

The Armenian Human Rights Defender's Ad-hoc Report on the RA Presidential Elections 2013

The RA Human Rights Defender Karen Andreasyan gave the following evaluation regarding the 2013 presidential elections: "The elections were freer than before, but many people do not believe were fair."

PEOPLE DO NOT BELIEVE IN THE FAIRNESS OF THE ELECTIONS BECAUSE:

- For decades, even in cases of major and obvious electoral violations, almost all state institutions (including the Police, Prosecutors Office, Central Electoral Committee, and Constitutional Court) have not properly responded to the aforementioned violations. This lack of action allowed for the preservation of the society's low level of trust towards the country's electoral process.
- During the elections, the Police received 100 complaints regarding electoral bribery. Subsequent investigations on these complaints did not lead to any solutions. However, 4 of the 20 total complaints regarding multiple voting were solved.
- The elections were marked with registrations for numerous cases of abuse of administrative resources, but not a single person has been charged with such an offense.
- From the received 293 complaints, the authorized state bodies made decisions to reject 273 of the cases and refused to initiate criminal investigations despite the fact that all necessary investigative measures and actions were not taken.
- In some cases, the authorized state bodies conducted the investigations of complaints regarding cases of electoral bribery and other electoral crimes by questioning the current representatives of the municipality or the ruling party. Such practices have led to deficient investigations as persons not included in the two mentioned categories were not included in the investigation although they may have had critical information regarding the cases.
- The legal obligation to stamp passports, as a two level guarantee for the prevention of multiple voting, did not serve its purpose because the ink used was easily erasable.
- The opposition powers, as well as some international organizations, have expressed concern and further engendered suspicion regarding the correlation of the major number of votes for the incumbent President at those electoral stations where high turnout of voters was registered.

THE ELECTIONS WERE FREER BECAUSE:

- No violation of law has been registered during the nomination and registration of candidates.
- Cases of major hindrance or violations of the campaign, media coverage and public events of candidates were not registered.
- The legal regulations regarding the candidates' campaign media coverage, freedom of speech, and availability of equal opportunities to all candidates were properly adhered to and guaranteed.
- More than 3,500 cases regarding the accuracy of voter lists were resolved and the Police carried out sufficient work in eliminating the inaccuracies in the voter lists.
- The Central Electoral Commission has effectively minimized cases of legal formalism in its approach during the process of examining complaints addressed to it.
- 20,690 authorized heads and members of polling stations and proxies were nominated from the powers presented in the Parliament and from the Presidential candidates. Specifically, the Heritage party had 1,884 nominated representatives in 1988 polling stations. The representatives of the opposition had filed only 12 recount complaints and 70 complaints of invalidation of the results (118 polling stations).
- Regarding the deficiencies and/or violations of the electoral process in the 1988 polling stations, only 44 Precinct Electoral Commissions had available register book records.

- During the post electoral developments, the rights to freedom of movement and assembly were guaranteed and not violated.
- The approximate number of 300 complaints had been much more carefully studied by the Police and the Prosecutors office and detailed information was provided to the public with respect to the process of the investigation.
- The complaints regarding electoral violations in different districts varied by nature. Therefore, the violations were most probably not systematic nor organized and coordinated from one headquarter with strict mechanisms.

GENERAL ANALYSIS

Throughout the process of the 2013 presidential elections, the 116 hot line phone number and the rapid response service received 255 complaints. In 43 of the cases, the citizens received legal consultation which allowed for the resolution of their issue of concern. 52 complaints even prima facie were not reasonable/justified that is to say, the complaint did not include a human rights violation or the complaint did not present any fact of the alleged electoral violation. Also taking into consideration the reports of the international and local organizations, and trustworthy and non-disclaimed publications in the press, we present below our observations regarding the pre-election stage, election day and the post election developments of the 2013 presidential elections.

PRE-ELECTION STAGE

For the 2013 presidential elections of RA, candidates were able to submit their applications to the Central Electoral Commission from December 25 until January 4, 2013. During this process, no complaints were received.

In order to be eligible for nomination as a presidential candidate, one has to be a citizen of the Republic of Armenia for the preceding ten years and must have permanent residency in the Republic for the preceding ten years. According to the decision adopted by the Passport and Visa Department (PVDP) of the Police, three people did not satisfy the above stated requirement. Two people appealed the decision of the PVDP to the Administrative Court of RA. However, the Administrative Court of RA left the decision of the PVDP unchanged and in force. Other issues and/or complaints regarding the aforesated requirements or the actions of the PVDP were not received.

Some candidates have expressed their concern regarding the constitutionality of the electoral deposit requirement in the Electoral Code of RA. Pavlik Sargsyan, who was nominated as a presidential candidate, addressed a letter to the Human Rights Defender asking for support in the process of considering the electoral deposit requirement unconstitutional. The Defender immediately took the complaint into consideration and in the process of studying the complaint, no indications for the unconstitutionality of the above stated requirement were found. The electoral deposit requirement is widely accepted in numerous modern democratic societies such as France, Ukraine, Great Britain, Canada, etc. and this requirement is a safeguard by its very nature to guarantee that the Presidential candidate enjoys and has the support and trust of a portion of the society. Regarding this same issue, Narine Mkrtychyan had submitted an application to the Constitutional Court of RA, which the Court rejected on March 5, 2013 based on DCC 1076. The Constitutional Court has stipulated that the Electoral Code's provision regarding the Electoral Deposit are in compliance with the Constitution of RA, and the increase in the number of presidential candidates can lead to administrative difficulties, unjustified expenses from the state budget, and general societal distrust of the electoral processes.

Details regarding other complaints which were addressed to the Defender during the Pre-Election stage (77 complaints) are presented below:

Voter lists

From the received complaints to the Defender's 116 hot line phone number, 38 concerned the inaccuracies present in the voter lists. All concerns were presented to the Police to allow necessary clarifications to be made. The complaints were primarily regarding the inclusion of deceased people, people not residing in the Republic of Armenia, and the previous owners of apartments and homes in the voter lists. The Police, in its statement addressing the citizens' complaints about inaccuracies in voter lists, stated that as a result of the actions conducted by the Police information cases regarding 1,893 deceased people, 2,089 cases regarding previous and new owners of apartments were all resolved and the voter lists were corrected. In general, more than 3,500 cases regarding the accuracy of the voter lists were resolved. The statistics show that the number of complaints regarding inaccuracies in the voter lists have decreased in comparison with the 2012 parliamentary elections, when the Police had received 6,411 complaints. So, we can assume that the Police had carried out sufficient work in eliminating the inaccuracies in the voter lists for the 2013 presidential elections. It should be taken into account that the Passport and Visa Department (PVDP) of the Police is responsible for maintaining the voter register which is based on state population register data. At the same time the Voter lists are extracted from the voter register, which is based on citizens' registered place of residence and according to the RA Law on the State Population Register, in cases when the place of registration of the citizen is changed, the citizen must inform the state body officially about it. Therefore, the elimination of inaccuracies in the voter lists cannot be reached only based on the actions of the state bodies but only in conjunction with the citizens' diligence and consistence in performing their civil obligations.

Hindrance of Election Campaign

The election campaign of the 2013 presidential elections started on January 21 and lasted until February 16. The election campaign was, in general, free and without significant obstacles which created positive preconditions for the equal competition of all candidates.

On January 24, 2013, representative of the Heritage party, S. Barkhudaryan, had called the Police and informed them that on Raffi street, unidentified people hindered their campaign and did not allow them to pass their campaign booklets.

On February 9th, the Police of Yerevan received a complaint from A. Zakaryan according to which, former presidential candidate Hrant Bagratyan's electoral campaign office posters were stolen by unidentified people.

