

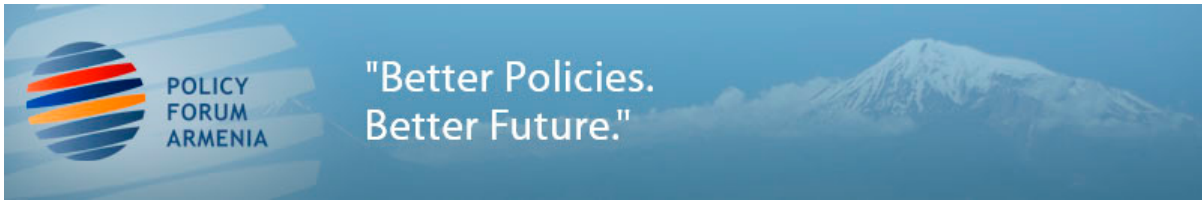
# Armenia's

## 2008 Presidential Election:

### Select Issues and Analysis

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*A publication of Policy Forum Armenia*



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# Policy Forum Armenia

## Mission Statement

Policy Forum Armenia (PFA) is an independent professional non-profit association aimed at strengthening discourse on Armenia's economic development and national security and through that helping to shape public policy in Armenia. Its main objective is to offer alternative views and professional analysis containing innovative and practical recommendations for public policy design and implementation. Through its activities, PFA aims to contribute to the creation of an informed public and more effective and accountable government. PFA's main asset is its worldwide network of professionals and leaders in their respective fields, with dedication to Armenia.

## Operational Objectives

**PFA has a hybrid mission.** It primarily operates as a think tank, since its output will comprise of expert assessments and analysis using latest social science research methodologies and will benefit from scholarly exchange. In addition, to the extent that the PFA would advocate for, and have impact on, the social change in Armenia and the Diaspora, it would also function as an advocacy organization.

## Vision

**We strive to build Armenia as a country and society where:**

**Government** is transparent and fully trusted by its subjects; Its main objective is the current and future well-being of citizens and nationals abroad; Its members are equally accountable before the law in the same manner as any other citizen of the country and have no direct commercial interests.

**Judiciary** is free, fair, and incorruptible.

**Legislature** is competent and respectable.

**Civil service** is the most respected form of employment, because it provides an opportunity to serve the country and people, and is highly professional.

**Society** has high standards of living; It is well educated, tolerant, and humane.

**Economy** is at the frontier of progress and innovation, building upon the human capital of the Nation as a whole; It offers equal opportunities for everyone; It does not tolerate unfair competition and redistributes through efficient and fair taxation.

**Environment** and responsible management of natural resources are essential to the survival of the State, and are key elements of well-being of future generations.

**Human rights** are the most sacred set of values.

**Citizens of Armenia** - Armenians, Yezidis, Greeks, Kurds, Russians, and others alike - are the most valuable asset of the State.

**Armed Forces** are by far the strongest in the region by spirit and dedication of its men and women, by its advanced armament, and by significance of its mission to protect life, history, and culture.

**Diaspora** and Armenia form a single entity, the Nation; Its stake in Armenia and Armenia's development are recognized and encouraged; Its potential is fully internalized; Its members have dual Armenian citizenship.

**History** is of essence. **Future** is where we aim.

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## I. INTRODUCTION

The official recount of the February 19, 2008 presidential election resulted in Serge Sargsyan being declared the winner with 52.8 percent of the vote. Levon Ter-Petrossian, Armenia's first President and the main opposition candidate came in second with 21.5 percent of the vote. The opposition strongly disputed the official results, alleging widespread violations, fraud, and instances of violence throughout the election process. These events, which occurred during the campaign, voting, and recount stages, were documented in a report by the International Election Observer Mission of the Organization for Security and Cooperation in Europe (OSCE, 2008a). The opposition has challenged the results in the Constitutional Court.<sup>1</sup>

Irregularities discussed in the OSCE report include control over the election administration by one political interest; blurring of the separation between state and party functions; inequitable media coverage; a tense pre-election environment, including attacks on opposition campaign offices and activists; pressure and intimidation of public-sector employees and the military; election bribes and vote-buying; 'bad' or 'very bad' vote count, including deliberate falsification of official results and derogation from protocol. While the recount process confirmed some allegations of vote falsification, the recounting took place only in select precincts with registered complaints, allowing problems elsewhere to escape redress. Citing election irregularities, the presidential candidate from ARF-*Dashnaktsutiun* (ARF-D), Vahan Hovannisyan, stepped down as the Deputy Speaker of the National Assembly.

Daily peaceful rallies in Yerevan—the legality of which was questioned by the authorities—followed, reportedly drawing hundreds of thousands of citizens who believed the election results were rigged and called for their annulment. Discontent was strong and widespread.

Criticism over the government's handling of the election grew from within the ranks of Armenia's civil service. Most notably, the list of those who expressed their criticism included senior members of Armenia's Diplomatic Service, Ambassadors Ruben Shugaryan, Levon Khachatryan, Armen Baiburtsyan, Ministry of Foreign Affairs Spokesperson Vladimir Karapetyan, and other MFA staffers. This criticism led to their dismissal from public service and subsequent revocation of diplomatic rank. In a parallel development, Armenia's Deputy Prosecutor General and a special investigator in charge of the October 27 case<sup>2</sup> who had spoken out in support of Ter-Petrossian, were arrested on unrelated charges. The authorities also targeted a number of other members of the opposition, their families and bodyguards through arrests, detentions and searches, aimed at disrupting or intimidating the opposition and its supporters. According to media reports, certain leaders of the opposition have also been detained and subjected to searches of their homes and the homes of their relatives.

Reprisals against opposition leaders and their supporters were carried out by government law-enforcement agencies as well as criminal groups. This created an atmosphere of fear among the

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<sup>1</sup> Petitions by two opposition leaders, Tigran Karapetyan and Levon Ter-Petrossian, were turned down by the Constitutional Court on March 8, during which time Armenia was under an SOE.

<sup>2</sup> See Section II for a background on this case.

citizenry and strengthened the belief in “...a scripted and staged passing of power within the country’s small ruling elite...” (Giragossian and Hughes, 2008: 15). Public servants were regularly forced to attend pro-Sargsyan counter-rallies, the largest of which was organized and attended by the top brass of the Republican Party on February 26. Not everything went smoothly for the organizers on that day. Following extensive media coverage and after busloads of supporters were trucked into Yerevan, the event tumbled out of control. Large crowds of people broke the police cordon of the pro-Sargsyan rally at the Republic Square in downtown Yerevan, and moved in an organized fashion to the opposition rally at Freedom Square, a few blocks away.

The response of the international community to Serge Sargsyan’s election victory was lukewarm. Early congratulatory notes were received from Presidents Gül (Turkey), Ahmadinejad (Iran), Lukashenko (Belarus), Saakashvili (Georgia), among other leaders. The Russian President’s press service reported that President Putin congratulated Sargsyan on the election, though to the best of our knowledge the original text was never made public. The European Union and NATO sent carefully drafted congratulatory messages addressed to “the Armenian people” rather than to the president-elect. Despite reports in the government-controlled media, it was impossible to independently verify the text of the message sent by the French President Sarkozy. The French Embassy in Yerevan neither admitted nor denied the existence of the message, and the official website of President Sarkozy displayed no relevant information. The United States President Bush is yet to offer any congratulations in this regard. Further fallout for Armenia’s leadership followed in the form of a final report by the International Election Observer Mission on events around February 19, 2008, issued in late May (OSCE, 2008c).

While state authorities expressed their dissatisfaction with ongoing rallies and indicated the possible use of force against the protesters,<sup>3</sup> it was not until March 1 that such force was actually employed. At 6:35 AM, police stormed a few thousand demonstrators who had camped out overnight in Freedom Square. Police alleged that demonstrators were armed and preparing to riot. Many campers awoke to the violence. In a recent report, Armenia’s Human Rights Defender (HRD, 2008a) noted:

...[T]he authorities should clarify some issues. Notably, who, when and under what circumstances there was made a decision to disperse peaceful demonstration by using force early in the morning of March 1, whether the demonstrators were presented an official warning of corresponding searching and whether the participants refused or resisted, and whether the use of force was adequate to the situation.

To date, a number of these questions remain unanswered. The International Crisis Group (ICG, 2008) reported on the events that followed the early morning violent dispersal of demonstrators:

By around noon, several thousand people had gathered at a new location not far from the city centre—near the mayor’s office and the French Embassy. Riot

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<sup>3</sup> In a television interview, outgoing President Kocharyan mentioned the possibility of using force against demonstrators.

troops were dispatched to the area, but demonstrators blocked it off with several buses and debris, according to police. An eyewitness said that by 3:00 PM the crowd had grown considerably, and a police car had been set ablaze.

As pressures built and demonstrators grew more defiant, outgoing president Kocharyan issued a 20-day State of Emergency (SOE), deploying Army and Special Forces to the streets. In what followed, seven civilians and a police officer were killed in the early hours of March 2. The SOE suspended some civil rights (e.g., right to assembly) and media freedoms (partly lifted later during the SOE), allowing reporting for state-run outlets only.

The following statement issued by the Heritage Party on March 17 describes the aftermath:

Deprived of their voice, the protesters began to lose their leaders. On a daily basis, security personnel including masked men wearing various uniforms took away or arrested opposition figures and rank-and-file participants and proceeded to indict them on various creative charges up to organizing a coup d'état. Four members of Parliament who had dared to endorse the opposition candidate were stripped of their immunity and also charged. The intent of the special operation and ensuing state of emergency was simple: to attempt to drive the Armenian people into fear and to warn the Constitutional Court against any fantasies of reaching an independent verdict. The brute tactics worked and the authorities, once again, upheld in court the elections they wanted on February 19.

The legal process that followed these events focused mostly on the supporters and the proxies of the main opposition candidate, casting even further doubt on the independence of the judiciary in Armenia (HRD, 2008b). The seemingly rushed proceedings and harshness of punishments for minor charges surprised some observers (HFAC, 2008, among others).<sup>4</sup> Unfortunately, more injustice would be brought even on grieving families who lost their loved ones in the violence of March 1-2. An independent inquiry into post-election events conducted by a Paris-based association of Armenian lawyers (Association Française des Avocats et Juristes Arméniens, AFAJA)<sup>5</sup> suggested that families of these victims were subjected to various pressures [by the authorities] and were offered money “to “turn the page” and cover the funeral expenses.”

The authorities reject any accusations of wrongdoings on March 1 and in the aftermath, and instead defend their actions on the grounds of protecting the stability of the state in the face of an attempted *coup d'état*. In an article published on March 17 in the Washington Post, Serge Sargsyan and Artur Bagdasaryan (a presidential candidate who was later appointed by Sargsyan as the Secretary of the National Security Council) wrote:

It was clear to all moderate political forces—pro-government or supporters of the opposition—declaring a State of Emergency was the only possible option to protect our citizens. We have until Thursday, when the State of Emergency is

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<sup>4</sup> Independent media have covered these proceedings extensively.

<sup>5</sup> As reported by Hetq web “b”. AFAJA’s full report (in French) can be accessed via [www.pf-armenia.org](http://www.pf-armenia.org) (Library section)

lifted, to find political solutions and ensure that Armenia does not slide back into chaos.

The opposition detainees vehemently deny attempting a *coup d'état* and claim that charges are politically motivated. The authorities, therefore, must either present a credible case against the detained opposition leaders or continue facing accusations of violent dispersal of popular discontent and subsequent arrests of people for their political views. In the meantime, in response to a statement by Serge Sargsyan's representative about the absence of political prisoners in Armenia, the US Helsinki Commission's Chairman Alcee Hastings' remarks during the hearings in the U.S. House of Representatives were as direct as they could have been (US Helsinki Commission, 2008):

...If ..., Mr. [Vigen] Sargsyan, ... you tell me there are no political prisoners [in Armenia], then I will tell you that you're out of your ever-loving mind, because there are.

As we finalize this report, dozens of opposition leaders and rank-and-file members remain in custody. Unfortunately, there is very little hope in the form of credible and independent due process to protect these people against the will of their captors.

\* \* \*

The most unexpected development following the February 19 election is the measure of popular support for the opposition movement headed by ex-president Ter-Petrosian. While Armenia has seen fraudulent elections in the past, as discussed in **Section II** of this Report, none has driven so many people and so much anger to the streets in a united desire for change. In **Section III** of this Report we discuss evidence of misuse of administrative resources, vote buying, voter intimidation, and other examples of abuse of power to secure a specific outcome. **Section IV** zooms in on ballot stuffing and artificial augmentation of vote counts and shows that there is ample statistical evidence to indicate the presence of these two types of manipulations. Highlighting the extent of these types of manipulations—and contrary to the claims on both sides—the methodology employed in this Report indicates that there was no winner in the first round of the 2008 presidential election in Armenia. However, since the election period also witnessed other types of fraudulent activities (e.g., abuse of administrative resources, vote buying, voter intimidation, etc., most of which were likely to have been committed to benefit a certain candidate) we will never know what the true distribution of votes would have been for the opposition candidates in the absence of those illegal activities. This outcome also sheds some light on the extent of the post-election dissatisfaction and disaffection of a sizable portion of Armenia's population. Whether these frustrations fizzle out or result in a qualitative change in Armenia's course remains to be seen. **Section V** argues that Armenia is critically positioned with a strong and empowered civil society and a determination to realize meaningful change on a national scale. With an eye toward stability and future developments, **Section VI** of the Report addresses the principal challenge of the moment: to undertake credible confidence-building measures (most notably independent inquiries into February 19 and March 1-2 events) and genuinely attempt a dialogue with the opposition, or face the future of a government *for* some Armenians rather than *of* Armenia as a whole.



## II. BACKGROUND

### A. Overview of Past Elections in Armenia

The Referendum of Independence from the Soviet Union held in Armenia on September 21, 1991 marked a new era in Armenia's history. The Armenian Supreme Council declared Armenia's independence two days later. In October 1991, the first parliamentary election took place and to date that election is considered the most free and fair election in the history of post-Soviet Armenia.

Armenia held parliamentary elections in 1995, 1999, 2003 and 2007. Presidential elections were held in 1991, 1996, 1998, 2003 and 2008. OSCE/ODIHR has observed elections in Armenia since 1996 and has assessed that all fall short of OSCE commitments and international standards for democratic elections (OSCE, 2005).

1991 brought the first ever Presidential elections in Armenia. Levon Ter-Petrossian, supported by the Armenian National Movement (ANM), was declared the winner with 83 percent of the vote against six other candidates, including the internationally-renowned dissident Paruir Hairikyan of the Association for National Self-Determination, and Sos Sargsyan of the ARF-D, a political party with strong roots in the Diaspora.

Elections to Armenia's parliament, the National Assembly, were held in June 1995, simultaneously with the first Constitutional Referendum in which Armenia's new Constitution was adopted. Observers from the OSCE judged the elections "free but not fair." One of the reasons was that the ARF-D, the main opposition party, was banned from participation because the party had been outlawed by President Ter-Petrossian on allegations of terrorism and receiving foreign funding.

The second presidential election turned out to be much more dramatic than the first one. According to the official results, Ter-Petrossian won reelection as president in September 1996, garnering 51.75 percent of the vote. However, the opposition candidate Vazgen Manukyan, head of the National Democratic Union (NDU) party, contested the victory, charging widespread fraud, and organized a series of demonstrations. On September 25, 1996, thousands of protesters stormed the National Assembly building in Yerevan and assaulted the legislative speaker and deputy speaker, both members of the ANM. Police dispersed the protesters resulting in nearly 60 injured people (Amnesty International, 1996). Parliamentary immunity was withdrawn from opposition MPs and several were beaten and arrested. Police and armed troops started to patrol the streets following a presidential SOE directive.

Ter-Petrossian's tenure was to be short-lived, however, following alleged internal disagreements surrounding a proposed resolution to the Nagorno Karabakh (NK) conflict. In September 1997, Ter-Petrossian announced that he had accepted an OSCE peace plan as a basis for resolving the NK conflict that would require compromises from Armenia. The two-stage plan called for NK Armenians to withdraw from most of the territories they occupied outside of NK and for international peacekeepers to be deployed, followed by discussions of the legal status of NK. The announcement raised firm opposition from Armenian and NK officials, as well as some members of the Diaspora community. On February 1, 1998, *Yerkrapah*, a group composed of veterans of

the NK conflict and led by the country's defense minister, called for Ter-Petrosian to resign. Many members of Ter-Petrosian's ANM legislative faction defected, leading to the resignation of the parliamentary speaker. Heated debate in the legislature culminated in Ter-Petrosian's resignation on February 3, 1998. Ter-Petrosian denounced the "bodies of power" for demanding his resignation, referring indirectly to the (then) Prime Minister Robert Kocharyan, Defense Minister Vazgen Sargsyan, and Minister of the Interior and National Security Serge Sargsyan. Although the Constitution called for the legislative speaker to assume the duties of the acting president pending an election, the resignation of the speaker caused these duties to devolve upon the prime minister. A special presidential election was scheduled for March 16, 1998.

Twelve candidates succeeded in registering for the March presidential election. The main contenders were Kocharyan, Vazgen Manukyan, and Karen Demirchyan (head of the Armenian Communist Party from 1974 to 1988). Since none of the candidates won the required simple majority "50 percent plus one" of the 1.46 million votes cast (in a 64 percent turnout), a runoff election was held on March 30. In the runoff, acting President and Prime Minister Kocharyan received 59.5 percent of 1.57 million votes cast (in a 68.5 percent turnout). The OSCE concluded that "this election showed improvement in some respects over the 1996 election, but did not meet OSCE standards to which Armenia has committed itself." Observers alleged ballot box stuffing, discrepancies in vote counting, and fraud perpetrated by local authorities inflating the number of votes for Kocharyan. Nevertheless, Kocharyan was inaugurated on April 9, 1998. Following the parliamentary elections in 1999, Demirchyan was appointed the speaker of the National Assembly and Vazgen Sargsyan the prime minister.

