



Office for Democratic Institutions and Human Rights

**Armenian Presidential Elections
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Final Report**

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INTRODUCTION

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) received a formal request from Armenia's Central Electoral Commission (CEC), to observe the presidential elections scheduled for 22 September 1996. In response, ODIHR representatives travelled to Armenia in early August to undertake a needs assessment mission. They met with the Chairman of the CEC, prospective presidential candidates and international NGOs.

It was concluded that the ODIHR should establish an Election Observation Mission. Consequently the ODIHR appointed Simon Osborn (United Kingdom) as On-site Co-ordinator and Vrej Atabekian (Armenia) as an Election Assistant.

Upon arrival, ODIHR Observation Mission established contact with the Ministry for Foreign Affairs, the CEC, the presidential candidates and their campaign staff, Embassies of OSCE participating states, the media and international non-governmental organisations. The Co-ordinator was joined by two long-term observers - Mr Heikki Happonen (Finland) and Mr Volker Jacoby (Germany) - and five medium term observers - Ms Denise Tallotta (USA), Ms Melissa Sharer (USA), Ms Colleen Bell (USA), Ms Pamela Gomez (USA) and Mr Michael George (USA).

According to their terms of reference as outlined in the OSCE / ODIHR election observation framework document, ODIHR representatives monitored the pre-election period and facilitated the accreditation, deployment and briefing of 89 short term observers.

ODIHR representatives organised a series of rolling briefings for short-term observers throughout the week before polling day, and one large national briefing for observers on Friday 20 September prior to their deployment. Observers from OSCE member states' Embassies - UK, USA and Germany - were deployed following the national briefing on 20 September.

The short-term observers represented 12 OSCE participating States including Austria, Canada, Denmark, France, Georgia, Germany, Hungary, Norway, the Netherlands, Sweden, United Kingdom and United States of America.

The 89 OSCE / ODIHR observers (a further 5 observers were deployed by their own organisations) were deployed across all eleven regions of Armenia. The observers, usually in teams of two, made 456 visits to polling stations on Election Day, covering 28.5% of the 1,596 Precinct Electoral Commissions (PEC).

Thirty seven observer teams monitored the counting of votes immediately after the close of polls in the PECs. These teams then accompanied the ballot papers and other official materials to the Community Electoral Commissions (CoEC). There are 930 CoECs in Armenia.

There are a total of 11 RECs in the country. Four teams were deployed at the REC level in the City of Yerevan, and the Armavir, Kotayk, and Gegharkunik regions. These REC Observer teams sat with the RECs throughout the night monitoring the results as they were brought in from the lower (CoEC) electoral commissions.

All observation teams returned to Yerevan to participate in the debriefing organised by the ODIHR late in the afternoon of Monday 23 September.

A preliminary ODIHR post-election statement was released which covered the legislative framework of the elections, the pre-election period and the observation of voting. It was made clear at the time the statement was issued (15:30, 24 September 1996) that it was a preliminary statement and a final statement would follow covering the vote count, aggregation, verification and announcement of the final official results.

THE LEGISLATIVE FRAMEWORK

Two laws in particular govern the presidential elections - the 1996 Law of the Republic of Armenia on the Elections of the President of the Republic of Armenia (hereinafter; the presidential election law) and the 1996 Law of the Republic of Armenia on the Elections of Local Self Governing Bodies (hereinafter; elections of local self governing bodies law). Furthermore the Central Electoral Commission issued a series of regulations for the implementation of these laws.

The ODIHR concluded that the legal framework for these elections was a clear improvement on previous electoral legislation. In particular, the law makes provision to improve the transparency of the process. For example, deadlines are set for the publication of preliminary and final results,

the right for candidates' proxies to receive copies of the precinct results - the protocols, the right for candidates' proxies to validate ballot papers at the precinct and the provision for PECs to paste the protocols in clear view at the polling station after the count.

The presidential law also removes procedures that had been the cause of some controversy in the past. In particular it forbids the use of 'mobile ballot boxes', mobile polling stations and absentee voting. Although these restrictions compromise the right to vote, past practice had convinced legislators to accept this as a necessary step to increase public confidence in the process.

The credibility was further enhanced by the election of Mr Khatchtour Bezirjian as Chairman of the CEC, who enjoyed the confidence of both opposition and government members of the CEC and all the presidential candidates.

However, as with any piece of legislation, it is how the law is implemented that is crucial.