During the campaign of the 2013 presidential elections another complaint was studied, according to which, Raffi Hovhannisyan's supporters were beaten by a group of people in Yerevan on Arzumanyan street. In addition, there has been a complaint, according to which, the Head of Vanashen village, Artashes Grigoryan, hindered the campaign for Raffi Hovhannisyan in the village.

If compared with the 2012 parliamentary elections' cases of hindrance of the electoral campaign, the 2013 presidential elections' cases were mostly connected with abuse of administrative power. Nevertheless, there have not been comparable grave cases of hindrance such as those of previous elections (for instance, when a group of young men assaulted ANC members Babken Garoyan, Gayane Arustamyan and Zoya Tadevosyan, and broke Babken Garoyan's nose).

Nevertheless, according to the official statistics, statements during the 2013 presidential elections note 16 cases of hindrance of the electoral campaign registered by the police. The Police have informed the Defender that all of the mentioned cases have been thoroughly investigated and explanations have been solicited from people who had any knowledge on the particular cases. However, none of the 16 cases were proven and therefore no violation was conclusively found. These cases were, as a result, rejected and neither one of the 16 rejection decisions were appealed.

Media Coverage of the Presidential Elections

International organizations generally commented favorably on the media coverage topic. Particularly, it was mentioned that the mass media monitored by OSCE/ODIHR EMM the Media fulfilled their legal obligation to provide balanced coverage, and all contestants made use of their free airtime. Nevertheless, it was also stated that the media coverage was formal in their nature and did not have sufficient research regarding the election processes. Further, debates among the candidates were not organized. It is noteworthy that the candidates did not express negative views about the elections coverage.

The NGO's of the media coverage field also did not express concern regarding the media coverage of the presidential elections.

According to the media coverage report on the Presidential Elections of February 18, 2012 presented by Yerevan Press Club, the broadcast media generally did not exhibit discrimination or an openly biased attitude to the presidential candidates. On the whole, equal conditions were provided for introducing the electorate to the programs and views of the candidates and political forces supporting them. Naturally, the voters did not receive equal amount of information about all candidates, however this was a consequence of the capacity and the willingness of the candidates to wage their campaigns. If at the 2012 parliamentary elections balanced coverage was provided only during the official pre-election promotion, this time around, the period preceding it can also be assessed in the same way. Taking into account the "scattered" attention to potential candidates, the coverage of the parties is more revealing. Thus, throughout October-December of 2012, five political forces were the centre of attention for Armenian broadcasters: Republican Party of Armenia, "Prosperous Armenia" party, Armenian National Congress, Armenian Revolutionary Federation-Dashnaktsutyun and "Heritage" party. The sixth political force, represented in the Armenian parliament, "Orinats Yerkir" party, received substantially less attention than the leading five did. This difference can be explained by the level of expectation of plots in the electoral behavior of the parties. At the same time, the frequent appearances of representatives of executive authorities in news/news and comment programs (6,337 times against 4,874 times of appearances of representatives of all parties altogether) is a sign of information advantage of the ruling coalition from October-December of 2012.

To contrast, we can state that during the 2008 presidential elections, one of the main concerns raised by the Human Rights Defender was the lack of fair and equal media coverage for all candidates during the election campaign. Concerning the media coverage for the 2012 parliamentary elections and the 2013 presidential elections, the Human Rights Defender has received no complaints related to the unequal media coverage of the elections.

CORE VIOLATIONS

According to OSCE / ODIHR IEOM information, in the overwhelming majority of total polling stations (75), opening procedures were generally assessed as positive. Although voting was orderly and well-organized, in the 5 percent of cases from the dominant part of all the 970 observations, the IEOM observers noted negative assessments primarily due to cases of unnecessary interfering and sometimes cases of serious violations. Other serious offenses were recorded as follows: improperly sealed ballot boxes (5 percent), leading voters outside polling stations by the Republican party's supporters, as well as interference or guidance of the PEC work by the representatives of the incumbent President (7 per cent of polling stations observed). International observers also reported about four possible cases of ballot stuffing.

According to the information received by the police and the General Prosecutor's Office, a total 96 cases were received and reviewed during the pre-election period. From this, 88 cases were statements about alleged crimes (71 cases reported by mass media publications). In accordance to the complaints received by the Defender, 63 of 96 cases concerned electoral bribery, 16 cases of hindrance of the electoral campaign, 12 cases of hindrance of voter free will, 1 case of defamation, 3 cases of

falsifying elections or voting results, and 1 case about the election campaign prior to the day of the elections. About the 80 reports received, the General Prosecutor's Office issued decisions on rejecting the criminal cases. Some of the details of these reports are presented below.

At the same time, in accordance with the information provided by the General Prosecutor's Office, on and after the election day, 159 complaints were received in total. From this, 116 were received by the media publications and 5 complaints were received by the General Prosecutor's Office's "hot line" service.

The police have reviewed 187 cases of violations in total said to have taken place on the election day and during the post-election period. 4 of 20 cases concerning double voting or attempt to vote instead of another person were sent to courts with criminal indictment, and 3 criminal cases are incomplete at the moment and the investigation processes are still being carried out by the Police.

On election day, the Defender received 25 complaints regarding electoral bribery, double voting and ballot stuffing, 10 of which (as shown below) which were prima facie reasonable and concerned alleged violations of human rights were passed on for consideration to the Police.

Cases of Electoral Bribery

During the elections, except for cases of electoral bribery by electoral campaign office members of certain candidates, complaints were received claiming electoral bribery was conducted by the abuse of administrative resources. Particularly, a resident from the Verin Getashen village reported that the Head of their village had collected the passports of the citizens and distributed 10,000 drams to each of them. Explanations were taken from citizens in conjunction with operational measures based on the prepared materials and additional information was requested from the campaign office of the presidential candidate, Raffi Hovhannisyian. The answer to our appeal revealed that the act of the alleged crime (which was conducted in person, by phone, or otherwise) had been recorded and there was no specific information about the person who had given the statement regarding the alleged crime. As a result of other operative measures undertaken during the preparation of materials by the Police Division in Martuni, the fact of collecting passports of citizens and electoral bribery had not been proven. Therefore, the criminal case was rejected based on the absence of the criminal act.

Another citizen Avag Mezhlumyan (from Syunik marz, Sisian) reported that the Mayor of the town was giving electoral bribes near the 37/15 polling station. During the preparation of the materials of the criminal case, Avag Mezhlumyan had stated that his words were misunderstood and he stood back from his allegation of electoral bribery by the Mayor. At the same time, the mayor of Sisian, Aghassi Hakobjanian, stated that he had not seen Sisian resident Avag Mezhlumyan on the voting day and he denied having been involved in any form of electoral bribery. Therefore, the criminal case was rejected based on the absence of the criminal act. However, operative measures were not conducted by bodies of inquiry to determine the reason(s) of the polar differences of the explanations given by the citizen in such a short period of time. Further, it is not clear why other interested people were not involved in contributing information to the law enforcement bodies for the comprehensiveness of the investigation.

A citizen (who did not want to be identified even for the Defender) reported that there were cases of electoral bribery near the 141st school. Explanations were taken from the citizen and Nor Nork Police department's collaborator, Narek Hunanian, who was doing his service at the 2/09 polling station situated in the school No. 141, and from the head of N 2/09 precinct electoral commission Anahit Hovhannisyian, both denied the allegations regarding electoral bribery. Therefore, materials were prepared, however, the criminal case was rejected based on the absence of the criminal act.

The citizen T.N. (identified in the complaint only) reported about cases of electoral bribery in No. 8/30 and No. 8/31 polling stations situated in the school No. 50. Explanations were taken from Gulnara Mirijanyan, the head of the 8/30 polling station commission, and from Yurik Ghazaryan, the head of the 8/31 polling station commission president, other members of the precinct electoral commission, as well as from the janitor, Sanasar Avdalyan, of the above-mentioned school, Samvel Gevorgyan, who lives near the school, Anzhik Galstyan and Lida Hayrapetyan. These people, in their explanations given to the Police, denied the case of electoral bribery. Materials have been prepared, however, the criminal case was rejected by the Police based on the absence of the criminal act.

