

ARMENIA 1998: PRESIDENTIAL ELECTION 16 March 1998

Statement on the First Round

The resignation of President Levon Ter-Petrosian on 3 February, 1998 came as a surprise to the international community. The second presidential election to be held within two years had to be called within 40 days. This challenge came as hopes were growing that the OSCE-sponsored Minsk peace process might, at last, be close to resolving the status of the disputed region of Nagorno-Karabakh in neighbouring Azerbaijan. Ter-Petrosian seemed ready to compromise over the region's status and this, many believe, led to his downfall. Renewed unrest in Georgia and continuing speculation over the construction and development of pipelines transporting oil from the Caspian Sea added to international concerns over Armenia's political development.

However, many analysts also believed that Armenia had suffered a fundamental crisis in political legitimacy as the legacy of a parliamentary election and constitutional referendum in July 1995 and a presidential election in September 1996 that both domestic politicians and international organizations now concede were deeply flawed. BHHRG monitors were in Armenia for both elections – the Group has also reported on the state of human rights in the country.

There were 12 candidates. The two leading contenders were the prime minister of Armenia (and former president of Karabakh) Robert Kocharyan and Karen Demirchyan who was First Secretary of the Armenian Communist Party until 1988. Since then Demirchyan had become a businessman running the Armelektromash factory in Yerevan. His candidature came as something of a surprise to many people but he was soon regarded as the main challenger to Kocharyan overtaking Vazgen Manukyan who might, understandably, have thought he was unfairly denied victory in 1996.

In the end no candidate received the necessary 50% + 1 share of the vote and a second round of voting will take place on 30 March. The BHHRG reached the following conclusions after the first round:

The Campaign

Compared with the events that preceded the 1995 election in particular, this campaign was notable for the absence of intimidation (reported or real), not to mention unexplained shootings and explosions. The only really notable violent incident occurred in the southern town of Ararat where a rally addressed by the right-hand man of presidential candidate Vazgen Manoukian (Ter-Petrosian's chief opponent in 1996 and the almost certain victor of that contest) descended into a brawl. Filaret Berikyan, a representative of Manoukian's party on the Central Election Commission had his arm broken during the incident. However, four suspects were quickly arrested and charged and the town's chief of police has been fired.

There were many fewer posters for the candidates than in previous elections. The large, glossy portraits of Ter-Petrosian which were displayed everywhere in 1996 (often behind glass) created a strong reaction to ostentatious displays. Despite his lead in the opinion polls there were hardly any posters in central Yerevan for Robert Kocharyan; the greatest number of such posters were for the 'surprise' candidate, Karen Demirchyan. It was, therefore, rather bizarre to find leaflets for Kocharyan being distributed among passengers on the Armenian Airlines flight that brought many observers to Yerevan.

Members of the Citizens' Initiative, the organization nominating former Communist First Party Secretary, Karen Demirchyan, complained about the largely negative coverage of their candidate in the state-owned sections of the print and broadcast media. While these allegations have to some extent been endorsed by the European Institute for the Media this organization concluded that election broadcasting generally was fairer than it had been in the two previous elections.

Demirchyan's campaign team also made allegations about irregularities on the voter registers (the inclusion of dead people in the lists) and the likelihood that refugees would vote even though they were legally proscribed from doing so. In fact, the Central Election Commission contradicted this saying that if refugees were registered as citizens of Armenia they could take part in the election. These allegations were repeated at Mr. Manoukian's campaign headquarters on the day following the election. (Most refugees came from Azerbaijan *before* 1991 and therefore were legally entitled to vote in Armenia).