THE ELECTORAL COMMISSIONS

The Elections of Local Self Governing Bodies Law covers the formation and composition of electoral commissions. The Presidential election law stipulates the powers of each layer of electoral commissions.

At the apex of the electoral commission structure is the Central Electoral Commission which has prime responsibility for the implementation and interpretation of the law. Below them are the eleven Regional Electoral Commissions which have substantial administrative control of the process and are responsible for aggregation and verification of the results. Then come the 930 Community Electoral Commissions who provide the PECs with the draft voter list, gather together the PEC results, count the voter coupons and pass all of this information on to the REC. Finally come the 1,596 Precinct Electoral Commissions who administer the election in polling stations and the vote count.

The REC's who are nominated by the parliamentary parties have considerable administrative control of the process, and nominate the members for the CoECs and PECs in their region. They also have the right to remove their nominees and replace them with others.

The Chairman and Secretary of the REC are full time and play a pivotal role in the administration of the elections. The Chairman of every REC was a nominee of the Armenian National Movement (ANM), which nominated Levon Ter-Petrossian, and in many cases so was the Secretary of the REC. The Deputy Chairman usually was a member of the pro-government Republic Bloc.

The PECs and CoECs must elect their Chairman, Secretary and Deputy Chairman at their first two meetings. If unable to do so - because they are inquorate or unable to come to a decision - the REC then have the power to appoint one of the PEC members. For example the Shirak REC appointed all 57 Chairmen of the Gyumri PECs.

The Chairman, Secretary, and Deputy Chairman of the overwhelming majority of CoECs and PECs throughout the country were nominees of the Republic Bloc, and in most cases were nominees of the ANM. Although completely legal this gave the pro government parties considerable power to influence the work of the lower electoral commissions.

The Mission's long and medium-term observers met with the RECs prior to polling day, whose chairmen underlined their commitment to the law and their desire to reach decisions by consensus. However observers noted that, as polling day approached, the commissions to a larger or lesser degree, particularly at the regional level, became more partisan. In such circumstance the Chairman, Deputy Chairman and Secretary of the REC can play a very significant role in the decisions that are made.

VOTER REGISTRATION

According to the election law, each CoEC must draw together the voters list for each PEC in its area. Once the original list has been drawn up it is open to inspection and names can be added or withdrawn. An additional list, of those whose names have been added, is drawn up and both lists are then displayed in the polling station. The law stipulates that the original voters list must be open to correction and on display in the polling station on or before the 6 September.

Observers noted in far too many cases that lists were not on display in the polling station. For example; the voters list in PEC number 44/1 in the Tavaush region were still not approved or on display when the polling station was visited on 19 September - three days before polling day.

In Yerevan the problem was exacerbated as very few polling stations had been signposted within the period allotted by law and some stations, for example; PEC 9/1 in the Nork Marash CoEC and PEC 5/6 in Erebuni CoEC in Yerevan, had to be moved on 16 September as the original polling station was inadequate.

Furthermore voters were allowed to register on the day, if they provided proof of their identity, usually their passport, and proof that they were 'permanently resident' in that precinct's catchment area. Although the number of voters added to the voters list varied from polling station to polling station, observers expressed concern at the large number of additions to the voters lists in some polling stations.

Given the removal of voters rights to absentee votes and the outlawing of mobile ballot boxes, considerable improvements should be made to civilian voters lists. Too many voters were not on the original or additional lists. Equally a number of observers reported to the Mission allegations of some voters voting for the 'dead, left or gone' who were still on the original list.

MILITARY VOTER LISTS

According to the presidential election law the Military prepare their own list of voters. This list is presented to the REC which then allocates these lists to PECs. For example the Yerevan REC began discussions on the deployment of the Military lists on 16 September, aware of the need to ensure that PECs did not exceed 3,000 voters the REC could not reach a decision at that meeting (eventually they decided to allocate the Military to one PEC - 5/27- in Erebuni CoEC, and some to Kanaker-Zeytun CoEC).

However in almost all cases the lists were presented late and members of the REC were not always allowed to verify their accuracy - the Yerevan REC noted that the lists that had been provided did not have the date of birth of the soldiers on the voters list as required by law.

Furthermore observers noted that the Military lists were, in some PECs, amended on polling day itself and in some cases done so without the consent of the PEC Chairman. For example, the military lists had additional names added to the military voters list on the instruction of the unit's commander against the wishes of the PEC members and Chairman in precinct 2/13 in Echmiadzin.