Citizen Suren Manucharyan (resident of Tavush marz, Varagavan village) stated that he was personally given 5,000 drams as an electoral bribe. He did not spend the money and kept it in the envelope as evidence. Defender's representatives informed him that informing voluntarily about the electoral bribe would free him from any criminal liability. The citizen agreed to cooperate with the Police. The Special Investigation Service, according to the article 154.2, part 2 of the RA Criminal Code of the RA, had filed the criminal case No. 62201413. On February 28, 2013 Suren Manucharyan, while being interrogated as a witness, denied the circumstance of vote buying by Samvel Manucharyan. He stated that in February of 2013, Samvel Manucharyan called him to the municipality and told him that he had been included in the voters' list of the village. At that moment, Suren Manucharyan asked the mayor to resolve the issue of the pipeline and the gasification of his house. Samvel Manucharyan, again rejecting his request, proposed to go to the regional center in town of Berd, where the relevant responsible bodies could assist him. As Suren Manucharyan did not have enough money, Samvel Manucharyan gave him 5000 drams for this reason. A few days later, on February 17, when he was found at home drinking a few glasses of vodka, he suddenly heard the radio announcement that citizens can report in case of any violations of electoral rights to the Human Rights Defender's Office hot line service. Being dissatisfied of Samvel Manucharyan's service, as the latter did not resolve his domestic problems, and aiming to discredit him, Suren Manucharyan called the hotline and reported that the Head of the Varagavan village had bought his vote for 5000 drams. However, during the investigation it was revealed that Samvel Manucharyan did not give electoral bribe to Suren Manucharyan, and therefore, the criminal case was rejected based on the absence of the criminal act. Despite the fact that the actions of 78-year-old Suren Manucharyan contained elements of crime, including the false reporting of criminal activity according to the article 333 part 1 of Criminal code of the RA, taking into consideration the fact that the crime committed by Suren Manucharyan lacked severity, he voluntarily presented all the information that he had possessed, and also that during the interrogation he had assisted the investigation process, a decision was reached to not criminally prosecute the subject. Nevertheless, the bodies of inquiry did not thoroughly investigate the circumstance of transferring the 5,000 drams from Samvel Manucharyan to Suren Manucharyan. It is also important to take into consideration that severity and nature of the crime alleged against Samvel Manucharyan and the fact that in such cases, according to the legislation, the criminal prosecution is held based on public charges. For that reason, we believe that other people should have also been involved in the case to ensure the comprehensiveness of the investigation.

On February 18, 2013, the Helsinki Civil Assembly of Vanadzor office presented E/2013-1502/94 report to the General Prosecutor's office division in Lori marz, according to which there was an electoral bribery case by the director of the <<El. Networks of Armenia>> in Taron-2 district of Vanadzor. As a result of carrying out operational activities, the Police division of Lori marz, decided to reject the criminal case on the 22nd of February based on the absence of the criminal act. According to our information, a thorough investigation was not conducted regarding the above stated allegation. Particularly, not all non-subject and relevant people were involved in the investigation.

During the 2012 parliamentary elections, the Police had received 74 calls for electoral bribery. For about 67 cases from the 74 calls, the Police undertook operational measures. As a result, only 8 cases have been filed on vote buying. During the 2013 presidential elections, the Police examined 100

calls on bribery and it undertook operative investigations. However, no decision was made to initiate a criminal case.

Double voting

International observer organizations reported the presence of number of similar signatures in the voting lists (3%) and multiple voting cases (2%). The reports concerning cases of signing in place of another voter were also transferred to the Police.

Particularly, citizen Janna Hovakimyan reported that in the 8/13 polling station, somebody had signed on her and her sister's behalf. Further, one of them was led to vote instead of her mother, Louisa Hovakimyan. A letter of request was sent to the Police and the same-day response by the Police noted that the 13th apartment of the 18th building belongs to the polling station 8/12 located in the Babajanyan 42 address of the Malatia-Sebastia district, and not to the polling station 8/13. It is justified that 18.02.2013 Janna Hovakimyan and Louisa Hovakimyan went to the polling station No. 7/1 and found that somebody had signed on behalf of them. The head of the precinct electoral commission found that there has been a misunderstanding and mistakenly other citizens have signed. However, the mistake has been corrected immediately so Janna and Louisa Hovakimyans could exercise their right to vote.

Citizen Stepan Amirkhanyan reported that somebody had signed on behalf of his daughter's name, Arevik Amirkhanyan, in the voting list at the polling station 1/13. Explanations were taken from the head of the 1/13 precinct electoral commission, Gor Makaryan, and the secretary, Karine Manukyan, who agreed that the resident of the 16th apartment of the same building Arevik Asatryan, whose name was in a few columns upper in the voters' list, had signed in place of Arevik Amirkhanyan. After checking out the phone number of the residence of Arevik Asatryan, she was directed to return to the polling station. It was then communicated that A. Asatryan participated in the election, but instead of signing her name in the proper designated area, she had mistakenly signed on behalf of Arevik Amirkhanyan.

Nevertheless, all of the abovementioned cases' decisions rejected the claims due to the absence of proof of the criminal acts.

There was also a complaint alledging voting in place of another person at the polling station 9/18. Particularly, in the complaint it was stated that on February 18, 2013 at 17:15, a citizen tried to vote instead of Gurgen Artshesi Ghazakhecyan at the polling station 9/18. Explanations were taken from former presidential candidate Raffi Hovannisian's proxy, Abgar Sarkissian, and the head of the precinct electoral commission, S. Nersisyan, to whom A. Sarkissian had presented an application. S. Nersisyan said that on the mentioned date and time, he was at the polling station and A. Sarkissian applied to him on the abovementioned occasion, as well as S. Nersisyan says in his explanation, that a committee meeting had been organized and the decision copy is attached to the Protocol relating to the preparation of materials. In the materials, it is stated that a citizen's passport had been returned to his son for his hospitalization. According to the explanation of the actual owner of the passport, who is the son of Gurgen Ghazakhecyan (Davit Ghazakhecyan), in January of 2013, his father left for the Russian Federation and then sent the passport to Yerevan intended for his son, D. Ghazakhecyan, in order to resolve domestic issues. The latter had lost the passport while taking a copy of it. An unknown person, who has found the passport, tried to vote by using it, however he/she failed to do so. The data and the signature of the unknown person has been registered in the voters' list. According to the prepared materials, some characteristics of the crime mentioned in articles 34 and 153 of the Criminal Code of the RA do appear to be present in the mentioned case and a decision was made to initiate a criminal case No. 13127513 on June 5, 2013 for this instance. The case currently in the works.

Citizen Tigran Aleksanyan reported to the Police that in the polling station 1/35, he had found out that his family members have already participated in the elections, but according to him, it did not correspond to reality. According to the Police, the relevant precinct electoral commission members responded to this problem and ensured T. Alexanian and his family members the right to vote. However, the Police neither prepared materials nor initiated criminal proceeding regarding this case. As a result, not all of the investigative actions were undertaken to determine whether or not criminal activity had taken place in this instance. It had to be taken into account that in this case it was necessary not only to ensure T. Alexanian's and his family members' right to vote but also to prevent such intentional or non-intentional cases by means of comprehensive examination in order to reveal and prevent further similar instances.

The Police reviewed 20 cases of double voting, for 16 of which decisions were made to reject the cases. According to the General Prosecutor's Office, 4 criminal cases were sent to courts with criminal charges of double voting or voting in place of another person.