The Conduct of Voting

The overall impression on voting day itself, based on visits to some 26 polling stations in Yerevan, towns and rural areas was one of impartial and efficient election administration. In particular BHHRG observers noticed:

- An absence of armed police or plain-clothes officers, both of which were very much in evidence in 1995 and 1996 and the source of many complaints by voters and electoral commission members who felt able to communicate their disquiet to observers.
- The decision not to permit any balloting away from the polling-station itself (which also meant that there could be no mobile ballot box), required soldiers to vote alongside ordinary members of the public. In places like Ararat, where there are large Armenian (and Russian) military installations nearby, this led to upwards of 300 soldiers being registered at a single polling station. However, in all the cases we witnessed, voting was orderly and gave no rise to complaints from other voters or members of electoral commissions.
- Privacy for voters was much improved by the provision of generous-sized voting-booths (or even entire rooms), as well as by a more straightforward process of registration. Although the final turn-out proved quite high, overcrowding in polling stations was simply not a problem.
- We witnessed no instances of people with several passports trying to vote on behalf of others. Commission members were firm in their resolve to not permit this behaviour. Nor did we witness instances of family voting; both practices were widespread in 1995 and 1996.
- Electoral commissions consisted of up to 20 members embracing all the parties represented in the election. Chairmen came from a range of different parties. However, as Mr. Demirchyan's candidacy had not been proposed by any party this meant that, uniquely, he was only entitled to be represented by chosen proxies and/or observers. For this reason we made a point of talking to these where we could find them, which was at least four-fifths of the places visited. None of them had any complaint to make, though we were surprised by their tendency to be absent from proceedings after c. 18.00, something that somewhat undermines subsequent allegations of mass fraud and even violence. No other observers made complaints, apart from a lady from Mr. Manoukian's party in Ashtarak who again raised the issue of refugee voting.
- Copies of the election law in Armenian were widely and freely available. By contrast there were no campaign posters visible inside polling stations as there had been in both 1995 and 1996.

In addition, we also observed a count in a polling-station in central Yerevan. The entire process took more than 4 hours, but, again, compared with the counts in 1995 which we had watched well into the night, work was completed efficiently and with good humour. (Victory in this particular precinct in a relatively "well-heeled" part of Yerevan went to Mr. Demirchyan, who took 582 votes against 443 for Mr. Kocharyan and 125 for Mr. Manoukian.)

The Aftermath

As it became clear in September 1996 that Ter-Petrosian would not accept the verdict of the electorate, crowds gathered outside the headquarters of the Central Electoral Commission, leading to violent clashes in which dozens of Armenians were injured. Notwithstanding, and despite a change of premises, the CEC took no evident precautions on this occasion against popular protest (as they might had serious fraud been intended), and the day after voting observers and journalists had no difficulty in walking round their office asking questions.

True, results were slow to come in. But this was mainly because of the separate procedure of counting coupons (detached from the ballot-paper proper; a "control" mechanism built into the electoral system at the instigation of Western experts) being conducted at the district level. This in some ways sensible safeguard significantly delayed the release of results for large population centres like Yerevan.

Frustrated by this delay, Mr. Demirchyan chose to "cry foul". In fact, the declaration he issued along with four other candidates (Paruyr-Hayrikyan, an imprisoned dissident during Demirchyan's rule of Armenia, later retracted his support claiming that Mr Demirchyan had refused to support an investigation of election abuses by supporters of any candidate) was released an hour before polls closed on Monday. Picked up and circulated by several news organizations, an impression was given that the electorate had again been cheated and that Armenia might be about to re-experience the violent events of 1996.

Despite their indignant impatience at the slowness of the CEC, so far Demirchyan's office has been unable to provide evidence (or even details of time and place) to substantiate their plentiful and colourful accusations of ballot-stuffing and count-rigging.

Should such evidence be forthcoming, it should indeed be treated seriously by international bodies such as the OSCE and Council of Europe monitoring these elections. (Like Georgia and Azerbaijan, Armenia is currently trying to shake off its poor human rights record and join the Council of Europe.)

However, it would be unfortunate if the OSCE over-compensated for its past indulgence to electoral fraud in Armenia by being hyper-critical now as the major powers are preoccupied with their oil-interests in Azerbaijan. If no compelling evidence of electoral malpractice can be produced, then it would be highly destabilizing either for international monitors to echo politicised charges or for the second-placed candidate to refuse to enter a run-off against Mr Kocharyan on 30 March. And after all its problems of recent years, further destabilization is probably the last thing Armenia needs.

Results

Robert Kocharyan 38.82%

Karen Demirchyan 30.62%

Vazgen Manukyan 12.22%

Sergey Badalyan 11.02%

Paruyr Hayrikyan 5.41%

Using local polling data this Group's observers will pay particular attention in the second round to districts and polling stations with anomalous results.