VALIDATING THE BALLOT PAPERS

Candidates proxies may, prior to polling day, apply in writing to validate ballot papers by signing the back off them. The PEC on receipt of a request then decides whether it will allow those who have applied and how many of them may validate the ballot papers. If no proxies have applied then the PEC may decide not to require proxies to validate the ballot papers.

This provision of the law was open to interpretation because some PECs decided that the deadline for applications would be the end of business on Thursday 19 September and others read it to be Friday 20 September. Consequently in some PECs candidates proxies had applied, in what they believed to be due time, only to find that their application had been rejected by the PEC because it had decided that the application should have been provided the day before.

THE PRE ELECTION CAMPAIGN

The presidential election law does lay down the regulations for candidates' campaign accounts, limits on donations, access to the media, restrictions on campaigning within the military, and restrictions on election commissions.

According to the presidential election law candidates must produce an account of their campaign expenditure and an account of donations to their campaign within two months of polling day.

Presidential candidate Levon Ter-Petrossian made a virtue of making available the details of his campaign's funds during the election campaign. None of the other candidates revealed how much they had spent or had been donated to their campaign.

THE MEDIA

Television was the key medium for the campaign due to limited circulation of the print media and the relatively small funds available for each candidate to have equal access to free advertising on State TV and Radio. The CEC drew up a special regulation to cover the implementation of this part of the law in agreement with State TV and Radio.

However, according to the Media Monitoring conducted by the European Institute for the Media, supported by the EU's TACIS democracy program, Levon Ter-Petrossian had a substantial advantage over his opponents during the election period. For example, the EIM observed that Levon Ter-Petrossian had 1050 minutes of editorial coverage on State TV's Channel 1 from the start of the campaign on 23 August until 17 September. By comparison Vazgen Manoukian received only 65 minutes, Ashot Manoucharian 48 minutes and Sergei Badalian 37.5 minutes editorial coverage on State TV Channel 1.

Given this imbalance in television coverage it seemed perverse that State TV denied Vazgen Manoukian and Ashot Manoucharian, when time was clearly available, their last portion of paid advertising time on TV in the last week of the campaign. The CEC Chairman confirmed that the CEC regulation covering free advertising time on television did not govern the allocation of paid TV advertising time. The Head of State TV claimed that the request for paid time had been submitted too late to change the schedules. However as the schedules clearly revealed State TV still had an allocation of free time set aside for the three candidates who withdrew on the Monday of that week (16/9/96).

OBSERVATION OF VOTING

The presidential election law clearly defines the procedures for voting. Voters must be over 18, citizens of Armenia and 'permanently resident' in the precinct to vote. They must produce their passport or some form of recognised photo identification card

and on the voters list to receive a ballot paper. The number on the voter's photo identification is registered on the voters list and the voters then signs the list to register receipt of a ballot paper. The voter's number from the list is filled in on the tear off voter coupon and the voter then goes into the polling booth to vote.

The ballot paper has been radically changed and simplified from last year's parliamentary election. In stead of crossing off names on the ballot paper, the voter makes a mark (usually a tick) in the circle to the left of the candidates name to register their support.

To be elected on the first round the winning candidate must secure more that 50% of the votes cast for all candidates. There is no requirement in the law for turnout, thus obviating any need for PECs to 'harvest' votes to secure the required turnout threshold.

Voters must vote in secret (with the exception of voters who request the assistance of another voter due to poor eyesight etc) and they may only vote once.

Each observer team was requested to fill out an Observation of Voting form for each polling station they visited. A total of 456 Observation of Voting forms were returned to the Mission. Giving a picture of the conduct of voting in 28% of the country's polling stations. The level of coverage ranges from region to region. For example in Syunik, the most sparsely populated region of the country, the observers monitored the voting in 14% of polling stations. In comparison observers monitored voting in 38% of Yerevan's polling stations, which had over 37% of the country's registered voters.

The picture that emerges for the election process in the whole of the country is encouraging. For example observers recorded that the voting process was conducted 'correctly' and according to the law in over half (53%) of all polling stations visited. By comparison observers concluded that the process was conducted very badly in only 3.5% of the PECs visited.

