



**PRELIMINARY STATEMENT OF THE NDI  
INTERNATIONAL ELECTION OBSERVER  
DELEGATION TO ARMENIA'S  
MAY 25, 2003, ELECTIONS**  
*Yerevan, May 27, 2003*

This preliminary statement is offered by the international election observer delegation organized by the National Democratic Institute for International Affairs (NDI) to Armenia's May 25, 2003, elections for the National Assembly and constitutional referendum. The delegation, totaling 30 observers from the United States, Canada, Germany, Russia, Ukraine, Belarus and Georgia, visited Armenia from May 21-27. The delegation was led by Jeanne Shaheen (US), former Governor of the State of New Hampshire, Alexander Longolius (Germany), former President Pro Tem of the Berlin House of Representatives, Oleh Rybachuk (Ukraine), Member of Parliament of Ukraine, and Patrick Merloe (US), NDI Senior Associate and Director of Electoral Programs. The delegation also included human rights, election and Armenia specialists.

The purposes of the delegation were to express the international community's interest in and support for a democratic election process in Armenia and to offer an accurate and impartial report on the character of the election process as far as it has developed. The delegation conducted its assessment on the basis of international standards, comparative practices for democratic elections and Armenian law.

The delegation wishes to emphasize that at this point NDI does not intend to render a conclusive assessment of the process, given that the tabulation of results are not complete for any of the three ballots cast on May 25, for: (1) the 75 National Assembly seats decided by the proportion of votes won through party list balloting; (2) the 56 National Assembly seats decided by the majority of votes cast in single member electoral districts; and (3) the constitutional referendum. In addition, electoral challenges may be lodged requiring monitoring of the complaints and appeals processes. NDI does not seek to interfere in the election process. The Institute also recognizes that, ultimately, it will be the people of Armenia who determine the meaning and validity of the National Assembly elections and the referendum.

### **SUMMARY OF OBSERVATIONS**

*Despite improvements in certain areas of the electoral process over the last two months, Armenia's May 25 elections and referendum failed to cross the threshold for democratic elections.*

*There is an atmosphere of cynicism, frustration and anxiety surrounding Armenia's electoral processes, evidenced by low voter turnout, lack of confidence in the ability of election authorities to act impartially and the absence of processes to effectively redress electoral disputes. Nonetheless, political parties campaigned actively in these elections; domestic civic organizations mobilized to monitor the election process, and voting proceeded with fewer incidents than in past elections.*

Among the delegation's observations are the following.

- The period preceding the elections was relatively calm and peaceful, although there were isolated incidents of violence, and election day was marred by the shooting death and wounding of two people at a polling station in Shahumian.
- Vote buying was widely practiced by several political parties in the pre-election period. The political environment was tainted by the activities of so-called "neighborhood guys" (local criminal elements), who often threaten voters and seek to pressure some candidates. Approximately one-third of the candidates registered for the elections to majoritarian seats in the National Assembly surprisingly withdrew, and there were credible reports of bribery and intimidation in some of the cases. These factors have to be seen against the backdrop of political intimidation, including improper detentions of opposition supporters, which surrounded the presidential election and runoff that was less than 12 weeks before the May 25 polls.
- Public television provided 60 minutes of unpaid access time to the political parties and provided relatively balanced news coverage of the major parties in the 40-day official campaign period. This was an improvement over prior elections; however, bias in favor of pro-government parties continued in the private television news and in the print media, contrary to journalistic ethics. In addition, pressures against and intimidation of journalists over the prior year added to an environment of self-censorship that undermines press freedoms that are necessary for a democratic election process.
- The legal framework for elections is sufficient for conducting a democratic electoral process, although it should be further improved through a comprehensive and politically inclusive review. The political will needed to implement the law as promulgated, however, remains to be demonstrated. Those who violate electoral rights and commit election fraud appear to do so with impunity, as evidenced by the lack of prosecutions for those crimes. In order to build public confidence, it is incumbent upon the Armenian authorities to investigate expeditiously and prosecute those accused of violating electoral rights of voters and political contestants alike.
- The electoral complaints and appeals procedures do not appear to provide an effective or transparent means of redressing complaints. This could prove critical in the post-election period should there be challenges to the May 25 polling processes. In societies such as Armenia, where there is little confidence in electoral processes, governments and the country's political leaders must take extraordinary steps, going beyond legal minimums, to establish public confidence. Prompt and fair hearings of all electoral complaints must be provided, and effective remedies implemented.