ARMENIA 1998: PRESIDENTIAL ELECTION 30 March 1998

Statement on the Second Round

Three observers came from Britain for the Second Round of the Armenian Presidential Elections. They discussed developments with other international observers and local Armenian observers, as well as with representatives of the two candidates, Karen Demirchyan and Robert Kocharyan. They also visited the Central Election Commission. They also met the General-Prosecutor of Armenia, Henrik Khatchaturian, to discuss the investigations arising out of allegations regarding events up to and including the First Round on 16th March.

The Campaign

The observers attended large rallies conducted by both candidates outside the Yerevan Opera House on Saturday, 29th March. Both passed off without incident. Other rallies around Armenia also went off without violence or disruption. State television broadcast both allotted free time and paid commercials for both candidates.

There were no credible reports of illegal campaigning. Allegations of bribery were investigated but they were always at least second-hand. (See below for a retracted allegation of bribery in a polling station Achapnyak 1/4.) The source of rumours is notoriously difficult to detect but it would be naive to adopt the "no smoke without fire" approach to them.

Interference with the Conduct of the Poll

Following up allegations about the conduct of voting in the First Round, the BHHRG observers visited polling stations in and around Yerevan where charges had been made of serious irregularity by supporters of Mr Demirchyan and Mr Manukyan. (The OSCE/ODIHR's report's serious charges were not specific, so it was unclear how far they represented different allegations or repeated those of the losing candidates.)

In each polling station, the observers interviewed the proxies of the two candidates as well as election commission members and ordinary voters. As in the First Round, it was striking that Mr Demirchyan's representatives in the polling stations were largely satisfied with the conduct of the poll both on 30th March and on 16th March. Repeatedly, they said that whatever had happened elsewhere or may be happening in other places on 30th March, in their particular polling station everything was properly conducted.

Exceptions

Nor-Nork: 7. A little after 9 a.m. a representative of Mr Demirchyan's local headquarters entered the polling station and complained that his candidate's two observers were seated too far from the ballot boxes. The two Demirchyan proxies protested that they were quite content where they were and had a clear view of proceedings from their seats alongside the Kocharyan proxy. As the altercation between the Demirchyan proxies and the HQ representative progressed, the chairman of the electoral commission summoned a policeman who spoke to the Demirchyan representative who voted and then left. The Demirchyan proxies again expressed their satisfaction with their position in the polling station.

This incident had an important feature: It was a Demirchyan campaign representative's arrival which sparked the disruption of proceedings _ though this incident lasted only a few minutes.

During a visit to the Demirchyan campaign headquarters in Erebuni in the late morning, the observers were told that serious irregularities had taken place in polling station 5/15. It was

claimed that unknown persons had thrust a package of ballots into the ballot box. It was also alleged that plainclothes policemen were in the polling station.

On arrival at Erebuni 5/15, the observers found a serious dispute between proxies and other representatives of Mr Demirchyan, including the chief of his local headquarters, and the Kocharyan representative. There were two main issues: had anyone stuffed the ballot and where should the proxies stand to watch the vote?

On the first issue, the Kocharyan representative insisted that a man had put a folded ballot paper through the narrow slit into the ballot box. Because of the way he had folded it several times it took him some time to push it in. The Demirchyan representatives insisted that someone had entered the polling station and thrust hundreds of ballots into the box. One Demirchyan representative insisted that the man in question had declared that he was casting votes for Robert Kocharyan!

Inspecting the narrow slit it seemed unlikely that anyone could have put more than a few votes in at once. The excitable claims by the Demirchyan representatives were confused by the fact that more of them testified to what had happened than could have been present at the time and their accounts became more inflamed as they recited them. They wanted the international observers (who included the British Ambassador) to open the ballot box to check if a wad of votes had been stuffed in. This would have added irregularity to what was already claimed. (As it happens, at the count, Mr Demirchyan easily won in this polling station. Neither did BHHRG observers find a wad of votes when the ballot box was opened at the count.)