On October 27, 1999, gunmen entered the building of the National Assembly and opened fire on deputies and officials, killing Prime Minister Vazgen Sargsyan and Speaker Karen Demirchyan, two deputy speakers, and four others. The purported leader of the gunmen claimed they were targeting the prime minister and were launching a coup to "restore democracy" and end poverty. President Robert Kocharyan rushed to the scene and helped negotiate the release of dozens of hostages, promising the gunmen a fair trial. On that day, he lost the two main challengers to his rule, who had by that time grown much more popular and arguably even politically powerful than himself. Abiding by the Constitution, the National Assembly met on November 2 and appointed Armen Khachatryan (a member of the majority Unity bloc) as speaker, and Kocharyan named Vazgen Sargsyan's brother Aram the new prime minister, seeking to preserve political balance. Political infighting intensified. The military prosecutor investigating the assassinations detained a presidential aide, appearing to implicate Kocharyan in the assassinations. The Unity and Stability factions in the legislature also threatened to impeach Kocharyan in April 2000. Seeking to counter challenges to his power, Kocharyan, in May of that year, fired his prime minister and defense minister. In October 2001, on the second anniversary of the shootings in parliament, thousands of protesters staged demonstrations in Yerevan to demand Kocharyan's resignation. The assassination trial concluded that there were no organizers and the four people involved collaborated on their own initiative. For Armenia's civil society, many questions were left unanswered.

Presidential elections were next held on February 19, 2003, with no candidate receiving 50 percent of the votes: Kocharyan received 48.3 percent of the vote, with Stepan Demirchyan—son of Karen Demirchyan, the former parliamentary speaker assassinated in 1999—taking 27.4

percent of the vote. Artashes Geghamyan came in third with 16.9 percent. A runoff election between Kocharyan and Demirchyan scheduled for March 5 sealed Kocharyan's victory and allowed him to stay in power for another five years. The opposition called the election fraudulent and said it would not recognize the vote, and observers from OSCE declared the election "flawed."

**Box 1. April 12-13, 2004 Events<sup>1</sup>**

In November 2003, the Rose Revolution in Georgia inspired the Armenian opposition and in the early spring of 2004 it resumed its public demonstrations. It was in this context that the opposition returned to the 2003 Constitutional Court recommendation regarding the holding of a confidence referendum that was supposed to have been held in March 2004. While this decision had been reached by the Constitutional Court in April 2003, over the course of the year the Court had subsequently clarified its proposal and hence no referendum was held in March 2004. As a result, the opposition began a series of demonstrations on March 28 demanding Kocharyan's resignation.

The authorities in turn referred to the opposition's demands and protests as blatant attempts at seizing power by force and did not authorize the demonstrations. President Kocharyan mocked the opposition's efforts calling it a 'soap bubble revolution' on state television. These demonstrations culminated on the night of April 12-13 when government troops used force to break up a group of 2000 demonstrators by spraying them with water cannons, throwing stun grenades among the crowd, shocking demonstrators with electric prods, and beating them with truncheons. A number of protestors, including members of parliament, were arrested and some individuals, according to various sources were tortured by the police while in custody.

<sup>1</sup> Reprinted from Ishkanian (2008), pp. 44-45.

The 2007 Parliamentary Election was held on May 12, 2007, following a month-long pre-electoral campaign. Amidst reports of voting irregularities, parliamentary election ended calmly on May 12. Armenian public television labeled the elections as the best since Armenia's independence in 1991, while the OSCE/ODIHR observers called it "largely democratic" and a significant improvement over past elections. Local observer and watchdog groups disagreed, however. The election monitoring statement of *It's Your Choice* (IYC), a nation-wide election monitoring organization, stated:

During the monitoring mission of the pre-election procedures IYC registered a number of shortcomings such as unequal campaign conditions for parties, use of administrative resources during the official campaign period, absence of an election alternative in some precincts and misbalanced power distribution in electoral commissions. There were also serious violations such as electoral bribery in the form of human and other aids, misbalanced campaign media coverage, cases of preventing official campaign and shortcomings in voter lists.

The February 19, 2008 presidential election that followed is believed to be the most controversial and violent since Armenia's independence. The use of force was reported both on Election Day and during post-election demonstrations, culminating in 8 casualties during an assault on demonstrators by police forces on March 1, 2008 (Human Rights Watch, 2008a). The official number of casualties would later rise to 10.

## B. Early 2008 Presidential Election Developments

On February 19, 2008, Armenian citizens voted in their fifth presidential election and for their third president since independence. The main contenders for the top political job included Prime Minister and the leader of the Republican Party, Serge Sargsyan; Armenia's first president, Levon Ter-Petrossian; a former speaker of the National Assembly and the leader of Country of Law party, Artur Bagdasaryan; the deputy speaker of the National Assembly and an executive member of the ARF-D, Vahan Hovannisyan; and the chairman of the NDU, Vazgen Manukyan. Less likely winners included Arman Melikyan (independent, a former Minister of Foreign Affairs of NKR); Artashes Geghamyan (National Unity party); Tigran Karapetyan (Peoples' Party); and Aram Harutyunyan (National Reconciliation party). Raffi Hovannisian of the Heritage party (the only opposition party represented in the National Assembly) and Aram Karapetyan of the New Times Party were refused registration as candidates by the Central Election Commission on the grounds of insufficient length of citizenship and residency, respectively.

Prime Minister Sargsyan had all the resources of the state at his disposal as well as the backing of the outgoing president Kocharyan to be considered the frontrunner. Sargsyan put together the most aggressive campaign, with his photo captioned by the slogan "Forward Armenia" plastered on billboards, posters, and buses throughout Armenia's capital and surrounding regions. His main challenger, Levon Ter-Petrossian, enjoyed the support of two large opposition parties, Aram Sargsyan's Republic party and Stepan Demirchian's People's Party of Armenia, and a dozen smaller parties and groups. The opposition, with significantly fewer resources, also faced obstacles in opening and operating election headquarters throughout Armenia.

Media coverage of the pre-election developments had its peculiarities. With the exception of a small privately-owned station in Armenia's second largest city of Gyumri, GALA, the entire television industry in the run-up to the election appeared to be solely interested in promoting Serge Sargsyan, who also enjoyed coverage in state-owned/controlled newspapers. In turn, Ter-Petrossian enjoyed favorable coverage from a half-dozen opposition newspapers, but not enough to counter a strong negative public relations campaign launched against him on television. In fact, on February 8, Ter-Petrossian appealed to the Constitutional Court to have the elections postponed by two weeks citing slander in the media.<sup>6</sup> The government-controlled public television station had been airing a smear campaign against the opposition candidate.<sup>7</sup> The motion was turned down by the Court on February 11 in a conclusion that the evidence provided was not substantial.<sup>8</sup> Apart from the above two candidates, and outside of the government-allocated time/limits of TV coverage, Vahan Hovannisyan received extensive coverage by the ARF-D-controlled *Yerkir* TV station, while Tigran Karapetyan used the opportunity offered by his own *ALM* TV station.

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<sup>6</sup> According to the country's Election Code a presidential candidate has the right to file a motion for postponing an election if "insurmountable obstacles" are claimed to be met in his or her own campaign.

<sup>7</sup> A consistently negative attitude toward Levon Ter-Petrossian in the coverage of the state-controlled television stations was flagged among others by Yerevan Press Club, an independent media monitoring organization ([http://www.ypc.am/eng/index.php?go=newsletter/2008/february\\_eng/22\\_28](http://www.ypc.am/eng/index.php?go=newsletter/2008/february_eng/22_28)).

<sup>8</sup> "High Court Refuses to Delay Armenian Vote," *RFE/RL*, February 11, 2008.

Relations between the opposition candidates became problematic in the run-up to the election. Ter-Petrossian, failing to rally all opposition forces behind him, began to lash out at other candidates. One target was Bagdasaryan, who he publicly called a “traitor” during a rally on February 14 for failing to officially support Ter-Petrossian while keeping his name on the ballot.<sup>9</sup> For not joining his campaign, Ter-Petrossian also criticized the ARF-D, the very same party he had banned in the mid-1990s, and one that has effectively been a power base of Robert Kocharyan during the latter’s two terms as president. Vasgen Manukyan, Ter-Petrossian’s rival in the 1996 election, who served as Defense Minister and Prime Minister at different times during Ter-Petrossian’s tenure, in turn criticized Ter-Petrossian supporters. Accusations of wrongdoings were rampant throughout the campaign period. The most notable one was made by Artur Bagdasaryan on February 3 when he claimed that Serge Sargsyan threatened to assassinate him. These allegations were dismissed by Sargsyan as “a pre-election trick.”

In terms of the dynamics within the opposition camp there was a lot of hope for a change supported by a vast majority of the population. Levon Ter-Petrossian’s October announcement of his presidential intentions revived a morally-defeated opposition. Initially capturing the collective imagination of a disaffected populace and stirring hope among those exhausted by a legacy of corruption and disenfranchisement, the former president’s momentum weakened by the beginning of the official campaign season. Ter-Petrossian’s efforts, however, served to rekindle opposition heat and other candidates—notably Vahan Hovannisyan and Artur Baghdasyan—drew fuel for their own fires from anti-government sentiments stirred by the first president. For the first time since 1996, the opposition presented believable leaders with change as their mission. Though not united behind a single candidate, the opposition showed strength in numbers, and February 19 arrived with the common belief that if the election were conducted fairly, there would likely be a runoff, most likely pitting the former president against the (then) prime minister.

### **C. Conclusion**

Even before Serge Sargsyan became the prime minister following the March 2007 death of PM Andranik Margaryan, it was widely assumed that he would succeed Robert Kocharyan as Armenia’s third president. Sargsyan spent much of his premiership deflecting but not discouraging speculation pointing towards the inevitable.

Six international and 39 local organizations deployed close to 15,000 observers countrywide, including more than 600 internationals, ostensibly to encourage a process that would secure a legitimate and peaceful result. As the post-election developments demonstrated, the process failed. Preliminary conclusions by the OSCE observer mission proved to be premature, if not damaging and misleading. Outsiders, quick to embrace a repeat of Armenia’s failed history of elections embraced these conclusions. While the first report called the election “mostly in line” with international standards, voters, media, and politicians witnessed too many violations to

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<sup>9</sup> There were extensive speculations in the media that the two opposition candidates would join forces against Serge Sargsyan.

agree that the elections met any democratic standard. Additionally, allegations that Serge Sargsyan hired public relations lobbyists in the US and Europe (Hughes, 2008, and Zhamanak daily, 2008) left skeptics wondering whether the lobbyists were in fact not successful in *ex ante* influencing the tone of these early reports. Eventually, in a follow-up report (OSCE, 2008b) the observers effectively admitted their hasty miscalculation, pointing out, among other things, violations of vote counting in at least 16 percent of precincts. This recognition, however, was too little too late.

The remainder of this Report systematizes some evidence of wrongdoings on February 19 and analyzes the aftermath.

### III. MISUSE OF ADMINISTRATIVE RESOURCES, VOTE BUYING, AND OTHER EXAMPLES OF ABUSE OF POWER<sup>10</sup>

The polls opened at 8 AM in Armenia on Election Day. By 10 AM media were receiving reports from competing political parties, NGOs, and voters that the 2008 election was even more fraudulent than previous contests.

Within hours, Hetq Online, ArmeniaNow.com, and Legal Initiative: Elections-2008, confirmed several dozen counts of fraud, violence, and voter intimidation. Accusations that could not be immediately verified were later found to be accurate and consistent with a pattern of legitimate complaints throughout the day. By the time the polls closed at 8 PM, Election Day 2008 was already being called the worst in Armenia's democratic history.

Assistant Secretary of State for European and Eurasian Affairs Daniel Fried stated during his testimony before the Foreign Affairs Committee of the U.S. Congress (HFAC, 2008):

The election itself was marred by credible claims of ballot stuffing, vote buying, intimidation and even beatings of poll workers and proxies, and other irregularities. Recounts were requested, but [OSCE/]ODIHR observers noted "shortcomings in the recount process, including discrepancies and mistakes, some of which raise questions over the impartiality of the [electoral commissions] concerned." OSCE observers were also harassed in the period following the election.

When the Central Election Commission returned a 52.8 percent count in favor of Serge Sargsyan, just enough to put him over the 50 percent threshold, many of those who observed the matter throughout the day on the ground questioned the outcome. For those observers there existed compelling evidence of vote buying, ballot stuffing, and voter intimidation. A few examples of each are discussed below. Appendixes I and II, which list violations as reported by the readers of two independent websites, are available as further reference.<sup>11,12</sup>

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<sup>10</sup> In addition to observations made by PFA members, information provided in this section is drawn from "*Presidential Elections in Armenia: Report by Local Observers*," prepared by Helsinki Committee of Armenia and Urban Foundation for Sustainable Development (hereafter HCA&UFSD, 2008), *RFE/RL* reports, as well as articles in *AGBU Magazine*, *Aravot*, *Haykakan Zhamanak*, and other newspapers. In the interest of readability the specific references are mostly omitted. They are on file and will be provided upon request.

<sup>11</sup> It is our understanding that an extensive list of violations (possibly containing some of the information reported in Appendixes I and II) was presented to the Constitutional Court as part of the appeal process initiated by two opposition candidates (see footnote 1 in the current Report).

<sup>12</sup> Considering that the overwhelming majority of cases listed in Appendixes I and II indicated violations committed in order to benefit the Republican Party candidate, PFA attempted to search for other sources containing claims of wrongdoings to benefit any of the opposition candidates. The Republican Party website and other sources searched did not reveal any systematized information in this regard. The Central Election Commission's website offers no information on electoral violations.

### **A. Misuse of Administrative Resources**

In several communities across Armenia, immediate involvement of executive authorities and staff of local government bodies as well as usage of state resources in electoral processes (including pre-election campaign) was observed. A strong bias on the side of local executive authorities in providing pre-election campaign venues, advertisement materials, security, and other services to candidates was also reported.

An overwhelming majority of city mayors in Armenia are members of the Republican Party. During the pre-election campaign these high-level civil servants *de facto* or *de jure* led the electoral headquarters of Republican Party candidate Serge Sargsyan. In most instances this meant that during the campaign period they would have been unable to perform their duties as public servants. In fact, many of these local government offices (48 cities in total, excluding Yerevan) effectively did not function during the campaign period.

In almost all the regions observed, especially in major cities and towns, meetings between voters and Serge Sargsyan were organized by the local governments. Mayors and staff were fully involved in election affairs and were tasked with organizing public meetings for Sargsyan and ensuring the largest possible turnouts. People were often bussed from neighboring villages in order to attend such meetings.

In Gyumri, as a result of the rally in support of Serge Sargsyan on February 15, the daily routines of employees at regional governments, city municipalities, and some regional and local bodies were disrupted. During work hours, employees of these agencies were asked to participate in the rally. Those who refused were allegedly threatened with layoffs or various retributive measures (HCA&UFSD, 2008). In Vanadzor, students of the State Pedagogical Institute were coerced by the administration to participate in a pro-Sargsyan rally. Upon principals' directives, similar actions were taken in some high schools (e.g., schools Nos. 3, 10, and 11). On the rally day, local governments ordered free public transportation, apparently expressly to facilitate attendance.

One example of public outrage took place in Vanadzor in the aftermath of this rally. Several high school students from different schools organized a rally to call teachers back to their work places. The students demanded that their teachers re-establish the normal educational process in schools and not to be involved in politics.

In Yerevan, co-opting of administrative resources was observed during the infamous February 26 post-election meeting in Yerevan, when some residents of Yerevan and the nearby areas were forced to attend a meeting organized by Serge Sargsyan supporters. Participation in that meeting was mandated for staff and students of many schools, colleges, universities, and some private businesses.

### **B. Vote Buying**

Compensation promised or given to voters on or before Election Day included food, money, credits to pay utility services debts, and other similar enticements. In Gyumri, for example, journalists observed voters paid AMD 5,000 (about \$16) outside the polling station at school No.



11. A cameraman was attacked by Republican Party members when he tried to photograph the transaction.

In Vanadzor, electoral bribes were distributed to the residents of building No. 42 at Tigran Mets Street to vote for Serge Sargsyan. On condition of anonymity, some residents admitted taking AMD 5,000 in exchange for promising to vote for Sargsyan. Homes of constituents in Dilijan were paid evening visits by people offering electoral bribes amounting to AMD 5,000, again to benefit Serge Sargsyan. On Ashot Melikbekyan Street in Ijevan, witnesses reported incidences of electoral bribes distributed to voters heading to the Cultural House.

While electoral bribery in these cities took place primarily during the days preceding elections (February 16-18), in Gyumri bribing took place on Election Day as well. Bribes were distributed next to the electoral precincts located in the railway station and in school No. 1, as well as in electoral precinct No. 34. On the day of elections, about one hundred people were gathered in front of the post office No. 16 and only after having received money (allegedly between AMD 5,000 and AMD 10,000) were they allowed to enter and vote (HCA&UFSD, 2008).

### **C. Voter Intimidation and Other Types of Election Fraud**

The pre-election campaign in Yerevan was similarly problematic. White flags of the Republican Party with the slogan “Forward Armenia” appeared on cars and nearly every city block, of the vehicles bearing this emblem, a large percentage were expensive black SUV-style vehicles. Even a number of privately owned passenger minivans and some taxi service companies bore the flags. The drivers of some of those cars explained that they were strictly instructed not to remove the emblems.

