



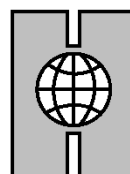
*REPORT ON OBSERVATION MISSION
ON THE PARLIAMENTARY ELECTIONS
OF MAY 6, 2012*



The report was published within the framework of the project
“Capacity Development for Civil Oversight over the
Parliamentary Elections 2012”



Open Society Foundations
- Armenia



DEN NORSKE HELSINGFORSKOMITÉ
THE NORWEGIAN HELSINKI
COMMITTEE

The observation mission and this report were funded by Counterpart International Armenia Office, Open Society Foundations Armenia and the Norwegian Helsinki Committee.

The opinions, interpretations and conclusions expressed in this report are those of the authors and may not coincide with those of the funding organizations.

Table of Contents

Table of Contents.....	7
I. Introduction.....	5
II. Recommendations directed at improvement of the electoral process	9
III. Methodology of observation mission	11
IV. Concerns related to the electoral code	13
V. Results of long-term observation.....	18
VI. Activities related to the violations registered during the long-term observation	24
VII. Observations related to violations of organizational and technical nature on the day of voting	28
VIII. Observations related to work of the precinct electoral commission	33
IX. Observations related to violations of electoral process	40
X. Activities implemented by the organization related to violations discovered on the day of voting	47

I. Introduction

8 parties and 1 coalition of parties participated in the regular election to the National Assembly on May 6, 2012 under the proportional electoral system. And 137 candidates were nominated fewer than 41 majoritarian electoral systems. 4 parties and 1 coalition of parties passed the barrier of 5% under the proportional system. Helsinki Citizens' Assembly-Vanadzor (hereafter HCAV) implemented an observation mission during the parliamentary elections of 2012 in Yerevan, Gyumri, Vanadzor and Ijevan, as well as in Vahagni and the Lernapat Communities of Lori Region.

A number of problems related to the presidential elections of 2008 were not resolved which are necessary conditions for holding free and fair regular national elections were not created. The problems were:

- ✓ A political and legal evaluation was not given to the RA Preseident's Decree about the State of Emergency from March 1 until March 20, 2008 which was adopted in the absence of the RA Law on the State of Emergency and was a violation of Point 14, Article 55 of the RA Constitution.
- ✓ A legal evaluation was not given and the application of force and violence towards the peaceful demonstrators by the law-enforcement bodies at Freedom Square and in the main streets of Yerevan on the morning of March 1, 2008 and at Myasnikyan Square and adjacent territories on the evening of March 1, 2008 was not subject to liability
- ✓ A legal evaluation was not given and the Secret Order 0038 of the RA Minister of Defence based on which divisions of the RA Armed Forces were used against the peaceful demonstrators was not discussed.
- ✓ Details of the murder of 10 people on the evening of March 1, 2008 were not revealed, those guilty and the crime and those accused remained unpunished.
- ✓ In the post-election period of the presidential elections of 2008 a legal evaluation was not given to the prosecution; including arrests, detentions and court decisions about imprisonment against the representatives of the political opposition.
- ✓ Recommendations and demands set by the formulas 1609, 1620, 1648, 1677 of PACE were not fully executed.
- ✓ Dozens of political prisoners after the presidential elections of 2008 were freed from prisons not as a result of fair trial but by decisions of pardon and amnesty, therefore citizens' trust towards the judiciary power was not recovered.
- ✓ The chief staff and major part of the employees of all state institutions and offices (educational, medical establishments, district offices, village administrations and other) were members of the ruling coalition: the Republican Party of Armenia, the Prosperous Armenia Party and the Rule of Law Party. The major part of administrative resources belonged to the Republican Pary of Armenia. A circumstance which contradicts principle 5.4 set in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE 1990, according to which political parties must not be merged into the State.
- ✓ The rights of citizens who were illegally dismissed from work because of their political orientation after the presidential elections of 2008 were not recovered which is a violation of

fundamental provisions of the Copenhagen Document of 1990 - restriction of expression of free will

- ✓ The decision set in the formula 1620 of PACE and made by the European Court of Human Rights about the demand to resume broadcasting of TV reports of A1+ TV company was not ensured.

Because of the mentioned problems and because they were not resolved, necessary conditions to raise citizens' trust towards the elections and overcome the atmosphere of fear was not created. Moreover, on March 23, 2012, on the eve of the elections to the RA National Assembly, the Law on Legal Regime of the State of Emergency was passed which, despite numerous complaints and criticism, including criticism of the Venice Commission, allowed the use of armed forces under the condition of a state of emergency; the role of supervision of the parliament in the state of emergency was lowered which, would not have a positive influence on citizens' trust in the forthcoming parliamentary elections.

In the period preceeding the elections to the National Assembly of 2012, the issue of transparency of funding parties was not resolved which not only had a negative influence on the level of voters' trust towards the political parties but also raised the risk of corruption. It is mentioned in the report of "Global Integrity" 2011, that supervision of the funding parties and individual candidates in the RA is very low. In the conclusions of April 20, 2012 regarding the new RA Electoral Code, the Venice Commission recommended to enlarge the list of allowed costs for the elections including "services for marketing, campaign offices, foreign support on the planning of campaign strategy, travel costs and any other costs which can emerge during the efforts to be elected", which would give an opportunity to raise the financial accountability of parties and candidates. However, this provision recommended by the Venice Commission was not included in the new electoral code.

Before all the national elections, amendments were made to the electoral code which, as in past experience shows, is not a sufficient guarantee for free and fair elections.

Accordingly, before the start of the pre-election campaign of the Elections to the National Assembly, operational headquarters were formed in the RA Police to establish proper public order during the elections, and to ensure the natural process of the elections. A working group was created by order of the RA Chief Prosecutor to implement control over accepting, registering, and discussing reports on electoral violations.

Both during the pre-election period and on the day of voting, numerous alerts about election bribery was being received from different areas in the RA which proved their significant impact. However, in the case of such massive prevalence of election bribes, the law-enforcement bodies did not present to the public, a report improving the efficiency of implementing the authority set by the law on Operational investigation for preventing them. Moreover, the majority of reports on election bribery was ignored and examined much later which could not have any influence from the point of preventing electoral violations and legality of elections. In fact, due to inconsistency of law-enforcement bodies and improper examination of received reports, the many bribes were legitimized which proves ordered inactivity and at the same time a lack of professionalism of rgw law-enforcement bodies.

Pre-election charitable contributions by the ruling political parties, RPA, PAP and the Rule of Law Party, were significant, and were not given proper attention either by law-enforcement bodies, or commissions. During the Parliamentary Elections of 2012, numerous cases of registering fake charities were identified. The representatives of the campaign offices themselves informed about providing charitable contributions or about such promises which proves that the parties themselves did not realize the illegality of such steps or are completely sure that those activities would remain unpunished.

During the pre-election period, there were numerous alerts by the parties and organizations concerning the exaggerated number of citizens having the right to vote from the voters' lists or about 100 citizens being registered at the same address. The fact of the existence of inaccuracies in the voters' lists was denied only by the Republican Party of Armenia. The increase of the number of voters as compared to the previous national elections was not explained taking into account the fact of a decrease in the actual number of the population. Moreover, the lists of voters absent from the republic were not separated from the lists of registered voters which would give an opportunity to control and prevent cases of voting instead by absentee voters. On the other hand, including voters absent from the RA on the lists but depriving them of the right to vote outside of the territory of the Republic had no logic because their right to participate in the elections was accepted by their inclusion in the electoral lists. However, they were not given an opportunity to exercise their rights, and that is a restriction of voters' rights, a manifestation of discrimination according to their actual place of residence.