A BHHRG observer who returned to Erebuni 5/15 in the afternoon joined a Demirchyan proxy to the local campaign HQ where a wad of 34 ballots was produced, all marked for Kocharyan. Another Demirchyan observer claimed he had prevented a Khocharyan proxy from putting these ballots in the box, by throwing himself on it. Two young males were introduced to the BHHRG observer as voters who had witnessed the incident. Yet the proxy and the witnesses produced conflicting versions of the event. Moreover, when the BHHRG observer - on instigation of the Demirchyan local HQ - went to Erebuni 5/18 to check on an alleged fraud, he found the same two young males present. This left the impression that these had not been ordinary voters, but "appointed witnesses" for the Demirchyan campaign.

On the second issue, Mr Demirchyan's representatives insisted on standing right next to the ballot box with clear oversight of how people separated the voter's coupon from the ballot paper itself. The Kocharyan representative objected that their presence so close to the box could influence voters.

In Erebuni 5/15, the unauthorised presence of numerous excited representatives of Mr Demirchyan's local HQ along with his two observers seemed to cause much of the difficulty there. In fact, while they were making their protests voting continued remarkably normally as voters registered their addresses and took ballots. Local people did not seem aware of the serious charge made about ballot-stuffing in their polling station.

On 16th March, a serious incident took place in Apachnyak 1/5. According to Mr Demirchyan's proxy, a mob of up to 35 men broke into the polling station and tried to stuff ballots into the box. Mr Demirchyan's proxy threw herself across the box to prevent the stuffing. She was assaulted by the intruders. As a result she had become a heroine for the Demirchyan camp and had addressed his Opera Square rally on 29th March. It was alleged that a wad of about 350 ballots for Robert Kocharyan was found in the box at the count. The General-Prosecutor told the BHHRG observers that he was investigating the incident. One member of the election commission who was present at the incident on 16th March confirmed the details but expressed his opinion that it was a "provocation" to discredit the poll. Whatever had happened on 16th March, on 30th March in the mid-afternoon both candidates' proxies expressed themselves satisfied with the conduct of the ballot so far.

The Hotel Sebastiani (Malatya: 1/6) had been criticised by the OSCE and Demirchyan's HQ for irregularities during the first round. Mr Demirchyan's two proxies were different people from those in the first round. They explained the change on the grounds that their

predecessors had other obligations on 30th March. They had not witnessed any irregularities by 5p.m. in the afternoon. In general, they thought that the conduct of the election on both 30th and 16th March was much better than in 1996.

At Malatya 7/12, the observers spoke to two Demirchyan supporters standing outside the polling station who said that they had come as volunteer witnesses to potential fraud. They were not authorised to enter the station but were waiting for any untoward event. It seems likely that other supporters of Mr Demirchyan who had been seen inside or around other polling stations were similarly on hand as potential witnesses. The problem with their presence was that since they were outside the polling station they could only be hearsay witnesses to what might go on inside it. Although these two supporters of Mr Demirchyan had no complaints to make about the conduct of the vote in 7/12 they reported rumours from other places. They said that at 7/12 they had not seen any Kocharyan supporters performing the same vigil.

The most serious charges of bribery were made by a lady supporter of Mr Demirchyan outside Aparchnyak 1/4. She insisted to the observers that the Kocharyan proxy had offered money to voters and indeed had run out of cash by the time the witness came to vote. However, she changed her story twice: first she changed her testimony to say that she had been told this was happening, and then when she came to vote at the station (something which she originally claimed she had already done) she denied making any charge against Kocharyan's proxy. The two Demirchyan proxies in the station dismissed the allegations as did Kocharyan's _ both sides argued in a good natured way that the accuser had been a little odd since having an accident a few years before and she should not be held responsible for her allegations. Certainly Demirchyan's proxies thought the conduct so far (and on 16th March) was fair and much better than in 1996. This incident showed how the rumour mill could work on suggestive people: allegations of irregularity from the politicians and the media had been taken up and personalised by a confused elderly lady who had made them quite specifically about one Kocharyan proxy in one place; yet on inspection the charges evaporated. If the victim had not been so good-natured an ugly incident could have arisen out of these false charges which in turn might have been reported as an irregularity!

