

**INTERIM REPORT No. 2  
17 January–5 February 2013**

**7 February 2013**

**I. EXECUTIVE SUMMARY**

- The official election campaign started on 21 January and has been low-key and of limited visibility. The campaign of incumbent President Serzh Sargsyan is the most visible, although some of the other candidates also campaign actively. On 31 January, candidate Paruyr Hayrikyan was shot and injured by an unknown assailant in central Yerevan. The authorities are investigating the crime. While the law provides for a candidate to request the Constitutional Court to postpone the election by two weeks in case of “insurmountable obstacles” to his or her campaign, on 5 February Mr. Hayrikyan announced that he will not ask for such a delay.
- While the state authorities have declared their intention to conduct elections in line with OSCE commitments, the distinction between campaign activities and state functions appears to be blurred, even where officials formally take leave in order to participate in campaigning. OSCE/ODIHR EOM long-term observers (LTOs) have also reported cases of the incumbent’s campaign offices located in public and local government buildings.
- Candidates must open a special bank account for all campaign-related transactions and regularly report on their campaign finances. However, not all candidates opened an account or submitted their first campaign finance declarations. These omissions were not sanctioned by the Central Election Commission (CEC). The CEC has also passed a decision stating that renting a campaign office is not considered campaign expenditure and, thus, does not have to be reported.
- Administrative preparations for the election are proceeding according to legal deadlines. The CEC continues to work in an open and transparent manner. Precinct Election Commissions (PECs) were formed by 24 January, but not all parties entitled to do so nominated members for each PEC. The PEC members are being trained and the OSCE/ODIHR EOM LTOs positively assessed the trainings they have attended.
- The Passport and Visa Department of the police announced that the total number of registered voters as of 29 January is around 2.5 million. The police have initiated specific measures aimed at updating the voter lists and raising voters’ awareness regarding verification of voter list data.
- Initial OSCE/ODIHR EOM media monitoring results indicate that the media focus on political and election-related information. Media regularly cover the contestants, with the coverage of the incumbent president and of candidate Raffi Hovannisyan dominating most channels. All contestants are using their free air time on public media.
- The CEC and the courts have received a limited number of complaints, all of which were rejected or declared inadmissible. The Prosecutor General’s office has launched a public campaign encouraging citizens to report vote-buying without facing repercussions.

## II. THE ELECTORAL CAMPAIGN AND CAMPAIGN FINANCING

The official campaign period, which started on 21 January and ends at midnight on 16 February, has thus far been characterized by low-key activities. The campaign of incumbent President Serzh Sargsyan is the most visible. The overall campaign environment is partly influenced by the decision of several parliamentary parties to not nominate candidates.<sup>1</sup>

Four of the eight candidates are holding indoor and outdoor campaign events. Campaign staff of Messrs. Sargsyan and Raffi Hovannisyan are conducting door-to-door canvassing. Posters and other printed campaign materials are moderately visible. Although four of the candidates visited the regions thus far, only the incumbent's campaign included bigger rallies outside the capital.<sup>2</sup>

The election campaign is characterized by a lack of an animated debate. Civil and political rights, the role of the state in public life and the economy are at the center of most candidates' campaigns. The incumbent focuses on the themes of stability and security, with the army, his role as commander in chief and his military history featuring prominently in printed and broadcast campaign materials. All candidates except the incumbent have alleged voter list deficiencies and misuse of administrative resources and have voiced concerns about the overall integrity of the electoral process.<sup>3</sup> The authorities for their part have reiterated on repeated occasions their commitment to hold a democratic election.

In the late evening of 31 January, candidate Paruyr Hayrikyan was shot and injured by an unknown assailant in central Yerevan. He underwent surgery the following day, and the authorities are investigating the event. While the Constitution provides for a candidate to request the postponement of an election by two weeks in case of "insurmountable obstacles" to his or her campaign, on 5 February Mr. Hayrikyan announced that he will not ask for such a delay.<sup>4</sup>

The Electoral Code prohibits campaigning by state and municipal public servants while performing official duties.<sup>5</sup> In numerous cases, elected or appointed officials took leave in order to campaign.<sup>6</sup>

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<sup>1</sup> Prosperous Armenia (PA), the Armenian National Congress (ANC) and the Armenian Revolutionary Federation–*Dashnaktsutyun* (ARF) who together won 49 of the 131 parliamentary seats in the 2012 parliamentary elections, did not nominate presidential candidates and declared that they do not support any of the registered candidates. Ruben Ayvazyan, a member of PA, submitted his nomination to the CEC but subsequently was not registered as he decided not to pay the registration deposit. The OSCE/ODIHR EOM has thus far not been able to meet with representatives of these parties.