Abuse of Administrative Power

During the election campaign, there were registered complaints about the abuse of administrative resources by state and local government officials and candidates alike. The Election Code bans state officials and local government bodies, educational institutions, and pedagogical staff to hold an election campaign or spread any kind of election material while fulfilling their functions. All the candidates, except the acting President, have publicly expressed their concerns regarding the abuse of administrative resources. In accordance with the reports of international observer organizations, the campaign regulations of the Election Code did not provide sufficient protection against the abuse of administrative resources and did not contribute to the clear separation between state and the ruling party. The use of administrative resources is very disturbing because it impugns the separation of state and political party, which is prescribed by the part 5.4 of OSCE Copenhagen Document. The OSCE/ODIHR IEOM long-term observers reported cases of abuse of administrative resources in favor of the acting president. The former presidential candidate, Andrias Ghukasyan, filed an application to the CEC of the RA in order to invalidate the candidacy of the acting president, but the application was rejected. The decision of the CEC did not satisfy A. Ghukasyan and the latter, as a sign of protest on 21st of January, went on hunger-strike during the whole campaign period.

International organizations' long-term observers reported about cases of abuse of administrative resources in favor of the incumbent president. According to them, it was expressed in the ways such as pressure from superiors on governmental employees in order to participate in election events (13 cases), involvement of public servants in the election campaigns (16 cases), installation of pre-electoral campaign office in buildings, which are also state and local governmental buildings or where electoral commissions reside, the use of state funds for the campaign (11 cases).

So, according to information provided by the Police, a message spread via an internet website stated that there were cases of abuse of administrative resources in Karadzor village. The measures undertaken by the Police revealed that former presidential candidate R.Hovhannisyan's pre-election campaign office had reported that the Head of Karadzor village was involved in the elections' campaign. However, as a result of the actions undertaken during the investigation, a decision was made to reject the case based on the absence of the criminal act.

According to the information provided by the General Prosecutor's Office and the Police, no one was charged with the crime of abuse of administrative resources.

The abuse of the administrative resources has been also presented as a concerning issue in the reports of the Human Right's Defender related to the Parliamentary elections 2012 and the Presidential elections in early 2008.

Hindrance of free exercise of the right to vote

The international observer organizations also reported cases concerning attempts to influence the will of the voters (2%), threatening voters (2%) and exerting pressure on voters (1%).

Unlike over 24 reports received during the Parliamentary elections 2012 concerning free transporting citizens to the polling stations and followed by forcing them to vote for one of the candidates, the Presidential elections of 2013 involved 27 cases examined by the Police.

On February 18, 2013, a report titled, "Summary of violations during the elections" was published by the election campaign office of Raffi Hovhannissian. The 33rd part of the report stated, "Citizen Asatur Papyan witnessed that the Head of Zovuni village and his people infringed the voters' rights to a secret ballot in favor of the incumbent President S. Sargsyan". In response to that information, the Police started an investigation and prepared materials of the case. During the preparation of the materials, the representative of the "Heritage party" in 27/15 precinct electoral commission Hamlet Kyureghyan stated in his explanation, that no guidance, no pressure, no bribe or no promises were made or done to influence the will of the voters. Similar explanations were given by the Head of Zovuni village, the member of the Republican party Serzhik Avetisyan, the "Prosperous Armenia" party representative and secretary of the 27/14 precinct electoral commission Sargis Ghazaryan and by the resident of Zovuni village Asatur Papyan. On February 20 the Police had sent a letter of to the former presidential candidate Raffi Hovhannissian's campaign central office requiring to provide materials on the statement of crime. According to the answer received from the campaign office on February 21, 2013, they had no information about the persons who had given the statement.

Taking into consideration that no facts were presented regarding the alleged crimes, decisions were made to reject the criminal cases based on the absence of the criminal act.

Hindrance of the activities of journalists, observers, proxies

12 cases have been or are being examined by the Police about violence against and hindrance of the activities of commission members, observers, proxies and the representatives of mass media.

On 18th February 2013 Erebuni and Noubarshen Investigation divisions have received a report from the Prosecutor's Office concerning a hindrance of the journalist's activity. On the same day at 20:00 journalist, Marine Kharatyan, reported to the Police that her and Gayane Saribekyan's legitimate professional activity were hindered by 10-15 people near the incumbent president S. Sargsyan's election campaign office located at Khorenatsi 217/19 address. After thoroughly studying these cases and undertaking numerous investigative actions, the Special Investigative Service made a decision to reject the criminal cases based on the absence of the criminal act.

In the polling station 17/01 the proxies hindered the observer Khachatur Siradeghyan's and Elmira Martirosyan's activities, who were left out from the polling station by the heads of the 17/3 and 17/2 precinct electoral commissions. There have been complaints according to which, in the polling station 8/22 the member of the commission and at the same time the representative of the "Heritage party" Armenuhi Hambardzumyan, because of her legitimate actions, was threatened by unidentified people. In response to it, the Police took explanations from the head of the 8/22 precinct electoral commission, Ira Margaryan, and a commission member and representative of the "Heritage party", Armenouhi Hambardzumyan, who ensured that in the polling station during the elections there was no bribery, hindrance, ballot stuffing and also that nobody had threatened her. Therefore, the Police made decisions to reject the above mentioned and other criminal cases based on the absence of the criminal act.

On 18th of February Avan and Nor Nork districts received a report from the Prosecutor's office concerning the case that at 08 :45 in 1/6 polling station "Civil society institute" NGO's observer has noted a hole under the ballot box from where it is possible to stuff ballots. The latter also mentioned that the proxy of the candidate Raffi Hovhannisyan told the observer that the commission does not allow him to work, does not involve in the electoral process and does not provide any information. The Police took explanations from the head of the precinct electoral commission Nazik Hayrapetyan, who has denied the above-mentioned information. At the same time, according to the explanations of presidential candidate Raffi Hovannisian's proxy in the 1/06 polling station Babken Sargayan, he noticed 4 holes under the ballot box and not knowing that those holes were a defect from the factory which produced it, informed the observer about it by mistake, but he didn't tell the observer that Commission did not involve him in the electoral process or refused to give any information. Therefore, a decision was made to reject the criminal case based on the absence of the criminal act.

On the 18th February at 19:00 in Gyumri the head of the 34/36 precinct electoral commission M. Sargsyan reported the Police that the same day at 17:35 the head of the "Heritage" fraction deputy Rouben Hakobyan entered the polling station and made offensive remarks addressed to the members of the commission thus hindering the activity of the commission for about 30 minutes. During the preliminary investigation the 34/36 precinct electoral commission members were interrogated, the registry records of that precinct commission were requested and reviewed, which contained information on the observers, proxies, media representatives and other people who were present on the polling station on that day. The deputy Rouben Hakobyan refused to be interrogated by the Police, saying that he has also filed a complaint to the police against the illegal actions of Sukias Avetissyan. The results of the actions undertaken revealed that the information is incorrect, after which Ruben Hakobyan explained that he cannot assist the hearing as he had to take part in the National Assembly's sessions. Taking into consideration the information mentioned above, the Special Investigation Service rejected the case No. 62201013 initiated on February 20 according to the article 149 part 1 of the Criminal Code of the RA.

According to another complaint the deputy of the "Prosperous Armenia" fraction Karo Karapetyan had entered the polling station 17/10 of Artashat, refused to leave the stated and hindered the election process. According to the precinct electoral commission secretary, the deputy was not a proxy and was not registered in the registry record. However, on the 5th of March of 2013 the Police division in Artashat made a decision to reject the criminal case based on the absence of the criminal act.

On February 18 at about 16 o'clock unidentified people entered the polling station 17/05 in Artashat, captured the "Journalists for the human rights" NGO's journalist Artak Hambardzumyan's hands depriving him the opportunity to record the events taking place and thus hindering the legitimate professional activity of the journalist during the election. They also hindered the activity of the observer Narine Ismaeli's professional activity, after which they voted for other people and stuffed the ballots. Based on the Criminal Code of the RA the Police filed the criminal case No. 62201213, and the investigation continues by the Investigators of the Special Investigation Service.