Much of our observation of controversial polling stations was video-taped. Video-evidence is especially valuable in capturing the atmosphere inside polling stations. When the behaviour of election officials, local observers, voters and others is in question capturing a visual impression of the conduct of the poll is an invaluable aid to observation. This is particularly true when it comes to disputes about what went on. It is, for instance, notoriously difficult to prove a negative. Video-evidence can assist in showing what happened in controversial situations _ indeed in showing whether there should be controversy at all.

The BHHRG observers were concerned about the additional lists used in every polling station. On 16th March, their use had been noted. Such lists lay an election open to the charge of manipulation. The observers asked Demirchyan proxies if they were satisfied with the checking of identities and addresses of additional voters. In the Writers' Union polling station in central Yerevan, Mr Demirchyan's proxy said he was unhappy in principle with the idea of an additional list but he had carried out spot checks on such voters and in every case (c.10% of the total), he had found that their documents proved they were entitled to vote at that polling station. No-one produced evidence of voters without the appropriate "propiska" voting at a polling station, but additional lists are undesirable if only because their existence generates rumours of abuse in a polarised political climate.

Conclusions

The observers concluded that in their view the Second Round of the Armenian Presidential Elections was properly conducted on 30th March, 1998.

The few incidents of controversy or confusion witnessed at polling stations seemed to be the product of rumours and the heightened emotions of election day without convincing evidence

of fraud. As we have seen, some instances of deliberate false accusation must be acknowledged.

The observers felt that the election commissions were conducting their tasks in a conscientious manner. The great majority of proxies for both candidates also acted in an exemplary manner despite the temptations to politicise their work.

Given the unusual circumstances of the election and the political polarisation engendered by the campaign with its allegations of electoral fraud, Armenian election commissions and candidates' proxies as well as the voters are to be congratulated on the generally orderly and honest way in which they conducted themselves on 30th March.

Armenia 1998: Update on the Presidential Election

The British Helsinki Human Rights Group has produced reports on both rounds of the 1998 presidential election in Armenia. However, as serious allegations of fraud were made by some members of the OSCE election monitoring team the Group's observers in Armenia feel it essential to examine them in the light of their own experiences. The Armenian government was aware that the country's reputation had been tarnished by the fraudulent presidential election in 1996 and it was determined to have a clean campaign. It might have failed – the best intentions can go wrong – but in the opinion of the BHHRG the election was better organized and run than most others it has observed over the past 6 years in the CIS. It may be that people were intimidated and urged to vote for the prime minister Robert Kocharyan. But if intimidation did occur it happened so unobtrusively and beyond anything the average election observer could have seen that it is unwise to produce it as evidence.

Background to the 1998 election

To fully understand the 1998 presidential election it helps to look back at the 1995 parliamentary elections and the presidential election held the following year. The BHHRG observed both elections. In 1995 its observers found many irregularities: the arrangements in polling stations was chaotic both during voting and the count, multiple voting was widespread, campaign material was on display in polling stations and uniformed police and security personnel were on duty everywhere. In 1996, apart from problems with the conduct of the poll, it was generally accepted that the results of the election had been tampered with (via the notorious coupons) during the count, thus depriving the opposition candidate, Vazgen Manoukian, of his legitimate claim to victory.

The Campaign

The 1996 presidential campaign was dominated by the incumbent, Levon Ter Petrosian, whose image was omnipresent in Yerevan. Huge, glossy posters were prominently displayed in hotels and public places - many behind glass. Kiosk owners had been pressurised to display Ter Petrosian posters and TV was dominated by his election broadcasts which culminated in a long encomium on the night before voting day (22nd September 1996). In addition, the campaign period coincided with Independence Day which was celebrated with a vast military parade involving thousands of military personnel - Ter Petrosian took the salute on the podium in Republic Square in the company of the French/Armenian singer, Charles Aznavour, and the Catholicos of Armenia. The message was clear: the authorities were strong and it was unwise to go against the grain and vote for any alternative to the president.

The 1998 campaign must be seen against this background. Although Robert Kocharyan had the advantage as prime minister his campaign advisors recognized that any repetition of Ter Petrosian's media blitz was likely to be counter-productive. This resulted in Kocharyan's image being virtually absent from public places during both rounds of the election. Posters

were few and far between and were small and inexpensively produced as were campaign leaflets.