The most significant breach in law that seemed to occur most frequently was the number of times observers noted collective voting or more than one person in the booth, which was observed in just over one in five polling stations (23%). However the overall secrecy of the ballot seemed to be honoured in most polling stations. In just over 1 in 20 (6%) polling stations observers noted 'open voting' and in just over one in ten (11.3%) did they witness PEC members being able to see the way a person had voted when they tore off the voter coupon at the bottom of the ballot paper in front of the PEC member seated by the ballot and voter coupon boxes.

Very few observers witnessed any intimidation of voters at the polling station (4.1%), signs of campaigning (2.5%), agitation (3.3%) or campaign material for one of the candidates (5.7%) - the presidential election law clearly states that no building housing an election commission may have any campaign materials present.

Despite the confusion over the signing of ballot papers by proxies noted above two thirds of polling station's ballot papers were signed by candidates proxies.

Observers were specifically asked to look out for any signs of multiple voting (family voting) at the polling stations. Although many observers reported that the PEC chairman had said that some voters had attempted to vote for other family members in only 3% of polling stations visited was it actually witnessed. Very few polling stations (2.6%) allowed voters to vote without some form of recognised photo identification.

Observers were asked to note the presence of candidates proxies in the polling stations as well as authorised members of the media. Their presence is clearly a vital part of the system's checks and balances. Encouragingly observers met proxies for candidates in over nine out ten (93%) of

polling stations visited. Unfortunately the media were less active in monitoring the process as they were met in just over one in a every fifteen (7%) polling stations visited.

However observers were disturbed by the frequency in which they came across unauthorised persons present in the polling stations. In particular they were particularly concerned to note the number of times they came across representatives of the Ministry of Interior. However this became far more significant towards the end of the count later that night, particularly in the Yerevan, Kotayk, Armavir, Ararat, and Gegharkunik regions.

MILITARY VOTING

Observers were very disturbed by the clear breaches in the law witnessed in many of the polling stations where they monitored the military voting. In four out ten (40%) polling stations where the military were observed voting there were clear breaches in the law.

In many cases observers witnessed officers either instructing or 'leading' their troops to vote for Levon Ter-Petrossian. For example in precinct 5/27 in Yerevan two observer teams at different times in the day witnessed officers directing their soldiers to vote for the incumbent president. In precinct 41/1 in the Ararat region observers saw officers openly instructing their troops to vote for Ter-Petrossian. In almost a third (31%) of all cases where observers witnessed 'open voting' in polling stations (7%) it involved soldiers voting in the open in front of their officers.

Not only are these serious breaches of several articles of the law but they clearly indicate that the sections of the electoral law on military voting needs to be reviewed and amended to stop such breaches undermining the integrity of the process further in future elections.

OBSERVATION OF COUNTING

The procedures for counting are clearly specified in the presidential election law. At 22:00 the polling stations must be closed and counting begins without any delay or interruption. Once the number of ballot papers supplied, the number unused ballots and the number of signatures on the voters list are counted then the ballot boxes are opened. Each of these figures are registered in a complex series of 'protocols' (numbers 1-4).

Once the boxes are opened the Chairman declare out loud each ballot paper. If one or more members of the PEC object then a vote is taken. This process continues until all ballots have been declared and then each pile - invalid, votes for each of the candidates and papers not according to specimen - are counted. The result of the count is declared out loud by the Chairman, who then fills out the PEC summary protocol. Finally the packages of ballots are wrapped up and taken, along with the signed voters list, protocols and the unopened voter coupon box to the CoEC. The PEC must, according to the law, paste up one copy of the PEC summary protocol in the polling station, in a place where it can be clearly seen. International observers, candidates proxies and superior electoral commissions, including the CEC, receive a copy of the PEC summary protocol.

Observers monitored this part of the election process in 37 polling stations across the country. Although this sample is probably insufficient to give an overall picture of the count across the whole country it does give a clear insight into some of the problems witnessed by observers. On average most stations did not complete their count until the early hours of Monday 23 September. However in precinct 6/4 in Yerevan, which had 1,722 voters who signed for ballot papers, did not finish its count until 11:00 on 23 September. In contrast the earliest count to finish was in precinct 31/1 in Armavir which completed its count at 00:45 on 23 September.

According to the records collected by the Mission, most PECs spent, on average, approximately 20 hours working on polling day. Despite this observers reported that PEC Chairmen in some polling stations in Yerevan attempted to delay the count in the hope that the international observers would leave.

