

**POST-ELECTION INTERIM REPORT
19–26 February 2013**

2 March 2013

On 19 February, the International Election Observation Mission, comprising the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP), issued a joint Statement of Preliminary Findings and Conclusions. The statement reported that the 18 February presidential election “*was generally well-administered and was characterized by a respect for fundamental freedoms. Contestants were able to campaign freely. Media fulfilled their legal obligation to provide balanced coverage, and all contestants made use of their free airtime. At the same time, a lack of impartiality of the public administration, misuse of administrative resources, and cases of pressure on voters were of concern. While election day was calm and orderly, it was marked by undue interference in the process, mainly by proxies representing the incumbent, and some serious violations were observed.*”

The statement noted that the final assessment of the election would depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation and announcement of final results and the handling of possible post-election day complaints or appeals. From 19 February, the OSCE/ODIHR Election Observation Mission (EOM) has continued its observation of the post-election process.

This interim report should be read in conjunction with the pre-election interim reports, as well as the Statement of Preliminary Findings and Conclusions. The OSCE/ODIHR will issue a comprehensive final report, including recommendations, approximately two months after the completion of the electoral process.

I. EXECUTIVE SUMMARY

- The Central Election Commission (CEC) on 19 February announced preliminary election results, indicating that incumbent President Serzh Sargsyan was re-elected in the first round. The second-placed candidate, Raffi Hovannisyán, disputed the results and claimed that he won the election.
- Since 20 February, Mr. Hovannisyán has staged a series of protest rallies in Yerevan and several regions, which were joined by some opposition parties and politicians. The gatherings were peaceful and the authorities did not interfere, but the police stated that they are illegal and could lead to administrative liability.
- There were requests for recounts and for invalidation of results of 132 Precinct Election Commissions (PECs), almost all filed by Mr. Hovannisyán. Three recount requests initiated by election commissions were upheld and revealed minor discrepancies from the original counts. All other requests were rejected on the grounds that complainants were not entitled to file them.

- On 25 February, the CEC unanimously adopted the final results protocol and declared Mr. Sargsyan the winner, with 58.6 per cent of votes cast. Mr. Hovannisyan received 36.7 per cent.
- An OSCE/ODIHR EOM analysis of official results shows a correlation between very high turnout and the number of votes for the incumbent. This raises concerns regarding the confidence over the integrity of the electoral process.
- A limited number of complaints were filed with the election administration on election day, and over 80 after the election. Almost all were rejected. The police and the Prosecutor General investigated over 300 possible offences and initiated criminal proceedings in some 10 of them.
- Some broadcast media during the post-election period showed a selective approach in their coverage of political events, with a noticeable tendency to limit views critical of the conduct of the election. A number of online media offered diverse views.

II. BACKGROUND

The International Election Observation Mission (IEOM) noted in its preliminary statement that election day was calm and peaceful overall.¹ While the voting process was orderly and well organized in the majority of polling stations observed, IEOM observers assessed it negatively in five per cent of these stations. The main reasons for negative assessment were undue interference in the process, tension or unrest, large crowds outside and overcrowding inside polling stations, as well as a number of serious violations during voting hours. IEOM observers assessed positively all but nine of the 106 vote counts, although they reported cases of procedural violations and irregularities. IEOM observers followed the tabulation process in all 41 Territorial Election Commissions (TECs) and assessed it overall positively. The process in one TEC was assessed negatively, while in three TECs observers assessed it negatively at certain stages.

On 19 February, the Central Election Commission (CEC) released preliminary results which indicated that incumbent President Serzh Sargsyan received 58.64 per cent of the votes cast, followed by Raffi Hovannisyan with 36.74, Hrant Bagratyan with 2.15, Paruyr Hayrikyan with 1.23, Andrias Ghukasyan with 0.57, Vardan Sedrakyan with 0.42 and Arman Melikyan with 0.24.²

III. POST-ELECTION POLITICAL CONTEXT

Following election day and the announcement of preliminary results, Mr. Hovannisyan claimed that he won the election. Starting from 20 February, he organized rallies in Yerevan and visited several other cities.³ The police announced that these rallies are illegal and can lead to administrative liability, but they did not interfere.

The Republican Party of Armenia (RPA) announced that it had cancelled a rally to celebrate the election victory of Mr. Sargsyan at Freedom Square in Yerevan on 21 February, in order to avoid tensions or clashes between the supporters of the two candidates.