Therefore, the distribution of large numbers of these leaflets to passengers (including many international election observers) on a flight between Amsterdam and Yerevan on 11th March seemed totally out of keeping with the tenor of the campaign. The OSCE highlighted this incident in its final report as evidence of Kocharyan's propaganda techniques but the possibility that his opponents themselves were behind the incident cannot be dismissed. It was the only incident of its kind to take place in the pre-election period.

Posters for the other candidates, notably Karen Demirchyan and Sergei Badalyan, were also widely displayed. Manoukian's posters featured a small child against a sunny backdrop rather than the candidate's face. All in all, the greatest number of posters were for Karen Demirchyan.

One of the most striking aspects of the election campaign was the number of public meetings held by the two leading candidates. Both Demirchyan and Kocharian travelled widely around the country addressing well-attended public meetings which culminated in large rallies in Yerevan's Opera Square on Saturday 28th March. It was noticeable that Demirchyan's public meetings dwindled before polling day while Kocharian intensified his public appearances. This may have been due to input from Paruir Hairikian who had been a candidate in the first round of the election. Hairikian added a more professional, energetic touch to the Kocharian campaign in its later stages. The meetings held by both candidates were a reminder of the kind of public meetings that used to take place in countries like Great Britain before television took control of election campaigns and they were none the worse for that.

The Campaign period: Allegations of violence

Two of the three main candidates made allegations of fraud and violence during the campaign period. These allegations were aimed at the government and therefore, indirectly Kocharyan.

On 7th March Filaret Berikyan, a member of Manoukian's party, the National Democratic Union, and the party's representative on the Central Election Commission suffered a broken arm during an attack by unknown men at an election rally in Ararat south-west of Yerevan. The authorities responded quickly arresting the suspects and dismissing the local police chief for incompetence. It was alleged that the attackers were associated with Defence Minister Vaktang Sarkasian who comes from Ararat. This incident as well as other allegations of malpractice is under investigation by the procuracy.

However, this isolated incident was seized upon and embellished by supporters of Manoukian and other opposition candidates. The Chairman of the Central Election Commission, Khachatour Bezirjian, warned that by constantly dwelling on the incident its repetition threatened to become a self-fulfilling prophesy.

Mr. Filaret was undoubtedly hurt but other allegations of violence and the circumstances surrounding them made after both rounds of voting remain vague and unsubstantiated. For example, a female proxy for Karen Demirchyan claimed to have suffered injury to her arm and shoulder when she "threw herself on to the ballot box" in the polling station, Apachnyak No. 5 in Yerevan to prevent intruders stuffing the box with papers (marked for Kocharyan). At his final rally in Yerevan's Opera Square Mr. Demirchyan himself paid homage to this heroic act comparing her with "the women of Stalingrad who had thrown themselves in front of German machine guns in 1943". BHHRG observers caught up with the lady who was again carrying out her duties on 30th March. She reported that nothing untoward had happened that day. When questioned about the incident on 16th March a member of the polling station commission said that he thought the ballot stuffing incident had been a provocation.

The Campaign: Allegations of bribery

The most serious allegation of bribery concerned the sale of kerosene to members of the public outside Mr. Kocharyan's headquarters. This claim is being investigated by the procuracy.

However, rumours of money and favours (always given on behalf of Mr. Kocharyan) were rife during both rounds of voting. When BHHRG observers followed one such accusation to its source it appeared to have no basis in reality. In fact, the vagueness and lack of concrete evidence for many of these rumours made us think it unwise to raise them as any kind of evidence of foul play.

Allegations of fraud

Both the Manoukian and Demirchyan campaigns made allegations of fraud prior to the elections. However, because of their number and frequency the complaints made by Mr. Demirchyan's campaign manager, Azmen Khachatryan, and his press spokesman, Azmen Valesyan, demand the most attention.

Tampering with the registers: As the election was called at such short notice there were likely to be problems with the accuracy of the voters' registers. The population was subject to fluctuations – for example, many Armenians had gone abroad, mainly to Russia, in search of work. Demirchyan's campaign team alleged that the registers contained the names of numerous dead people, people under the age of 18 and refugees unable to vote in republican elections. During a meeting on 12th March his campaign workers made these allegations to BHHRG observers in person.