On the Election Day information was received concerning the inaccuracy of the voting lists, controversies in the polling stations, theft from the polling station, deliberate damage to property of the polling station, etc. Thus, for example, according to information provided by the Police division of Malatia Sebastia administrative districts, there was a controversy in the polling station 7/08 in Malatya when A. Geghamyan noted that 7 unknown people are registered in his apartment according to the voters' lists. The Police decided to reject the criminal case based on the absence of the criminal act. However, the bodies of inquiry didn't took sufficient measures to get information from the representatives of the opposition party in that precinct. Therefore, not all non-interested and relevant people were involved in the investigation.

It has to be noted that, unlike the election day violations recorded during the presidential elections in 2008 (which primarily concerned distributing citizens the references No. 9 and transporting them by minibuses to polling stations, as well as numerous cases of hindrance and violence against persons involved in the election process, ballot stuffing cases), during the presidential elections 2013 there were less substantial violations.

Besides, in the OSCE/ODIHR interim report relating to the presidential elections 2008 in the 16 percent of the voting results at the polling stations observed were rated as "bad" or "very bad." The OSCE International Election Observation Mission stated that, according to the CEC, 159 applications were filed in 25 TECs requiring the recount of the voting results in the polling stations, from which only 134 were admitted. During the presidential elections 2013 in 106 polling stations observed the vote counting process is evaluated as positive by the IEOM observers, with the exception of 9 polling stations.

The attempted murder against P. Hayrikyan

A decision was made to initiate a criminal proceeding concerning the attempted murder case against the presidential candidate P. Hayrikyan on January 31. The investigation is still in progress. Human Rights' Defender expressed his belief that the bodies of inquiry would undertake a proper investigation in order to identify criminals as soon as possible. It is noteworthy that within a short period of time, on February 7, investigation of the NSA has arrested two person suspected in the commitment of the attempt against the candidate P. Hayrikyan. In result of the investigative and procedural actions undertaken, 05.03.2013 the former presidential candidate Vardan Sedrakyan was charged with the articles 34 and 305 of the Criminal Code of the RA, and the court applied detention as a preventive measure against V. Sedrakyan.

273 Rejected Cases

Studies and summaries of all our requests and responses with regard to all violations of the right to vote demonstrate that during the 2013 presidential elections the Police and the Prosecutor's office have investigated 293 possible criminal and administrative violations. While a small number of complaints have been presented by the Presidential candidates' election campaign headquarters, the majority of cases have been initiated based on the information published by the media, including online and social networks. The majority of complaints referred to the electoral bribery, intimidation of the voters by the representatives of the Republican Party, as well as the cases of multiple voting and voting instead of another person. From the number of 293 cases mentioned above the Police and SIS have made a decision to reject 273 criminal cases due to the absence of the criminal act. A decision was made to initiate a criminal case in 20 cases. Later on, a decision was made to dismiss the criminal cases. As a result only 4 cases with accusatory conclusions have been filed with the courts, whereas preliminary investigation with respect to 3 cases still goes on. We welcome and give paramount importance to the fact that an increase of the number of complaints presented to the state bodies has taken place, which demonstrates an increase of public trust towards the respective state bodies. However, 273 rejections to initiate a criminal case from 293 overall number of cases is disturbing, as the necessary investigative actions prescribed by the Criminal Procedure Code have not been implemented, because a limited number of actions can be undertaken before making a decision of initiating a criminal case. Meanwhile, the Criminal Procedure Code stipulates that the prosecuting authority shall undertake all the measures provided by the Code aimed at comprehensive, full and objective investigation of all the circumstances of the case. Moreover, the decision to reject initiating a criminal case has been made based on the explanations of persons which cannot be considered as an evidence itself based on the Code of Criminal Procedure of RA: within the list of permissible evidences the legislature has foreseen the testimony provided by the suspect, defendant, victim, witness. Nevertheless, the evidence mentioned above can be obtained only within initiating a criminal case.

Therefore, when it is impossible to determine the circumstances of the case during the materials' preparation stage, the prosecuting authority, in order to carry out a comprehensive, full and objective investigation of the circumstances of the case, instead of making a decision of rejecting to initiate criminal case, is obliged to initiate a criminal case based on the available materials within which the legislature doesn't provide any limitations towards investigative activities.

ORGANIZATION OF THE ELECTIONS

Despite proper organization of the 2013 Presidential elections a number of obstacles towards normal conduct of the elections have occurred, particularly, violations of ballot secrecy, unlawful interference with the voting process, an atmosphere of tension, complaints concerning stamps as well as a number of other issues and cases. The Electoral Code clearly defines that no more than 15 voters may simultaneously be present in the voting room, assembling in groups on the territory with up to fifty-meter radius adjacent to a polling station, as well as cluster of vehicles on the territory adjacent to the entrance of a polling station on the voting day shall be prohibited. However, there have been gatherings of persons in a number exceeding the limit provided by the Code.

Other problems related to the posting campaign posters and officials exhortation to the candidates while carrying out their duties with the violation of the Electoral Code.

Ballot secrecy and issues relating to stamps

The international observation missions while carrying out their duties have stated that in 6 percent of the polling stations observed not all voters filled out their ballots secretly, in 12 percent of the polling stations observed not all voters put ballots in the envelope before leaving the polling booth, while in 6 percent of the polling stations observed cases of group voting have been registered.

In Getahovit village, for example, the observer of the No. 40/33 polling station has recorded cases of open voting. During materials' preparation while examining the No. 40/33 polling station and according to the explanations provided by the chairperson of the No. 40/33 polling station commission Naira Aslanyan, the proxy of the RA President Serzh Sargsyan Sasha Adamyan and the resident of the Tavush Region's Getahovit village Dorik Aydinyan it has been revealed that there has been no violation, the voting has been conducted in accordance with principle of secrecy as provided by law. From publications of the press it became clear that the information regarding the recording of the open voting case made by an observer of the No. 40/33 polling station of the Tavush region's Getahovit village is not reliable.

According to information provided by the Tavush Police Department on February 18 a person had spread information through a website that there had been a violation of the ballot secrecy in the Chinary village: an unknown person has been publically giving his vote for S. Sargsyan. During the preparation of materials by the Police, explanations were taken from the former presidential candidate Raffi Hovannisian's proxy in the No. 41/40 polling station Ararat Petrosyan, the representative of the "Dilnet" observer organization Sipan Saghoyan, the head of the electoral commission Tigran Ordyan and the secretary Hasmik Tsaghkyan. All the above mentioned citizens have informed the Police that the elections had been normally held, quiet conditions maintained from the very moment of the opening of the polling station, the voters' rights had been upheld as well as no instructions on voting for any of the candidates by any person both inside or outside of the polling station had been registered.

The head of the No. 6/06 polling station commission V. Khachatryan has reported that on the same day at 13:00 at the No. 6/06 polling station during elections the voter M. Nazaryan had violated the ballot secrecy and after having voted and left the voting booth has showed his ballot to his daughter N. Nazaryan. During the preparations of materials by Police, explanations had been taken from Nune and Marietta Nazarian, who had given similar explanations stating that Marietta Nazarian showed her ballot unintentionally, but being an elderly woman born in 1939 only asked her daughter whether she had filled out her ballot properly or not. By the materials prepared it has been clarified and substantiated that Nune Nazaryan and Marietta Nazarian hadn't violated the ballot secrecy, Nune

Nazarian hadn't forced or persuaded anybody to vote for any of the candidates, no one has by any means checked the ballot or entered the voting booth.