The atmosphere inside polling stations was also tense. Campaign headquarters of Arman Melikyan reported to *RFE/RL* that a Melikyan proxy was assaulted by a group of men shortly after uncovering a vote buying scheme at a polling station in Yerevan’s Malatia-Sebastia district. The person was subsequently hospitalized with serious injuries.<sup>13</sup> In another Malatia-Sebastia polling station, a member of the precinct commission representing Artur Bagdasaryan’s Orinats Yerkir party mentioned in an interview to the *RFE/RL*: “[t]here are lots of people who have no right to be here. They stand by ballot boxes and tell people who to vote for.”

In Kapan, an ArmeniaNow reporter witnessed uniformed policemen in polling stations 38/02 and 38/05, even though police are not permitted in polling stations unless called by an election commission head to assist. In Kotayk, home province of the famously impetuous oligarch MP Gagik Tsarukyan, proxies for Ter-Petrossian reported to police that they had been beaten by bodyguards of Tsarukyan. In Abovian, a female opposition proxy was beaten in the face, forced into a car driven by men believed to be Tsarukyan staff, and threatened with rape before being released on a road outside of town.

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<sup>13</sup> “Armenian Opposition Cries Foul Amid Reports of Violence, Fraud,” *RFE/RL*, February 19, 2008.

Serge Sargsyan's campaign headquarters reported that at polling station 31/69 in the Lori region, Ter-Petrossian proxy Sargis Tamazyan threatened members of the commission. He allegedly stated that "if anybody tried to prevent him from doing what he wanted, the end would be bad." At a polling station in Debed, voters were told that cameras had been installed over the ballot tables and authorities would know who had and had not cast votes for Sargsyan.

In at least one Yerevan polling station, proxies for candidate Vazgen Manukyan reported that passports were passed over the heads of the crowd, ballots marked, and then the passports returned. At several polling stations in Kapan, witnesses reported busloads of soldiers going from station to station voting multiple times under the supervision of their superiors.

In Yerevan, an *RFE/RL* correspondent witnessed several dozen people receiving police identifications outside Serge Sargsyan's local campaign office.<sup>14</sup> The documents allow these individuals—mostly from outside of Yerevan—to vote without producing passports. The eyewitness claimed that "[t]hey boarded three buses after being told by Sargsyan campaign workers in which polling station they should cast ballots. Speaking to *RFE/RL*, some of those people admitted that they have already voted earlier in the day."

In a Syunik region polling station, three men entered the polling station saying they were there to change a light bulb. While one stood on a table above the ballot box, the two others stuffed the box with marked ballots. At polling station 35 in Vanadzor, a reporter observed voters being asked to vote "openly," meaning that their choice would be seen by Republican Party representatives.

#### **D. Response of the International Community**

While significantly less international media and diplomatic attention was paid to the Armenian elections compared to other regional elections (e.g., Georgia, 2003, 2007; Ukraine, 2004; Russia, 2008), many issues have been raised. In May 2008, a number of reports by governments (e.g., US State Department), inter-governmental organizations (e.g., OSCE) and NGOs (e.g., Amnesty International) were published on Armenia's 2008 presidential election and related political developments in the country. According to the OSCE/ODHIR final report (OSCE, 2008c):

While the 2008 presidential election mostly met OSCE commitments and international standards in the pre-election period and during voting hours, serious challenges to some commitments did emerge, especially after election day. This displayed an insufficient regard for standards essential to democratic elections and devalued the overall election process. In particular, the vote count demonstrated deficiencies of accountability and transparency, and complaints and appeals procedures were not fully effective.

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<sup>14</sup> Ibid.

In contrast to their preliminary report, this final report by the OSCE is far more critical of the election process, and the sense that the OSCE assessed the situation too quickly has emerged (US Helsinki Commission, 2008; International Crisis Group, 2008; HRD, 2008b).

The US State Department (2008) report described the February 2008 elections as ‘significantly flawed’ and lists the problems as including:

...[F]avorable treatment of the government's candidate, instances of ballot stuffing, vote-buying, multiple voting, voter intimidation, violence against opposition commission members and proxies, and suspiciously high turnout figures.

The report also defined the Armenian government’s human rights record as “poor” and mentioned the “pressure on opposition media, and continuing arrests and intimidation of government opponents” as problems, which remain even following the lifting of the SOE on March 20. The opposition welcomed this reappraisal of the election, but also stated that a more critical initial assessment from international observers would have staved off some of the violence (Armenia Liberty, 2008a).

## **E. Conclusion**

In a March interview, United States’ Charge d’Affaires in Armenia, Joseph Pennington said that he had observed questionable conduct during the recounting that followed February 19. When asked “If the US’ highest authority in Armenia sees voting abuse and cannot stop it, what chance is there for an unknown proxy to have his voice heard?” “Not much,” Pennington replied.

#### IV. STATISTICAL ANALYSIS OF THE OFFICIAL ELECTION OUTCOME

The analysis below is based on Central Election Commission of Armenia data on Armenia's February 19, 2008 presidential election. These are reportedly the final results. The data contain none of the irregularities described in the OSCE's second interim monitoring report (OSCE, 2008b), and therefore may have been recounted or tampered with prior to being made public. The intention here is to examine the statistical properties of the data and reveal anomalies and irregularities, if any. From the outset, however, we should emphasize that there are types of election fraud that would not create statistical anomalies and hence could not be detected by statistical analyses such as ours. Examples of these types of fraudulent activities include, but are not limited to, across-the-board (i.e., uniform) paying money in exchange for a vote or the use of coercion to obtain votes.<sup>15</sup>

Instead, the focus here is on those indications of fraud that can be detected by statistical inference: ballot stuffing and vote stealing (i.e., artificial augmentation of votes received by the candidates). Methodology used below was originally developed by Sobianin and Sukhovolskiy (1993) and Sobianin, Gelman, and Kaiunov (1994) applied to Russia's 1993 constitutional referendum and later developed in a series of published papers by Michael Myagkov (University of Oregon), Peter Ordeshook (California Institute of Technology), and co-authors. Below we focus on four measures that have been identified in the ensuing empirical literature as potential indicators of election fraud: (1) distribution of voter turnout, (2) distribution of individual candidates' votes, (3) relationship between the candidates' votes and voter turnout, and (4) distribution of invalid ballots. The following sections describe in detail these indicators and the relationships among them.

##### A. Distribution of Voter Turnout

In most elections, it is expected that the voter turnout (as well as share of votes cast in favor of any candidate) will follow a normal (or Gaussian) distribution.<sup>16</sup> In this case, a chart of the number of polling stations reporting a certain turnout or percentage of votes for a candidate is shaped like a bell curve, with the top of the bell representing the average, median, and mode of the distribution.<sup>17</sup> Indeed, Myagkov, Ordeshook, and Shakin (2005) report approximately normal distributions for non-republic regions of Russia in both rounds of the 1996 presidential election, the 2000 presidential election, and 1999 and 2003 Duma elections. According to the same authors, Ukraine's 1999 and the first round of 2004 presidential elections also fit the same normal pattern.

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<sup>15</sup> Anecdotal evidence of both types of fraudulent activities is ample in the context of the February 2008 election. See, for example, ICR (2008) or Section III in the current Report.

<sup>16</sup> Hereafter, turnout ( $T$ ) is defined as share of voters ( $S$ ) who showed up at the polling station within the total number of eligible ( $E$ ) voters registered at the same polling station.

<sup>17</sup> More formally, a normality of distribution for any large number of variables is followed from Lyapunov's central limit theorem. The latter requires that the random variables in question be independent for their sum/average to be normally distributed.

Figure 1 (upper panel) below depicts the distribution of polling stations as a function of turnout. While the curve largely resembles a normal one, the right tail is rather wide, indicating a disproportionately large number of polling stations with high turnout. Indeed, out of 1,923 polling stations, 129 polling stations reported 90 percent or higher turnout, six of them registering a 100 percent turnout. This “bump” on the curve—an augmentation of the expected normal distribution—resembles closely that in Russia’s federal republics during the 1996 and 2000 presidential elections, and the 1995, 1999, and 2003 Duma elections, and Ukraine’s second round of 2004 presidential election, all largely considered to have a high degree of irregularities (see Myagkov *et al.*, 2005). We should note that this kind of augmentation of the distribution would be inconsistent with an overall higher turnout across all polling stations (e.g., as a result of higher political activism across the country, in which case the entire normal curve would shift rightward) but would be consistent with excessive activism in only a sub-set of polling stations.<sup>18</sup>

A critical point of interest here is the rather high average voter turnout across country (roughly 71 percent). Anecdotal evidence indeed supports high level of political activism, perhaps driven by an unusually active pre-election campaign season, which introduced strong political alternatives for an otherwise demoralized opposition (see Section I of the current Report). Other developments cast a shadow over this high voter turnout, however. As part of the February 2007 amendments to the Electoral Law, lawmakers rescinded the right of Armenian citizens residing abroad to vote in Armenian embassies abroad. Presidential candidate Arman Melikyan appealed this amendment in the Constitutional Court prior to 2008 election, arguing that it leaves out a sizable portion of eligible voters.<sup>19</sup> Other critics argued that the inability to vote and get elected into a public office as a result of this amendment constitutes a serious violation of human rights.<sup>20</sup> After the election, attempts were made to estimate the true voter turnout given all the “missing” people due to voting restrictions and other limitations (US Helsinki Commission, 2008).<sup>21</sup>

The lower panel of Figure 1 depicts the distribution of turnout for polling stations in and outside of Yerevan. With the exception of a small number of polling stations with high turnout (i.e., the rather thin tail on the right), the distribution of turnout in Yerevan looks as close to normal as one would get using empirical data, with very little signs of malfeasance. It also shows a smaller variance among the polling stations in terms of the turnout (i.e., the main curve too is relatively thinly shaped). The distribution of the polling stations outside Yerevan, on the contrary, has a much larger variance and a fat tail on the right. This breakdown shows that most polling stations with abnormally high turnout come from outside of Yerevan, suggesting a much higher degree of

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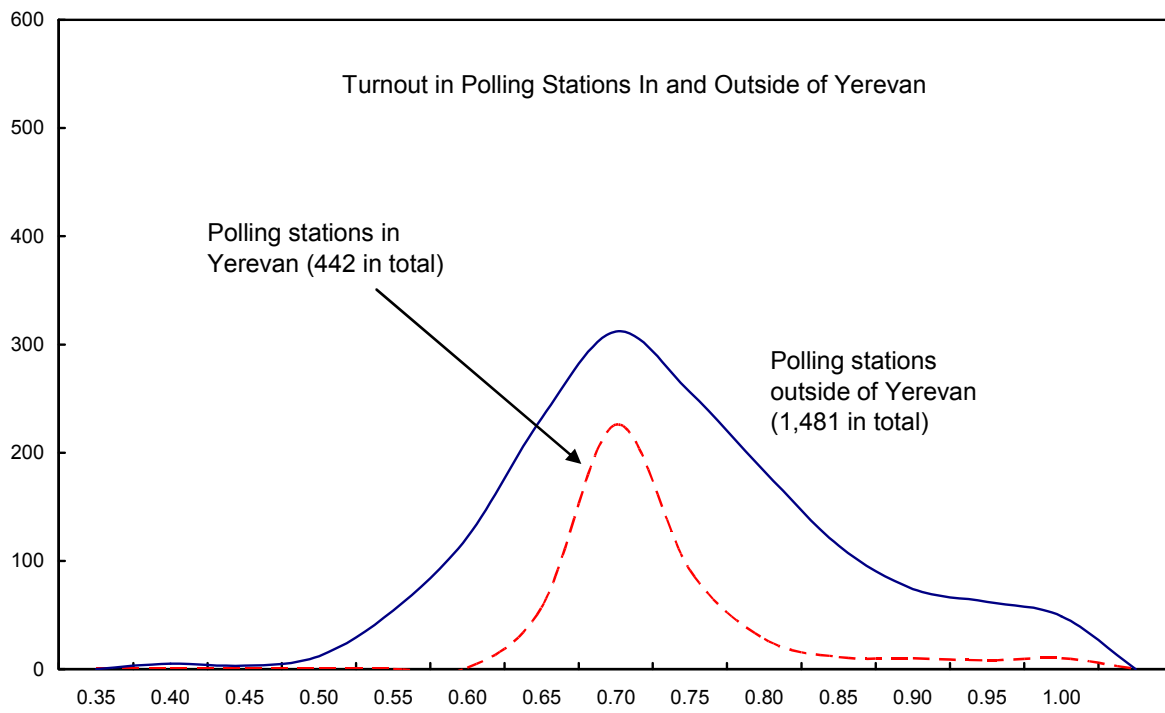
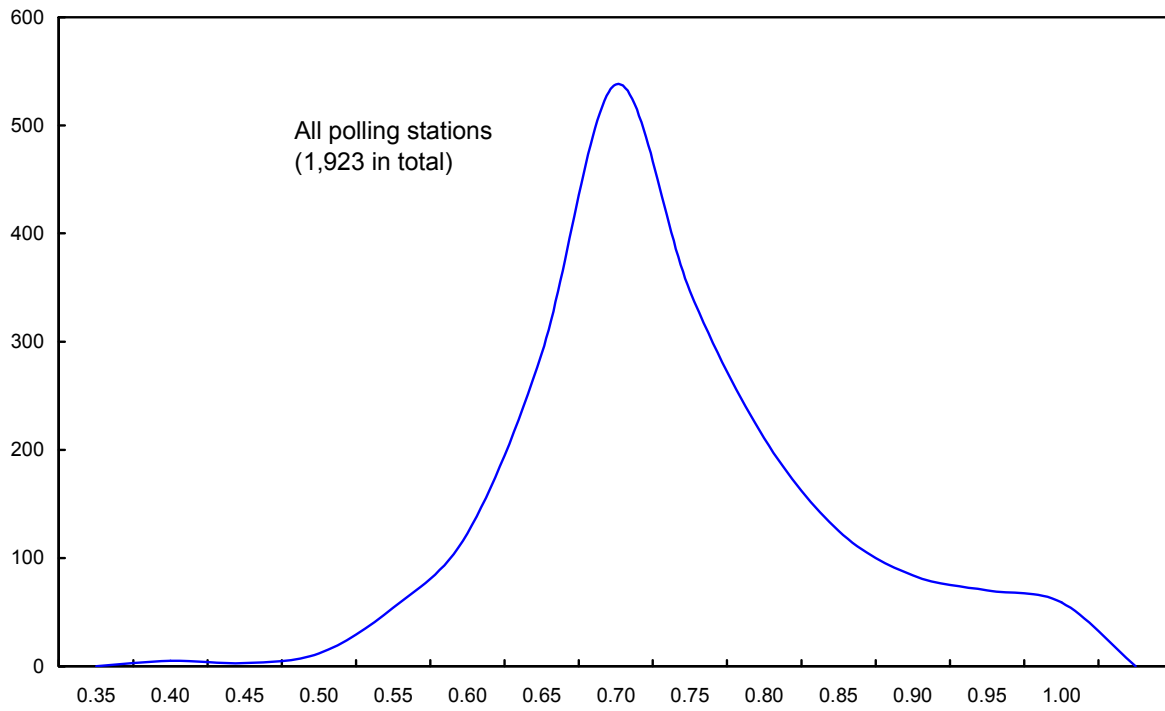
<sup>18</sup> It is conceivable that the turnout in some polling stations is different from the rest for cultural, demographic, or professional reasons. In the Armenian context, however, it is difficult to come up with factors that would offer a credible explanation for the highly noticeable fat tail depicted on Figure 1.

<sup>19</sup> “Arman Melikyan is Ready to Dispute with Three Political Powers,” *AI+*, February 5, 2008.

<sup>20</sup> See <http://macbeck.livejournal.com/18852.html>.

<sup>21</sup> Melikyan himself argued (citing the official data from the Department of Migration on the existence of over 500,000 migrants with Armenian citizenship working/residing abroad) that officially reported voter numbers would suggest turnouts in the 90 percent range, if measured against people who were physically in Armenia and therefore able to cast their votes.

Figure 1. Distribution of Turnout



Turnout on X-axis. Number of polling stations on Y-axis.

falsifications in the regions. For an almost identical mean value of turnout (i.e., 0.705 in Yerevan vs. 0.712 outside of Yerevan), areas outside of Yerevan record more than twice the amount of polling stations with abnormally high turnout (i.e., above 80 percent): 15.2 percent vs. 32.5 percent for Yerevan and out-of-Yerevan, respectively. It is rather difficult to believe in the credibility of this outcome given the pattern of civic activism/participation in rural areas (and urban areas outside of the capital) compared to those inside the capital.<sup>22</sup>

An equal mean value and an overly enthusiastic turnout in almost one in every three polling stations outside of Yerevan (compared to those in Yerevan) is also inconsistent with household survey data collected by Armenia's Statistical Service. As reported by Grigorian and Melkonyan (2008) based on the 2004 Integrated Living Standards Measurement Survey, households in areas outside of Yerevan are more likely to have migrants than those in Yerevan. The only way this result would be consistent with the above pattern of voter turnout is if for some reasons the rural migrants returned to Armenia on February 19 to vote in higher numbers than those originally from Yerevan, something we would seriously doubt. If, however, the intention was to use the rural areas to impose a predetermined outcome on the election, then in Ordeshook and Myagkov (2008) words "what better way to do that than by reverting back to a Soviet era electoral style wherein regional elites are allowed to operate as before, election observers from OSCE are pointedly denied access, and with bluff and bravado, officials are directed to assert that ... elections are as free and fair as anyone else's..."

The following sections attempt to answer two questions: which of the candidates benefited from the additional votes (i.e., the excessive turnout), and how is this high turnout likely to have been generated?