<sup>2</sup> OSCE/ODIHR EOM long-term observers (LTOs) observed campaign events of Hrant Bagratyan, Paruyr Hayrikyan, Raffi Hovannisyan and Serzh Sargsyan. Andrias Ghukasyan, who is on a hunger-strike, does not campaign actively. The campaign of the remaining three candidates (Aram Harutyunyan, Arman Melikyan and Vardan Sedrakyan) is mostly conducted through the use of free air time in the public media.

<sup>3</sup> For example, Messrs. Bagratyan, Hayrikyan and Hovannisyan released a joint public statement on 28 January 2013, appealing for the creation of fair and equal conditions for all candidates and calling on citizens to participate in the election in the highest possible number.

<sup>4</sup> Under Article 52 of the Constitution and Article 98 of the Electoral Code, the Constitutional Court, upon application from a candidate, may declare obstacles to his or her campaign as insurmountable, in which case the election is postponed by two weeks. In case the obstacles declared as insurmountable are not eliminated, a new election is to be called, and voting is to take place on the 40<sup>th</sup> day after the expiration of the two-week period.

<sup>5</sup> Article 18.6 provides that "The following shall be prohibited from conducting pre-election campaign and disseminating any campaign materials: 1.State government bodies and local self-government bodies, as well as state and municipal servants, and the pedagogical staff of educational institutions during the performance of their duties."

<sup>6</sup> According to the Ministry of Territorial Administration, nine out of ten governors took leave in order to campaign for the incumbent. OSCE/ODIHR EOM LTOs observed the practice of mayors taking leave in order to campaign in several places in the provinces of Armavir, Aragatsotn, Ararat, Lori, Gegharkunik, Syunik, Tavush and Vayots Dzor, as well as in several districts in the city of Yerevan.

Despite declared intentions of the authorities to conduct elections in line with OSCE commitments, the distinction between campaign activities and state functions appears to be blurred, mostly at the regional level.<sup>7</sup>

OSCE/ODIHR EOM LTOs were informed of three instances where teaching staff or university students were compelled by their superiors to participate in the incumbent's campaign meetings.<sup>8</sup> In Vanadzor, medical staff of one institution was compelled to attend a rally of the incumbent.

According to the Electoral Code, campaign offices may not be located in the same buildings as election commissions, or in state or local government buildings (except in areas of those premises that do not belong to state bodies).<sup>9</sup> OSCE/ODIHR EOM LTOs have reported cases where campaign offices of the incumbent are located in such premises.<sup>10</sup> The official campaign website of the incumbent lists 117 campaign offices throughout the country. However, LTOs were informed by regional campaign staff that the number of the incumbent's campaign offices is significantly higher.<sup>11</sup>

The CEC's Oversight and Audit Service (OAS) is mandated to exercise oversight and to ensure integrity and transparency of the finances of election commissions, political parties and candidates. The maximum amount that each candidate is permitted to spend on the campaign is AMD 100 million (approximately EUR 200,000).<sup>12</sup> Under the Electoral Code, candidates have to open a special bank account for all campaign-related transactions with the Central Bank of Armenia; one of the eight candidates has yet to do so.<sup>13</sup> However, the Central Election Commission (CEC) considers that this is not mandatory and there is no legal deadline for opening such an account.

Candidates are required to submit their declaration of incomes and assets to the OAS after registration, two financial reports before election day, and one before the summarization of election results. Seven candidates submitted their first financial declarations on 30 January, as required by law.<sup>14</sup> The Central Bank is required to submit reports on the campaign funds of the candidates every three working days to the OAS. The OAS reviews the reports, draws up statements of findings, and presents these to the CEC, which publishes them on its website. According to a CEC decision,

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<sup>7</sup> OSCE/ODIHR EOM LTOs met with the acting governor of Aragatsotn, who choose to hold the meeting in the RPA office in Ashtarak during working hours. He had not taken leave for the election. The head of an Ararat province village community, who had taken leave, heads the local campaign office of the incumbent and told LTOs that he had moved it to the community administration building due to a lack of electricity.

<sup>8</sup> In Yerevan on 25 January and Vanadzor (Lori province) on 30 January, teachers were instructed to attend the incumbent's campaign events and were required to submit their passport numbers to the school director. The municipality of Kapan (Syunik province) on 23 January called the schools to inform of the incumbent's upcoming rally.