- The voting and counting processes on May 25 were widely diverse. Many polling stations observed ran relatively well; however, in other polling stations, there was a significant number of cases of fraud or attempted fraud. While, many members of Precinct Election Commissions (PECs) worked diligently, political parties across the spectrum were highly critical of the political composition of electoral commissions at all levels, with opposition parties complaining of the pro-government majorities of eight to one on most commissions. The rights of political party and candidate agents (proxies) and the rights of domestic and international nonpartisan observers generally were respected more than in past elections. However, there were significant instances of electoral violations, including intimidation of proxies and observers. Among the serious violations witnessed by NDI observers were the following:

-- In Yerevan Territorial Election Commission District 3 (Nor-Nork), polling station number 0054 (Builders College), NDI observers witnessed voting under strict discipline by over 300 military personnel, which is contrary to the law. The soldiers waited with officers in command, standing in rank prior to joining the line to enter the polling station, receiving pens to mark their ballots with a different color of ink than civilians used in the voting booths. Soldiers took an average of no more than 30 seconds to mark their party list and referendum ballots, while civilians took approximately one to two minutes to mark their three ballots. Most soldiers came out of the booths holding their ballots open, with their votes visible. Officers sometimes stood between the voting booths and the ballot box where they could see the ballots. A Republican Party proxy (party agent), who said he worked at the barracks and was very friendly with the officers, also stood for some time in that spot – once demanding that a soldier open his folded ballot and show it to him, which the soldier did. NDI observers noted that all soldiers but one with visible ballots voted yes for the constitutional referendum and all voted for the Republican Party. The Republican Party proxy explained that two seminars were conducted for the soldiers on the referendum and ideologies of the political parties.

-- In Ararat Territorial Election Commission District 22, polling station number 0596 (Dimitrov), NDI observers witnessed a series of problems that undermined the integrity of the counting process. The polling station was only sporadically locked during the count. The mayor, police and proxies moved in and out of the polling station during the count. One proxy was observed signing blank protocols. When the remaining ballots and voter signatures were counted they were written on pieces of paper, not protocols.

The mayor, the Republican Party proxy and the Powerful Fatherland proxy took several Precinct Election Commissioners aside for talks. The lights went out at the polling station, and one NDI team member observed the silhouette of one commissioner moving his arms, perhaps in and out of his coat and toward the PEC Chairman. Another NDI team member saw the chairman then bend over the open ballot box and mix the ballots. As some

light from flashlights came on, the chairman nervously expressed surprise that he was being watched. There was a loud commotion outside the polling station, and the lights went out a second time. Some proxies speculated about guns being present. When the lights came on, there was much tension. The observers recalled a large group of excited men outside the polling station when they entered. Deciding that the situation was threatening, they left the premises.

-- In Yerevan Territorial Election Commission District 9 (Ajapnyk), polling station number 186, NDI observers witnessed party agents accusing the PEC chairman of illegally placing party list ballots marked for other parties in the Republican Party pile for counting. Upon review of the pile the proxies discovered approximately 70 ballots fraudulently placed there by the chairman in collaboration with his deputy. Some time later, around 4:00 am, as the majoritarian ballots were being counted, the chairman was heard saying over his cell phone that: "We are losing by 150 votes." After that the number of invalid ballots rose sharply. A PEC commissioner then cried out insisting that the chairman take his hands away from the ballots and accused him of deliberately invalidating ballots. Several proxies seized the chairman, and the commissioner searched his hands and fingers. His hands and fingers were stained with the same ink that invalidated the ballots, and they found a pen nib that he had dropped to the floor. These incidents illustrated not only attempts at fraud but also the spoiling of those attempts by vigilant proxies and PEC commissioners.