The alerts related to the use of administrative resources by the ruling Republican Party of Armenia referred to the use of halls, and premises which were not available to other candidates and parties. Using the administrative resources, the employees of educational and medical establishments as well as pupils, students and kindergarten students were forced to participate in the rallies of the Republican Party of Armenia. The employees of budgetary institutions were involved in the pre-election campaign process and on the day of voting the RPA provided transportation to the polling stations to help them participate in the elections. It was also manifested in a number of polling stations by the facts of reporting data of absentee voters by the heads of commissions and "bringing absentee voters to the polling stations". The fact that mainly employees of administrative bodies, schools, district institutions of the given community, who know the voters of the given community and have direct influence on them, are involved as commission members and had unfair influence on the process of voting.

The members and heads of local electoral commissions announced that they were not responsible for activities outside the polling stations; in fact they showed inactivity in preventing the cases of directed flow of citizens to the polling stations, their congestion and campaign in the territory adjacent to the polling station. Congestion of large groups of people were ignored also by the policemen present at the polling station.

On the day of voting, especially in the early hours, numerous calls were received from the polling stations about the disappearance of stamps put in the passports earlier than 12 hours. According to the new Electoral Code, it was envisaged that the stamp would disappear 12 hours after voting to prevent double voting. The fact of the disappearing of stamps ahead of time already raised the distrust towards the voting process as the opportunity of double voting.

While calculating the results of voting in different polling stations, a large number of empty envelopes were discovered which proves that during the voting “carousel voting” was widely used (that is, an empty ballot was taken out of the station and brought in filled out), thus, the result of a person’s voting was directly destined violating the right to free expression of will.

We can record that local electoral commissions, despite their multipartisan staff, with a few exceptions, manifested unipartisan behavior, at the same time the commissions did not attempt to prevent electoral violations and the violations in some cases were being eliminated only after a number of alerts of observers. The fact of improper awareness of the heads and members of local electoral commissions of the Electoral Code is disturbing.

Thus, based on the above-mentioned, HCA-Vanadzor thinks that:

- ✓ The elections to the National Assembly on May 6, 2012 were not free and fair
- ✓ The above mentioned factors had a negative influence on the results of the elections
- ✓ The results of the elections do not express voters’ expectations
- ✓ Voters mistrust and disappointment towards the electoral process deepened during these elections.

II. Recommendations directed at improvement of the electoral process

A new Electoral Code was adopted in 2011 which essentially differed from the old code. The current report presents concerns of HCAV related to the new code, as well as registered shortcomings in observed polling stations. Based on their analysis, HCAV presents a number of recommendations which are listed below:

1. Legislative recommendations related to the regulation of an observation mission

Point 3, Part IV of the current report presents the problem of the existence of unnecessary restrictions towards the observation mission, namely the demand to take a professional course and take a qualifying examination to implement an observation mission, as well as the provision that “ In case of assisting any candidate or political party by observers, the Central Electoral Commission shall have the right to deprive that organisation of the right to carry out an observation mission” (*see Part 5, Article 30 of the RA Electoral Code*).

HCA-Vanadzor finds that these provisions make an observation mission vulnerable and can cause inconsistencies. Taking into account the fact of the observer's rights being very restricted HCA-Vanadzor recommends:

- ✓ To provide an organization with accreditation to implement an observation mission based on compliance with the charter goals of an organization and to eliminate the requirement to pass qualification examinations to implement an observation mission to process applications related to violations registered by observers and to eliminate the violation, no matter whose subjective right is violated, and who applies to eliminate the requirement
- ✓ To define that an organization implementing an observation mission is itself responsible for involving qualified and impartial observers, and the organization itself should be responsible for implementing an observation mission properly and impartially. Thus, the Central Electoral Commission can define administrative penalties for delinquency of violating the principle of impartiality by individual observers.

2. Legislative recommendations related to eliminating ill administration

Taking into account concerns presented in Point 4, Part IV of the given report and the problems registered in the observed polling stations. HCA-Vanadzor recommends:

- ✓ To organize intensive and long-lasting professional courses for all members of local electoral commissions to wholly master the requirements of the electoral code and peculiarities of the electoral process
- ✓ To involve in local electoral commissions, members not residing in the given community in order to decrease illegal control of the voting process and increase objectiveness and professionalism of the electoral process

- ✓ To clarify the order of rotating functions of the members of local electoral commissions and correspondence of practice to the requirements of law.

3. Recommendations directed at eliminating uncertainty related to the session of calculating the results of voting

Mentioning the range of people having the right to be present during the process of calculating the results of voting, the electoral code, however, does not clarify the process of in-and-out after closing of the polling station. For this purpose the organization recommends:

- ✓ To fill in the legislative gap and clarify when and how the people present at the calculating of the results of the voting can enter the polling station.

4. Recommendation to add “Against All” option in the ballots

HCA-Vanadzor finds that absence of the option “Against All” in multi-candidate elections restricts citizens’ constitutional right to form the government of the country. For that reason the organization appealed to the RA Constitutional Court disputing the constitutionality of the option “Against All” in the ballots. HCA-Vanadzor recommends:

- ✓ To add the option “Against All” in the ballots of all local and national elections despite the number of nominated candidates and review the order of calculating the results of voting and considering the choice “Against All” completely valid.

5. Recommendations related to voters' lists and electoral right

Point 3, Part IV of the given report presents the order of compiling voters’ lists and allowing voting which in fact shows a biased attitude towards the voters and can cause abuse. Based on the presented concerns HCA-Vanadzor recommends:

- ✓ When compiling voters' lists to also compile a separate list for absentee voters and to give an opportunity to those citizens to participate in the voting in the same order which is defined for employees of diplomatic representatives and their family members, as well as for employees of representations of legal persons registered in the RA (despite the form of property) but located abroad, and also to publish that separate list in the polling station corresponding to the place of registration of citizens.
- ✓ Instead of keeping the military officers’ voters' lists separate and secret to disperse them in the general list, thus reducing the cases of double voting by additional lists
- ✓ To publish the voters' lists after elections enabling society to see the real image of participation in the elections

III. Methodology of observation mission

Helsinki Citizens' Assembly – Vanadzor, emphasizing the role of free, fair, and transparent elections as one of the important preconditions of democracy, and has been implementing observations of elections within the territory of the RA for many years.

The project “Capacity Development for Civil Oversight over the Parliamentary Elections 2012” was one more step to ensure civil oversight in the democratic processes that will support free, fair, and transparent elections as well as evaluate how Armenia corresponds to elections that meet European standards. The project was funded by Counterpart International Armenia Office, Open Society Foundations Armenia and the Norwegian Helsinki Committee. The goal of the observation mission during the parliamentary elections of May 6, 2012 was to:

- ✓ Prevent violations of electoral rights
- ✓ Perform work directed at recovering violated electoral rights
- ✓ Reveal criminally liable actions during the electoral processes and appeal them to the law-enforcement bodies
- ✓ Improve mechanisms of implementing an observation mission
- ✓ Enlarge an observation mission as an institute of civil oversight concerning the electoral process
- ✓ Reveal shortcomings of the electoral code
- ✓ Present recommendations related to the exclusion and prevention of the revealed electoral violations.