In 8 polling stations observers recorded that the count had not been conducted according to the law and in 5 of them that it had been conducted very badly. Although this does not indicate that this was replicated across the whole country it clearly demonstrates that the counting process was far less competently managed than the voting.

Substantial and serious breaches of the presidential election law were witnessed in numerous polling stations during the count. For example in precincts 4/6 and 2/9 in Yerevan and 3/1 in Tavoush candidates' proxies were not allowed to monitor the count. In 13 out of the 37 polling stations where the count was observed the PEC did not put up a display copy of their summary protocol. In precincts 3/2 and 3/1 in Vaik, 1/1 in Yeghegnadzor, 1/13 in Shirak and 12/1, 2/5, and 11/24 in Yerevan observers reported the presence of officials from the Ministry of the Interior, who are clearly not allowed to attend the count according to the presidential election law.

Observers noted an inconsistent criteria for the invalidation of ballots. Ballots cast clearly for Vazgen Manoukian were invalidated, due to a very small ink dot that had been placed in the circle by Levon Ter-Petrossian's name - in precinct 2/2 in the Ararat region, precinct 10/8 in the Gegharkunik region and precinct 1/5 in Syunik.

During polling day the Mission received a report from media representatives that an unknown person was seen stuffing ballot papers into the ballot box in precinct 11/24. An observer team was sent by the mission to monitor the count at this station. Not only did they note the presence of representatives of the Ministry of the Interior in the polling station during the count, they also observed that the number of signatures on the voters list was not counted. At the end of the count observers reported that a Police officer entered the polling station, with a group of other people in the disturbance that followed the observers witnessed five of these people openly tamper with the voter coupon box. When the voter coupon box was opened by the CoEC later that night the observers recorded approximately 200 voter coupons that were unsigned by voters and did not have the voters numbers written on them as required by law.

In Yerevan precinct 12/17 PEC members attempted to count the vote by pouring the contents of the ballot box on to the table rather than follow the instructions laid down in the law. Consequently a number of the PEC members objected and, after some discussion, the ballot papers were put back into the ballot box and taken to the CoEC. On the journey to the CoEC both the ballot box and the voter coupon box fell off the car and broke open. These boxes were then left unattended at the CoEC and later at the REC until the REC counted these boxes on Thursday 26 September.

However, probably the most extreme breach of the law took place in the central district of Yerevan in precinct 6/22. Shortly after the PEC had concluded the preliminary count and before they were to fill in their protocol the electricity was cut and a group of men charged into the polling station and stole the ballot box and ballot papers. All of which was observed by a group of international observers. It transpired that later that morning, some time after 3:45, the boxes and papers reappeared. These ballots were later counted by the REC on Thursday 26 September and the result for that station declared. Observers noted that the final result differed only marginally from the preliminary result declared on the night. However, as yet no one has been arrested for these extremely serious breach in the law.

It is clear from the evidence presented to the Mission by observers that serious breaches in ballot security took place during the count and in some cases the law was flagrantly disregarded in clear view of international observers.

OBSERVATION OF THE COUNT: COMMUNITY ELECTORAL COMMISSIONS

Once the ballots are counted at the PEC the packages of ballot papers, voters lists, protocols and the unopened voter coupon boxes are taken to the CoECs. There are a total of 930 of these commissions across the country, in many cases they have only one precinct in their catchment area. This is particularly true in the more sparsely populated rural areas. In the urban districts the CoECs will cover the whole town or city, for example Gyumri CoEC has 57 PECs, in Yerevan there are only 12 CoECs covering 309 PECs. Clearly the experience in the rural areas should be quite different from the cities.

Observers were requested to track the results declared in their PEC to the CoEC. In almost half (6 out of 13) of the CoECs visited by observers the number of voter coupons did not match the number of signatures on the voters list recorded in the PEC summary protocol. However in Gyumri observers noted that, although very tired, the CoEC conducted their count of the voter coupons from the 57 PECs in the city efficiently and effectively. Conversely in CoEC number 60 in the Kotayk region observers noted that the members of the commission were drunk during the count.

