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Ad Hoc Committee for the Observation of the Presidential Elections in Armenia

Second Round (5 March 2003)

Election observation report

Bureau of the Assembly

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1. Introduction

1. Following the inconclusive results of the first round (19 February) where none of the presidential hopefuls got the required minimum of votes provided for in the legislation in force, a second round was announced to be held on 5 March 2003. To win in the second round, a candidate only needed to get the absolute majority of votes.

2. The *ad hoc* committee once again operated as part of the International Election Observation Mission (IEOM) that was, in addition, composed of the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR).

3. Similarly to the first round, the second round was also observed by a delegation from the Commonwealth of Independent States (CIS) which, like in the first round, pre-empted the IEOM press conference with their own press statement that, once again, was in full discord with the findings of the IEOM.

4. Due to earlier arrangements of the committee members, the actual composition of the *ad hoc* committee during the second round was as follows:

- Socialist Group (SOC)
 - Mr Jerzy Jaskiernia, Poland
- Group of the European People's Party (EPP)
 - Mr Renzo Gubert, Italy



- Liberal, Democratic and Reformers' Group (LDR)
 - Lord Russell-Johnston, United Kingdom
- European Democratic Group (EDG)
 -
- Group of the Unified European Left (UEL)
 -
- Secretariat of the Council of Europe
 - Mr Vladimir Dronov, Head of the Interparliamentary Co-operation Unit

5. The *ad hoc* committee met from 4 to 6 March 2003.

6. In addition to observing the elections, the *ad hoc* committee held a series of meetings with the two candidates and their representatives, including the incumbent President of the Republic and his rival Mr Stepan Demirchyan; the Chairman of the Central Election Commission (CEC); the Speaker of the Armenian Parliament and members of the Armenian delegation to the Parliamentary Assembly of the Council of Europe; the Chairman of the Constitutional Court of Armenia, Mr Gagik Haroutyunian; the Special Representative of the Secretary General of the Council of Europe in Armenia; the head of mission and members of the Election Observation Mission of the OSCE/ODIHR in Armenia, as well as representatives of the mass media.

7. On election day the *ad hoc* committee split into two teams to observe the actual voting and vote count. Members visited more than twenty polling stations in and around Yerevan. The press statement made at the end of the election observation can be found in the appendix.

8. The *ad hoc* committee, once again, relied heavily on the resources of the OSCE/ODIHR Election Observation Mission in Armenia, headed by Peter Eicher, and would like to record that co-operation was excellent. It also wishes to thank the Armenian Parliament for its ready assistance and Ms Natalia Voutova, Special Representative of the Secretary General of the Council of Europe in Armenia, for her invaluable help.

2. The political context

9. After the IEOM statement of 20 February (appended to part 1 of the report covering the first round), additional serious problems and irregularities with regard to the first round came to light. Those included CEC's failure to publish a prompt and detailed breakdown of preliminary results of the first round contributing to a lack of confidence in election results; confirmation by international observers of numerous additional cases of ballot-box stuffing; significant discrepancies and implausible figures in the official final results from a large number of polling stations and general failure of the authorities to hold accountable those responsible for irregularities in the first round.

3. The pre-election period for the second round

10. The period between the two rounds was marred with serious shortcomings and grave incidents. In response to public uproar concerning the results of the first round, the authorities have unleashed a wave of administrative detentions involving more than 200 protesters. Of those, at least seventy-seven were given jail sentences, often in closed hearings and without the benefit of counsel. The detained included many opposition proxies and campaign staff. In a welcome development, though, seventy-five of those who were given fifteen days of administrative detention were released on 3 March following a ruling of the appeals court which, on the eve of the vote, was still considering the remaining cases.

11. Some opposition leaders in their rhetoric made quite inadmissible and inflammatory statements. To his credit, the opposition candidate called on his supporters to confine themselves only to legal actions.

12. Both camps complained of widespread intimidation by their opponents. Cases of intimidation included, *inter alia*, punitive job dismissals of opposition supporters.

13. Public television was heavily biased in favour of the incumbent, failing to comply with the need to provide balanced reporting on the candidates.

14. On the positive side, public participation and voter interest in the election campaign remained high, domestic election monitoring groups continued their activities; no serious instances of violence were reported. Of great significance was Armenia's first ever television debate involving the candidates.

15. In a dramatic development, on 3 March the Constitutional Court ruled admissible an appeal of the first round results by one of the unsuccessful candidates. The candidate, Mr Artashes Geghamyan, who officially came third in the first round, filed a case asking the Constitutional Court to invalidate the results of the first round. Court consideration of the case is under way. Its final ruling may have extremely serious consequences for the whole outcome of this election.