In some cases voters didn't put their ballots in the envelope in the voting booth but before putting ballots into the ballot box showed them to the people standing nearby. According to the details of one such case, the Police during the preparation of materials an explanation has been taken from Anahit Gevorgyan who stated that at the No. 24/05 polling station of the Martuni city 2 women put their ballots in the envelope outside the voting booth. Anahit Gevorgyan also stated that the Journalist who had interviewed her, misinterpreted the information regarding the place where the violation had taken place. The Journalist reported Varden while in reality it took place in Martuni. Anahit Gevorgyan went on to state that she was not informed of any other violation neither in Martuni nor in Vardenik except the one stated by her above. So after conducting certain investigative actions the Police stated that no circumstances mentioned by A. Gevorgyan had been justified, as a result of which the criminal case was rejected.

The RA Police has discussed 10 cases concerning violations of ballot secrecy. With regard to the above mentioned and a number of other similar cases the Police has made decisions to reject the cases due to the absence of the criminal act.

According to the Electoral Code for stamping the voters' identification documents, the PECs are to be provided with a special ink that should remain in one's passport for at least 12 hours before disappearing. It can be inferred from the study of the international practice that the two-level system of voter verification is an effective mechanism for prevention of violations in the area, which encompasses not only regulations concerning the voter lists preparation, maintaining, publicity, the registration in the voter list of the polling station of the data contained in the voter identification document but also their stamping or voters' finger inking (Egypt, Latvia, India, Mexico, Peru and several other countries). During the 2012 Parliamentary elections 64 complaints on the issues relating to the process of stamping the voter's identification document were received. In those complaints the stamps either disappeared sooner than 12 hours or did not disappear from the voters' passports even after 12 hours. During the 2013 Presidential elections 68 complaints were received concerning the process of stamping the person's identification document. They also referred to the issue of disappearing of the stamps either sooner than 12 hours or their remaining more than 12 hours. Complaints also related to the fact that stamps could have been easily removed if wanted. The easiness of the stamp's removal is extremely disturbing for it doesn't serve the voters' verification two-level system objective and, furthermore, creates favorable conditions for electoral frauds.

It is no coincidence that a number of international organizations had positively evaluated the inclusion of provisions in the RA Electoral Code regarding stamping, because it should have been a mechanism for prevention of violations in the sphere. Nevertheless, it has been yet impossible for CEC to obtain a such a material which would meet both the requirements of the RA Electoral Code and international standards.

In the inquiry presented by the RA Central Electoral Commission on 01.08.2012 and concerning to the organization and conduct of the May 6 elections by the National Assembly, violations of the Electoral code as well as propositions on legislative amendments it had been recommended to remove the provision setting forth the stamping the voters' identification documents with such a material which remains at least 12 hours after using and disappears afterwards. In 2008, the Venice Commission while considering the issue of stamping had suggested to use the institute of inking finding troublesome that the stamp put in the passport could have remained. In 2011 the European Commission for Democracy through Law (the Venice Commission) and the OSCE/ODHR in their joint final opinion on the RA Electoral Code had stated that the seal should disappear after approximately twelve hours which would address concerns about possible intimidation (prosecution, pressure) of people based on the existence of a stamp in the identification document. It should be simultaneously noted that in 2012 the Parliamentary Assembly of the Council of Europe (PACE) has favored in its opinion regarding the institute of stamping the voters' identification documents as a mechanism for preventing violations during elections in Armenia the finger inking as a more classical and verified method. Thus, the

international practice confirms that the problem highlighted above can not be solved effectively by the removal of the two-level system of voter verification.

With regard to the above mentioned issue the Ombudsman had sent a recommendation to the Chairperson of the CEC proposing to find out whether it is possible to purchase such a stamping material which would meet the requirements of the RA Electoral Code as well as the international standards.

The Accessibility of the Right to Vote

The Defender has received complaints from 9 persons with disabilities concerning the accessibility of the right to vote. Despite the measures undertaken, still polling stations exist with no special arrangements or other equipment ensuring the implementation of the right to vote for the persons indicated above. At the same time amendments should be made in the RA Electoral Code clearly defining effective mechanisms for the persons with disabilities as well as persons though not being in the medical institutions but unable to visit the polling stations due to illness to participate in the elections.

According to the Article 30 of the RA Constitution eighteen-year old citizens of the Republic of Armenia have the right to take part in the elections and referenda as well as the right to take part in the public administration and local self-governance through their representatives chosen directly and through the expression of free will. The Part 7 of the Article 48 of the RA Constitution stipulates the obligation of the state to carry out a policy of preventive care, treatment and integration of the handicapped which includes their right to participate in the elections on equal basis with others. According to the UN Convention on the “Rights of Persons with Disabilities” the state is obliged to ensure that voting procedures, facilities and resources are available for the persons with disabilities. The results of the information obtained through the number of reports, the monitoring conducted by RA Human Rights Defender's staff as well as various non-governmental organizations during the February 18 Presidential Elections demonstrate that the majority of polling stations is not accessible for the persons with disabilities. That is persons with disabilities are practically deprived of the right to vote. The issue raised requires a more urgent solution considering the upcoming Yerevan Municipal Elections in May.

On February 28, taking into account the importance of the issue, the RA Human Rights Defender had applied to the Deputy Prime Minister, the Minister of RA Territorial Administration Armen Gevorgian seeking to provide the accessibility of the right to vote for the persons with disabilities. In response to the Defender's recommendation the Deputy Prime Minister had presented a proposal to the RA governors as well as to the Mayor of Yerevan to take measures necessary to ensure the rights of persons with disabilities as provided by the law.

POST - ELECTION DEVELOPMENTS

This section is dedicated to presenting post-election developments following the Presidential elections. Post-election developments following the 2013 Presidential elections had started on the day following February 18 with the CEC's publication of the elections' preliminary results according to which the incumbent president Serzh Sargsyan had been re-elected in the first round. The former Presidential candidate Raffi Hovhannisian who had been the runner up (second place) disagreed with the election results. Starting from the February 20 the representatives of the opposition forces while presenting their official positions had expressed a statement according to which the preliminary results of the February 18 elections didn't reflect the reality. Some part of the society had been actively participating in those meetings.

The opposition representatives strongly criticized almost all the stages of the election process especially the summary of the voting results. Representatives from some factions of the RA National Assembly, particularly, from ANC and ARP fractions had also participated in the meetings. Such statements and developments had also taken place during 2008 Presidential elections post-election developments/Ombudsman's special report of 2008/

On February 25 the Central Electoral Commission had summarized and published the results of the Presidential elections. In accordance with the official data the number of RA citizens eligible to vote is 2.529.016 however only 1,521,931 voters participated in the elections, that is 60.18% of voters. For the organization of RA presidential elections 1988 polling stations have been formed. According to final results 1,521,489 voters (60,18%) had participated in the elections. There have been 2.509.434 citizens with the right to vote. The final results if the CEC go as follows: Raffi Hovannisian - 539693 votes (36,74%); V. Sedrakyan - 6210 votes (0,42%); Hrant Bagratyan - 31 643 votes (2,15%); Serzh Sargsyan - 861 373 votes (58,64%); Paruyr Hayrikyan - 18 096 votes (1.23%); Andrias Ghukasyan - 8329 votes (0,57%); Arman Melikyan - 3520 votes (0,24%). At the same time the CEC has informed of receiving 16 complaints and two reports during the elections, which have been discussed and decisions have been made as well as written responses provided accordingly. According to CEC during 2013 Presidential elections there had been no violations that could have affected the election results. Based on the protocols relating to the election results in Armenia CEC had stipulated in its 62-A decision that Serzh Sargsyan had been re-elected to the Post of the RA President.

While presenting the report on the Presidential Elections according to statement made by the Head of the OSCE / ODIHR election observation delegation Heidi Tagliavini stress that there had been such issues during the elections as sealed ballot boxes, as well as cases of group and/or double voting. The observer reported that despite the misuse of administrative resources when particularly some public officials have used their official position, the elections "were generally well-administered."