For this reason HCA-V conducted long-term observations in Vanadzor, during the pre-election campaign, from April 8 to May 5, 2012, with 10 observers. The goal of the long-term observation was to study how to provide equal opportunities for conducting pre-election campaigns to all candidates nominated under the majoritarian electoral system and parties as prescribed by law. The long-term observation was implemented through interviews and monitoring.

From April 8 to May 5, 2012, the observers of the organization filled in 77 monitoring cards of pre-election campaign data on the parliamentary elections, of which they:

- ✓ Conducted interviews with 6 candidates during the pre-election campaign
- ✓ Observed 27 meetings of the candidates with their constituency
- ✓ Observed 12 meetings of the parties with their constituency
- ✓ Conducted interviews with a head/employee of 6 campaign offices
- ✓ Conducted interviews with a head/employee of 25 campaign offices of a party

For each interview and meeting a monitoring card was completed, the results of which will be presented հաղորդիվ. Related to a number of facts registered during the monitoring, the organization filed notes to the relevant bodies to find out the legality of those facts. HCA-V submitted 9 information inquiries and 4 complaints, a complete response was given to all notes, and the notes related to campaign materials were discussed. The complaint related to the existence of campaign posters on or inside public transportation was satisfied but the violations were eliminated only in Spitak.

150 citizens, of which 18 had an observation certificate, applied to implement a short-term observation. 119 candidates were chosen for implementing a short-term observation. Through 4 it was envisaged to implement an observation mission in four urban communities in Armenia. In the preparation phase of the short-term observation, 16 observers did not participate in the qualification examination, 4 of them refused to participate after the murder in Gyumri on April 12, 2012, and the other 12 refused after the protest action against the showing of Azeri films on April 16, 2012 and subsequent attack on HCA-Vanadzor. 7 of those who had received observation certificate refused to implement an observation mission for unknown reasons. 5 more observers refused to participate on the day of voting. In the result, on May 6, 2012, 91 short-term observers implemented observation in 64 polling stations – in Malatia-Sebastia District N 7 in Yerevan, as well as in Vanadzor, Ijevan, and Gyumri and Villages of Vahagni and Lernapat of Lori Region. Mobile observers of the organization also observed other polling stations and territories adjacent to them.

A short-term observation mission was implemented through joint monitoring cards which were first planned and used as a tool by a number of organizations observing the parliamentary elections of May 6, 2012. By means of monitoring cards, information on the whole process of the electoral procedure, from 7 a.m. May 6, 2012 until the moment of drawing protocols, was collected. Monitoring cards were filled in 63 of the observed polling stations. Data of the monitoring cards are summarized in Chapter VII, VIII and IX of this report.

While implementing the observation mission, an important method used was phone calls from citizens or observers related to electoral violations, and the organization responded to them rapidly and filed notes to authorized bodies. On the day of voting, the organization submitted 9 appeals to eliminate the violation, to 4 of which no answer was received as of this date. 4 reports about the violation were also presented to which an answer was received. In cases of all alerts related to electoral bribes, the observers visited the mentioned place, in some cases it was possible to record or take photos of citizens' organized flow to campaign offices.

IV. Concerns related to the electoral code

The new Electoral Code, which essentially differs from the old one, was adopted in May, 2011 and came into force in June, 2011. As a result of the application of the New Electoral Code during the parliamentary elections on May 6, 2012, it became clear that the code includes a number of shortcomings and gaps which restrict the rights of a person participating in the electoral process. Below we present a number of concerns recorded by the organization.

1. Restrictions of the legislation related to implementation of an observation mission

Despite some reforms a number of restrictions are placed by new legislation on implementation of an observation mission. Namely, the previous legislation defined a norm according to which an observer and a representative of mass media could not be subject to liability for their opinion about the electoral process and calculation of the results; however, in the result of amendments of 2011, the above-mentioned norm was altogether removed.

The new RA Electoral Code restricts a number of rights of NGOs implementing an observation mission, namely observers can be present at the sessions of the electoral commissions, and during the voting also in the voting room as if in the result of tests they received a qualification certificate to be included in the electoral commission or a certificate to implement an observation mission (*see Point 1, Part 1, Article 31 of the RA Electoral Code*).

According to the RA Electoral Code an observer shall have no right to intervene with the activities of the electoral commission but has the right to observe the activities of the electoral commission and may submit observations and recommendations to the head of the commission. (*See Point 3, Article 31 of the RA Electoral Code*). Therefore, in cases of the existence of restricted rights defined for implementing an observation mission there is no need to know the legislation as much as the members of the commission or take a professional course and a qualification examination to achieve the right to participate in the elections as an observer. Finally, this requirement also restricts an opportunity to implement civil oversight over the government by a citizen. Each citizen of the RA must, without any requirement to have some specialized knowledge, have an opportunity to control democratic actions implemented in his country, the right which is given to him by the RA Constitution and which is set in the RA international liabilities. A concern related to this provision was presented by the Venice Commission which namely says OSCE/ODHIR and Venice Commission are concerned about any provision which may refer to restriction of transparency and limiting the potential number of observers. OSCE/ODHIR and Venice Commission recommends that this provision is corrected in such a way that any course should be the responsibility of an observer organization.

Another provision of the RA Electoral Code restricts an opportunity to appeal violations. According to Part 1, Article 46 of the RA Electoral Code the decisions, activities (inactivities) of the electoral commission may be appealed by:

- 1) Anyone, if he or she finds that their subjective electoral right was or may be violated

- 2) A proxy if he/she finds that the proxy's or their nominee's rights set by the electoral code were violated
- 3) An observer if he/she finds that the observer's rights set by the electoral code were violated
- 4) A member of the commission if he finds that the subordinate commission or the commission a member of which he is, violated his or other persons' rights set by the electoral code.

The above-mentioned legal norm, by its nature, restricts the opportunity to appeal the activities of the members of the electoral commission in as much as the subjective right of a person was not violated. That is, the observer who recorded that in the result of the activities of the members of the commission someone's right is being violated (voter, mass media representative, proxy) cannot appeal and in case of appeal, receives refusal as the subjective rights were not violated. While no restriction can be placed for appealing to eliminate violations, as every action which is a violation must prescribe a relevant responsibility, regardless who registers and reports it. This restriction is unacceptable especially taking into account the fact that the new legislation gives an opportunity to record the whole process of voting except the signed electoral lists and voting booths, therefore any person present in the voting room who registered the violation and has relevant proof must have an opportunity to appeal to eliminate the violation.

The legislative body also placed inadequate restrictions on organizations implementing observation mission that in case observers support any candidate, political party or alliance of political parties running in proportional elections, the Central Electoral Commission shall have the right to deprive the corresponding organisation of the right to carry out an observation mission. (*See Part 5, Article 30 of the RA Electoral Code*). It can be registered from the norm of depriving an organization of the right to implement an observation mission because of actions of one observer that it restricts the opportunity of civil oversight by the NGOs which in turn can lead to holding unfair and not free elections.

However, it must be mentioned that the same legislation does not provide a similar attitude towards proxies and members of the commissions; that is, in cases of partiality or failure of one of the members of the commission or the party, the member of which the member of the commission or proxy is, is not deprived of the right to have a member in the commission, while the observers noted that the members of commissions despite the party allocation, showed similar behavior, and as a rule, represented the interests of the Republican Party of Armenia.

Taking into account the above-mentioned facts, HCA-Vanadzor registers that the legislation shows a biased attitude towards an observation mission introducing different restrictions over the organizations implementing an observation mission.