4. Election administration

16. Preparations for the second round by the CEC and most of the territorial electoral committees (TECs) were generally efficient and in compliance with law. While the composition of electoral committees was to be the same as in the first round, a high proportion of precinct electoral committee members was changed, which gives rise to concern. While the incumbent and parliamentary factions that support him appoint six of nine members of every committee, the opposition candidate and his party, who had no entitlement to appoint members, were only represented by one proxy with no voting rights. Thus, membership was even more biased in favour of the incumbent than in the first round.

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

5. Election day

18. During election day the vote generally took place in a calm and orderly manner, although tensions were visibly higher than in the first round. In most polling stations (87% of those visited by observers) the election procedures were well conducted and transparent for observers and proxies. In all of the polling stations visited by this rapporteur he only witnessed excellent organisation and conduct of the vote. Unfortunately, this was not the experience of other observers, including those from the *ad hoc* committee.

19. Of most concern were widespread cases of ballot-box stuffing. There were numerous confirmed instances of stamped and signed ballots circulating outside polling stations before and during the voting day. Problems were reported concerning voting by the military, mainly open voting.

20. There were confirmed reports of the presence of unauthorised persons at polling stations who were exerting undue influence there in support of the incumbent. Intimidation of opposition proxies was also a cause for concern.

21. The counting process was negatively assessed by observers at a high proportion of polling stations. Irregularities mostly involved additional cases of ballot-box stuffing, the addition of ballot papers after the count had commenced, ungrounded invalidation of ballot papers supporting one candidate and failure to comply with key procedures. Once again, unauthorised persons were present at half of the counts observed.

22. Alarming, observers and opposition proxies reported that they were restricted from observing all aspects of the counting process. In almost two-thirds of polling stations, copies of results protocols were not promptly posted at the completion of the count but, generally, protocols were available to all who requested a copy.

6. Results of the ballot

23. With a simple majority required to win in the second round, the incumbent won with a wide margin, getting 67.44% of the votes cast in a situation where turnout was 68.9%.

7. Conclusions and recommendations

24. Regrettably, the second round was no better than the first round.

25. Recommendations formulated in the report on the first round fully retain their validity.

26. It is hoped that during the time remaining before the parliamentary elections in Armenia, scheduled for 25 May, the authorities will pay heed to criticisms and recommendations articulated by international observers and will take the corrective action so badly needed for Armenia to retain its democratic credentials.

27. Given the scope and gravity of irregularities recorded during Armenia's presidential elections, this rapporteur believes that a stronger presence by the Parliamentary Assembly of the Council of Europe during the May elections is highly advisable.

28. To amplify our concerns, the Bureau may wish to deem it necessary to send a cross-party pre-electoral mission a month ahead of the vote. Special effort needs to be made to make sure that all political groups are represented on the pre-electoral mission.

Appendix – Press release

Observers disappointed that Armenian election falls short of international standards

Yerevan, 6 March 2003 – Voting and counting in yesterday's second-round presidential election in Armenia were marked by serious irregularities. The overall election process fell short of international standards. This is the conclusion of the 200-strong International Election Observation Mission deployed by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly of the Council of Europe.

"I am disappointed; we had hoped for better," said Peter Eicher, the head of the ODIHR long-term observation mission. "Once again we witnessed significant problems on election day, and the period between the two rounds did not meet international standards for an open and fair political campaign."

"At the same time, we want to pay tribute to the vast majority of Armenia's voters for their active and honest participation and to the many poll workers around the country who performed their duties conscientiously," added Lord Russell-Johnston, head of the Parliamentary Assembly delegation. "For Armenia to advance democratically and to meet its commitments to the Council of Europe, we need the same attitude from the senior political leadership."

Of particular concern for international observers were the numerous, confirmed cases of ballot-box stuffing.

The international observers welcomed that between the rounds no serious incidents of violence occurred despite the charged political atmosphere. They were pleased to see broad public involvement in the election process, as well as the participation of a number of domestic observer groups. The technical preparations for the second round of voting were generally efficient.

The period between the two rounds was, however, marred by a number of shortcomings. These included the detention of opposition proxies and campaign staff, discrepancies and implausible figures in the official results for the first round, and a general failure by the authorities to hold accountable those responsible for irregularities in the first round. The transparency of the tabulation process was undercut by the failure to promptly publish full preliminary results by precinct, thus undermining confidence in the figures.

Public television was again biased in favour of the incumbent and failed to meet its obligation to provide balanced reporting. In a positive development, however, the first ever television debate between presidential candidates took place.