- Armenian civic organizations engaged actively in monitoring pre-election and election day processes. Its Your Choice, for example, mobilized approximately 1400 election day observers, covering about 40 percent of the polling stations, and issued pre-election reports. The Election Oversight Commission, another Armenian civic group, issued three pre-election reports and is monitoring post-election electoral complaint and appeals processes. A significant number of other domestic organizations also were accredited to observe the elections.
- While a significant number of women are active in nonpartisan election monitoring, the number of women candidates on political party lists continued to decline in this election to 15 percent of the proportional lists. Women for the most part were not placed high on the lists. Women made up only 4 percent of the majoritarian candidates and were not assigned by their parties to winnable majoritarian districts. In addition, women did not make up nearly 50 percent of the polling officials in the PECs observed.
- A constitutional referendum process requires a free and informed will of the voters in order to be democratic. The May 25 constitutional referendum was not the product of a broad participatory and inclusive process. The referendum was announced just seven weeks in advance of the voting. It is complex, affecting approximately 80 percent of the articles in the constitution; however, there was very little public education about the referendum. In addition, there was no

programming on state media concerning the referendum that presented representatives of the pro and con positions. The referendum process therefore failed to meet minimum standards for democratic polls.

## **THE DELEGATION AND ITS WORK**

The delegation's observations are based upon its direct observations, the prior work of NDI in Armenia, the work of other respected international and Armenian organizations and information gained through an extensive series of meetings that included: leaders of pro-government and opposition political parties; Arman Khatchatrian, Speaker of Parliament; and Artak Sahraydan, Chairman of the Central Election Commission. The delegation also met with: leaders of Armenia's nonpartisan election monitoring organizations, including It's Your Choice (IYC) and Election Monitoring Organization (EMO); journalists and others concerned with promoting press freedom, including representatives of Noya Tapan, Internews, and Promedia; representatives of the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and other members of the international community concerned with democratic elections. The delegation is grateful to everyone it met for taking the time to share their knowledge and experience concerning Armenia's election and political processes.

On Saturday May 24, the delegation members were deployed to the following 15 Territorial Election Commissions: 3, Nor-Nork Yerevan; 11, Malatia-Sebatsia, Yerevan; 9 Ajapnyk, Yerevan; 22, Ararat; 18, Erubuni, Yerevan; 35, Spitak, Lori; 8, Ajapnyak, Yerevan; 36, Vanadzor, Lori; 29, Armavir; 7, Arapkir, Yerevan; 34, Vardenis; 16, Kentron, Yerevan; and 47, 48 and 49, Gyumri. The meetings conducted in Yerevan were replicated at the local level by the NDI teams. On election day, the teams observed the voting and counting process in more than 150 polling stations. Following the elections, the delegation members returned to Yerevan to share their findings and prepare this statement.

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include, among others: 1) conditions set up by the legal framework for the elections; 2) the pre-election period before and during the campaign; 3) the voting process; 4) the counting process; 5) the tabulation of results; 6) the investigation and resolution of complaints; and 7) the conditions surrounding the instillation of winners into their respective offices. This delegation, therefore, is not making a definitive assessment of Armenia's election process.

NDI has been involved in Armenia since 1995. Through working with political and civic leaders, the Institute has come to appreciate the deep desire that Armenians have for a democratic political process. In recognition of these factors and in the spirit of international cooperation, the Institute will respectfully offer recommendations in NDI's final report on the elections and referendum. NDI will continue to monitor the post election period and will continue to support those working to advance a democratic process in Armenia.