While implementing the observation mission, the observers of HCAV registered numerous cases when “disguised” party members introduced themselves under the name of an observer of different organizations (mainly from the Prosperous Party Armenia and the Republican Party of Armenia), which was ignored by the local electoral commissions. Namely, in the polling station 7/16 of Yerevan an observer of “A child of victory/Haghtanaki Zvak” S.M. informed HCA-Vanadzor that he actually represented the Prosperous Armenia Party but did not want to reveal it. And in polling station 7/10, 5

observers were registered from PAP from “Kentron” TV Company, “Maxinfo” Media Agency, “Adequate development for development” NGO, and other organizations.

HCA-Vanadzor was also informed that in Vandzor, observers of the organization “Choice is yours” were recruited by the employees of the Lori Region Administration. According to the information received by the organization, 3 teachers were recruited from each school who were clearly instructed “to work for the RPA and ignore violations”.

In polling station 7/20 in Yerevan an observer of “Erebuni” NGO A.H. informed HCA-Vanadzor observers that “she must ensure her list and only then end the shift”. To the question of the observer “what list she was speaking about?” she answered that “she spoke about the list of voters presented to her.”

In fact, partial activities of these organizations discredit the institute of observation and organizations implementing an objective observation mission. However, HCA-Vanadzor finds that NGOs must themselves control their activities and ethical principles, as well as define mechanisms of inner responsibility and standards for choosing observers and in case of failing to do so that they can be subject to administrative penalty and not, as it stands now, be deprived of an opportunity to implement an observation mission. That is, the electoral code must ensure equal opportunities for organizations implementing observation missions and political parties providing commission members and organizations implementing observation missions must themselves be objective and fair while implementing their observation mission based on the principle of public interest and civil oversight.

2. Necessity to add “Against All” option in the ballots

The RA Constitution and the RA Electoral Code define that the power in the RA belongs to citizens who exercise their power through free elections and referenda on the basis of general, equal and direct electoral right, in which cases, both on the legislative and legal level, such a situation was created that on one hand, voters can express their will, and on the other hand, expression of voters' will is restricted by the ballot.

The above-mentioned situation is created in all those cases when more than one candidate or party participates in the elections of the RA President, elections to the Parliament, elections of the local self-government bodies. When only one candidate participates in the elections voters can vote against that candidate, thus expressing their negative attitude towards that candidate. And in case of more than one candidate, voters only have an opportunity to choose one of the candidates or parties participating in the elections; that is, they have to vote for one of the candidates or parties nominated in the ballots, otherwise the ballot is considered invalid and does not influence the results of voting. In other words, a negative attitude towards candidates presented in the ballots which must be a mechanism of implementing power as well, is not accepted in this case and a citizen is deprived of a legitimate opportunity to exercise his power.

In the elections of May 6, 2012 a high number of invalid ballots was registered, namely in 32 observed polling stations of Yerevan, on average, 4.1 % of ballots was considered invalid, and in separate

polling stations up to 9 % of ballots was considered invalid. In the observed polling stations of Vanadzor 3.5 % of ballots was considered invalid and in separate polling stations up to 6 % of ballots were considered invalid. According to the data of the Central Electoral Commission the general number of invalid ballots constituted 3.4 % while in separate polling stations it was up to 16 %.

Table 2: General image of participation and invalid ballots in the observed polling stations

Observed polling stations	Number of voters	Number of voters participated in the voting	% of the participation	Number of invalid ballots	% of invalid ballots
32 polling stations, N 7 Precinct Yerevan	55774	31961	61.3%	1327	4.2 %
21 polling stations, Vanadzor	35022	19927	56.9%	690	3.5 %
3 polling stations, Gyumri	5147	2496	48.5%	100	4.0 %
8 polling stations, Ijevan	14020	9580	68.3%	229	2.4 %
63 observed polling stations	109963	63964	57.3%	2346	3.7 %
Total Armenia	2524960	1574430	62.4%	53812	3.4 %

Thus, actually 53,812 citizens were deprived of the opportunity to participate in the formation of elected bodies of their country.

HCAV initiated a number of actions related to adding the option “Against All’ in national elections and elections of local self-government bodies by means of drawing the attention of society and political parties to the issue. The organization also submitted a lawsuit and, after exhausting all instances, appealed to the RA Constitutional Court.

3. Considerations related to the voters’ lists and electoral right

Decision 19-N accepted on January 31, 2012 by the RA Central Electoral Commission defined the electronic voting procedure and time frame at national elections for voters who are on diplomatic service, diplomatic or consular representations of the Republic of Armenia, as well as for members of their families residing abroad with them and have the right to vote.

By the decision of the CEC, those voters who are on diplomatic service in diplomatic or consular representations of the Republic of Armenia, as well as persons employed at representations abroad of legal persons (regardless of the form of ownership) registered in the Republic of Armenia, as well as members of their families, residing abroad with them and having the right to vote, who will be out of the territory of the Republic of Armenia on the voting day, at national elections have the right to vote electronically. In fact, the CEC showed discrimination towards persons having the right to vote by this decision which was manifested in that only a portion of citizens absent from the republic but having the right to vote, guaranteed by the Constitution, were given an opportunity to exercise their rights, despite the fact that majority of the RA citizens reside abroad.

Article 8 of the RA Electoral Code regulates the order of inclusion in the voters' lists. According to the mentioned Article, the list of electors of a community shall be drawn up on the basis of the Register of Electors of the Republic of Armenia as per electoral precincts, which shall include the persons having the right to vote during relevant elections pursuant to Article 2 of this Code. Also those who are registered in the RA but are temporarily absent from the country are included in the main list. According to the same article, at national elections, heads of inpatient facilities shall compile and submit to the authorized body the list of electors receiving inpatient treatment and having no possibility to be present at the polling station on their own but willing want to participate in voting. On the same principle the lists of military servicemen undergoing compulsory military service, as well as contract servicemen are compiled. As a result, citizens who are abroad formally have an opportunity to vote as they are included in the list of people having the right to vote, however, they are actually deprived of that right. While, taking into account the fact that before elections the authorized body makes corrections in the voters' lists and has reliable data about citizens absent from the RA, it is quite possible while compiling the lists.... to compile a separate list for absentee voters and to give an opportunity to those citizens to participate in the voting by the same order as for the employees of diplomatic representations, as well as their families, as well as persons employed at representations abroad of legal persons (regardless of the form of ownership) registered in the Republic of Armenia. Separation of the lists will also give an opportunity to prevent any fraudulent voting of absentee citizens. It is also advisable to publish and combine those separate lists with the main list in the precincts of registration of those citizens.

Although according to Article 11 of the RA Electoral Code military lists are not open to the public, we find that it is necessary to publish these lists to avoid double voting and abuse, and to distribute names of military servicemen in the main list of a given precinct, thus making lists more accessible and transparent.

On May 5, 2012 the RA Constitutional Court examined and discussed the procedure, constitutionality of provision, prohibiting publishing of voters lists after the elections and refused the claim of a group of NA deputies on the grounds that publishing the lists contradicts the Venice Principle of the secret vote, and can also influence the behavior of voters who might give way to political pressure¹. However, HCA-Vanadzor finds that the secrecy of voting does not refer to the fact of voting but to its result, as the requirement to stamp passports already excludes the secrecy of participation in the voting. It is also obvious, in cases of secrecy of voters' lists, the risk of abuse is more material than pressure on individual voters or possible influence on voters' behavior, again taking into account the fact that the stamping of the passports makes participation in the voting not secret. Although the RA Constitutional Court did not exclude the opportunity to study the lists by court order, it is obvious that its provision is not effective. In order to understand the real picture, it is necessary that the lists are available to all citizens. It is obvious that publishing voters' lists after the elections would be valid proof of a willingness to ensure transparency of the elections.