On the morning of 23 September Malatia Sebastia CoEC in Yerevan made a request to the Yerevan REC to take a break from their work. The law clearly states that once counting has

begun the commissions may not take a break until they have finished. It should be noted that Malatia Sebastia has 34 precincts in comparison Gyumri CoEC has 57. The request by the Malatia Sebastia CoEC was granted by the Secretary of the Yerevan REC. They then 'rested' for 6 hours. This delay in the count in this CoEC made a considerable impact on the ability of Yerevan REC to produce preliminary results for the Capital. The Mission reviewed the results for this district, comparing the number of voters coupons counted with the number of voters who had signed for and received ballot papers. In the Malatia Sebastia precincts 7/8, 7/24, 7/28 and 7/33 the disparity between these figures, as recorded in the protocols, varied from 300 to 1,100. as far as the Mission is aware not one of these precincts was later checked by the Yerevan REC.

The Echmiadzin CoEC informed international observers that they would not be counting the voter coupons and that this would be done by the Armavir REC and turned the observers away. The CEC's regulations on the rights of foreign observers are quite clear; international observers have the right to attend any session of any electoral commission, the Echmiadzin CoEC was clearly 'in session'.

It is clear from the observers reports that the counting process broke down in many CoECs, particularly in Yerevan. This failure in the system clearly needs to be addressed. A thorough review of the relevant section of the presidential election law on the count process, with the context, perhaps, of the adoption of a universal election code needs to take place. Furthermore this review should also look at the structure, composition, and training needs of the CoECs.

VERIFICATION OF THE RESULTS

Once the voter coupons have been counted the protocols from the PECs and CoECs are then transferred up to the RECs. The RECs then transmit the number of votes for each candidate and the number of voters participating in the election to the CEC. Initially this is done by email, although the figures are aggregated later and written down of the REC's preliminary results protocol. This protocol, along with copies of the CoECs and PECs protocols are taken to the CEC by the REC Chairman not later than 48 hours after the close of polls. The REC then begins to check and verify the figures supplied to it by the lower commissions within its region.

Observers reports indicated how the counting process began to break down at the CoEC level. At the REC level the process became even less transparent. The presidential election law is not clear on the verification process. The CEC did not provide sufficient lead and its response to the situation was inadequate. A CEC regulation was still being debated on the night of Wednesday 25 September. The actual resolution was eventually adopted the following day. Arguably this was a massive oversight on the part of the CEC, who should have brought forward clear instructions for the RECs weeks prior to polling day rather than days after it. Consequently the verification process was confused and lacked any sense of cohesion.

For example the presidential election law states that an REC may investigate a precinct's results if they include dissenting notes and if four members of the REC or two presidential candidates make a formal request. Thus for the system to work it requires all members to have free access to the

relevant information. However in Yerevan REC the Chairman failed to produce the protocols for opposition members to view on several occasions when meetings had been arranged. However in Yerevan the REC chairman failed to circulate minutes of meetings and most meetings were conducted without any formal papers or an agenda throughout the whole election period.

In contrast observers reported that Republic Bloc members of the Yerevan REC had ample opportunity to view the protocols, in the absence of other members, and one REC member was seen removing a note of dissent from one of the PEC protocols.

Consequently the Yerevan REC's verification of the results was, at best, partial. For example 15 of the 40 PEC protocols for the Nor Nork CoEC in Yerevan had one or more notes of dissent attached (PECs: 8/1, 8/2, 8/4, 8/5, 8/6, 8/7, 8/10, 8/12, 8/13, 8/17, 8/18, 8/21, 8/26, 8/33 and 8/34). Despite this observers reported that not one of these PEC results were investigated.

Yerevan REC's final protocol was finally agreed on Friday 27 September. Although the final results protocol has 16 signatures only 13 members were seen signing the protocol. For example the Shamiram representative, who was known to the observers, was not in the room and yet the protocol has a signature next to his name.

The Chairman of Armavir REC has already left for Yerevan with the final results protocols when observers visited on Friday 27 September to observe the process of verification. However in the Chairman's office were blank PEC protocols that had been stamped by the PECs and signed. Observers were allowed to take copies of these protocols by the staff of the REC, who were subsequently reprimanded by the REC Chairman on her return. Clearly this finding is deeply disturbing and is quite illegal.

Following the events of Wednesday 26 September observers reported tension in all the RECs visited. These included Armavir, Yerevan, Ararat and Aragatzotn RECs. Quite clearly any sense of co-operation between the two sides had broken down completely.

The process of verification and aggregation was clearly compromised by the lack of clarity in the law, the absence of any regulations, open manipulation of the process, and bias in the RECs observed. The aggregation of the results in Yerevan were further marred by the delay in processing results. There is no doubt that this part of the process was seriously flawed.