¹ The IEOM Statement of Preliminary Findings and Conclusions is available at: <http://www.osce.org/odihr/elections/99675>.

² See: <http://res.elections.am/images/doc/18.02.13n.pdf>.

³ Three rallies were held in Yerevan, with several thousand attendants at each of these rallies.

On 21 February, Mr. Hovannisyanyan met with Mr. Sargsyan. During his rally on 22 February, Mr. Hovannisyanyan stated that he had asked the president to prosecute all election-related violations and to hold a second round of the presidential election between the top two candidates. Alternatively, he demanded the resignation of the government and the holding of early parliamentary elections; this was rejected by the incumbent. The Presidential Administration told the OSCE/ODIHR EOM that the incumbent had assured Mr. Hovannisyanyan that perpetrators of violations would be prosecuted.

Mr. Hovannisyanyan continued his rallies in six provinces, on 23 and 26 February, and in Yerevan, on 24 February. After the CEC declared the final election results on 25 February, Mr. Hovannisyanyan announced that he considers whether to challenge the results at the Constitutional Court and that he would continue his protest in the regions and in Yerevan.⁴ He also said that on 1 March his supporters will gather to pay tribute to the 1 March 2008 events.⁵

Among the political parties in opposition, the Armenian Revolutionary Federation - *Dashnaksutyun* (ARF) came out in support of the protests, as did several prominent politicians from the Armenian National Congress (ANC), including its leader and former president Levon Ter-Petrosyan, as well as candidates Messrs. Bagratyan and Ghukasyan. The Shirak governor and the RPA-nominated mayor of Armavir, where Mr. Hovannisyanyan had won the majority of votes, tendered their resignations.

On 25 February, ARF and Heritage proposed an extraordinary plenary session of parliament related to the post-election developments. The proposal was supported by the RPA faction and discussions between the parliamentary factions were initiated; however the plenary session is yet to take place.

The main broadcast media, including public television *HI*, showed a selective approach in their coverage of post-election events, with a noticeable tendency to limit views critical of the conduct of the election. All media monitored by the OSCE/ODIHR EOM regularly covered gatherings and rallies organized by Mr. Hovannisyanyan;⁶ however, *HI*, *Shant* and *Armenia TV* often presented only general and at times superficial coverage of the protests, while repeatedly stating that the rallies were not authorized, and airing a statement by the police to this extent.

The coverage of the IEOM's Statement of Preliminary Findings and Conclusions by television channels, including public *HI*, raised questions over the genuineness of their efforts to provide an objective and independent portrayal of the election. Most channels (except *Yerkir Media* and *Kentron TV*) presented mainly the positive aspects and generally omitted critical remarks and shortcomings highlighted in the report. On the other hand, a number of online media as well as *Radio Azatutyun* and public radio offered diverse views and more balanced reporting.

IV. RECOUNTS OF VOTING RESULTS

Proxies of Mr. Hovannisyanyan filed applications for recounts in 16 PECs and for invalidation of results in 120 PECs. One application for a recount was filed by a proxy of Mr. Sargsyan. All recount

⁴ The final election results were not challenged at the time of this report. The deadline for such challenge is within five days of their proclamation.

⁵ After the 2008 presidential election, the results were challenged and a series of protests occurred. Following clashes between the police and protesters, 10 people lost their lives and some 200 were injured.

⁶ As of 11 January, the OSCE/ODIHR EOM monitored six television channels, two radio stations, three newspapers and two online media.

requests were rejected as the applicants were considered not authorized to file them.⁷ Three recount requests initiated by PECs and TECs were upheld, and revealed minor discrepancies.⁸

V. ANNOUNCEMENT OF FINAL RESULTS

On 25 February, the CEC announced the final election results with Mr. Sargsyan as the elected president.⁹ The results protocol was signed by all seven CEC members.

An OSCE/ODIHR EOM analysis of final results as published by the CEC shows a close correlation between the voter turnout and the number of votes for the incumbent, with PECs with above-average turnout also having a higher share of votes for Mr. Sargsyan. Out of the 1,988 polling stations, 1,746 have 300 or more registered voters.¹⁰ In 144 of those, voter turnout exceeded 80 per cent, which seems implausibly high; the incumbent received above 80 per cent of the votes cast in 115 of these stations. In 198 out of the 303 stations where turnout was between 70 and 80 per cent, the incumbent received more than 70 per cent of the votes. Among 249 stations where turnout was below 50 per cent, Mr. Sargsyan received more than 50 per cent in 40, and Mr. Hovannisyan received more than 50 per cent in 155. The tendency of higher results for the incumbent observed at the majority of stations with high turnout raises concerns regarding the confidence over the integrity of the electoral process.