These allegations were investigated during both rounds of voting. Most commission chairmen agreed that dead people were still on the lists. Wherever possible they had updated the registers marking the name of the dead person on the roll. This seemed to be a universal practice everywhere we went. Looking at the registers none of them contained implausible dates of birth as we had noted in 1995 where many people who had been born over 90 years before were on the register, particularly in the earthquake area where thousands of people had died in 1988. We found no evidence of people under the age of 18 on the lists. However, the improbable suggestion was made that large numbers of young people claiming to have reached the age of 18 after the registers were completed would appear and distort the vote. On checking additional lists on 16th March only one person who had reached the age of 18 since the election was called was found.

The issue of refugee voters was distorted by both the Demirchyan and Manoukian camps who suggested that some polling stations had registered hundreds of refugees illegally. The largest number of refugees had come to Armenia in 1988 after the massacre in Sumgait, Azerbaijan. At that stage all citizens of the USSR had the same passports which gave them equal rights and allowed them to move anywhere within the Union. Most were registered with the authorities and, thus, have the right to vote. Some will have received new, blue Armenian passports since independence. There was no evidence that refugees were voting illegally. Commission members at the Sebastiani Hotel in Yerevan denied the allegation made by Demirchyan's campaign team that hundreds of refugees were illegally registered at that polling station.

On reflection, it is almost impossible for anyone, least of all foreign observers, to investigate satisfactorily allegations of tampering with the registers. Few members of the international observer team could read the Armenian script let alone know the disposition of voters in a particular region. To know for sure whether or not someone was either dead, abroad or a refugee voting illegally was almost impossible. In the end it came down to accepting the word of this or that informant. Or, perhaps, following a set of preconceived prejudices. BHHRG observers found the various people who trooped through Mr. Demirchyan's headquarters alleging fraud unconvincing at the time and, on investigation, they found no reason to reverse their judgement. Others were obviously impressed.

It was sad to see the issue of refugee voting being made into a bogus issue particularly by Manoukian supporters. Manoukian was an original member of the Karabakh Committee and Armenian Minister of Defence during the height of the war with Azerbaijan. For the over 200,000 refugees who resulted from this conflict these kind of accusations amount to something of a betrayal.

The additional list: The provision of an additional list for those not on the register is common all over the CIS. In Armenia some polling stations had as many as 300 people on these lists – far too many to be comfortable. No one suggested to our observers in the polling stations visited that these lists were being abused in any way but some OSCE observers followed up the names on one list and claimed that the ‘voters’ did not exist or had not voted if they did. One of the longest lists was at Yervan No... where 300 people had been on the list in the first round. However, Mr. Demirchyan’s proxy at this station claimed to have done a random check on 10% of these names and found them all to be valid.

BHHRG thinks that additional lists should be done away with everywhere. If a voter’s name is not on the main register he/she should not be able to vote. This might seem too strict a regulation but it would mean that no one would be open to allegations of fraud on this score, at least.

Intimidation

Unlike OSCE observers the BHHRG did not see any blatant intimidation of voters – apart from the overbearing behaviour of some Demirchyan proxies at Yerevan 5/15 [mentioned in the BHHRG report on the second round of voting]. Nor did we see any uniformed police or other security personnel in polling stations. In Nornork No 7 a police officer was called when a dispute arose after a voter (who was also a representative of Mr. Demirchyan’s campaign) objected to the candidates’ proxies seating arrangements. The proxies said they were happy where they were, the situation was defused and the officer left immediately.

Accusations were made by the OSCE that large numbers of unauthorized personnel were present in a number of polling stations. However, it has to be asked – how did they know such people were ‘unauthorized’? If they were told this was the case can they be sure the information was accurate? And, anyway, is it correct to assume that such people were always acting on behalf of Kocharyan?

Overcrowding

In the 1995 parliamentary elections there was serious overcrowding in polling stations that threatened, at times, to get out of hand. The situation was much-improved in 1998. However there were times, particularly during the first round, when large numbers were in the polling stations at one time. Before the second round the CEC advised precinct election committee chairmen to move people out of the building once they had voted. This seemed to have worked in the stations visited by the BHHRG on 30th March.