<sup>9</sup> Article 18.5 states that "Election campaign offices may not be located in buildings occupied by state and local self-government bodies (except for cases where election campaign offices occupy an area not belonging to such bodies) as well as in buildings where electoral commissions are functioning."

<sup>10</sup> A campaign office located in the same premises as a PEC was observed in the Armavir (Arevadasht). Campaign offices were observed in municipal buildings in Armavir (Armavir, Echmiadzin and Metsamor) and Aragatsotn (Tsaghkahovit), in the Houses of Culture in Aragatsotn (Aragats and Karbi), in a building located in a school yard in Aragatsotn (Ohanavan; this office was relocated during the reporting period).

<sup>11</sup> OSCE/ODIHR EOM LTOs information from nine provinces shows that the number of Mr. Sargsyan's campaign offices is 728. According to media reports, countrywide there are approximately 1,500 campaign offices for the incumbent.

<sup>12</sup> Candidates may finance their campaign from their own funds (up to AMD 5 million, around EUR 10,000) and voluntary contributions by voters (up to AMD 100,000, EUR 200). Candidates nominated by a political party may also receive up to AMD 25 million (EUR 50,000) from the political party that nominated them.

<sup>13</sup> Mr. Melikyan is yet to open a campaign fund, while Mr. Harutyunyan opened one on 23 January.

<sup>14</sup> Mr. Melikyan did not submit a financial declaration.

rental of premises for campaign offices is not considered campaign expenditure and does not have to be included in candidates' financial declarations.<sup>15</sup>

### III. ELECTION ADMINISTRATION

Administrative preparations for the election are proceeding according to legal deadlines. The CEC continues to work in an open and transparent manner, granting information and access to its sessions to candidates, candidate proxies, observers and media representatives. The CEC has thus far not defined the rules under which candidates who decide to withdraw from the election would compensate the free airtime expenses provided by the state for their campaign.<sup>16</sup> Also, the question of whether candidates may grant free transport services to voters on election day remains open.

The CEC and the police have launched voter education spots on television and have also produced various informational materials, focusing on voter list verification and voting procedures, including for disabled persons.

The 1,988 Precinct Election Commissions (PECs) were formed by 24 January, as required by the Electoral Code. Territorial Election Commissions (TECs) appointed two members of each PEC under their jurisdiction. Each of the five political parties and the one electoral bloc represented in parliament were entitled to appoint one member to each PEC. The RPA, PA and Rule of Law Party nominated members for all PECs, while the ANC, Heritage and ARF did not fill their seats in 457, 65 and 51 PECs, respectively. These vacancies were filled by the corresponding TEC chairpersons, in line with legal provisions. OSCE/ODIHR EOM LTOs reported that the PECs convened their first sessions on 27 January, as required by law. TECs and PECs are generally well-equipped, although LTOs reported that in some cases their premises appeared unsuitable.<sup>17</sup>

The CEC, in co-operation with the International Foundation for Electoral Systems (IFES) and the OSCE Office in Yerevan, started nationwide training of all PEC members on 28 January, organized in each province.<sup>18</sup> OSCE/ODIHR EOM LTOs positively assessed the trainings they attended.<sup>19</sup>

The Passport and Visa Department (PVD) of the police announced that the total number of registered voters as of 29 January is 2,507,004.<sup>20</sup> The police have initiated specific measures aimed at updating the voter lists and raising voters' awareness regarding data verification in the State Population Register (SPR). Voter education posters regarding corrections to the voter lists have been posted in most polling stations visited by the OSCE/ODIHR EOM LTOs. Additionally, the PVD has been publishing monthly updates regarding its activities aimed at improving the quality of the SPR and the voter register.

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<sup>15</sup> CEC Decision No. 33 from 16 February 2012, clarifying Article 26 of the Electoral Code.

<sup>16</sup> Article 87.5 of the Electoral Code obliges candidates who withdraw from the race to reimburse any state funds spent for their campaign; however, it does not define the procedure or the terms for the reimbursement.

<sup>17</sup> OSCE/ODIHR EOM LTOs reported that small premises in TECs 14, 20 and 21 may cause problems during the tabulation of the election results. TEC 40 informed the LTOs that local authorities refused to renovate and furnish the TEC premises as required for the TEC to carry out its work properly. The premises of polling stations 15/07, 15/08, 20/11, 20/18 may not be suitable for voting. Polling station 19/35 is situated in the same building as the RPA office.