According to the final results as published by the CEC, there were 50,976 invalid ballots (3.4 per cent of all votes cast), which varied widely, from 7.9 per cent in TEC 8 and 7.3 per cent in TEC 7 to 1.5 per cent in TECs 18, 20 and 24.¹¹ The number of ballots declared invalid in some PECs raises concern; for example, in PECs 7/9, 8/8, 12/22, 19/1, 19/5, 19/21, 28/26 and 34/29 the number of invalid ballots exceeded 20 per cent of all ballots cast.

The OSCE/ODIHR EOM was able to compare 55 certified PEC protocol extracts obtained by IEOM observers against the official results posted on the CEC website. No serious discrepancies were found, although there were 12 cases of minor technical mistakes related to the numbers of registered voters in the polling stations.

⁷ The Electoral Code provides for recounts of polling station-level results if requested by a candidate or a candidate proxy, in case the proxy was present at the polling station during the vote count, upon the request of a PEC member, in case the member entered his or her dissenting opinion in the PEC protocol, or on the initiative of the superior TEC. The TEC decides for a recount if the person requesting it provided the TEC with substantial proof of violations committed during the vote count, or in case significant mistakes which may affect the results were identified by the TEC.

⁸ The recount of the results for polling station 03/33, requested by its chairperson, found one additional vote for two candidates. Two recounts were initiated by the superior TEC, and resulted in one vote invalidated (PEC 02/03), and three previously invalidated ballots assigned to one candidate, and one vote swapped between two others, while the number of voters decreased by 11 (at PEC 02/05).

⁹ According to the official CEC results protocol, Mr. Sargsyan received 861,378 votes (58.64 per cent of valid votes), Mr. Hovannisyan – 539,693 votes (36.74 per cent), Mr. Bagratyan – 31,643 votes (2.15 per cent), Mr. Hayrikyan – 18,096 votes (1.23 per cent), Mr. Ghukasyan – 8,329 votes (0.57 per cent), Mr. Sedrakyan – 6,210 votes (0.42 per cent), and Mr. Melikyan – 3,520 votes (0.24 per cent). Voter participation was 1,521,489 (60.2 per cent turnout), with the lowest (48.1 per cent) in TEC 28 (Kotayk province) and highest in the three TECs of Ararat province (some 74 per cent).

¹⁰ All but one of these polling stations are regular, i.e. not established in long-term pre-trial detention centers or medical facilities.

¹¹ This high number may have been potentially influenced by the ANC calling on its supporters to invalidate their ballots.

VI. COMPLAINTS AND APPEALS

International and citizen observers reported about numerous observed cases of pressure on voters before election day, RPA activists directing voters to vote on election day, tension in and outside polling stations, undue interference in the election process, as well as cases of vote buying.¹² Such irregularities may have impacted negatively on the ability of voters to cast their votes freely, as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.¹³

The OSCE/ODIHR EOM was informed by the CEC of 8 formal complaints registered by election commissions on election day, and of over 80 registered after the election, mostly requesting recounts or invalidation of a total of 140 PEC results.¹⁴ Requests for invalidation of the results in 73 polling stations were considered inadmissible because they had been filed after the legal deadline; for 47 of the stations, they were rejected as unsubstantiated.¹⁵ Complaints on election day cited grave irregularities such as ballot box stuffing, multiple voting, voting by unauthorized persons, interference and pressure by executive officials. All complaints filed by observers were considered inadmissible as they have no right to file complaints which do not concern direct hindrance of their rights as observers.¹⁶ Complaints filed by candidate proxies were also considered inadmissible on the grounds that they were not present in the polling stations. The information on complaints provided by the CEC to the EOM was at times conflicting and incomplete.¹⁷

Some 40 cases of irregularities were registered by observers and candidate proxies in PEC journals. In addition, the OSCE/ODIHR EOM was informed that candidate proxies and accredited