## **B. Distribution of Individual Candidates' Votes**

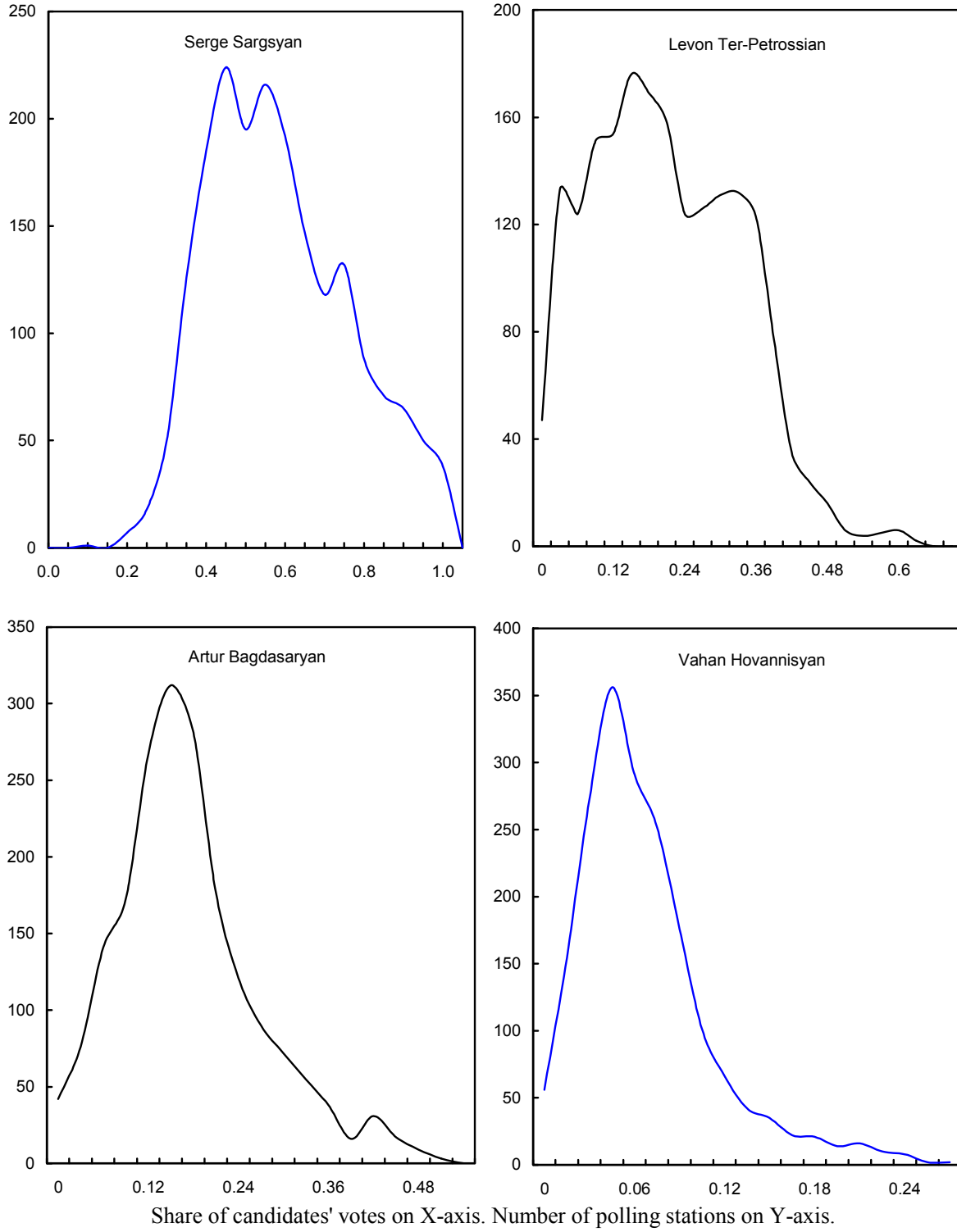
As hypothesized above, votes cast in favor of any candidate should broadly follow a normal distribution. Figure 2 below depicts the distribution of votes for the 4 frontrunners, Serge Sargsyan (hereafter interchangeably, SS), Levon Ter-Petrossian (LTP), Artur Bagdasaryan (AB), and Vahan Hovannisyanyan (VH). It is interesting to note that while not entirely normal, the distributions for AB and VH have some resemblance to normal distribution, with minor abnormalities. In contrast, the distribution both for SS and LTP look very abnormal. In the case of SS, the chart looks normal only until the first peak of 45 percent and the decline to the 50 percent mark.<sup>23</sup> What follows is a number of large spikes at 55 and 75, and smaller spikes

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<sup>22</sup> Even if the relatively smaller size of the polling stations in areas outside of Yerevan would have anything to do with this outcome, the difference (63 percent; on average 1,094 registered voters outside of Yerevan vs. 1,739 on average in polling stations in Yerevan) would hardly explain twice between the turnout pattern in and outside of Yerevan.

<sup>23</sup> Interestingly enough, in 13 electoral precincts in the capital Yerevan, where the extent of falsifications is believed to have been lower, Serge Sargsyan received an average of 45 percent of votes.

Figure 2. Distribution (Frequency) of Votes for Four Frontrunners





at 95 and 100 percent indicating a much greater number of polling stations reporting a specific turnout than a normal distribution would predict. The spikes on rounded numbers may reveal manipulations driven by “an administrative demand” for a specific turnout to be reported to superiors. The area below this curve but above a hypothetical normal curve for all values of turnout greater than 50 percent would represent the number of polling stations where share of SS is greater than what would have been predicted in a fraud-free election, and therefore the extent of manipulations in favor of this candidate. Given the shape of this curve, this is a rather sizable area (compared to the overall area under a hypothetical normal curve) indicating large-scale irregularities.

In the case of LTP, the chart resembles a normal distribution only after 30 percent. To the left from that point, the curve reveals a disproportionately high number of polling stations that reported a low turnout for LTP, lower than a normal distribution would suggest. Thus, the area below this curve but above a hypothetical normal curve for all values of turnout less than 30 percent would represent the number of polling stations where the share for LTP is less than what would have been predicted in absence of fraud. Another peculiarity of this distribution is that there is a large number of polling stations (45) that reported zero votes for LTP, compared to none that registered zero votes for SS.

While calculating the exact number of stations with irregular turnout would be a challenge (associated with precisely measuring the integral underneath these curves and above the normal distribution consistent with each of the curves), we nevertheless can infer—based on the shapes of these curves—that irregularities indeed occurred and were likely to be sizable. The nature of the augmentation of these curves suggests that votes for SS have been artificially inflated, while those for LTP have been artificially deflated. The following section examines these abnormalities more closely.

### C. Relationship Between the Candidates’ Votes and Voter Turnout

Another test proposed by Sobianin and Sukhovolskiy examines the link between the share of individual candidates’ votes and voter turnout. They argue that the slope coefficient of the Ordinary Least Squares (OLS) regression of a candidate’s share of total eligible voters on turnout should be a positive number less than one, and close to the share of votes collected by that candidate across country.<sup>24</sup> If the resulting slope is much larger than the candidate’s share of votes, this would indicate: (1) ballot stuffing to benefit this particular candidate, and/or (2) mobilization of voters beyond the normal turnout that would disproportionately support the

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<sup>24</sup> The described regression for the  $j^{\text{th}}$  candidate and  $i^{\text{th}}$  polling station can be written in the following way (ignoring the constant term for presentational simplicity):  $V_{ij} / E_i = \beta_j \cdot T_i + \varepsilon_{ij} = \beta_j \cdot S_i / E_i + \varepsilon_{ij}$ , where, as defined in footnote 16, V is the number of votes received by the candidate, T is turnout (defined as S divided by E), S is the number of eligible voters who showed up at the polling station to vote, and E is the total number of eligible voters.  $\varepsilon$  is the error term. It can be shown that the following estimator  $\hat{\beta}_j = \sum_i V_{ij} / \sum_i S_i$  (which is the share of votes collected by the  $j^{\text{th}}$  candidate across all polling stations) has an expected value equal to that of the OLS estimator (i.e., where  $E(\hat{\beta}_{jOLS}) = \beta_j$ ) plus a (small) term.

candidate in question and not others. If the resulting slope is larger than 1, this would indicate that not only the particular candidate in question benefited from every additional ballot added to the final count, but also from votes subtracted from other candidates.

Table 1 below presents results of OLS regressions of candidates' voter shares on voter turnout and a constant term, for all 9 presidential candidates. These results are very interesting. The only relationship that resembles the theoretical prior is the one for Vahan Hovannisyan. The estimated linear relationship has an intercept of zero and a coefficient that broadly equals the share of votes he obtained during the election, 6.2 percent. This indicates no large-scale tampering against or on behalf of this particular candidate in the form of stuffing ballots or subtracting votes illegally.

Second, the only other regression with a positive slope is the one for Serge Sargsyan, with one critical difference in that the coefficient in this case is greater than 1 (i.e., equals 1.204). This means that (holding everything else constant and ignoring any differences between polling stations) from every 100-voter increase at a polling station, this particular candidate received approximately 120 votes.

Third, the slope coefficients for all other candidates are negative, indicating that not only they were not able to retain their share of votes as a result of (or with) incremental increases in voter turnout, but they actually lost votes cast in their favor as turnout increased. The negative coefficients are the largest in magnitude for Artur Bagdasaryan and Levon Ter-Petrossian, suggesting that they have lost more than others as a result of increased turnout. This last result is not surprising because they had a larger amount of votes compared to other candidates and therefore had more to lose on the margin. The only beneficiary of these lost votes has been Serge Sargsyan (as indicated by the magnitude of his slope coefficient), indicating both ballot stuffing and vote stealing to benefit him.<sup>25</sup>

Table 1. Regression Results

	Intercept	Slope	
		coefficient	t-statistic
Artur Bagdasaryan	0.218	<b>-0.158</b>	-12.69
Artashes Geghamyan	0.006	<b>-0.005</b>	-7.11
Tigran Karapetyan	0.008	<b>-0.006</b>	-6.04
Aram Harutunyan	0.002	<b>-0.001</b>	-3.39
Vahan Hovannisyan	0.000	<b>0.067</b>	7.35
Vazgen Manukyan	0.017	<b>-0.014</b>	-7.02
Arman Melikyan	0.003	<b>-0.002</b>	-4.14
Serge Sargsyan	-0.457	<b>1.204</b>	47.99
Levon Ter-Petrossian	0.191	<b>-0.085</b>	-4.71

Note: The table contains estimated coefficients for OLS regressions  $(V_{\text{candidate}}/E) = \text{Intercept} + \text{Slope} * T + \varepsilon$  for each candidate. Number of observation equals 1,923. All slope coefficients are highly statistically significant.

<sup>25</sup> As indicated above, Vahan Hovannisyan on average retained his "fair" share of votes.

Figure 3 presents a scatter plot of the votes of the two leading candidates as a function of the turnout and helps to visualize this relationship. The linear regression line indicates the estimated relationship between the two variables.

An attempt was made to verify whether the relationships reported in Table 1 for the two leading candidates held for subsets of polling stations where turnout was plausible. Table 2 contains the estimated slope coefficient based on sub-samples for different thresholds of turnout: going from column 2 to column 6, we gradually excluded polling stations with very high (perhaps implausible) voter turnouts and ran the same regressions as in Table 1.

Table 2. Relationship between Votes and Turnout for Different Levels of Turnout

	Full sample	Truncated Sample for Values of T(turnout)			
		< 0.9	< 0.8	< 0.75	< 0.70
Serge Sargsyan	1.204*	1.105*	0.939*	0.703*	0.412*
Levon Ter-Petrosian	-0.085*	-0.003	0.141*	0.307*	0.496*
Number of polling stations	1,923	1,794	1,585	1,370	1,027

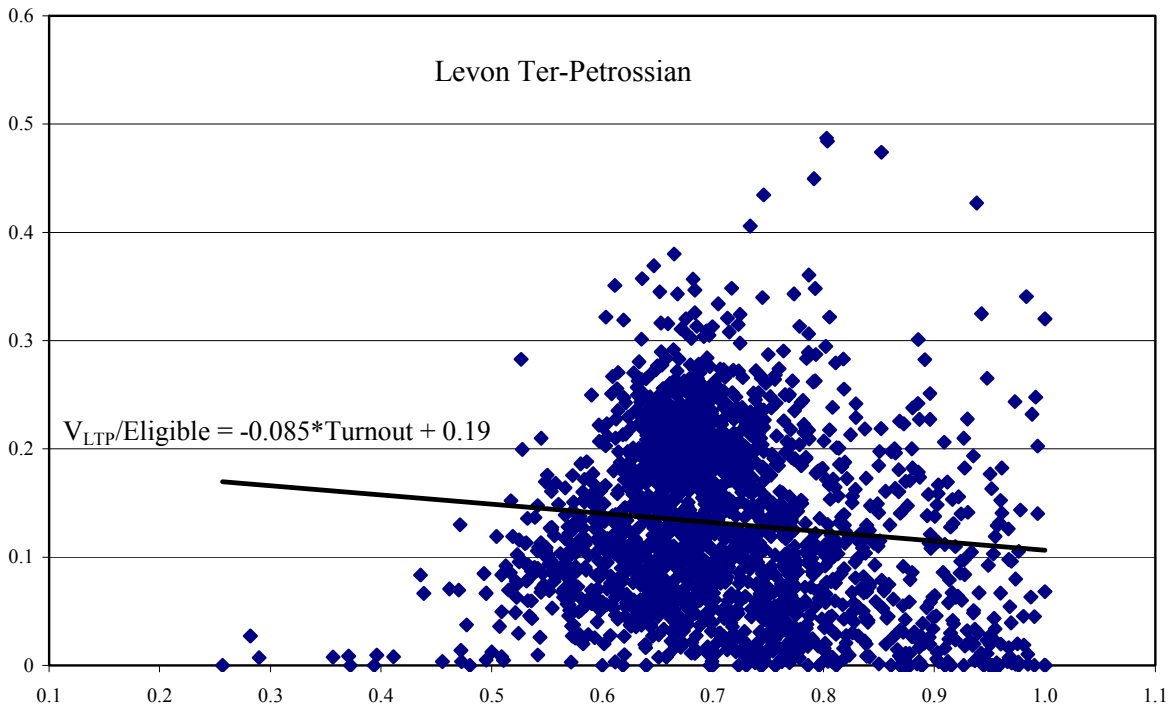
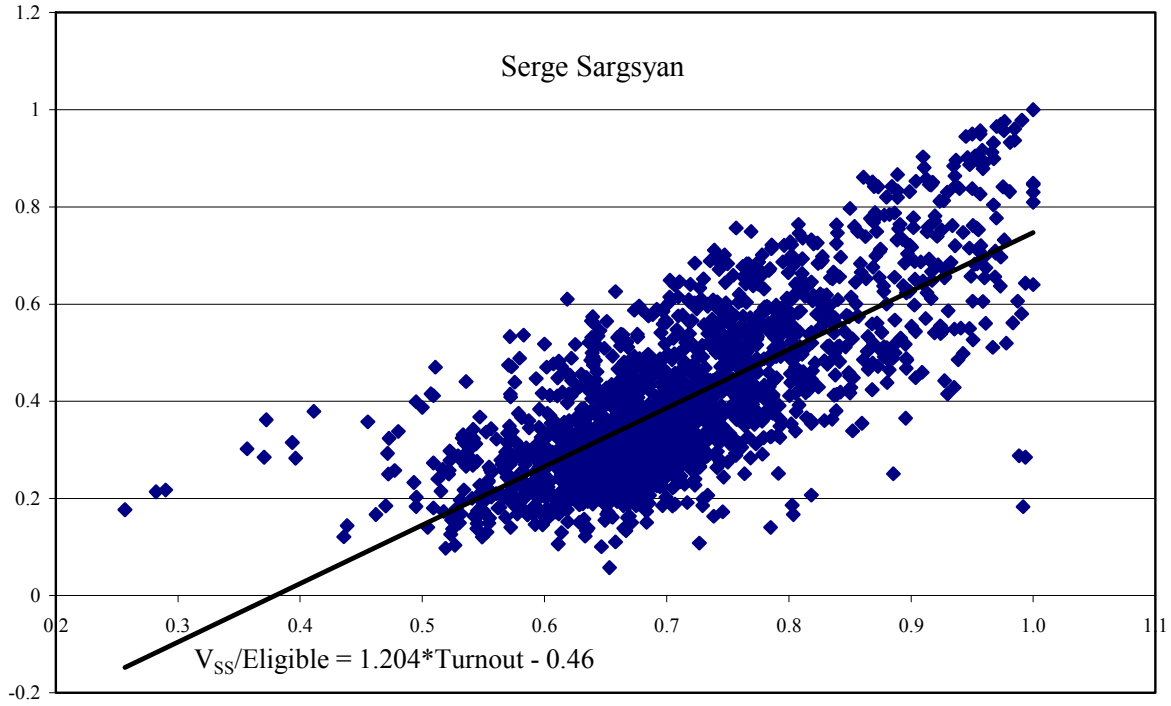
Notes: The above are estimates of *Slope* coefficients based on OLS regressions:  $(V/E) = Intercept + Slope * T + \epsilon$  for the above two candidates. All coefficients are highly statistically significant. \* - indicates significance at 1 percent confidence level.

The results are highly informative. When polling stations with very high turnout are gradually excluded, one can see that the slope coefficient on turnout (which, as indicated above, should be close to the share of votes collected by the candidate) for Serge Sargsyan declines markedly to obtain plausible values. Conversely, the regression coefficient for Levon Ter-Petrosian gradually increases and takes more meaningful values. More interestingly, in over one thousand precincts where turnout ratio was under 70 percent, the slope coefficient for Levon Ter-Petrosian is greater than that for Serge Sargsyan.

Finally, to exclude any idiosyncrasies at the level of election precincts and regions (e.g., in case some regions have traditionally strong support for one candidate or another, which may bias the results based on the overall sample), we included 40 dummy variables representing (41 minus 1) electoral precincts in the regression. Doing so, however, reduced the coefficient in the regression for Serge Sargsyan only slightly to 1.097 (from 1.204).<sup>26</sup> The coefficient for Ter-Petrosian increased somewhat (from -0.085 to -0.056), leaving the outcome qualitatively unchanged.