¹ [http://tv.am/hy/armeniannews/lraber/3030/ՄԴ-ն%60-ընտրություն--հարցով-\(տեսանյութ\)-ՄԴ-ն%60-ըն](http://tv.am/hy/armeniannews/lraber/3030/ՄԴ-ն%60-ընտրություն--հարցով-(տեսանյութ)-ՄԴ-ն%60-ըն)

V. Results of long-term observation

10 observers of the organization conducted a long-term observation mission in Vanadzor in the pre-election campaign period of the Elections to the National Assembly on May 6, 2012. Some information is collected in the other regions through partner organizations.

10 candidates are registered in Vanadzor and Lori Region under majoritarian electoral system (3 candidates at precinct 29, 5 candidates at precinct 30, and 2 candidates at precinct 31).

According to our monitoring, all Parties have established campaign offices which at the same time serve as pre-election campaign offices for candidates nominated from these parties under majoritarian electoral system. The number of pre-election offices is presented in *table 1*. Only the candidate for Parliament, Viktor Dallakyan, did not have a campaign office in Vanadzor.

Table 1: The number of campaign offices of parties

Party nominated	The number of campaign offices registered in the result of the observation of HCA-Vanadzor
Prosperous Armenia Party	23
Heritage Party	1
Armenian National Congress CoalitionOf Parties	7
Armenian Revolutionary Federation	20
Democratic Party of Armenia	1
Armenian Communist Party	1
Republican Party of Armenia	49
United Armenians Party	1
Rule of Law Party	15

Heads of campaign offices of all the questioned parties and nominated candidates mentioned that there are both employees and volunteers at the offices.

1. Violations related to campaign posters

The Mayor of Vanadzor allocated *free places for posting posters* within the territory of Vanadzor Community by Decision 209 from March 7, 2012. (*See appendix 7*). However, there are registered cases of posting campaign posters of candidates and parties in places prohibited by law; - outside of public food and trade venues, or in or near places of public transportation sites and in other prohibited places, as well as inconsistency of authorized bodies to respond to the violations, namely:

- ✓ In a conversation with an observer of the organization, a candidate for Parliament, Edmon Marukyan, stated his concern that free of charge places for posting posters are inaccessible; the posters are not visible to the majority of society. Marukyan considered it a violation of the use of administrative resources by the candidate for Parliament, Viktor Dallakyan.

- ✓ There are registered cases when the campaign posters of candidates and parties are posted in places forbidden by law - on public food and trade venues, and inside or outside of public transportation areas. (Candidates for Parliament, Arkadi Hambardzumyan and Zohrab Torosyan).
- ✓ According to the ANC majoritarian candidate, Vahagn Martirosyan and Arkadi Hambardzumyan's campaign poster were posted on the sign of the Katnaghbyur Village of Spitak Area and the poster almost covered the name of the village.
- ✓ Arkadi Hambardzumyan's campaign posters are posted on the entry arch of Spitak, reading "Welcome to Spitak".
- ✓ There are registered cases when the flags of the Republican Party of Armenia are installed on public transportation and on the electricity poles along the Spitak-Vanadzor Highway.
- ✓ The posters of self-nominated candidate for District 30, Edmon Marukyan, are periodically torn down, to which the candidate filed a crime statement.
- ✓ According to the candidate for Parliament, Vahagn Martirosyan, who was running in District 29, had one of his 5 posters "stolen" in the village of Katnaghbyur of the Spitak Area of Lori Region.

2. Ill-treatment

During the pre-election campaign, only a proxy of the candidate for Parliament, Vahagn Martirosyan, was ill-treated. The proxy of the candidate for Parliament told the chairman of HCAV that in the village of Lernapat, violence and threats with use of a cold weapon were applied to V.Martirosyan's proxy and supporters by the members and supporters of the Republican Party of Armenia.

V. Martirosyan also mentioned that threats and obstacles to work were applied towards the employees of the office of Armenian National Movement Party; however, this was not obvious.

3. Inaccuracies related to the list of electors

A number of concerns were registered related to the list of electors both by HCAV and the parties, namely

- ✓ There are 482 addresses in the Community of Vanadzor identified in the list of electors, which can be found on the official website of the Central Electoral Commission, where there are 10-61 voters registered. The observers of the organization conducted observations at 23 of the above-mentioned addresses. It was identified that several houses were listed as located at the same address, or only the number of the building is mentioned but the apartments are not indicated separately. After a conversation with the owners, it became clear that most of the registered voters are absent from the country or the number mentioned in the register list exceeds the real number of registered people.
- ✓ The heads of monitored offices also expressed their concern about inaccuracies found on the lists. It was mentioned that included on the list were people absent from Armenia for several

years, as well as the inclusion of people who were deceased. Referring to this, the central office of the Party “The Rule of Law” appealed to the Passport Office to eliminate the violations.

- ✓ The head of the office of the Armenian Democratic Party mentioned in a conversation with an observer that there are far too many “dead souls” on the lists, he also said that it became clear during their monitoring that 250 people were registered at the same address; however, those living at that address had not even heard of the names of some of the registered people. The CEC has been informed about the violations.
- ✓ Speaking on behalf of the inaccuracies on the lists, the head of the office of the RPA noted that according to their monitoring, there are not any names of deceased people on the lists.

4. Use of administrative resources during a pre-election campaign

The cases of use of administrative resources are mainly related to their use by the ruling party and its majoritarian candidates; including use of halls, premises, which were inaccessible or not easily accessible to other candidates and parties and mandatory participation of employees of state educational and medical establishments in assemblies of the ruling party, as well as participation in the campaign.

- ✓ According to information collected, the Deputy Director of School N 7, was appointed as the head of the RPA Office.
- ✓ Candidates for Parliament, Edmon Marukyan and Ashot Manukyan, have met obstacles while trying to obtain a free of charge hall, as prescribed by law.
- ✓ Self-nominated candidate, Edmon Marukyan, appealed to have access to a hall for a meeting with the voters of School N 1 but he was refused on the grounds that it was necessary to appeal to the community leader to get permission. Later, the candidate was informed that his opponent, Viktor Dallakyan, held a meeting in the same school. E. Marukyan appealed to the community leader to receive a copy of the permission provided to V. Dallakyan for holding the meeting in School N 1. In response, he was informed, that V. Dallakyan held a meeting in School N 1 as an alumnus of the school.
- ✓ The head of the office of the candidate for Parliament, Ashot Manukyan, appealed to the local District Electoral Commission to obtain a list of free of charge halls. The latter informed that it was necessary to appeal to the Vanadzor Municipality. He got an answer from the Vanadzor Municipality that there was not a list of free of charge halls, if the latter needed a hall, he had to rent one. While Order N 38-N of 29.07.2011 of the RA Central Electoral Commission defines the order of providing free halls for holding campaign events. According to which, the list of halls and premises (140 halls/premises) provided free of charge within the territory of the Lori Region was compiled and presented to the RA Central Electoral Commission (*see appendix 8*).
- ✓ During the long-term observation, Vahagn Martirosyan stated that the ANC had problems with access to offices. He indicated that in Vanadzor, in particular, the landlord of one of the offices refused to provide an area to ANC breaking a previous arrangement. According to the candidate, the party faced the same problem in other cities and villages as well. According to the candidate for Parliament, Vahagn Martirosyan, the reason for this was fear.