An OSCE/ODIHR EOM has conducted a direct comparative analysis between very high turnout and the number of votes for the incumbent president according to which those PECs where the voter turnout percentage had been higher than average Mr. Sargsyan has received a higher share of votes.

At the same time during presidential elections the member of the OSCE observation mission the former Minister of Foreign Affairs of the Republic of Ireland Dermot Ahern in the letter addressed on March 5 2013 to the Chairperson of the Armenian Bar Association Garo Ghazarian had stressed the serious election violations he had observed. In his letter Mr. Ahern had noted, in particular, that during the elections day they had observed six polling stations among which the representatives of the Yeghvard No. 26 PEC had been somewhat uneasy about the observers presence and had given very little cooperation. According to the information provided by the member of the observation mission, when the results came in from number 26/1, he particularly was interested and asked for the results which was not forthcoming, but the interpreter managed to see the protocol and indicated that the incumbent had beaten Raffi by 382 to 302 approximately despite the fact that according to the information provided by Mr. Hovhannisyan the latter was winning in the polling station mentioned above during observers observations. These results had been deemed suspicious by the Ireland's former Minister of Foreign Affairs.

The EU High Representative for Foreign Affairs and Security Policy Catherine Ashton and the Commissioner for Enlargement and European Neighborhood Policy Štefan Füle have announced in their joint statement on the Presidential elections in Armenia that they had taken note of the preliminary results of the presidential elections held in Armenia on 18 February, and welcomed the statement of preliminary findings and conclusions of the International Election Observation Mission on the conduct of elections. These officials have also noted some concerns to be followed up appropriately in the future, including cases of pressure on voters, claims of misuse of administrative resources, unclear interpretation of campaign financing provisions.

According to the statement made by the Council of Europe Office in Yerevan Armenia's presidential election had been generally well-administered and had been characterized by a respect for fundamental freedoms, including those of assembly and expression. At the same time, the international election observation mission had highlighted in its statement the lack of impartiality on the part of the public administration and the misuse of administrative resources resulted in a blurring of the distinction between the activities of the state and those of the ruling party. Media fulfilled their legal obligation to provide balanced coverage and all contestants made use of their free airtime, the statement said. It's

worth adding that concerns regarding the misuse of administrative resources have been nonetheless addressed in this statement.

International Election Observation Mission (IEOM) noted in its preliminary statement that the election day was calm and peaceful overall. While the voting process was orderly and well organized in the majority of polling stations observed, IEOM observers assessed it negatively in 5 per cent of these stations. The main reasons for negative assessment were undue interference in the process, tension or unrest, large crowds outside and overcrowding inside polling stations, as well as a number of serious violations during voting hours.

According to the position of the opposition representatives the official data published by CEC didn't express the will of the voters and there have been falsifications of voter lists and ballots in the 10-20 % of the polling stations which had significantly affected the election results and is a sufficient basis for presenting a requirement on invalidating of the elections. Raffi Hovhannisyian who was the second by the number of votes received during the Presidential elections organized assemblies and meetings with the citizens both in Yerevan city and in the regions and villages and during those assemblies and meetings no interference to the process of participation in those assemblies and meeting were registered. Unlike developments following the 2008 Presidential elections no cases of limitation of the freedom of movement or the right to participate in the meetings have been observed.

On February 21, the RA President Serzh Sargsyan has met with the former presidential candidate Raffi Hovannisian. The developments following their meeting have not in fact changed the opposition's position and actions. Continuous assemblies were peaceful, and no cases of hindrance by the RA Police officials have been registered. Though there had been cases when members of the Police made numerous statements regarding the illegality of meetings and the administrative sanctions that might arise. Unlike 2008 post-election developments, due to the practice adopted by the Police no significant disagreements between organizers and the participants of the assemblies had been registered.

Following the above mentioned the meetings of the opposition representatives hadn't stopped in the Freedom Square. The meetings attended by a group of community representatives were of continuous nature. On March 10, Raffi Hovannisian, a former presidential candidate, had announced a hunger-strike. Human Rights Defender's rapid response group members regularly visited the former presidential candidate who had announced a hunger strike in the Liberty Square.

During 2013 post-election developments following the presidential elections there has been in fact no serious lack of information coverage concerning the opposition representatives as well as the meetings organized by them and other activities conducted. Researches conducted by some observation mission organizations with regard to media coverage of post-election developments have demonstrated that main broadcasting media including Public TV channel 1 in some cases limited the coverage of critical approaches towards post-election events. All of the media monitored by the OSCE/ODHR EOM have regularly covered assemblies and protests organized by Raffi Hovhannisyian. However, H1, Shant and Armenia TV channels have often presented the general and surface coverage of the assemblies while repeatedly stressing the illegality of assemblies and reporting the Police statement with regard to the issue. According to studies, the majority of the channels (except Yerkir Media and Kentron TV Channels) have predominantly stressed the positive aspects of the presidential elections, and have generally avoided presenting the criticism and omissions presented in the report. On the other hand, a number of online media such as Radio Liberty and Public Radio have presented a variety of viewpoints and provided a more balanced coverage.

ELECTIONS APPEAL SYSTEMS

As a significant and troubling issue raised by the opposition and some international organizations was the problem of the correlation of the number of voters and the number of the votes for the incumbent President in the Local Election Commissions where the turnout was higher than average. Thus, according to the data reported by some international organizations the 1746 polling stations out of 1988 have 300 and more registered voters, the 144 of which exceeded 80 percent, which is considered to be a highly unlikely figure. In 115 constituencies that had similar number of voters the current President received more than 80 percent of the votes. In 198 polling stations out of 303, where the voter turnout was 70-80 percent, the incumbent President received more than 70 percent of the votes. In 155 polling stations where the voter turnout was lower than 50 percent R. Hovhannisyan received the majority of votes. Davit Harutyunyan, Serzh Sargsyan's deputy campaign manager and the head of the National Assembly state and legal issues commission said that the above mentioned figures did not indicate reasons for concern. The latter also reported that the polling stations where Serzh Sargsyan's campaign headquarters managed to work actively and not to allow the pro-government electorate to be passive, naturally, both the turnout and the votes won by the incumbent President had to be higher.

Regarding the complaints of the opposition about the organization and the conduct of elections the authorities reported that in 1884 out of 1988 local elections commissions (95 percent) "Heritage" party had nominated members. According to the Electoral Code the proxy and the committee member may appeal to recognize the voting results invalid if they were present at the given polling station as well as if they have registered the cases of frauds or violations in the final protocol in the part of opinions. Out of the 20690 proxies and commission members represented by the political powers in NA of RA and by the nominated Presidential candidates no such appeals have been submitted. Thus, the protocols signed and submitted by the mentioned people have been verified and are not bound to be appealed.

In the post-electoral period Raffi Hovhannisyan's proxies submitted appeals for recognizing invalid the results of 120 polling stations and for the recount of ballots in 16 polling stations. One application for recount of ballots was presented by the proxy of the incumbent President of RA Serzh Sargsyan. All the applications of ballot recounts have been rejected by the TEC as the applicants were not considered to be eligible for submitting them. Three submitted ballot recount applications by 7 PECs and TECs were satisfied and minor inaccuracies had been discovered. All the other applications had been rejected as according to the official position of the Central Election Commission the applicants had submitted the applications with the violations of the Electoral Code, in particular the special opinion of the proxies was missing. Concerning the applications for recognizing the results invalid the Central Election Commission reported that some of them were not thoroughly grounded and in other cases they did not comply with the terms stipulated in the Electoral Code. The Article 46 of the Electoral Code states that the applications for recognizing the election invalid can be submitted only by the candidate, the proxy if he/she was present at the given polling station, the subsequent local election commission member if he/she has submitted special opinion in the protocol in the relevant part and the member of the Central Election Commission. Moreover, while appealing for recognizing the results invalid according to Part 2 of the Article 47 of the Electoral Code, the application must clearly define the demand, bring substantial grounds, and attach the possible proofs to the application. With regards to the institute of ballot recounts the Article 48 of the Electoral Code clearly defines that the candidate, the proxy (if they were present while summing up the results of the elections at the polling station), as well as the member of the precinct electoral commission if they have a special opinion in the protocol about the voting results, have the right to appeal the results of the elections in the given polling station with the terms and order of the given article and demand recount of votes. Thus, in order to appeal for the recount of votes the legislature has set forth a special condition for the candidate or the proxy to have a special opinion in the protocol. The legislations of other countries have been studied for providing a proper regulation of this process.