<sup>26</sup> Doing the same in the case of Vahan Hovannisyan reduces the slope coefficient in the respective regression in a somewhat smaller fashion (from 0.067 to 0.059) indicating smaller region-wide differences among his voters compared to that of Serge Sargsyan. The results based on regressions with precinct dummy variables for all other candidates are available upon request.

Figure 3. Share of Votes for the Two Frontrunners as a Function of Turnout



Turnout on X-axis. Candidates' votes as a share of total eligible votes on Y-axis.

A possible alternative to outright ballot stuffing and vote stealing in this case is that in polling stations where turnout was higher for reasons other than ballot stuffing (e.g., due to military voting, vote buying, coercion, voter enthusiasm, or herd mentality), voters may have been more inclined to vote for one candidate (in this case Serge Sargsyan) but not others. However, none of these factors would explain fully the pattern of regression coefficients observed in Tables 1-2.

#### D. Distribution of Invalid Ballots

The final and perhaps the most interesting empirical test suggested by the authors of this methodology is based on the relationship between shares of invalid votes and voter turnout. Logically, there should be no statistical relationship between these two variables because higher turnout should also raise the number of invalid votes in the same proportion.

Before turning to the empirical link between these two indicators, let us review the statistical anomalies associated with invalid ballots in our data. Table 3 reports shares of votes cast in favor of the two leading candidates in sub-samples with different levels of invalid ballots. It appears that in polling stations with abnormally high levels of invalid ballots (i.e., columns 3 and 4, Table 3), the average share of votes cast for Serge Sargsyan is higher and for Levon Ter-Petrosian is lower than their respective officially reported shares based on the total sample (0.528 and 0.215, respectively). Even more peculiar is a large number (215, or 11 percent of total) of precincts with zero invalid ballots, where due to some serious lack or fraudulent activity 72.8 percent of votes (almost 40 percent more than the country-wide average of 52.8 percent) was cast in favor of Serge Sargsyan, and only 9.9 percent (less than half of its nation-wide average of 21.5 percent) was cast in favor of Levon Ter-Petrosian. The only other possible—non-fraud-related—explanation for this observation could be that those voting stations with voters who are smarter and more diligent than average voters across country (that is, are capable of following instructions in such a way to produce zero invalid ballots versus the average of 1.5 percent or 21 ballots across all polling stations) are more SS-oriented and less LTP-oriented than average voters across country. Given the specifics of Armenian election and the profiles of the two candidates in question, we seriously doubt this possibility, and therefore think that this is indicative of fraud to benefit Serge Sargsyan.

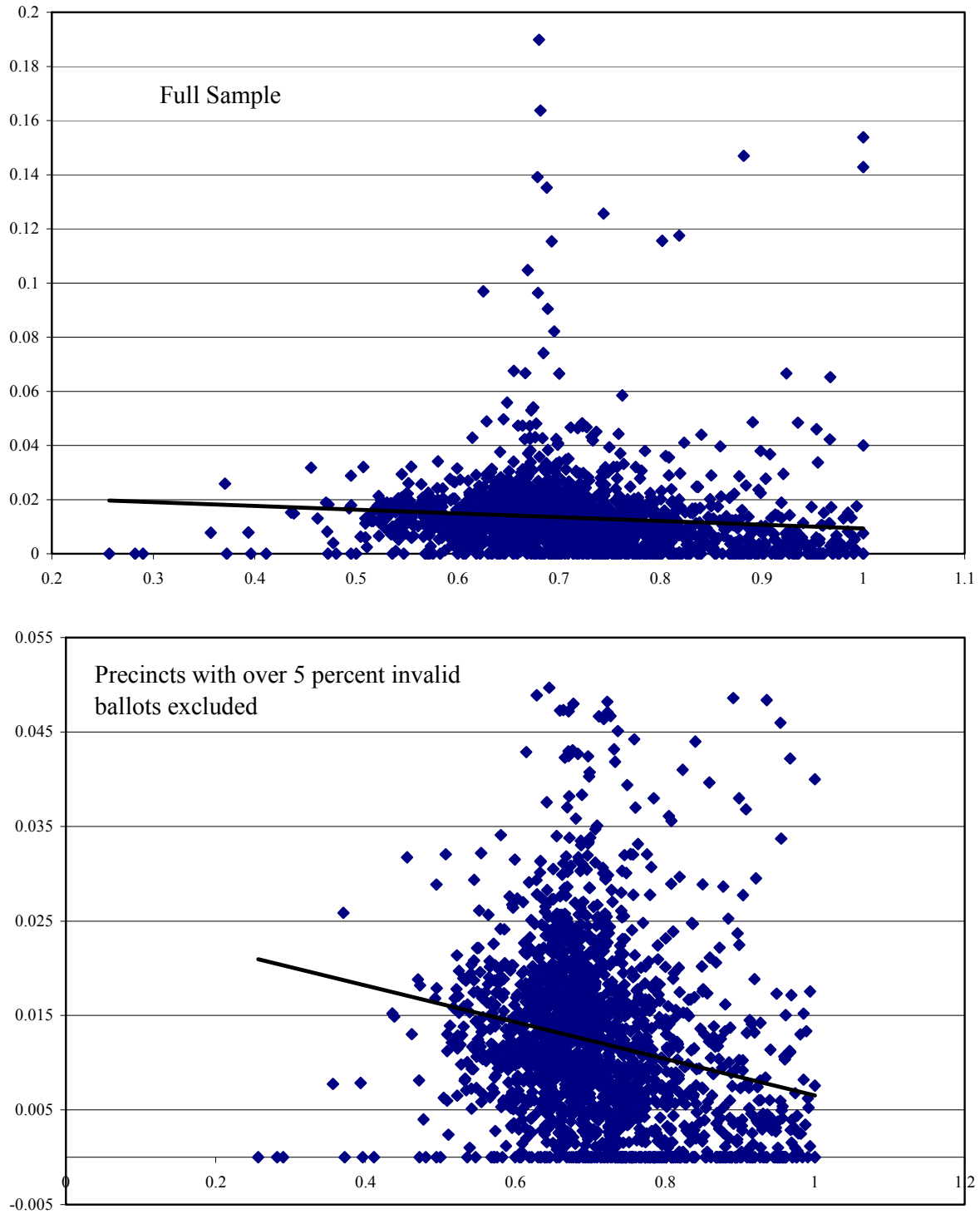
Table 3. Select Indicators for Different Levels of Invalid Ballots

	Invalid=0	Invalid ballots (as a share of eligible voters) > 5 %	Invalid ballots (as a share of participants) > 10%
Number of polling stations	215	26	19
Share of Sargsyan votes ( $V_{SS}/E$ )	0.728	0.582	0.570
Share of Ter-Petrosian votes ( $V_{LTP}/E$ )	0.099	0.166	0.163

Note: The relevant comparators for these values, that is, that officially registered shares of SS and LTP are 0.528 and 0.215, respectively.

Figure 4 depicts a scatter plot of the share of invalid votes as a function of the turnout, along with a fitted regression line. The relationship clearly indicates that in polling stations with high voter turnout there is generally lower share of invalid ballots. What this most likely indicates is that

Figure 4. Share of Invalid Ballots as a Function of Turnout



Turnout on X-axis. Invalid ballots as a share of total eligible votes on Y-axis.

when ballots were stuffed, the ballot stuffers did not care to allocate a portion of those ballots to invalid ballots, and as a result the share of invalid ballots in total went down. Note also the alarmingly high concentration of polling stations with zero invalid ballots and high turnout rates. This also indicates that high voter turnout was artificially created by essentially adding to the number of voters.

In order to determine which of the candidates benefited from the lower share of invalid ballots, we included this variable into the regression we run in Table 1 for the two leading candidates. (The precinct dummy variables were also added to the regressions to exclude any idiosyncrasies at the level of election precincts). The results show that while there is no relationship between the ratio of invalid ballots and votes collected by LTP (the coefficient on invalid ballots is statistically not significant), it appears that precincts with a lower share of invalid ballots (including those with none at all) registered higher share of SS votes (i.e., the coefficient is negative and statistically significant), other things equal.

Table 4. Regression Results after Including Share of Invalid Ballots

	<i>Serge Sargsyan</i>		<i>Levon Ter-Petrosian</i>	
	<i>Dependent Variable: <math>V_{SS}/E</math></i>		<i>Dependent Variable: <math>V_{LTP}/E</math></i>	
	Slope Coefficient	t-statistic	Slope Coefficient	t-statistic
Turnout	1.070*	43.75	-0.056*	-3.30
Share of invalid ballots	-0.744*	-6.18	0.010	0.12
Precinct dummy variables (40)	included		included	
R-squared	0.69		0.38	

Note: The table contains estimated coefficients for OLS regressions  $(V/E) = Intercept + Slope1*T + Slope2*Invalid + Precinct Dummies + \epsilon$  for two leading candidates. Number of observation is 1,923. \* - indicates significance at 1 percent confidence level.

## E. Conclusion

The results presented above are not *proof* of election fraud. They offer *indications* of fraud. In light of the above analysis, one could safely conclude that the official reported data are indicative of serious irregularities and fraud, including but not limited to ballot stuffing and stealing of opponents' votes during the vote count. All four empirical tests employed offer some evidence of fraud and irregularities.<sup>27</sup> In fact, empirical results presented above would be consistent with

<sup>27</sup> It would also have been possible to correct some of the observed irregularities during the recount process. However, the latter itself had some inherent procedural weaknesses and was marred by serious violations. For example, the law allows as little as 3 days after the election for formal complaints to be filed *and* for those complaints to be investigated. Thus, with a capacity to recount only 2-3 polling stations per day (as estimated by an election commission member, interviewed by PFA), an average precinct election commission could not recount ballots in more than ten polling stations within a precinct during those 3 days. Given that in some precincts more than 20 polling stations had registered complains, the allocated time was inadequate to handle all complaints. In addition, anecdotal evidence revealed that some election officials in precincts (1) refused to register candidates' complaints (e.g., because they had to be somewhere else or being just plain tired at the time the complaint was filed,

(continued)

fraudulent activities described by Marietta de Pourbaix-Lundin (de Pourbaix-Lundin and Eorsi, 2008), a parliamentarian from Sweden who was part of the OSCE election observer mission:

The opening of the polling stations and the proceedings on the day were not too bad, but the counting in the polling station that I chose to visit was a disaster. Everything that could go wrong did go wrong. The number of voters who had voted and who had been marked on the list of voters was not counted, unused ballot papers were not destroyed and the protocol in which the results were to be entered had already been signed by members of the election committee. The most serious incident involved the chairperson of the local election committee reading out the wrong names when the ballot papers were to be put into different piles for the nine candidates. The chairperson was well aware of what she was doing. She was taking votes from Levon Ter-Petrosian and allocating them to the [then-] prime minister, Serzh Sarkisian. Election officials tried to hide what they were doing by holding their hands over the ballot papers or by placing them in the middle of the piles so that I could not see them.

However, given the magnitude and frequency of these irregularities, we will refrain from making any inferences about the true distributions of voter turnout and individual candidates' votes, and therefore the number of added and stolen votes. Additional research and perhaps even collaboration of officials from the Central Election Commission would be required to unfold the nature, magnitude, and the exact location of these irregularities. We also cannot offer any definitive picture of the distribution of votes that would have existed had it not been for the other types of fraudulent activities (i.e., other than adding or stealing of votes) observed during and prior to the Election Day (e.g., abuse of administrative resources, vote buying, voter intimidation, etc.). One thing could be said with some certainty, however: given the consistency and strength of evidence of fraud offered by the four tests, the above analysis casts a serious doubt about the small margin of victory of Serge Sargsyan in Armenia's February 2008 presidential elections and the trustworthiness of the final election outcome.

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etc.) and (2) exercised discretion as to which complaint to consider and which to ignore. Needless to say, actions/inactions such as these are likely to render the overall re-count process not very effective in revealing/correcting manipulations and fraud. Nevertheless, at least in some instances re-counts were useful in revealing certain anomalies. For example, as reported by Hetq Online (Hetq web), a recount of the ballots based on the protest filed by Artur Bagdasaryan in the polling station 9/31 in Yerevan showed that Serge Sargsyan "received" votes from all other candidates (i.e., votes that were counted as received by Serge Sargsyan actually belonging to other candidates).



## V. POST-ELECTION DEVELOPMENTS—CIVIL SOCIETY AWAKENING

Of the five presidential elections since independence in Armenia, only the 1991 election is considered to have met international standards for free and fair elections. The other four elections appear to follow a pattern that has unfortunately become all too familiar: flawed elections<sup>28</sup> followed by protests and demonstrations by the opposition. Although this pattern was repeated in 2008, the post-election developments are markedly different from previous cases for a number of reasons. First, several officials, civil servants and diplomats resigned or were removed from their posts for expressing support for the opposition. Such a blatant breach of protocol by senior figures was not a feature in past elections when individuals would switch sides only when the final outcome had been declared—and when they did so, they would only move towards the ruling party, not the opposition.

Second, following the 2008 election and the events of March 1-2, civil society in Armenia has become very active and vocal following nearly two decades of apathy and political indifference. Although non-governmental organizations (NGOs) had been active in Armenia during the 1990s and continue to be active today, currently there is a broader based civic activism, which extends well beyond NGOs. This section examines the nature and characteristics of this renewed civil society activism and considers the implications of this activism on future political developments in Armenia.

### Box 2. A Brief Background to Civil Society in Armenia

In the late 1980s, Armenians believed in the ideals of civil society and the possibility of democratizing the Soviet system. This idealism brought hundreds of thousands of people into the streets of Yerevan and brought social and political activity to the forefront. In many ways, the Karabakh Movement embraced the ideas and concepts of the nineteenth century awakening (*zartonk*).<sup>29</sup>

Although an established civil society did not exist at this time, Levon Abrahamian maintains that the “embryos of civil society” (Abrahamian 2001: 125) were indeed present in Armenia at that time. To illustrate this, Abrahamian refers to the demonstrations, the protest actions such as work and hunger strikes, as well as the emergence of the information tables (*stoliki*) which sprung up in Theatre Square<sup>30</sup> in central Yerevan in 1988. At these tables people could receive written or oral information about elections, deputies, registration rules, electoral and polling districts, and many other details about the constitutional rights of Soviet citizens from those versed in Soviet constitutional law

<sup>28</sup> ‘Flawed elections’ in this context refer to flaws and problems which occurred during the pre- and post-election periods including, *inter alia*, unequal access to media outlets, vote buying, vote rigging, violence toward local election observers.

<sup>29</sup> The secular nationalism of nineteenth century Armenian revolutionaries symbolized the emergence of a new national consciousness, often referred to as an awakening and marked a fundamental shift in Armenian thinking. As Ronald Suny maintains, it emphasized a break with the Church, the importance of the ethnic culture of the common folk, the vernacular languages of ordinary speech, and the need to engage the modern world politically (Suny 1993: 9). The break with the Church was intended to create a new identity around the idea of an independent national polity and not as a religious community.

<sup>30</sup> Following independence, Theatre Square was renamed Liberty Square (*Azatoryan Hraparak*).

(Abrahamian 2005: 242). He maintains that in 1988 Armenians “began their education in democracy” and were soon able to use the Soviet constitution to advance their objectives.

Following independence, however, the situation changed. Due to the harsh socio-economic conditions of the early years following independence, most people did not have the time or inclination to participate in civic projects and civic activism. Many hopes in the late 1980s were replaced by disillusionment, apathy, frustration, and dislocation in the 1990s. The early years of independence are referred to as the “years of darkness and cold” (*mti yev tsrti tariner*). Although there was less broad based civic activism at that time, during the 1990s there was exponential growth in the numbers of non-governmental organizations (NGOs) in Armenia. This increase was a reflection of NGO growth worldwide, also known as the ‘global associational revolution’ (Salamon and Anheier, 1997).

Although civil society today encompasses much more than NGOs, in practice, during the 1990s in Armenia, civil society was often equated with NGO activity. Although there are a total of 4,000 NGOs registered in Armenia (a sizeable number considering a population total of under 3 million), NGOs are not required by the Ministry of Justice to cancel their registration when they cease operating. Therefore while there are a large number of registered NGOs, this number is not indicative of the vibrancy of the sector.<sup>31</sup>

The narrowing of the definition of civil society to professionalized advocacy and service delivery NGOs has been referred to as the ‘NGOization’ of civil society. Although NGOs are certainly an important institutional component within civil society, they remain a mere subset of civil society. Other important and vibrant civil society actors include trade unions, faith-based organizations, grassroots and informal associations, and self-help groups. There are many types of organizations promoting various ideological and political viewpoints. In Armenia, there are (1) independent NGOs, (2) government organized NGOs, known as GONGOs, (3) NGOs that are run as private businesses, known as ‘grant-eaters’ (*grantakerner*),<sup>32</sup> and (4) NGOs which are created to serve particular political or economic interests, referred to as pocket (*grpanayin*) NGOs.

Recently, the government announced the creation of a Public Chamber (*Hasarakakan Palad*) to provide a forum for NGOs, modeled on the Russian example. While still at an early consultative stage, there are concerns that this Chamber will serve to co-opt and silence certain NGOs. Russia began instituting laws and developing mechanisms to regulate and control NGOs following the ‘color revolutions’ in Georgia, Ukraine, and Kyrgyzstan.

Following these revolutions, Western support for civil society began attracting criticism from governments throughout the former Soviet states and led to the adoption of laws restricting NGO activity as well as more insidious forms of repression in particular in Russia, Kazakhstan, and Uzbekistan (Howell *et al.*, 2008). Globally, foreign funding of NGOs and other civil society organizations is increasingly described as a form of interventionism and neo-imperialism, and as the creation of a fifth column. This tactic of accusing civil society organizations of being in the pay of foreign powers is intended to raise questions about the legitimacy of those organizations and about the motivations and agendas of activists. This situation has been described as a backlash against civil society that involves legal and extralegal measures aimed at constraining, co-opting, coercing, or closing foreign-funded NGOs (Gershman and Allen, 2006: 38; Howell *et al.*, 2008).