- ✓ During the meetings of the candidate for Parliament, Arkadi Hambardzumyan and his constituency of headmasters and teachers of schools, made speeches and were ask to vote for the candidate and the RPA. (headmasters and teachers of schools N 7, 30, 28 and 12) During the meetings, headmasters and teachers of schools mainly speak about charitable contributions made by the candidate (trips and presents for March 8). While according to Part 1, Point 6, Article 18 of the RA Electoral Code, it is forbidden to conduct pre-election campaign and disseminate campaign documents of any kind to State and local self-governing bodies, as well as state and municipality employees, staff of educational establishments while performing their official duties.
- ✓ In the presence of an observer of HCAV, a teacher of school N 9 ordered one of the students to be present at the meeting of the RPA which was to be held on 27.04.2012 in Hayk Square in Vanadzor. He stated that the student was one of 15 students whose presence was mandatory and that attendance would be checked.
- ✓ The campaign office of the RPA is located at School N 16 while according to Paragraph 2, Part 5, Article 18 of the RA Electoral Code, campaign offices cannot be located in premises occupied by state and local self-governing bodies.

5. Charitable contributions by the parties and candidates for the deputy during the pre-election campaign

According to Point 7, Article 18 of the RA Electoral Code “During election campaigns as well as the day preceding the voting and on the voting day, candidates, political parties, alliances of political parties shall be prohibited from giving (promising) — in person or via someone else on their behalf, or in any other manner, gratuitously or on preferential conditions — money, food, securities, goods to electors or from providing (promising) services to them. Charitable organisations — whose names may resemble (be associated with) the names of political parties, alliances of political parties, and the names of candidates — may not, during the election campaign, carry out charity activities for communities where elections are held in which those candidates, political parties, alliances of political parties or candidates nominated thereby are running for office”.

However, a number of cases of false charitable contributions were registered during the pre-election campaigns which were not denied by the parties, namely:

- ✓ Offices of PAP, ARF, RPA and RLP who ask that citizens turn to them for help regarding social issues, in particular, they ask for money, tuition fees, ask to repair roofs, solve yard problems, assistance in getting a job, provide medicine, and solve other various problems.
- ✓ Related to citizens' applications to the head of the office of Armenian Revolutionary Federation it was mentioned that related to employment they turned to help of relevant people, and related to medicine they asked for prescriptions to provide possible help.
- ✓ The campaign office of Prosperous Party Armenia informed that free medical aid with the support of the party, will be given to citizens in summer.

- ✓ The campaign office of the Republican Party of Armenia informs related to the applications that the office registers all citizens and to help them in the future (“if their issues are not connected with large sums of money”). It was also mentioned that at present, the party provides free medical aid to citizens and doctors are invited from Yerevan for this purpose.
- ✓ According to the head of one of the campaign offices of the Republican Party of Armenia “if citizens do not come to the office, they themselves visit citizens to see whether they are well, to be sure that nothing has happened that “they are not seen” .
- ✓ In a conversation with observers, one of the heads of the campaign office of the RPA said that on Election Day, the office will provide vehicles to transport citizens to the polling stations. He also mentioned that vehicles will be provided to those voters /students and others/ who were unable to travel to Vanadzor from Yerevan in order to take part in the elections.
- ✓ To the question “how citizens’ applications are treated,” the head of the campaign office of the Rule of Law Party answered that the party helps citizens only within the limits of law.
- ✓ During a meeting with his constituency, candidate for Parliament, Arkadi Hambardzumyan, answered a questions raised by citizens, and announced to them that if they all voted for him, he will speak to the leader of their community and the problems of citizens will be solved.

And the candidate for Parliament, Ashot Manukyan, mentioned that citizens do not turn to his office for any questions, because they know that “unlike other parties they are not rich and do not have anything to offer”, so they come to show their support. The campaign office of Communist Party of Armenia informed that citizens turn to them to show their support. The campaign office of the United Armenians Party informs that citizens turn to them to get free legal support and show their support.

6. Obstacles to the implementation of the observation mission

While conducting the observation mission, the main obstacle for the observers was that there was no information on the location of campaign offices of candidates and parties or that this information was not provided by the relevant central headquarters. Particular difficulties were recorded during the monitoring of the Republican Party of Armenia and Prosperous Armenia Party.

- ✓ V. Dallakyan refused to answer the questions of an observer of the organization and stated that he did not wish to be bothered by HCA Vanadzor anymore.
- ✓ The observer of HCA Vanadzor was not allowed to be present at the closed meeting organized by the candidate for Parliament, V.Dallakyan, and the teachers of School 1.
- ✓ Employees of the campaign offices of the Prosperous Armenia Party refused to answer the questions of the observers of the organization on the grounds that they were against the activities of the organization. Moreover, one of the employees of the office threatened that “if we come to power, the first thing we will do is to deport Artur Sakunts (Chairman of HCA-Vanadzor) from Vanadzor”.

7. Data and concerns reported to the organization by citizens related to the process of the pre-election campaign

During the pre-election campaign HCAV received a number of calls related to violations by candidates which referred to cases of false/disguised charitable contributions, electoral bribes (it is noteworthy that calls were not motivated by the illegality of the bribe but by the “discriminative” approach of those distributing bribes) and compulsory involvement of employees of governmental budgetary institutions in pre-election/campaign events.

- ✓ The Rule of Law Party distributed satellite dishes to voters in Gyumri.
- ✓ The students of the Village of Lernapat went on a field trip on 29.04.2012 at 08:30 a.m, which was sponsored by Arkadi Hambardzumyan.
- ✓ The Republican Party of Armenia promised 5000 AMD to voters of the Village of Hallavar, excluding employees of that state sphere on the grounds that they already get a salary.
- ✓ The employees of the Lori Region Administration were sent home on 27.04.2012 at 2:00 p.m. and were instructed to ensure at least 10 votes for the RPA each. On that same day, the Governor of Lori Region invited all public employees to the Lori Restaurant “requiring them to come with passports. The employees came on the mentioned day with passports and the governor asked everyone “how many votes have you brought?”, and by “bringing a vote” he meant to provide passport data to the Governor.
- ✓ A parents' meeting was conducted at the Medical College of Vanadzor where it was propagated to vote for the RPA. The students were required to ensure at least 4 votes for the RPA, for which the party would cover 40,000 AMD of the tuition fee for the students.
- ✓ The candidate for Parliament, Arkadi Hambardzumyan, sponsored students of Vanadzor schools N 12 and N 27 to go on a field trip, and he also provided money for their final photos.
- ✓ Arkadi Hambardzumyan promised to present a bus, which was displayed at the school, to Vanadzor School N 7 after the elections. Arkadi Hambardzumyan promised citizens of Lernapat Community to re-build the fence of the school playground.
- ✓ The citizens informed that the campaign office of the Republican Party of Armenia will distribute 15.000 AMD, 10,000 for voting for the party, and 5.000 – for voting for Arkadi Hambardzumyan.
- ✓ Passports of employees of Vanadzor Musical College were collected.
- ✓ Passport data were collected at residences.
- ✓ The Prosperous Armenia Party through its campaign office, offered medical aid for voting for the party..
- ✓ The Prosperous Armenia Party distributed tractors in rural areas.
- ✓ The Passport data of state employees and their relatives was collected.
- ✓ A call was received that a bribe was being distributed in Dimats District of Vanadzor. The citizen’s complaint was about the “biased attitude” of the RPA Office “reasoning that money was not given to all residents of the building.”