The Electoral Code of RA specifies that the election of the President of the Republic of Armenia can be recognized invalid in any period if during the elections and the pre-election period there had been violations of the given Electoral Code, which could directly influence the results of the elections. In fact, the Central Election Commission, the Administrative Court and the Constitutional Court are eligible for making a subsequent decision. The RA legislation implies that regarding the complaints about the results of the elections the Administrative Court makes one of the following decisions:

- 1) to leave the decision of the election commission unchanged,
- 2) to recognize the decision of the commission invalid and:
 - a) recognize the results of the elections invalid,
 - b) to recognize the relevant candidate or party alliance with the consequent number of candidates elected,
 - c) to recognize the elections as failed.

Moreover, the legislator has also provided that if after the investigation of the case the Administrative Court did not have the opportunity to reveal the true results of the elections because of the lack of evidences, but it was evident from the estimated proofs that the falsifications had an organized, massive, multiple or regular character and that their comparison showed that they had been systematically interconnected which violates the Article 4 of the Constitution of the Republic of Armenia, the Administrative Court is eligible to recognize the results of the elections invalid. The Article 100 of the Constitution stipulates that the Constitutional Court resolves all disputes arising from decisions adopted with regard to the elections of the President of the Republic and Deputies.

22 applications were submitted about the inaccuracies of the voters' lists as well as about the violations of the electoral rights during the organization and the process of the elections of the Republic of Armenia. Moreover, 5 applications had been brought to the Administrative court in 18.02.2013 at 20.00 which were proceeded, and by which consequent court acts were formed. The other 17 applications were received by the Court of First Instance. The Administrative Court dismissed the case based on some entries of 5 Applications; in some cases the reason was out of the frameworks of jurisdiction, in other cases, the administrative act was not in line with the proposed standards.

The position of the Constitutional Court regarding the elections

On March 4 the former presidential candidate Raffi Hovhannisyan submitted an application to the Constitutional Court challenging the decision No.62-A, N0.62-A of Central Election Commission from 25.02.2013 about "The Elections of the President of the Republic of Armenia" (Article 100 point 3.1, Article 101 point 9). The plaintiff's appeal particularly stated: "The costs of declared expenses of the presidential candidate - the incumbent president, exceeded the permissible limit of Electoral Fund: the campaign posters exceeded the total number of 1600 as they were posted not only outside the campaign headquarters but also inside". The lease payments of election campaign headquarters must have been included in campaign expenditures which didn't take place. According to the RA CEC-s decision they had been removed from the list of expenses which had been addressed in interim reports of OSCE/ODIHR on 19.02.2013 as well as special interim on 02.03.2013, the CEC had shown idleness, didn't examine the mentioned facts and did not apply to the court for revocation of the registration of the presidential candidate, instead in an attempt to justify its inaction on 25.02.2013 made the decision N60-A, Electoral Commission displayed complacency by not making recount in precinct, 125 applications to invalidate the results of the election have been rejected. The former presidential candidate Andrias Ghukasyan has applied to the Constitutional Court referring to the two statements of the incumbent President, one concerning the response to the letter of the Diaspora musician Serje Tankian and the other in response to the journalist's question in Gyumri. Mr. Ghukasyan was convinced that the three level system of Electoral Commissions were governed by the incumbent president and the latter as a presidential candidate initially had the leverage to provide any needed result for himself. The respondent didn't accept those arguments noting that the CEC on 25.02.2013 No.60-A decision challenged the administrative decision in the Court and found it

legitimate, the three level Election Commissions were formed and operated in the manner prescribed by the Electoral Code, officials taking into account the limitations set forth by the Electoral Code are free to conduct the election campaign, the CEC, in accordance with the requirements of the Electoral Code, discussed all the applications submitted by the applicants, made the appropriate decisions, the OSCE/ODIHR preliminary conclusions on 19.02.2013 indicated that there had been several cases of deployment in occupied buildings of state and local government.

The former Presidential candidate Raffi Hovhannisyanyan has particularly demonstrated in his application the failure of the electoral commissions to conduct recount in any polling station by their initiative, with regard to which the RA Constitutional Court referred to the, Article 48 Part 1 of the Electoral Code, by stating that this Article provides the opportunity to appeal the election results, recount and verify the credibility of the voter's lists signed by the voters, dispel various doubts, which has almost never been used by the Applicants. Constitutional Court of RA also added in its decision that according to Part 7, Article 46 Electoral Code "The decisions, actions, (idleness) of Central Electoral Commission (with the exception of state electoral results) can be appealed to the administrative Court..."

Constitutional Court of RA referring to the application of the Applicant precisely defined that the disputes connected with the adoption of the election results can't be viewed as constitutional disputes of judicial norms because for the solution of these disputes other constitutional-legislative demands and procedures are designed. The Court has also registered that according to Constitution of RA the Constitutional Court isn't competent to question those matters that should be examined and solved in RA Administrative Court whose decisions are final are not to be reconsidered again. According to the Court the examination of the Case had testified that the corresponding statements of RA Constitution and legislation "On Constitutional Court" prescribed by law were mainly ignored or were not realized in due time. The Court has stated that after the publication of the election results and of the adoption of N62-A decision by the Central Electoral Commission the Administrative Court of RA has accepted two claims for consideration relating to the proceedings of the electoral process which fell exceptionally under the jurisdiction of the Administrative court related and according to the results of the trial have been subsequently rejected. The Constitutional Court of RA though officially obliged by the terms of the Electoral Code to reconsider the decision in 10 days, isn't competent and can't undertake legal appropriate actions in response to political forces' participating in election process, and candidates proposed by them, including the control of ten-thousand legal entities, electoral committees and other legal authorities. The legal basis for the decision of the Constitutional Court may be formed by the absolute comparative evaluation of legal actions of legitimate legal entities. It is noteworthy that the same approach was adopted by the Constitutional Court in it's the previous decisions.

The Court stressed that such situations were not only the consequence of the level of legal consciousness, legal and political culture but also the objective reality that such interpretations by the opposition members is because of distrust towards the political system and the government, which is yet to be resolved. The issues raised by the applicants in their annexed materials to the application mostly referred to the election results. Based on the combined assessment of those materials the Court stated, that those issues could have become a ground or a reason to appeal the decisions of the polling stations based on the regulations and the time prescribed by Law, which, however, has not been done by the Applicants. The only exception to be considered are the results of the 17/5 polling station. The Court examined the results of that polling station and found out that those results could not be considered as trustworthy. Therefore the Court invalidated the results from 17/5 polling station. So after having fully examined the application on March 13 the Constitutional Court of RA decided not to satisfy the demands of the Applicants and leave the 25.02.2013 CEC N. 62-A decision in force.

Nevertheless, the Court separately stated its position in its decision regarding several disturbing issues. The Court has addressed the cases of abuse of administrative resources and stated that such actions take place largely because for decades there has been fusion of the country's political, economic and administrative potential while facing the risk of deformation of constitutional fundamental principles and values specifically the principle of separation and balance of powers (checks and balances).

The Court also stressed its position on the post-electoral developments in the country, and stated that under the current conditions the balanced, productive and natural development of the country can be guaranteed and will become possible only through civilized dialogue between the opposition and government, accompanied by political tolerance and consensus, as well as constitutional reforms.