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<sup>31</sup> Of the over 4,000 registered NGOs, only approximately 200-250, including both service delivery as well as advocacy groups, are actively engaged in projects (Ishkanian, 2008).

<sup>32</sup> *Grantakerutyun* (‘grant-eating’) is another form of corruption.

## **A. Civil Society Activism Following the Events of March 1, 2008**

During the 20-day SOE put in place after the March 1-2 events, public gatherings were banned and all media outlets including TV and radio channels, newspapers, journals, and Internet news sites were only allowed to transmit official communiqués. Although there was a slight easing of the restrictions on March 13, it was little more than window dressing because before newspapers could be published, they had to be approved by censors from Armenia's National Security Service (NSS). Censors checked independent and opposition newspapers to make sure that they did not publish "obviously false or destabilizing information," causing many newspapers not to resume publication until the SOE was lifted.

Aside from the SOE and in spite of Armenia's commitments to the Council of Europe, on March 18, the National Assembly passed amendments to the Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations. These include more stringent restrictions on public gatherings. One of the amendments of the new law complements the clause with cases where authorities have "reliable information" that street protests would pose a threat to "state security, public order, public health and morality," and that any such information coming from the Armenian police and the NSS would be automatically deemed "reliable." According to Human Rights Watch, these amendments "are incompatible with Armenia's obligations to respect freedom of assembly under the European Convention on Human Rights" (Human Rights Watch, 2008b). In spite of these restrictions, however, and to a large extent in response to them, there has been renewed civic activism by NGOs, coalitions of like-minded groups, social movements, and other civil society organizations. A report by Armenia's Human Rights Defender examines how the restrictions, which were implemented to quell the demonstrations, actually backfired (HRD, 2008b: 7).<sup>33</sup> The opposition stood defiantly and even incorporated many of the symbols and discourses of the 1988 Karabakh Movement including holding meetings in Liberty Square, and using particular chants (e.g., 'struggle until victory' (*payqar, payqar minchev verj*) that are associated with the national liberation movement of the period, etc. (HRD, 2008b: 23).

## **B. Civil Society Responses to the Restrictions: Emerging Civil Disobedience**

### **Non-Governmental Organizations (NGOs)**

Beginning with the 2003 election, and intensifying in each subsequent election (i.e., 2007 parliamentary and 2008 presidential elections), NGOs have implemented a number of initiatives in the pre- and post-election periods including supporting civic participation initiatives, raising public awareness about defending one's vote, sponsoring information hotlines, training and serving as local election monitors. One of the things Armenian NGOs claim they are now doing, or at least attempting to do, is challenging the climate of fear, which they argue has emerged following the events of March 1-2, 2008. In addition to the NGOs that were challenging the

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<sup>33</sup> The Ombudsman, Armen Harutyunyan, was subsequently criticized by the Prosecutor General and the Justice Minister of writing a "political" report. Prior to that, following the Ombudsman's first public report (HRD, 2008a), president Kocharyan described Harutyunyan as one of his worst appointments ever. He accused Harutyunyan of tarnishing Armenia's image abroad and that he "does not understand what he is talking about." (Armenia Liberty, 2008b).

government's crackdown on the opposition, however, there were also NGOs working to convince the demonstrators to stop the protests and to be "tolerant" (HRD, 2008b: 24).

According to the NGOs, arrests of opposition political activists and attacks on high profile civil society leaders fuelled this climate of fear. Following the beating of young civil society activist Arsen Kharatyan on May 28, a number of human rights and media freedom NGOs wrote in their statement:<sup>34</sup>

We condemn such actions and declare that the attempts at silencing the voices of the people and of creating a climate of fear only serve to intensify dissatisfaction and resentment with the current administration.

Following the elections, NGOs became particularly active in protesting and publicizing the voting irregularities and fraud as well as incidences of violence and intimidation of voters and local election monitors. For instance, when Serge Sargsyan's supporters cited the findings of the International Election Observation Mission (IEOM)<sup>35</sup> to argue that the vote met international standards, a number of Armenian NGOs criticized the premise of the IEOM report that the election was "administered mostly in line with OSCE and Council of Europe commitments and standards."

In February, nine human rights and media freedom NGOs<sup>36</sup> released a statement arguing that "the apparent discrepancy between the actual findings of the assessment with the formative first two sentences of the report resulted in the government only referring to this paragraph in the international observers' assessment in order to legitimize the results of the election" (A1+ web). At the pickets near the OSCE office in Yerevan, demonstrators repeatedly shouted the word "shame" to indicate their disappointment with the observers' report and what they considered to be a legitimization of a flawed electoral process.<sup>37</sup>

During and after the SOE, NGOs sent open letters to international organizations and foreign governments. The letters outlined the various human rights abuses and violations by the

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<sup>34</sup> Transparency International Anti-corruption Center; Helsinki Citizens' Assembly Vanadzor Office; "Huys" NGO; Helsinki Citizens' Assembly Armenian Committee; Lawyers for Human Rights; Rights and Freedom Center; "Asparez" Journalists' Club; "Zartonk-89" NGO; "The Soldier's Protection Committee" Initiative Group; National Citizens' Initiative; Youth for Democracy; "Mijnaberd" NGO; and Foundation against Violation of Law Yerevan.

<sup>35</sup> The IEOM was a joint undertaking of the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament.

<sup>36</sup> "Asparez" Journalists' Club; Committee to Protect Freedom of Expression; Helsinki Committee of Armenia; Helsinki Citizens Assembly Vanadzor Branch; "Internews-Armenia" Media Support NGO; Media Diversity Institute; Open Society Institute Assistance Foundation-Armenia; Transparency International Anti-corruption Center; and Yerevan Press Club.

<sup>37</sup> The final IEOM report was issued in late May and embraced a more critical stance on the election results and post-election developments.

authorities. In a strongly worded open letter dated March 27, ten NGOs<sup>38</sup> accused Armenia of Soviet-style repression and “state terror.” They wrote: “The scale of such violence increases day-by-day. The Armenian authorities arbitrarily violate constitutional rights and fundamental freedoms of the people” (Unzipped web). Although these letters do not appear to have had an impact on local political developments, they have publicized the various human rights violations both domestically and internationally. Globally, NGOs engage in such activities in an effort to attract international attention to domestic human rights violations and repression. Such behavior is described as the “boomerang effect” by which non-state actors (including NGOs, social movements, etc.) achieve change domestically by focusing international attention on the state (Keck and Sikkink, 1998).

Apart from issuing statements, writing open letters, and engaging in protest actions, a number of Armenian NGOs have created a toll-free telephone hotline to assist individuals who were illegally kept in police custody, had their homes searched, or if they feel unprotected. Hotlines are relatively new in Armenia; the first toll-free hotlines (established in 2002), were created to support victims of domestic violence (Ishkanian, 2007). These new hotlines received large number of calls following the March 1-2 events.

While as of end-June there have not been any direct restrictions on the work of NGOs, they have faced indirect obstacles. The authorities and pro-government media outlets have attacked a number of NGOs of what they consider to be unpatriotic behavior and published articles which raised questions about the motivations of those NGO leaders and their sources of funding (Novoye Vremya web). In another development, on March 21, representatives from various NGOs sent an open letter addressed to private establishments and international organizations stating that their applications to secure conference venues in Yerevan were denied without any reasonable justification” (Tzitzernak web “A”).<sup>39</sup> NGOs believed that their inability to secure meeting space was due to government pressure and fear of economic repercussions on the side of the owners of these meeting venues. Such fears are not unfounded given that tax harassment and official investigations were launched against the businesses of those individuals who publicly supported Ter-Petrossian (e.g., MP Khatchatur Sukiasyan). Another high profile case of such administrative harassment is that of the GALA television channel in Gyumri. GALA had been under pressure from the authorities ever since it allocated airtime to Ter-Petrossian’s election campaign and post-election demonstrations. GALA faced imminent closure if it did not pay the AMD 26.9 million (approximately \$90,000) it allegedly owed in back taxes, a decision of the tax administration that was later upheld in court. In response, supporters initiated a fundraising campaign across Armenia, with some Diaspora participation, and on March 25, GALA paid the amount owed and remained on air.

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<sup>38</sup> "Youth for Democracy" NGO; Transparency International Anti-corruption Center NGO; "Asparez" Journalists' Club; "Krtutyun Asparez" NGO; Helsinki Citizens' Assembly Armenian Committee NGO; Helsinki Citizens' Assembly Vanadzor Office; "Huys" NGO; "We Plus" NGO; "Victims of State Needs" NGO and *Sksela* Youth Movement.

<sup>39</sup> Indeed this lack of meeting space was an obstacle that led the opposition to announce that it will organize the second Armenian National Congress in Tbilisi, Georgia. Fearing the negative publicity that would be generated if the opposition were to hold a meeting in a foreign country, the government relented and eventually allowed the opposition to hold the congress in Yerevan.

## Non-NGO Civil Society

Apart from the activity of NGOs, other civil society organizations and social movements, such as the *Azgayin Zartonk* (National Awakening), the Save Armenia Action Group (SAAG), and the group of wives of political prisoners, among others, have become very active since March 1-2. A group called the *Azat Hayer* (Free Armenians) issued a letter to Armenians worldwide calling for acts of civil disobedience and boycotts of the traditional Diaspora political parties and organizations. Quoting Henry David Thoreau and Thomas Jefferson the authors wrote:

Now the time has come for the Armenian to live, put into effect, and bring into the light of day "civil disobedience," meaning "disobedience of the government," and to win his personal freedom from the oppression and fear of other powers and Armenia's government.<sup>40</sup>

A group of exiled writers and intellectuals also expressed their position regarding the electoral turmoil in Armenia. A declaration prepared by the group for a conference in support of democracy in Armenia that took place in Los Angeles on May 26 called for (1) the release of all political prisoners, (2) the creation of a provisional governing authority jointly with the opposition to oversee new presidential and parliamentary elections, and (3) the return of all misappropriated state and private assets.<sup>41</sup>

The continued ban on public assemblies and demonstrations has indeed led to acts of civil disobedience as civil society organizations have had to resort to alternative—and often very innovative—means of organizing public gathering such as public walks (*zbosanqner*) on Northern Avenue. During these walks participants read, ate, or played chess. Videos of some of the public walks are posted on YouTube and discussed on the various blogs. In spite of the seemingly innocuous nature of the activities, police began detaining participants of the walks on March 25.

Of the various groups that have become active in the post-election period, three stand out for their particular activism: youth, women, and the virtual (i.e., online) community.

### Youth

The election itself and especially the demonstrations in their aftermath revealed a generation of young Armenians as an active political constituency.<sup>42</sup> The festive atmosphere in Liberty Square

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<sup>40</sup> Translation by Armenaker Kamilion web. The Manifest of *Free Armenians* is available at [http://www.eutyun.am/S/X/0806/Y\\_080609\\_yAZAT-HAY.htm](http://www.eutyun.am/S/X/0806/Y_080609_yAZAT-HAY.htm).

<sup>41</sup> The statement can be found at <http://www.vernatun.info/>. Its authors also demand the reinstatement of all civil liberties, including the removal of obstacles for the return to Armenia of the exiled intellectuals. They maintain that their inability to vote and get elected into a public office constitutes a violation of human rights and express their willingness to nominate a presidential candidate under the right circumstances.

<sup>42</sup> The Human Rights Defender's report argues that the "active participation of scores of youth" to events organized by Ter-Petrosian is because 'youth has [sic] a deeper perception of those eternal values (e.g., justice, democracy, equality, human rights, etc.)' (HRD, 2008b: 12).

in the ten days following the elections attracted increasing numbers of young people. Following the lifting of the SOE on March 21, politically active youth organized and participated in a variety of protest actions including candlelight marches, serenades under the windows of government officials, and organizing relay races in Liberty Square. A number of youth organizations and movements have come to the foreground, including *Sksela* (It has started) and *Hima* (Now), and have since operated despite the very real possibility of arrest, expulsion from school, and physical reprisal.

Some critics argued that these youth groups are not representative of the majority of young Armenians and that they are created by a small group of young opportunists. Some even accused these groups of being in the service of foreign governments because of foreign funding they have allegedly received. It remains to be seen whether the youth movements will build broader followings, but what is significant is that after nearly two decades of apathy and political ennui, young Armenians today are once again engaged in discussions about politics and the future of their country.

## **Women**

Women's NGOs as well as groups of women who share common concerns have also taken an active role in organizing pickets and other civic actions following the March 1-2 events, outwardly defying the SOE. During this 20-day period, a group of thirty women, mostly relatives of those killed on March 1-2, held a silent march the following week in memory of the dead. Dressed in black, the women were escorted by police as they marched from the St. Sarkis Church to the Grigor Lusavoritch Church. They held white carnations tied with black ribbons and pledged to fight for democracy. The date of this march (March 8) was dually significant as International Women's Day and also the 7<sup>th</sup> day following the deaths of those who died on March 1-2.<sup>43</sup> On April 7, the Day of Motherhood and Beauty, a group of Armenian women gathered in front of the Prosecutor General's office demanding the release of all political prisoners. When the Prosecutor General sent flowers to the picketing women, they refused to accept his gift.

The first officially sanctioned demonstration following the lifting of the SOE was organized by the Women for Peace NGO. This demonstration took place on April 19 near the Myasnikyan statue and was attended by an estimated 10,000 people. Although the official theme of the gathering was to review Armenian-Russian relations in the context of peace building in Karabakh, the demonstration rapidly became a platform for the opposition, which until then had not had any opportunity to gather publicly.

Another active group of women is comprised of the wives of political prisoners, who have organized actions including writing letters to international organizations and organizing pickets in front of embassies and the offices of international organizations. In the open letter dated May 16, they claimed that their group, which was initially comprised of the family members of the prisoners, has now grown "into a democratic force that includes many thousands of supporters

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<sup>43</sup> A tradition in the Armenian Apostolic Church calls for the 7<sup>th</sup> and 40<sup>th</sup> days following death to be marked.

throughout the country engaged in a mounting campaign of lawful demonstrations and other political and human rights actions” (Tzitzernak web “B”).

### **Box 3. The Role of Women in Other Countries**

It is not uncommon for women to embrace more public roles during times of crisis and turmoil. One of the first women’s movements was the Black Sash non-violent white women's resistance organization that was founded in 1955 and continued to function until the end of the apartheid regime. Wearing black sashes as a mark of mourning, members demonstrated against the oppressive legislation, the erosion of human rights, and provided visible proof of white resistance toward the apartheid system. In Argentina, it was the mothers and grandmothers who were active in publicizing the disappearances of their loved ones through their weekly silent marches in the Plaza de Mayo.

In Russia, following the Beslan school tragedy, the Beslan Mothers’ Committee was formed in order to challenge what they perceived as the government’s mishandling of the crisis. Another well-known international women’s group is Women in Black which was inspired by earlier "women wearing black" like the Black Sash in South Africa. Women in Black groups around the world use non-violent and non-aggressive forms of direct action including sit-ins and vigils. The Israeli/Palestinian Women in Black for instance, hold regular vigils in the same place and same time each week. The women wear black and remain silent even when they are heckled and abused by passers-by who call them as 'whores' and 'traitors'. Their policy has been not to shout back but to maintain silence and dignity (Women in Black web).

After the suppression of the protests in Tiananmen Square in 1989, a group of women, led by Nobel Peace Prize nominee Ding Zilin, created the Tiananmen Mothers. Among their five demands are the full, public accounting of the shootings and the release of all people still in prison for their role in the 1989 protests. The Tiananmen Mothers face repression from the Chinese government, which has accused them of engaging in illegal activities and of being in the service of foreign powers.

Another group known as the Armenian Women’s Movement (*Hay Kananc Sharzhum*) sent an announcement calling upon women in Armenia and the Diaspora to take a more active role in political life to protect the rights of people of Armenia. They argued that women, as the pillars of the home and hearth, are duty bound to fight tyranny and dictatorship. One of their aims is to encourage women to be more actively engaged in the political process and to protect their rights.

### **Virtual Civil Society: the Armenian Blogosphere**

During the election campaign and in the post-election standoff, Armenian television coverage was greatly skewed in favor of Serge Sargsyan; opposition candidates were either ignored or portrayed negatively (e.g., Ter-Petrossian). The absence of independent television channels and the strict loyalty to the regime of the channels that survive—a situation that has lasted since the closure of the independent television channel A1+ in 2002—meant that the reporting of the opposition protests in February was scarce to non-existent. The broadcasts did not reflect the reality of what was happening in the streets and squares.

People responded to this information blockade by transmitting news in a familiar, more trusted and legitimate source: word of mouth. But in addition, individuals began using new forms of communication technology including camera equipped mobile phones and Web 2.0 technologies



such blogs, wikis<sup>44</sup> as well as social networking (e.g., Facebook) and video-sharing (e.g., YouTube) websites to share and exchange information, opinions, photographs, and videos about the latest political developments. During the SOE, the use of these technologies allowed for the circumvention of the official information blockade. The official information blockade did not stop discussion of politics; if anything, the flow of information, at least for those who had access to the Internet, went from a trickle to a tidal wave as news, comments, photos, and videos were shared on a number of blogs that were constantly updated. Some of the opposition sites, such as *Payqar.org* (Struggle), referred to their publications as ‘*samizdat*’<sup>45</sup> especially during the SOE when access to the site was done via proxy server.