<sup>18</sup> The training is scheduled to continue until 15 February.

<sup>19</sup> OSCE/ODIHR EOM LTOs observed PEC training sessions in Aragatsavan and Ashtarak (Aragatsotn province), Ashotsk (Shirak province), Noyemberyan (Tavush province) and Tsakhadzor (Kotayk province).

<sup>20</sup> According to the PVD, the total number of registered voters decreased during the verification period (8–29 January) due to the removal from the voter register of deceased people, citizens who were deregistered by the owners of the place in which they were temporarily registered as living, voters who were deregistered at their own request because they left the country, as well as conscripts starting their service in military units.

The police organized door-to-door checks in three cities<sup>21</sup> to identify addresses with high numbers of registered voters, demolished buildings where citizens are still registered, as well as incorrect addresses.<sup>22</sup> According to OSCE/ODIHR EOM LTOs, similar checks were conducted in all other provinces by community police officers or by representatives of the local authorities.

Four presidential candidates have voiced their concerns regarding the voter lists, alleging that the number of registered voters is highly inflated.<sup>23</sup> These candidates indicated possible impersonation of voters residing abroad on election day as a particular concern.

Following recommendations contained in the OSCE/ODIHR EOM Final Report on the 2012 parliamentary elections, an electronic, intranet-based system has been introduced for Civil Status Registry Offices. The system is linked with the SPR to provide an improved notification and data exchange mechanism, with the aim of improving the SPR and the quality of voter lists.

As of 4 February, CEC has accredited 19 citizen organizations with a total of 3,588 observers.

#### IV. THE MEDIA

Initial OSCE/ODIHR EOM media monitoring results indicate that the monitored media focus on political and election-related information.<sup>24</sup> Coverage of the campaign has intensified since the start of the official campaign period in the evening news, various interviews and advertisements. Most monitored broadcast media have mainly presented information about the candidates, while online and print media, as well as broadcast media *Yerkir Media* and *Radio Azatutyun*, have also offered some critical commentary and analysis.

During the first two weeks of the official campaign, a number of monitored media regularly covered a wide range of contestants. At the same time, the media covered certain candidates more extensively, with Mr. Sargsyan and Mr. Hovannisyan receiving most coverage. The coverage was predominantly events-oriented and focused on the different style of candidates running their campaign, rather than featuring concrete political platforms or reflecting political discourse.

Most of the monitored television channels devoted a relatively modest share of their political news coverage to the authorities, including the incumbent. Media reporting on the activities of Mr. Sargsyan, including openings of or visits to various public venues, has not always clearly distinguished whether these activities were conducted in parallel to or as part of his election campaign. This has underscored the issue of distinction between the performance of his official duties and his campaign activities.

While public radio has thus far provided rather balanced reporting on the candidates in its news programs, public television *H1* has offered its viewers coverage generally reflecting the level of campaign activities of the various candidates. For the campaign period, *H1* launched the talk show

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<sup>21</sup> Yerevan, Gyumri (Shirak province) and Vanadzor (Lori province).

<sup>22</sup> The police have informed the OSCE/ODIHR EOM that it is no longer possible to register citizens at inadequate premises or demolished buildings. According to the police, the issue of people being registered at incorrect addresses should be addressed by a new property registration system. To register a property, including its address, citizens need to obtain prior permission from the National Cadastre Office, which checks the property before registering it (following amendments to Government Decree 1231N).

<sup>23</sup> These candidates are Messrs. Bagratyan, Hayrikyan, Hovannisyan and Melikyan.

<sup>24</sup> On 11 January the OSCE/ODIHR EOM commenced its quantitative and qualitative monitoring of the following media: H1 (public TV), H2, Armenia TV, *Shant*, *Kentron* and *Yerkir Media* (nationwide private TV channels); Public Radio and *Radio Azatutyun* (radio stations); *Hayastani Hanrapetutyun* (state-funded newspaper), *Aravot* and *Haykakan Zhamanak* (newspapers); [www.news.am](http://www.news.am) and [www.1in.am](http://www.1in.am) (online media).

‘Interview’, which plans to invite all candidates. At the same time, *H1* has shown bias against opposition parties PA, ANC and ARF, and against some candidates in its analytical program ‘Viewpoint’, hosted by the channel’s editor-in-chief.