¹² In Vanadzor, a person working in a public company stated to OSCE/ODIHR EOM Long-term Observers (LTOs) that she was offering AMD 30,000 (EUR 55) to those who “get involved in the list”, with at least two other family members, if they all vote for the incumbent. In Tavush province, LTOs were informed by several sources that they were offered AMD 5,000 (EUR 9) to vote for the incumbent. In Gyumri, LTOs were informed that lists of families who agreed to take part in the election were being compiled in a new Rule of Law office and that each family would allegedly receive AMD 30,000 to go and vote. In other similar instances, LTOs were informed that AMD 5,000 was being distributed to voters in Shirak and Tavush provinces. A PEC chairperson in Syunik province, when asked about the high turnout, commented to observers that “it should be, as we paid them”, then corrected himself to add “just to come to vote, not who to vote for.” The head of *Asparez* newspaper (Shirak province) informed that the RPA asked mayors to ensure high voter turnout and to start distributing between AMD 5,000 and 10,000 (EUR 9–18) per voter. In the days prior to election day, Gyumri-based Gala TV broadcast and posted on its website numerous investigative reports about various schemes and aspects of vote buying organized by supporters of the incumbent – see at: <http://www.galatv.am>.

¹³ Paragraph 7.7 provides that the participating States will “ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution.”

¹⁴ The Administrative Court did not receive any complaints on or after election day.

¹⁵ The CEC informed the OSCE/ODIHR EOM that “given the political sensitivity of the issue and claims of the runner-up candidate, the Situation Analysis Centre of the CEC has carried out a modeling of the impact of the invalidation, in case the claims of Mr. Hovannisyan were upheld.” According to this modeling, “the incumbent would still have a convincing victory in the first round”, even if all votes cast for Mr. Sargsyan in the 120 polling stations for which invalidation was requested were to be counted in favor of Mr. Hovannisyan.

¹⁶ The Electoral Code limits the right to file complaints to those whose personal electoral rights are at stake, essentially restricting the right of voters, accredited observers, and civil society groups to seek judicial remedy for breach of electoral rights.

¹⁷ The CEC provided the OSCE/ODIHR EOM with inconsistent information, e.g. on the number of violations recorded in PEC journals, the number of complaints received and the number of applications for the recounts of PEC results. The Helsinki Citizens’ Assembly Vanadzor Office provided the EOM with copies of official complaints referred to the CEC which were not included in the information provided by the CEC.

observers had attempted to file more complaints but had encountered obstruction from PECs, including refusal to record irregularities in their journals or to receive an official complaint.

After the election, the CEC received one complaint from Mr. Hovannisyan requesting the de-registration of Mr. Sargsyan for allegedly exceeding the campaign expenditure ceiling by 10 per cent. The CEC rejected the complaint on substance, stating that the expenses mentioned in the complaint, such as rent of campaign offices and expenses for campaign posters placed on these offices, should not be considered as campaign expenditure.¹⁸

The police and the Prosecutor General informed the OSCE/ODIHR EOM that they were investigating over 300 possible criminal and administrative offences.¹⁹ Most of them were initiated based on information published in the media, including on the internet and social networks, whereas a small number was brought to their attention by campaign offices of candidates. Most cases concerned vote buying, intimidation of voters by RPA representatives and proxy or multiple voting. The police and the Prosecutor General initiated criminal proceedings in some ten cases, and most of the remaining cases were closed after preliminary investigation.²⁰

Several stakeholders informed the OSCE/ODIHR EOM that there is public reluctance to report electoral offenses, particularly intimidation and vote buying, due to a lack of trust in the election administration and the judiciary as well as fear of repercussions.²¹ The police and the Prosecutor General publicized information about the cases investigated on their websites, in some cases mentioning the names, telephone numbers and addresses of individuals reporting vote buying or intimidation by officials.²² This raises concerns about personal data protection and creates conditions for potential intimidation. The OSCE/ODIHR EOM was also made aware of a number of cases addressed to the Human Rights Defender.

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

¹⁸ As provided by CEC Decision No. 33 of 16 February 2012. According to the declared and published information as of 18 February, the campaign expenditure of the incumbent president amounted to AMD 99.843 million (EUR 188,400), under the limit of AMD 100 million (around EUR 188,679).

¹⁹ On election day, the police and the Prosecutor General investigated 104 and 124 cases, and after the election 71 and 10 cases, respectively.

²⁰ Criminal proceedings have been initiated for four cases of multiple or proxy voting, two cases of ballot box stuffing, two cases of hindrance of the work of an election commission, and two cases of instructing military personnel for whom to vote. No charges have been brought for vote buying or voter intimidation.

²¹ Citizens reportedly fear being charged for accepting vote bribes or for filing false claims, both of which are criminal offences, or being subject to retribution and undue pressure.

²² See <http://genproc.am/en/> and <http://www.police.am/en>.