The number of posts and comments on the blogs dramatically increased during the SOE when there was a dearth of information. A few blogs, in particular Armenian Ditord (web) and Oneworld Media (web), have reflected on the vibrancy and growing popularity of Armenian blogs. The Armenian blogosphere is also discussed on a weekly Podcast from Radio Hay. Frequently updated blogs include the Armenian Ditord, Bekaisa, Caucasus Knot, Nazarian, Pigh, Seetizen, Tzitzernak, Unzipped, and Uzogh.<sup>46</sup> The popularity of these blogs has been so strong that even Serge Sargsyan created his own blog on Live Journal and encouraged people to write to him with questions and comments (Serge Sargsyan web). It is reasonable to assume we will see more presidential blogs in coming years since they are beginning to figure more prominently in national elections around the world.<sup>47</sup>

YouTube in particular has added a new dimension by hosting videos showing segments of demonstrations, fraud at polling stations, and discussions with people on the street. Having its license continually denied, A1+ created its own YouTube channel which has consistently been among the most watched over the past few months since the election. The most widely circulated video during this period was a clip which appears to show masked gunmen firing live rounds in the direction of demonstrators. The scenes of the shooting are juxtaposed with excerpts from a spokeswoman from the Prosecutor General’s office stating that government forces did not shoot at demonstrators. Following the global circulation of the video, on March 14, the government issued reports on public television that the video was a fake. This demonstrates how events in cyberspace can have real life consequences.

In sum, regardless of the low rates of Internet access in Armenia (estimated at around 6 percent) it is clear that a politically engaged group of individuals is participating in the online debates and this trend will grow as Internet becomes more accessible and affordable.

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<sup>44</sup> There is also a Wikipedia page dedicated to the 2008 election with updated information on the events. [http://en.wikipedia.org/wiki/2008\\_Armenian\\_presidential\\_election\\_protests](http://en.wikipedia.org/wiki/2008_Armenian_presidential_election_protests)

<sup>45</sup> ‘Samizdat’ is a Russian word indicating a self-made, underground publication.

<sup>46</sup> The Armenian blogs tend to have a predominant language, either English or Russian, but also provide information in Armenian, English, and Russian. The multilingual blogs demonstrate the global reach of these technologies as well as the diversity of the participants. While generating debate and discussion, the blogs also provide anonymity to the discussants, resulting in freer discussions.

<sup>47</sup> For instance, in the United States, all the presidential candidates have blogs which have supported their campaigning and fundraising efforts.

### C. Conclusion

As of June 30 there has only been one officially sanctioned demonstration (on April 19); all other petitions were denied by the municipality. There is a great desire among civil society to hold public gatherings, demonstrations, mass meetings and processions, which is their constitutional right. This desire was evident by the turnout for the April 19 demonstration. A similar event occurred on April 24 when the commemoration of the 1915 Genocide was co-opted by opposition supporters, rallying more than 10,000 people in downtown Yerevan despite heavy police presence. The participants chanted anti-government slogans as they marched to the Tsitsernakabert monument where they were met by Ter-Petrossian who had come there from his nearby home. To signal the nearing of the Parliamentary Assembly of the Council of Europe (PACE) hearings on Armenia (a procedural follow-up to the Resolution 1609<sup>48</sup>), the opposition held another demonstration on June 20<sup>th</sup>. Initially unsanctioned, the police later allowed the well-attended demonstration to continue. As this Report goes to press, the opposition is planning an unsanctioned demonstration on July 4<sup>th</sup>.

An important question is how civil society will respond to post-February 19 developments: will it flourish or lose momentum under the legal restrictions and arrests? While the government has attempted to label the recent elections as a failed Western-funded color revolution, it is an unlikely connection to draw given the absence of vocal support from the West for the opposition or condemnations of the authorities, both of which featured prominently in previous color revolutions. In fact, one of the issues the Armenian opposition laments is the perceived “double standards” and silence from the West regarding the restrictions on free speech and freedom of assembly in the post-election period (US Helsinki Commission, 2008; ICG, 2008: 5). Speaking on behalf of Ter-Petrossian at the US Helsinki Commission Hearings, Arman Grigorian said the following with regards to the role of Western governments: “At the very least they should be cognizant of the weight of their assessments and words. At the very best, they should unequivocally side with freedom against tyranny.”

The situation remains quite tense and dynamic and many questions remain about the significance, role and implications of this renewed civil society activism. If nothing else, one thing is absolutely clear: apathy has dissolved in Armenia and a very interested population demands to be heard. The impacts of this revitalized civil society in Armenia will be seen in months and years to come.

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<sup>48</sup> Resolution 1609 considered “the possibility of suspending the voting rights of the Armenian delegation” unless considerable progress was made on a number of issues. These included revoking, in line with Venice Commission recommendations, the recently adopted amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations and starting an independent, transparent and credible inquiry into the events of March 1, 2008, as well as the circumstances leading up to them. Other conditions included the release of persons detained on seemingly artificial and politically motivated charges and the initiation of an open and serious dialogue between the political forces. PACE has stated that unless the conditions are met and “if no considerable progress has been made on these requirements” then the Assembly could consider the possibility of suspending the voting rights of the Armenian delegation to the Assembly at the opening of its June 2008 part-session (PACE web).

## VI. POST-ELECTION DEVELOPMENTS—THE WAY OUT

### A. On Post-Election Political Dynamics

The government's initial position following February 19 was to ignore the demonstrations. This position could have been encouraged by the fact that Serge Sargsyan received support from the international community in the form of early election monitoring reports as well as congratulatory messages from certain foreign and Diaspora leaders.<sup>49</sup> More importantly, however, Sargsyan managed to win the support of some local opposition figures to be able to go forward. Specifically, he struck a deal with Arthur Bagdasaryan, a former Speaker of the House, who had earlier broken ranks with Sargsyan to run for president himself. Many analysts have argued that Bagdasaryan had always been Sargsyan's protégé and Bagdasaryan's attempt at the presidency was actually orchestrated by Sargsyan in order to detract votes from Ter-Petrossian. A day before riot police and internal security forces violently dispersed demonstrators in Yerevan, Bagdasaryan met with Sargsyan and announced that he recognized Sargsyan legitimacy and would be willing to cooperate with him to handle "domestic and external challenges."

The local news media then focused on a statement made by Bagdasaryan in which he mentioned that he had been offered and accepted the position of the Secretary of Armenia's National Security Council. Meanwhile, Vahan Hovannisyan (ARF-D) resigning as the deputy speaker of the National Assembly, expressed concerns that the elections were rigged and flawed announcing, "[o]nce again, the people's right to express their political will freely and the dignity of our citizens [have been] trampled underfoot."<sup>50</sup> However, he fell short of criticizing the government and instead criticized Ter-Petrossian for "blatantly falsifying the 1996 presidential elections and setting in motion a vote-rigging machine which we cannot stop to this day."<sup>51</sup>

A week after the election, ARF-D produced a statement recognizing Sargsyan's victory with an offer to withdraw from the cabinet in which they occupied three ministerial positions. The offer to withdraw, however, was soon overshadowed by press reports that ARF-D was considering Sargsyan's coalition government proposition. On March 21,

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<sup>49</sup> The organized Diaspora community too demonstrated a rather lenient approach toward the events in Armenia, as evident from a joint statement made by five leading U.S. Diaspora groups on March 18. (Signatories included the Armenian Assembly of America, Armenian General Benevolent Union, Armenian National Committee of America, Diocese of the Armenian Church of America (Eastern/Western) and Prelacy of the Armenian Apostolic Church of America (Eastern/Western). Statement is available from <http://www.pf-armenia.org>, *News and Reports* section). Interestingly enough, for the Armenian Assembly this was a departure from its traditionally stronger focus on human rights and democracy in Armenia, including criticism of past elections. Furthermore, Assembly's abrupt dismissal in April of its Director of Research and Analysis, who had raised concerns with the Assembly's position on the election and post-election developments in Armenia urging a more sensible and equitable stance, looked like an attempt to quash dissent from the corporate line on the subject. (See "Armen Kharazian: Armenia's Democratic Development is a Priority," *Zhamanak* daily, May 3, 2008, available from: <http://en.zhamanak.com/article/720/>). Another signatory to this letter, however, the Armenian General Benevolent Union, subsequently devoted an issue of its AGBU Magazine (April) to post-election developments, providing a thorough and unbiased analysis of the events and their aftermath.

<sup>50</sup> "Dashnak Leader Resigns from Parliament Post," *RFE/RL*, February 22, 2008.

<sup>51</sup> *Ibid.*

Sargsyan announced the restoration and revival of the pre-election government coalition where the Republican Party along with Prosperous Armenia, ARF-D, and Country of Law parties developed a power sharing agreement to “deepen democratic reform and speed economic development in the country.”<sup>52</sup> The new coalition government was formed a month later (on April 21) under the leadership of Tigran Sargsyan, with 11 out of 17 ministers retaining their posts.<sup>53</sup> This cabinet was then ratified by the parliament with only the opposition Heritage party voting against it.<sup>54</sup>

While the new government was taking shape, the opposition pushed for a release of detainees as a precondition for negotiations.<sup>55</sup> These demands, however, were dismissed instantly by the new coalition government which has until now resisted referring to the detainees as political prisoners, choosing instead to refer to them as coup plotters or as common criminals. This is not simply a semantic debate; the definition has legal and political ramifications. In a very odd twist, Armenia’s Prosecutor General continues to maintain that the opposition used “psychological tricks” or “mass hypnosis” to gather support and that he has evidence from the criminal proceedings to show that some of the detainees were “delusional.”<sup>56</sup> This is reminiscent of Soviet era tactics of discrediting critics by questioning their mental fitness and capacity.

Meanwhile, the leader of the Heritage party, Raffi Hovannisian—who had supported Ter-Petrosian during the election—tried unsuccessfully to mediate between the government and the opposition. Amid this atmosphere, on May 2, Ter-Petrosian made a public appearance and expressed his willingness to negotiate with Sargsyan,<sup>57</sup> although his more recent statements have been tougher, pledging to continue street protests, “seeking to achieve a maximum mobilization of the public.”<sup>58</sup> By end-June, the pro-government parties were functioning within the parameters of shared power. Calls by Ter-Petrosian to unite the opposition into a single larger entity—the Armenian National Congress (ANC)—were welcomed hesitantly by some opposition leaders, and the opposition is yet to give more specifics about the design and the functionality of the ANC.<sup>59</sup> Beyond setting the political prisoners free, the opposition’s demands are currently focused around getting early parliamentary elections. If done properly, this in their view will allow the formation of a parliament that better reflects the political reality on the ground and allows a non-trivial representation of the opposition in the country’s legislative process. This is also likely to give the opposition a say in the formation of the new government.

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<sup>52</sup> “New Armenian Coalition Takes Shape,” *RFE/RL*, March 21, 2008.

<sup>53</sup> “New Armenian Cabinet Formed,” *RFE/RL*, April 21, 2008.

<sup>54</sup> “New Armenian Cabinet Wins Vote of Confidence,” *RFE/RL*, April 30, 2008.

<sup>55</sup> “Opposition Makes Demands,” *Azg*, March 25, 2008.

<sup>56</sup> “Prosecutors Insist On Opposition ‘Hypnosis’ Of Armenians,” *RFE/RL*, July 8, 2008 referring to an interview given by the Prosecutor General to *Aravot* daily on July 8 (in Armenian).

<sup>57</sup> “Ter-Petrosian ‘Ready’ to Talk to Government,” *RFE/RL*, May 2, 2008.

<sup>58</sup> “Armenian Opposition Resumes Non-Stop Protests,” *RFE/RL*, July 4, 2008.

<sup>59</sup> “Demirchian Cool Towards Opposition Party Merger,” *RFE/RL*, May 9, 2008.

However, the opposition's achievements have so far been largely in the realm of moral victories. Since April 2008, it has unsuccessfully tried to challenge the government within Armenia's legal and constitutional framework regarding the wrongful imprisonment of demonstrators and the ban on assembly. This was done simultaneously with legal pressure from various international agencies that have criticized Armenian government's handling of the post-election developments and its human rights record. The latest in these was a ruling by European Court of Human Rights criticizing the Armenian government for holding back freedom of expression by refusing to grant an opposition TV station a license for broadcasting.<sup>60</sup> In an apparent failure to properly contain these external developments, the ruling was dismissed by the Armenian government as a technicality rather than a freedom of speech violation on the part of media regulatory authority.<sup>61</sup>

## **B. Moving Forward**

As of early-July, rapprochement between the government and the opposition looks unlikely. Political polarization remains strong and the new government has not addressed the election-related issues, focusing instead on economic reforms. Here too the future is uncertain. The coalition cabinet, led by a reform-minded prime minister, is comprised of individuals lacking shared vision, common convictions, professional record, and political experience. Some of the far-reaching proposals put forth by the prime minister arguably remain hostages to Armenia's oligarchic economy (where to a large extent old government and government-connected individuals still call the shots), serious human rights and civil liberties' shortcomings, as well as daunting social problems. Unless genuinely acknowledged and addressed, these factors are likely to critically undercut support for any economic reform effort. But the pressure from the opposition since February 19 has already begun to bear fruit in this regard. Recent measures to cut down on corruption and reduce barriers to doing business undertaken by the new government would have been a stretch during Kocharyan's 10-year tenure when corruption in Armenia instead grew becoming more institutionalized and entrenched in everyday life.

While seen as necessary steps toward reconciliation, measures to improve business environment, however, may not be sufficient to get the process moving from a standstill.<sup>62</sup> Despite international legal setbacks, the authorities are taking a "business as usual" approach in the area of civil liberties and political freedoms. The reality on the ground, however, is very different. A recent Gallup Survey conducted in Armenia showed that 70 percent of the respondents were afraid to express their political views.<sup>63</sup> An atmosphere of fear and resentment toward the government could have serious repercussions for the Sargsyan administration for the months ahead.

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<sup>60</sup> "European Court Judges in Favor of Closed Armenian TV," *RFE/RL*, June 17, 2008.

<sup>61</sup> "Government Official Downplays Legal Defeat in Strasbourg," *RFE/RL*, June 18, 2008.

<sup>62</sup> It is also not clear yet whether these reforms are here to stay. While certainly welcome, it remains to be seen whether these measures will lead to substantive changes of the reality on the ground, as opposed to simply being window dressing intended to divert the attention of citizenry and the outside observers from the more important political reforms.

<sup>63</sup> "Gallup Survey: 'Atmosphere of Fear' or 'Provocation'?" *ArmeniaNow.com*, June 13, 2008.

Nearly six months after the elections there is a sense that the country is at an impasse. Although the situation remains quite fluid and dynamic, the prospects of negotiations remain distant. Small-scale street protests continue and a number of larger organized demonstrations have also been held. The latter drew large crowds and served as a platform for the opposition to lay out its positions and set forth its demands. This was an important factor in getting the opposition-minded public opinion informed given that the official media still is not accessible to them. In the background to these internal political developments, there have been efforts by some international actors to resolve both the internal crisis as well as to move ahead on the solution on the NK conflict. The negotiations around the latter will continue to have ramifications on local political developments including raising the question of suitability of a particular candidate to lead the country in a period of potential external treat.

While arguably not very effective in terms of directly influencing the course of political action in Armenia,<sup>64</sup> the external pressure may have changed some of the authorities' tactics. A recent announcement by Serge Sargsyan about his willingness to allow a panel of Armenian and Turkish historians to determine whether the mass killings of Armenians during the 1915-18 constituted a genocide was seen by some as a signal of willingness to go along on issues of importance for the West but also an attempt to take the world's attention away from the domestic political crisis and the NK issue, which he is ultimately associated with. However, there are already signs that this may have implications on domestic political developments. In a clear sign of warning to Sargsyan, ARF-D's world-wide governing body, the Bureau, stated at a recent session that "the fact of the Armenian genocide is not a subject of discussion, and no high-ranking official representing Armenia may have a different approach."<sup>65</sup>

Moreover, these political challenges are complicated by a growing social discontent over the rising prices, appreciating exchange rate, as well as high levels of inequality and corruption. These are serious challenges for any leader, but more so for one who appears to lack strong popular support, who came to power as a result of a fraudulent election, and who continues to rule by force. As we stated above, a serious change in action—one that encompasses wide-reaching political reforms and measures beyond those aimed at improving the business environment—is necessary to move from a standstill and toward reconciliation.

Such a change, however, will not come about of its own accord. It will take continued civil society pressure, efforts of Armenia-based institutional players (e.g., the Ombudsman's office and the Heritage party's parliamentary fraction), as well as involvement of international stakeholders to make it happen. Unless the authorities undertake credible confidence-building measures and genuinely attempt a dialogue with the opposition, the current government is doomed to become the government of some Armenians rather than of Armenia as a whole. In the meantime, the tensions are likely to intensify and existing political polarization is likely to

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<sup>64</sup> Frustrated by the unwillingness of the PACE to take action against the authorities in Yerevan, Raffi Hovannisian, the only opposition member of Armenia's delegation at the PACE, walked out of the June 25 hearings in protest. In criticizing the two co-sponsors of the recent PACE resolutions on Armenia, Ter-Petrossian called them "defense lawyers" of the administration in Yerevan ("Opposition Leader Adamant In Boycotting PACE," *RFE/RL*, July 7, 2008).

<sup>65</sup> "Dashnaks Warn Sarkisian Over Armenian Genocide Study," *RFE/RL*, July 8, 2008.

widen. The challenge for Serge Sargsyan is to reverse the polarizing policies of his predecessor. If successful, he may have an opportunity to unite the otherwise hugely divided country.

