that Armenia still lacks a strong and independent media able to provide sufficient, balanced information to enable the electorate to make a well-informed decision.

Second Round – Election Day, Vote Count and Tabulation

Voting took place against the background of the events of the previous two weeks in an atmosphere of increased tension. Observers reported that in general technical procedures were correctly followed and assessed the process positively in 87% of polling stations visited.

However, the voting process was marred by serious irregularities in a large number of polling stations. Of most concern were widespread cases of ballot stuffing. International observers documented and confirmed ballot stuffing in more than 40 polling stations around the country (for example in polling stations numbers 0133, 0391, 0398, 0415, 0705, 0989, 1218, 1254, 1259, 1260, 1329 and 1699). There were numerous confirmed instances of stamped, signed ballots circulating outside polling stations before and during the voting (for example, with stamp numbers 0404, 1030, 1790, 1835, 2177 and 2178— stamp numbers are not the same as polling station numbers). Observers also noted problems with military voting, including cases of open voting in Yerevan (polling station number 0362) and “carousel” voting in Armavir (polling station number 0707). Intimidation was reported in over ten polling stations, mostly of proxies representing the opposition candidate. The presence of unauthorized persons, including government officials, in polling stations (24%) was once more a concern. In a few cases, proxies or unauthorized persons supporting the incumbent were seen to be exerting undue influence in polling stations.

The counting process was negatively assessed by observers in many polling stations where counting was observed. Further evidence of ballot box stuffing was witnessed in eighteen polling stations (for example in polling station numbers 0014, 0115, 0293, 0333, 0390, 0396, 0400, 0403). Other irregularities witnessed included the addition of ballot papers after the counting process had commenced (polling station number 0293), the irregular invalidation of ballot papers for one candidate by a chairperson (polling station number 0091), deliberate miscounting (polling station numbers 0004 and 0556), and failure to follow key procedures (polling station number 1353). Unauthorized persons were present in almost half of counts observed.

While both candidates were represented by proxies in most polling stations, in a significant number more than one per candidate was present, in contravention of the law. Domestic observers were present in more than 50% of polling stations visited. A significant number of

reports were received of international observers, domestic observers and proxies being restricted from observing all aspects of the counting process. In almost two-thirds of polling stations, copies of result protocols were not promptly posted at the completion of the count, but generally protocols were made available to all who requested a copy.

*This statement is also available in Armenian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENT

The International Election Observation Mission (IEOM) for the second round of the presidential election in the Republic of Armenia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE). Mr. Peter Eicher (US) headed the OSCE/ODIHR Election Observation Mission. Lord Russell-Johnston (UK), headed the PACE delegation.

This statement is based on the observations of 30 election observers of the OSCE/ODIHR EOM, deployed in Yerevan and throughout the Republic. The EOM has been deployed in Armenia since 15 January. This statement also incorporates the second round election day findings of 193 short-term observers from 21 OSCE participating States, including 3 parliamentarians from the PACE, reporting from some 720 polling stations out of the 1,865 throughout the Republic.

The OSCE/ODIHR will issue a final report on the election approximately one month after the completion of the process.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs of the Republic of Armenia, the Central Election Commission, the National Assembly, and other authorities and interlocutors in Armenia, for their co-operation and assistance during the course of the observation. The IEOM is also grateful for the support from the OSCE Office in Yerevan and Embassies and Consular Offices of OSCE participating States.

For further information, please contact:

- Peter Eicher, Head of the OSCE/ODIHR EOM, in Yerevan (Tel: +374-1-599-281);
- Jens-Hagen Eschenbaecher, OSCE/ODIHR Spokesperson (+48-603-683-122), or Andrew Bruce, OSCE/ODIHR Election Adviser, in Warsaw (+48-22-520-0600);
- Vladimir Dronov, Head of Interparliamentary Co-operation Unit, PACE (Tel: +33-670-162-848).

OSCE/ODIHR Election Observation Mission

Hotel "Armenia", 3rd floor
1 Amiryan St. Yerevan 375010
Tel.: +374-1-599-281 Fax: +374-1-599282
e-mail: osce.odihr.eom@r.am
OSCE/ODIHR website: www.osce.org/odihr