VI. Activities related to the violations registered during the long-term observation

On April 6, 2012, HCAV sent information inquiries to the Lori Region Administration, and the Vanadzor Municipality requesting information on the number and data of employees who are on holiday from April 8 till May 6, 2012. In response to the inquiry of the organization, on April 12 the Lori Region and on April 16, 2012 the Vanadzor Municipality presented the names and surnames of people on holiday.

On April 6, 2012, the organization submitted an information inquiry to Vanadzor Territorial Department of Social Service to receive the number of Vanadzor families receiving government aid from January till May 2012 per months. On April 14, 2012, Vanadzor Territorial Department of Social Service provided the information required by the organization. According to the response provided, the number of people receiving government aid in Vanadzor in January 2012 was 4645 families, in February - 5058, in March - 5115. The lists of government aid recipients of April and May were not formed yet so the number of government aid recipients was not yet known at the time.

On April 6, 2012, the organization submitted an information inquiry to Vanadzor Employment Territorial Center to obtain the number of unemployed people registered at the RA Lori Region Vanadzor Employment Center from January till May 2012. At the same time, HCAV asked to obtain information on how many and where the registered people were assisted in finding a job during the same period. On April 12 2012, Vanadzor Territorial Employment Center provided the information required. According to the note received in response, 701 unemployed people were registered (January-133, February-250, March-266, April-52), 113 of them were assisted in finding a job (January-27, February-34, March-36, April-16). They worked in “Gloria”, “Bazum”, “Dav Gar”, “Sarton”, sewing factory, “Avtogen-M” LLC, “Erebuni Alco” LLC, “VTB Armenia” bank, “Oazis Avtomatika” LLC, the ESD of the RA MOJ, “Anahit” taxi service and others.

In 2012, the organization submitted an information inquiry to the National Statistic Service Lori Agency to receive the number of the Vanadzor population from 2001 till March 30, 2012 by years. On April 13, 2012, the National Statistic Service Lori Agency provided the information required by the organization, according to which the population of Vanadzor was 171.6 thousand as of January 1, 2001, and 104.9 as of October 1, 2011.

On April 11, 2012, the organization submitted an information inquiry to the Vanadzor Community leader to receive information on where in Vanadzor it is allowed to post campaign posters and in what order; and if there are campaign posters in places not prescribed by authorities, what measures are taken to eliminate the violations; besides free of charge places for posting posters, there are allocated paid places for posting campaign posters, if yes, what are the fees? On April 17, 2012, the Vanadzor Municipality provided the information in response according to which separate places were allocated in Vanadzor Community for posting campaign posters of candidates and parties (decision on www.vanadzor.am website). The campaign posters posted in forbidden places are eliminated by the community leader, if necessary with the help of the police. The community did not allocate places on a

paid basis. The information on external advertising billboards ensuring objective and fair conditions for posting campaign posters of candidates and parties participating in the forthcoming parliamentary elections on May 6, 2012 in Vanadzor was submitted to the CEC.

On April 18, 2012, the organization submitted an information inquiry to the 5th Officer Squadron of the 2nd Officer Battalion of the Armenian Traffic Police to receive information whether it was allowed to post campaign posters on or inside public transportation areas; and if it was not allowed, what responsibility was defined for posting them and how many such violations were registered during the period from April 8 to April 18, 2012.

On May 2, 2012 the 5th Officer Squadron of the 2nd Officer Battalion of the Armenian Traffic Police provided a note in response according to which Article 20 of the RA Electoral Code: it is prohibited to post campaign posters on or inside public transportation areas. According to Article 40¹ of the RA Code of Administrative Violations, the violation of pre-election campaign norms shall entail penalization in the amount of two hundred to five hundred times the minimum wage. During the period from April 8 to April 18, 2012 no violations indicated in the note were discovered.

On April 28, 2012 the organization submitted an information inquiry to “Lori Regional psycho-neurologic dispensary” CJSC to receive information on how many voters there are in Lori Regional Psycho-neurologic Dispensary. On May 3, 2012, the Lori Regional Psycho-neurologic Dispensary provided the information required by the organization according to which there are 15 patients participating in the parliamentary elections 2012 in the Department of Lori Regional psycho-neurologic Dispensary as of 03.05.2012.

On April 25, 2012 HCAV submitted a note to the RA Central Electoral Commission about the fact of campaign posters being posted in Vanadzor and Spitak in places prohibited by law. It was mentioned in the note that it is a violation of Article 20 of the RA Electoral Code; photos were attached as a proof. On April 30, 2012 CEC made a decision (N 215-N) “to appeal to the Civic Leaders of the Vanadzor and Spitak Communities to study whether campaign posters of parties or candidates of the National Assembly under the majoritarian electoral system are posted outside of public food and trade venues, or in or near places of public transportation (regardless of the form of property) and in cases of discovering campaign posters in the mentioned places to take them down immediately in a prescribed method.

On May 23 the organization submitted an information inquiry to the Vanadzor and Spitak Municipalities to receive information on campaign posters of which candidates and parties were posted in places prohibited by law; whether or not those candidates and parties were subject to responsibility according to Article 40.¹ of the RA Law on Administrative Infringements, and if yes, to provide copies of decisions on subjecting to administrative responsibility, and if decisions were not made, what was the reason.

Related to the notes Vanadzor Municipality provided a response saying that it was not proved during the check-ups that campaign posters of candidates or parties were placed on the show windows

of some trade venues and no one was subject to responsibility because despite the fact the campaign posters candidates or parties were placed, at the first warning the posters were immediately removed.

The response received from Spitak Municipality said that campaign posters of deputy for Parliament, Arkadi Hambardzumyan, were placed on trade venues which were placed by the owners themselves, without the deputy's consent.

Still on March 27, 2012, the RA Chief of Police Vladimir Gasparyan instructed the staff to operate within the law in such a way that parliamentary elections are held "on an unprecedented level". In response to this HCA-Vanadzor issued a statement on March 29, 2012 calling upon the RA Chief of Police to implement the "Electoral bribe" operation revealing cases of bribery and periodically presenting the results to the public in the form of weekly reports. On March 30, 2012 the RA Chief of Police made a speech in which it was indicated that the police would be very strict and consistent during the pre-election period of the elections to the National Assembly and especially on the day of the voting towards any offender and within the authorities envisaged by law prevent any attempt of hindrance. The RA Chief of Police also called upon all parties, NGOs, political movements, all citizens to call the police in case of registering any violation related to the electoral process, including bribery. "To establish proper public order, ensure natural process of elections during the parliamentary elections of May 6, 2012" operational headquarters was formed in the RA Police, and to implement prosecutorial control over accepting, registering and discussing reports related to electoral violations by the RA Chief Prosecutor formed a working group. However, numerous alerts were registered related to electoral bribes which were not properly or urgently examined.

In case of all alerts related to election bribes, the observers of HCAV visited the mentioned place, in some cases it was possible to record or take a photo of citizens' organized and active flow to campaign offices.