THE RESULTS

The final results were passed by the CEC on Sunday 29 September. The CEC declared Levon Ter-Petrossian the winner of the first round of voting with 646,888 votes (51.75%). According to the CEC Levon Ter-Petrossian passed the 50% threshold required by the law to win in the first round by 21,941 votes. Vazhen Manoukian came second with 516,129 votes (41.29%), Sergei Badalian was third with 79,347 votes (6.34% and in fourth place was AShot Manoucharian with 7,529 votes (0.60%).

During the verification process observers noted considerable discrepancies between the number of voters who had signed for and received ballot papers and the number of voter coupons counted in the boxes as recorded on the official protocols. Examples of this were recorded in Yerevan precincts: 5/33, 7/8, 7/24, 7/28, 7/33, 8/17, 8/18, 11/3, and 12/15.

It should be noted that the observers in Yerevan covered 38% of the polling stations and spoke to the Chairman, Secretary or Deputy Chairman in everyone of those polling stations and to the candidates proxies present. The observer forms for Yerevan reveal that proxies were not present in only two of the stations visited. Observers were requested to speak to these proxies and ask them also if they had witnessed any irregularities. Observers spoke to the proxies present in all but 8 of the precincts they visited in Yerevan. Not one observer reported that they had seen or heard of a single voter leaving the polling station with their ballot paper.

The official results reveal a discrepancy of 22,013 in the number of voters in Armenia who signed for and received ballots and the number of voter coupons. Of this total 21,701 fewer coupons were registered in the official results that they are voters who had signed for and received ballot papers in Yerevan. This represents 1 in every 20 voters in Yerevan or an average of just over 5 voters per polling station per hour. And yet not one voter was seen leaving a polling station with their ballot paper.

Furthermore the official results indicate that 21,128 ballot papers that were issued to PECs have not been accounted for. It is still unclear whether this figure may offer some way to account for the number of 'missing' ballot papers that voters had signed for or not. This separate discrepancy may only be clarified by a review of the PEC and CoEC protocols, particularly, but not exclusively, for Yerevan by the CEC.

CONCLUSION

These discrepancies between the number of voters who signed and received ballot papers and the number of voter coupons in the official results, along with the breaches in the law cited throughout this report, can only contribute to a lack of confidence in the integrity of the overall election process. The results of the first round of balloting could even be questioned until a thorough review and assessment of the irregularities and discrepancies is conducted.

Despite some encouraging signs of improvement in the electoral law and administration, the number and frequency of the breaches in the election law clearly overshadows them. In order for confidence in the electoral process to be rebuilt, the OSCE / ODIHR urges the authorities to make the necessary amendments to the law and the strengthening of existing provisions in line with the following recommendations.

RECOMMENDATIONS

- ❑ The issue of unauthorised persons in polling stations needs to be addressed. Those persons authorised to be present needs to be clarified, and the intervention of representatives of the Ministry of the Interior in the election process in polling stations also needs to be addressed.
- ❑ The pressure on members of the military to vote for a particular candidate must cease, and the responsibilities of the military in relation to the electoral process need to be more clearly defined. In particular, aspects of the election law dealing with the creation of military voters lists, access to those lists, and campaigning by members of the military need to be reviewed, amended and strengthened.
- ❑ The law has been revealed to be wholly inadequate on the critical questions of the vote count, verification and aggregation of the results. This section needs to be reviewed and clarified so that election commissions have a very clear legal guide which they must follow.
- ❑ The partisan nature of electoral commissions, particularly a problem at the higher levels of the election administration, needs to be addressed.
- ❑ The breakdown in the counting process, which was observed at the CoEC's also needs to be addressed. The function, structure, and number of CoEC's needs to be reviewed. Furthermore, some standardised training needs to be organised.
- ❑ Attention needs to be paid to the function and composition of the Regional Electoral Commissions which have considerable administrative authority. In particular the CEC should consider adopting regulations that lay out the legal responsibilities of the chairman and secretary of the REC.
- ❑ The political parties, state TV, and the CEC should reach a formal written agreement on the process for applying for paid television advertising time.
- ❑ The Voter List needs to be updated and improved for accuracy. A more realistic timetable needs to be adopted when drawing up the list.
- ❑ The application of a consistent criteria for the invalidation of ballots needs to be established. Clearly those authorities who do not administer the law correctly should be sanctioned.