Chief among those confidence-building measures should be an independent inquiry into the February 19 and March 1-2 affairs. This should result in credible and transparent legal cases against the perpetrators of the election fraud—including at the higher levels of the political pyramid—and subsequent crimes. This process should be preceded by the release of all political prisoners as a confidence-building measure to allow the society to heal. Once this is under way, a task force could be formed to look into the conduct of early parliamentary elections and into the design of measures to prevent any large-scale fraud from repeating itself. This process could perhaps be overseen by a credible joint body of local and Diaspora individuals with high social standing. To the extent that managing this process would require executive powers and ability to legislate (on a limited basis, to do away with any loopholes in the current election-related legislation that effectively allowed the fraud to take root), this joint body may be given status of provisional (election) administrators, with a clear mandate of securing a free and fair election within a fixed timetable.<sup>66</sup> These administrators will then be certainly well advised to reverse the ban on the voting at the embassies abroad, allowing Armenia’s sizable yet largely disenfranchised non-resident citizenry to participate in country’s governance.

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The rhetoric of hate and the deepening of political polarization that followed March 1-2 continue to stunt democracy in Armenia and cast a pall over the current reality and prospects for future development. The reality is that election fraud—in the various forms it took throughout the modern history of Armenia, and particularly on February 19, 2008—is largely to blame for March 1-2. One important lesson from history is that refusing peoples’ free will and replacing it with elusive benefits of short-term “stability” or, much worse, with personal gains for a well-connected few will backfire, as it did on March 1-2. Failing to understand this and take actions to address the underlying problems will have grave consequences for the country and the nation as a whole.

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<sup>66</sup> To avoid any conflict of interest and enhance the credibility of the effort, members of this provisional administration could announce that they will not participate in the upcoming election (which they are appointed to administer), or become members of the cabinet that would be appointed by the National Assembly (to be elected as a result of those elections).

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## APPENDIX I

### Election Day Violations Reported by Hetq Online <sup>67</sup>

**13:10** - A few minutes ago Levon Ter-Petrosian's (LTP) HQ in Yeghegnadzor reported that bribes were being handed out from a silver Honda vehicle in the village of Malishka. The only numbers legible on the official license plate were - 004 and 80. Some of the village residents stated that the bribes were being handed out in the name of Ara Abrahamyan, President of the Russian-Armenian Union. Others believed that Levon Sargsyan, brother of presidential candidate Serzh Sargsyan, was behind the bribe giving.

#### **13:00 - A Car Chase in Gyumri**

Passengers in a black BMW with no license plate parked outside the Gegham Saryan School in Gyumri have been reported to be slipping money into the passports of prospective voters and directing them to vote for Serzh Sargsyan. Mikayel Hayrapetyan, President of the Conservative Party, was able to videotape the incident and his car is now being followed by a group of 'skinheads'. Hayrapetyan has notified the police but they haven't yet responded to the call.

#### **All Is Not Well in Nor Hadjin**

«Fatherland and Honor» political party President Garnik Margaryan reports that in the town of Nor Hadjin in Kotayk Marz two polling stations aren't properly furnished and that election committee staffers are seated right beside the ballot booths. Widespread election infractions are taking place.

**12:47** - Artashes Avoyan, from Artur Baghdasaryan's Campaign HQ, reports that they've already registered violation both in marzes and in the capital. Fighting and scuffles were reported from the 11/04 polling station in Shengavit. 5 cases of double voting have been registered at the 8/08 polling station in the Malatia-Sebastia district where the situation is described as ungovernable. Violations have also been registered in the Martuni villages of Nerkin Getashen, Tzovinar and Zolakar.

**12:45** - Nelly Khosrovyan, from Artur Baghdasaryan's HQ, reports that around 11 A.M. in the southwestern B1 neighborhood (Bangladesh) voter registration violations have occurred. Some voters have attempted to cast a second ballot with already stamped passports.

Some 30-40 individuals were forced to cast "open" ballots at the Kindergarten #255 in Shengavit. Pressure was brought to bear on election committee staffers and appointed observers.

A fight broke out at Polling Station 8/8. Members of the Republican Party were reported to have instigated the melee.

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<sup>67</sup> Available on website for Hetq Online Investigative Journalists of Armenia <http://www.hetq.am/eng/politics/7593/>. Reprinted with permission.

#### **12:44 - Voter Roll Violations**

Hovhannes Igityan, who heads Levon Ter-Petrossian's HQ in Avan, states that voter rolls are being used to ferry people to polling stations free of charge. Two voter rolls had been obtained by HQ staffers. Upon hearing the news, supporters of Serzh Sargsyan raided the Avan HQ. The LTP headquarters notified the police who are presently keeping the HQ under watch. According to H. Igityan, one of the lists included information as to how to best use it. In the list were the names of the residents of Building #41 on Narekatsi Street in Avan.

Reports from Dilijan state that buses displaying the "Araj Hayastan" (Forward Armenia) banners of Serzh Sargsyan's campaign have been ferrying students registered in Tavush but studying in Yerevan to their homes throughout the Marz to vote since early this morning. The same source reports that 5,000-dram election bribes are being handed out in Dilijan, but that it isn't widespread.

#### **12:40 - School Under Siege**

The campaign headquarters of presidential candidate Levon Ter-Petrossian reports that the passports of those voting at the 13/08 and 13/09 polling stations at Public School #120 in the Erebuni district aren't being stamped. They also report that individuals are standing right besides the ballot boxes and directing voters who to cast their ballot for. Some 30-40 unidentified individuals are mulling about outside.

#### **12:30 - 11.2 % of Voters Have Already Cast Ballots**

The Central Election Committee has announced that as of 11 A.M. a total of 265,533 ballots have been cast throughout the Republic of Armenia's 1923 polling stations. This constitutes 11.2 % of all eligible voters.

**12:00** - "Hetq" reporter Shushan Stepanyan reports that groups of people are assembling in front of the Davitashen 5/6 polling station and that a group of youths are taking notes regarding the people entering to vote. When our reporter informed the group that they can only assemble at a spot 50 meters from the polls one of the youths threatened him saying that he should find something else to do or else.

Artur Martirosyan, an observer from Levon Ter-Petrossian's team at the 5/5 polling station in Davitashen, notified our reporter that he was denied access to the site despite the fact that Tamara Nurijanyan, an observer from Serzh Sargsyan's team, was seen standing right next to the ballot boxes. According to Artur Martirosyan, the passports of those voting weren't being stamped on the paper pages but rather on the poly-laminated covers.

**11:50** - "A1+" reports that at 11:20 AM, at #6 Zavaryan Street, a group of 'thick-necked' inebriated youth dressed in black and wearing black caps attempted to break the news channel's video camera. They approached the "A1+" cameraman as he was getting out of his car. They proceeded to beat the cameraman, grabbing the cassette and destroying it. They tried to break the video camera as well but failed.

One of the youth started to curse the “A1+” cameraman and “Zhamanak-Yerevan” newspaper reporter Heghineh Manukyan when he saw candidate Levon Ter-Petrossian’s campaign booklet in the car. When “A1+” telephoned the office of the OSCE/ODIHR to report the incident they were told that there were no available observers to send out.

**12:13** - A resident of Avan informed Levon Ter-Petrossian’s central headquarters that passport covers were being stamped in the 1/09 polling station in Avan. This is an election violation.

Citizen Armen Sahradyan reports that a group of guys loyal to Samvel Aleksanyan (Lfik Samo), a businessman and deputy of the National Assembly, had converged on the 8/09 polling station.

In the village of Rya Taza (former district of Aparan) located in the Aragatzotn Marz, Mesrob Adamyan, an observer from Levon Ter-Petrossian’s team, was forcibly removed from the polling station and a ferocious dog was unleashed upon him. During the melee 132 ballots were stuffed into the ballot box. Rya Taza Village Mayor Broyan was responsible for staging the incident.

In the village of Yrnjatap (former district of Aparan) located in the Aragatzotn Marz, appointed observers from Levon Ter-Petrossian’s team at the polling station requested the presence of international monitors since some 30 voters cast “open” ballots and local election committee staffers refused to register the infraction. National Assembly Deputy Lyova Khachatryan who has declared that the victory of Serzh Sargsyan is a matter of personal pride for him controls the district.

**11:50** - Mariam Poghosyan, from the headquarters of Artashes Geghamyan, reports no election violations have been registered.

**11:50** - Heghineh Bisharyan from the election headquarters of candidate Artur Baghdasaryan, reports that 3 violations have already been noted in the Malatia district. Fake ballots are being handed to voters still in buses. Fake ballots have been handed out in Zeytun as well. Voters in the Nerkin Getashen have been forced to cast “open” ballots. A representative from Levon Ter-Petrossian’s campaign, observing developments in Abovyan’s 28/6 polling station, was physically beaten. A reporter from Radio Liberty who witnessed the incident informed the headquarters of the news.

**11:35** - Election Bribes in Malishka

Starting at 10 P.M on February 18th, supporters of presidential candidate Serzh Sargsyan began handing out election bribes in the village of Malishka, Vayots Dzor Marz, from a “Jeep” SUV parked across from the Mayor’s Office. Members from Levon Ter-Petrossian’s campaign headquarters in Yeghegnadzor were able to videotape the incident. The headquarters reported the news to foreign observers who formally registered the complaint. Edvard Asatryan, a member of the headquarters’ staff, confirmed the incident.

**11:30** - Reporting from the 9/25 Election District in Dzoragyugh, S. Vardumyan, an appointed representative from candidate Levon Ter-Petrossian’s campaign team, stated that recently 6

public route vans were taking groups of people to vote. These vehicles carried the following government plates: 0513s, 0514s; Route #4 van - 1074s; Route #27 van - 2874s; and 0503s, 0505s. The vans' official plate numbers weren't concealed. S. Vardumyan confirms that the observers and video cameras registered this development.

**11:25** - A voter in the neighborhood of Davtashen, Yerevan, stated that a Route 28 public minivan was ferrying groups of voters to the 5/10 and 5/11 polling stations located in the kindergarten of Davtashen's 2nd district. The van in question was a Ford.

**11:20** - According to reports from Vahan Hovannisyanyan's headquarters no election infractions have yet to be registered. 3199 people have already cast ballots in the Aragatzotn Marz.

**11:19** - Dustrik Mkhitaryan, from the headquarters of Vazgen Manukyan, reports that 50-60 individuals entered the 3/29 polling station in the Zeytun district and cast ballots based on extra voter rolls.

#### **11:10 - Ballots Already Checked-Off**

Reports from the headquarters of candidate Levon Ter-Petrossian in Malatia-Sebastia (Yerevan) state that paper ballots already checked off for Serzh Sargsyan are being handed to voters showing up at the 8/08 and 8/09 polling stations located at the Tekeyan School in the 7/21 Election District. A fake passport was observed at the 7/19 Election District. The police took the observer who reported the incident away. Reports from the Malatia-Sebastia campaign headquarters state that members of the Police are actively working for the benefit of the government's candidate.

#### **Election Bribes**

Levon Ter-Petrossian's Malatia-Sebastia campaign headquarters reports that election bribes are being handed out in the backyard of the Andranik School in the southwestern B3 district. Voters taking the bribes are then herded into vans and taken to the polling stations.

#### **9:30 - Minivans outside the Republican Party of Armenia Headquarters**

Since this morning minivans have been parking by the Yerevan Cinema House that is located by the headquarters of the Republican Party of Armenia. Four vans had a 99 in their license plate number and three the number 104. One of the drivers stated that they wouldn't be going out on their routes today and were awaiting directions from the headquarters.

**08:00** - According to the statement of the Central Election Committee all 1923 polling stations across Armenia were opened as of 8 A.M. Votes can be cast until 8 P.M.

The complete list of violations reported on Hetq Online (in Armenian) is available from: <http://www.hetq.am/arm/politics/7592/> and <http://www.hetq.am/arm/politics/7594/>.

## APPENDIX II

### Legal Initiative: Elections-2008 Summary of Calls Received on Election Day <sup>68</sup>

On February 19 the office of “Legal Initiative: Elections-2008” received around 475 alerts on different transgressions. Almost 70 calls out of the overall number sought on spot legal assistance and the Hotline Ambulances were sent accordingly. The remaining calls of approximately 405 involved legal consultations over the phone. During the day of Elections the following complaints were registered.

#### [20:15]

- A voter reported that at the polling stations 5/28 the voting ballots were marked by only two signatures instead of three. According to Article 53, point 1 of the RA Electoral Code, the voting ballots should have three signatures of the electoral commission members. According to the Decision #15N of the RA Central Electoral Commission of 09.02.2008 the ballot voting is regarded as invalid if it is not signed by three members of the electoral commissions.

#### [19:55]

- A caller, who called himself Mher, reported that during his voting at the polling station 7/12 he observed a massive ballot stuffing, some proxies were sitting in the station, with torn clothes, some of them crying.

#### [19:20]

- More than a dozen inhabitants of Ashtarak city reported that they saw strange names registered in the voting lists as registered at the addresses of their apartments.
- Some commission members of the polling station 1/10 of Yerevan threaten the observers.
- At the polling stations located in the schools #114, #71 and in the library of Khnko Aper, groups of people were noticed, who instead of voting with passports were voting with the Form No. 9.

#### [18:00]

- Bribes were distributed at the shop in front of polling stations 29/12 and 29/11 of Vanadzor city.
- In Artashat polling station 17/10 a voter Karine Ivanyan saw ballot stuffing and when she made a loud notice of it, the commission members beat her.
- The head of the “Liberalism and democracy” observation mission Nouneh Vartuni made photos on how people were brought by cars and minibuses to the central market “GUM”, and are given documents proving their right to vote by the address of their living. Around 17:00, Nouneh Vartuni made photos near the building of the Union of Writers of cars which were traveling from one to another polling station, after which she was approached by young people who came out from the white car Niva with 01 SS 907 license numbers and took by force, the camera from her.

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<sup>68</sup> Available on the website for Human Rights in Armenia <http://www.hra.am/eng/?page=issue&id=17784>.  
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**[16:30]**

- An uncontrolled situation is reported about polling station 13/16 in Erebuni district of Yerevan, where ballot stuffing and open voting was observed. At the polling station many observers and the NA deputy of Zharangutyun party Zaruhi Postanjian were present, though this does not stop illegal practice. The rapid response car's command of the Legal Initiative 2008 witnesses that the police used physical against Zaruhi Postanjian.
- A black car PRADO with 99SS888 license number was located next to the polling station 3/20, and people before voting were approaching this car.
- In the school #174, of the Malatia Sebastia region, Polling station 7/12, one of the members of the "Legal Initiative Elections 2008" rapid response cars - journalist Elmira Martirosyan took a photo on the fact of ballot stuffing. The present police, using force, took the photo camera from the journalist and pulled the memory chip out of the camera.
- Numerous calls report that the chairmen of the electoral commission do not let the opposition candidates' proxies to check the passports of voters.

**[15:30]**

- The son of Iskhan Manukyan, inhabitant of Vanadzor city, has returned home after finishing his military service, and seeing that his name is not in the voters' list went to the Court. The Court refused to receive his application for legal proceeding on restoring his right to vote. According to other callers, courts of Vanadzor, Gyumri, Shengavit and Kentron-Nork-Marash districts of Yerevan also refused to proceed on applications on restoring voters' rights.
- Voters of the 13/13 polling station are led to voting by people who have flags with slogans "Forward Armenia" (the slogan of the current Prime Minister, Presidential candidate Serzh Sargsyan).
- Next to 3/27 polling station some people sitting in a red car OPEL have voters' lists and part of voters before entering the polling stations approach the car and then go to vote.
- Observers at the polling station 5/21, located in the school named after Shirvanzade, noticed that a number of young people voted for several times. The observers demanded of the commission members that they follow the provision on putting special marks in the passports of the voted persons (according to the new provision, the commission members are obliged to put special marks in the last page of the passport of each voted person). The commission members threatened observers to take physical actions against those who complain.
- In 14/7 district of Ashtarak town, a candidate proxy Sona Malkhasyan is threatened by some of commission members, who push her to leave the polling station. By 15:30 Sona Malkhasyan is still in the polling station.
- A case of fighting in the polling station located in School #162 was reported at approximately 15:30.
- A mass ballot stuffing in polling station 27/25 –in Aramus village- was reported.

**[14:30]**

- Voters are brought to the polling stations 34/24, 34/25, 34/26 by minibuses and are given bribes to vote for Serzh Sargsyan. One citizen saw how a car-BMW –is located next to one of the stations- and people sitting there distribute election bribes.

- Polling station 16/44 –in Nizami village of Masis region- the chairman of the electoral commission - does not allow the proxy of Levon Ter-Petrossian to become familiar with protocols.
- The voters' list of the hospital of the Sevan town was increased by 40 persons.
- One of voters of the polling station 6/29 complaint that he saw in the voter list an unknown name registered as inhabitant of his apartment.
- A fight was reported to take place in 4/24 polling station.
- In the polling station located in the Yerevan school #100, a practice of “carousel” was noted. Observers composed an official statement on this.
- In the polling station 13/11 of Erebuni community an open voting and ballot stuffing was registered.

**[12:30]**

- In the center of Yerevan a bus full of 25 people circulates from a district to district. In the district #11/03 in the building of a kindergarten #255 there is a gathering of voters.
- In Artashat a gathering of people is noticed in the district #11/17, mass stuffing of ballots has been recorded; the reports have been drawn up. The staff of the “Legal Initiative: Elections-2008” Legal Emergency car was threatened.
- In the districts #24/15 and #24/14 of the city of Martuni there was an open voting. The report has been drawn up.
- In the district #7/18 located in the school #162 one of the observers was arrested.
- In the district #13/28 there were cases of mass stuffing of ballots. A 14-year-old child has voted, an appropriate report is being drawn up.
- In the electoral district #8/21 of Malatia-Sebastia mass stuffing of ballots has been recorded, there were people beaten, one of the victims, Pargev Mnatsakanyan, was taken to the hospital. A statement addressed to the Office of Public Prosecutor is being prepared.
- In the student dormitories of Yerevan Nor-Nork district some people were forcing to take money and vote in favor of Serzh Sargsyan.
- In Yerevan electoral districts #4/28 and #4/27 one citizen recorded the “carousel-voting”. A protest report has been drawn up.