Many people did hang about in and outside the polling station after they had voted. We saw none of these people interfering with the voting procedure, intimidating anyone or proselytizing on anyone’s behalf – apart from Demirchyan representatives in Yerevan. No one suggested that this or that person was behaving improperly – to us anyway.

However, when large numbers of voters were present there was no noticeable disorderliness, certainly not ‘unrest’. Ironically, organizations like the OSCE usually congratulate countries where there is a large and enthusiastic turn-out of voters – queues etc. outside polling stations in South Africa in 1994 were an object of marvel not abuse.

In both 1995 and 1996 we saw cases of propaganda in polling stations. This time there were no posters, leaflets, filled-out ballot papers etc. on display. No one complained to our observers either about such infringements of the law.

Stuffing ballot boxes

Allegations were made by Mr. Demirchyan's representatives that wads of ballot papers had been stuffed into the box in certain stations. We saw no examples of this. We also concluded on examining the boxes that it would have been impossible for more than two or three ballot papers to have been put into the box at once as the slits were so narrow – it was difficult enough to insert one folded paper. OSCE observers saw numerous cases where batches of votes emerged from the box at the count. At polling station 5/15 where our observer observed the count after the second round no such batch of votes appeared even though during the day Mr. Demirchyan's representatives claimed to have seen someone stuffing hundreds of ballot papers into the box.

All instances of ballot stuffing were, allegedly, conducted on Kocharyan's behalf. It was claimed that people had entered polling stations with a clutch of papers saying: "I am for Kocharyan". In Apachnyak No.5 a member of the commission who had been present on 16th March during such an incident said that he thought it was a provocation. Certainly, in all the elections observed by the BHHRG in the past 6 years no such blatant ballot stuffing has taken place. In places where ballot stuffing has occurred the perpetrator has resorted to subterfuge rather than announcing his action to those around him.

Conclusion

85% of those observing the election on behalf of the OSCE found the conduct of the election satisfactory – the Council of Europe, deputies from the Russian Duma and the BHHRG agreed.

However, a small group of (mainly American) OSCE observers made serious allegations of fraud and intimidation – some of these allegations have been mentioned above. The organization also provided a statistical breakdown of its findings. In the breakdown for 16th March they cited problems out of 1001 observations. 84 reported difficulty with access to the polling station and 218 overcrowding inside (hardly the most damaging criticisms – especially when one considers the kinds of elections the OSCE have legitimized in the past). 194 reported "other problems in the vicinity of the station" and "other circumstantial problems". These "problems" are not spelt out. When employing statistics it pays to be precise. Nearly half (496) of the problems/irregularities were of the kind mentioned. To criticize the Armenian election for such vaguely worded infringements of the process is overstepping the mark.

Of course, the fact that one group failed to see serious fraud is not proof that irregularities did not take place, although the BHHRG have found that a bad election is usually bad, in some way or another, everywhere. Many young OSCE observers (particularly Americans) seemed to get carried away by the allegations of wrongdoing and what often began by being a rumour was soon translated into reality. Strict rules of hearsay evidence were cast aside although those who have studied the past use of disinformation in the Soviet Union find it quite plausible that lies and provocation were resorted to during this election to tarnish Armenia's reputation.

The OSCE concluded by 'passing' the 1998 presidential election but the allegations it has made could be damaging to Armenia in its relationships with international organizations in the future - former Soviet republics need to show they are conducting free and fair elections to qualify for certain kinds of financial and other assistance. Allegations of electoral fraud may also raise the temperature if reports of human rights abuse in Armenia begin to appear.

It is also discomfoting to recall that some members of the international community, the US in particular, were dismayed by the resignation of Ter Petrosian and his possible replacement by Rober Kocharian . OSCE-sponsored talks aimed at resolving the status of the disputed enclave of Nagorno Karabakh had been going well, a Kocharyan presidency was perceived as being less compliant in the future. At issue is the future stability of investments in the oil-rich Caspian Sea which could be jeopardised by a rise if tension in the region.

Whether or not these considerations played any part in the OSCE's response to the Armenian election is pure supposition. Unfortunately, for the bona fides of Western institutions they have been taken seriously by many Armenians since March 1998.