Both public broadcasters (*H1* and public radio) have so far complied with their legal obligation to provide free airtime to all contestants. Since the start of the campaign, free campaign spots for all candidates are being aired at 18:00, which is the start of what is considered primetime.<sup>25</sup>

On 31 January, the National Commission for Television and Radio publicly presented the results of the first phase of its media monitoring, as required by the Electoral Code.<sup>26</sup> The commission’s media monitoring exercise includes all television and radio channels and focuses on a quantitative analysis of their election-related programs. According to the regulator, thus far there have been no media-related complaints.

## V. COMPLAINTS AND APPEALS

As of 3 February, the CEC had received four formal complaints. Two were filed by presidential nominee Robert Simonyan over the electoral deposit and were rejected on the grounds that the deposit amount is established by the Electoral Code and thus outside of the CEC’s competence.<sup>27</sup> The other two cases were rejected on substance.<sup>28</sup> In another case, candidate Arman Melikyan requested the CEC to provide data on the number of citizens holding dual citizenship and on people who have lost Armenian citizenship. The application was forwarded to the PVD, which provided the applicant with the required information.

The Administrative Court received five complaints from presidential nominees Garegin Ghazaryan, Martik Sargsyan, Robert Simonyan, Narine Mkrtchyan and Ruben Ayvazyan. Two complaints challenged CEC’s decisions on candidate registration on the issue of the electoral deposit. In two other cases, the complainants claimed that the PVD had improperly denied them issuance of the ten-year permanent residence certificate. All complaints were either denied consideration due to lack of jurisdiction or rejected on substance. The decisions were published on the courts’ website. By law, Administrative Court decisions are final. In one case, however, the applicant was given the right to appeal an interim decision on inadmissibility of the case to the Administrative Court of Appeal. There is no special timeframe for election-related cases to be heard by this court.<sup>29</sup>

The Constitutional Court has received two complaints from presidential nominees on the issue of the electoral deposit. Both cases were declared inadmissible.<sup>30</sup>

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<sup>25</sup> Mr. Sedrakyan had previously declared that he would not use his free airtime on public television or radio during the first ten days of the campaign. He started using it on 1 February.

<sup>26</sup> The findings of the NCTR are available at: <http://www.tvradio.am/uploads/21-27.pdf>.

<sup>27</sup> Presidential nominee Robert Simonyan has filed complaints regarding the constitutionality of the electoral deposit to the CEC, the Administrative Court, the Constitutional Court and the Prosecutor General’s office, among others. All complaints were either considered inadmissible or rejected on substance.

<sup>28</sup> Mr. Ghukasyan requested to cancel the registration of Mr. Sargsyan in order to ensure the legitimacy of the election. Presidential nominee Ruben Ayvazyan requested to prohibit CEC members from allegedly conducting negative campaigning after the CEC Chairperson said that he does not know who Mr. Ayvazyan is.

<sup>29</sup> The general timeframe for adjudication of interim decisions is established in Article 117 of the Administrative Procedures Code and can amount to a calendar month (for deciding whether to consider such an appeal) and 15 days (for adopting a decision on the case).

<sup>30</sup> In one complaint, Robert Simonyan requested the court to declare the electoral deposit requirement as an insurmountable obstacle for campaigning. In another case, Pavlik Sargsyan challenged the constitutionality of Article 80 of the Electoral Code, which lays down the requirement to pay the electoral deposit. Both complaints were considered by the Constitutional Court as inadmissible because the complainants are only nominees and not candidates. The court published the decisions on its website.

The Prosecutor General's Office distributed leaflets encouraging citizens to report vote-buying without facing repercussions, and the police distributed a guide to police officers concerning their election-related duties. The OSCE/ODIHR EOM has been made aware of three complaints filed with the Prosecutor General.<sup>31</sup> In addition, the police are investigating a possible vote-buying case by the campaign office of the incumbent; relevant information has been posted on the website of the Prosecutor General.

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

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting state officials, all registered candidates, party representatives, the election administration, court officials, media and civil society representatives, and diplomatic missions. OSCE/ODIHR EOM LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. A briefing for members of the diplomatic community and international organizations accredited in Armenia was held on 24 January. The EOM has also met with staff of the International Secretariat of the OSCE Parliamentary Assembly.

*The English version of this report is the only official document.  
An unofficial translation is available in Armenian.*

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<sup>31</sup> One complaint filed by Mr. Simonyan was dismissed as unsubstantiated and two complaints filed by candidate Mr. Hovannisyan alleging hindrance of his campaign, in one case by the local administration, are under investigation.