- ✓ On May 4, 2012, in Nersisyan Lane in Vanadzor the street light was switched off and money was distributed in the RPA campaign office of this territory. Before the employee of HCAV arrived there was no one at the office although the street light was still switched off.
- ✓ On May 5, 2012, there was a registered line and active in-and-out of citizens with passports and wallets in front of the RPA campaign office in Taron 2 District in Vanadzor. The employees of the organization recorded citizens' congestion and active in-and-out in the territory of the office.
- ✓ HCA Vanadzor office is located near another office of the RPA. On May 5, 2012, 2 citizens entered HCAV with passports and asked whether it was the RPA office. To the question of an employee of the organization whether they have come for the bribe, they answered positively. By the way, an active in-and-out was registered at the same office in the evening of May 4, 2012, although the lights were switched off.
- ✓ In the Evening of May 5, 2012, an alert was received that a bribe was being distributed in the RPA campaign office at 42 Myasnikyan Street, Vanadzor. The employees of the organization recorded an RPA office at the above-mentioned address.

Related to the last of the above-mentioned cases, HCAV called the police however the police did not take any measures; as about 1 hour 20 minutes later the employees of HCAV were at the mentioned address but no police officers were there. Only after the elections, on May 13, 2012 the Chairman of the HCAV, Artur Sakunts was interrogated related to the report. On May 14, 2012 a decision to reject initiation of a criminal case was made on the grounds of absence of a crime.

On May 19, 2012, the above-mentioned decision was appealed by the organization to the RA Chief and Lori Region Prosecutor's Office on the basis that the decision was made by violation of norms of criminal procedure, that is, the body investigating the case did not conduct proper examination, those members of the organization who went to the headquarters of the RPA located at the mentioned address, as well as the taxi driver, after the alert, were not interrogated. After submitting the claim, without making any decision, the investigator called those members of the organization and taxi driver who went to the scene on May 5, 2012 and invited them to an interrogation. On June 1, 2012 a decision to reject initiation of a criminal case was made on the ground of absence of a crime.

VII. Observations related to violations of organizational and technical nature on the day of voting

From an organizational and technical perspective, a number of facts were observed in the polling stations which had a certain impact on the electoral process and results of voting.

Furnishing of polling stations was evaluated as good only in 50 % of the observed stations, and in other stations it was considered satisfactory or unsatisfactory. In 59 (95 %) of the observed stations information materials were placed according to defined order. 30 % of the observed stations were not sufficient for 50 people to be there at the same time which is necessary to ensure the simultaneous regular work of electoral commissions and people having the right to be present at the voting.

In about 50 % of observed stations tactile ballot guides for the blind did not exist. And 65 % of them were not available to people with disabilities.

In 92 % of the observed stations, no complaints related to opening of the station were registered, and in all the observed cases the polling stations opened on the defined time.

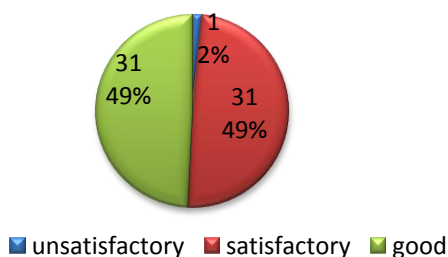
Problems related to voters' lists were registered in 29 (46 %) of the observed stations, in 1 station of which a large number of voters could not vote.

In the observed stations the voting booths were located in order prescribed by law (97 %), except for cases when because of the size and form of the voting room it was impossible to follow the prescribed order, however, in 1 of the observed stations the privacy of voting was not ensured because of the location of the voting booth.

Though in almost all observed stations stamping was done according to prescribed order, calls related to disappearing of stamps were received from 12 of the observed stations on the day of voting. This fact raised the opportunity of double voting.

Observations implemented by the organization related to organizational and technical problems are presented in more details below:

1. *Furnishing of polling stations and their organization*

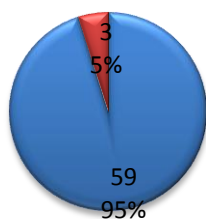


Furnishing of polling stations was evaluated as good only in 31 (49 %) of the observed stations, and satisfactory in 31 (49 %) more stations. Furnishing and organization of polling stations was considered unsatisfactory only in 1 case.

The main complaints related to the furnishing of polling stations referred to the location of voting booths which did not always correspond to the requirement of law. A complaint related to the furnishing of the station emerged in 35/39 polling station where voters' lists were placed too high outside and voters complained that they could not see their names. The observer also confirmed the fact.

It was registered in 7/35 polling station of Yerevan that the voting room was not sufficiently illuminated. A note to the RA Central Electoral Commission was prepared related to the fact, however, after the observer's interference, the technical problem was solved.

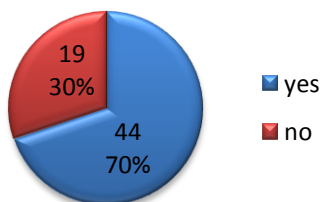
2. Existence of necessary information in polling stations (ballot samples, the form of the voting mark is posted on the voting booth)



■ fully exists ■ does not exist

In 59 (95 %) of the observed stations information materials were placed according to defined order. In 7/18 polling station of Yerevan the sample of voting mark was missing, and in 7/20 station the list of voters was not posted.

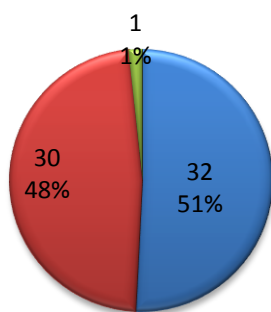
3. Sufficiency of the territory of polling stations for about 50 people being there simultaneously



■ yes ■ no

19 (30 %) of the observed stations were not sufficient for 50 people to be there at the same time which is necessary to ensure natural process for voting and activities of people having the right to be present at the voting. In 44 (70 %) of the observed stations the territory was evaluated as satisfactory by observers. In 41/24 polling station of Ijevan the observer of the organization called that the station was small and could not receive up to 50 people. Representatives from 41 PEC arrived and recorded that elections can be held there.

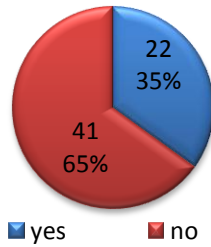
4. Existence of a special tactile ballot guides in the polling station for the blind for voting under proportional electoral system



■ yes ■ no ■ it was not checked

In about 30 (48 %) of observed stations tactile ballot guides for the blind did not exist. It is worth noting that in many stations members of SԸՀ were not aware at all what a tactile ballot guides is. Though it was informed that in an order prescribed by law, all polling stations were provided with a tactile ballot guides, for the blind, the head of commission in 29/21 polling station in Vanadzor informed the observer that CEC did not send such a tactile ballot guides.

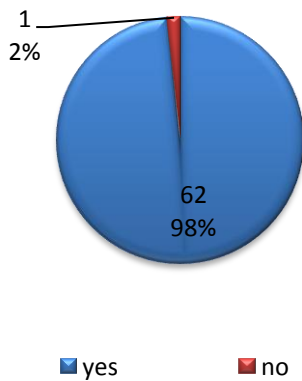
5. Availability of the polling station for a person with disabilities moving with a wheelchair, existence of a handicap ramp



Though the polling stations were mainly located on the first floor (only 8 of the observed 63 polling stations were located on the second floor), 65 % was still unavailable to people with disabilities. Though a handicap ramp existed in 34/37 polling station of Gyumri, the station was still unavailable to people with disabilities because of the narrowness of doors.

41/21 polling station of Ijevan was located on the second floor and the observer was informed that in case of necessity one of the members of the commission would take the voting box downstairs for the people moving with wheelchair.

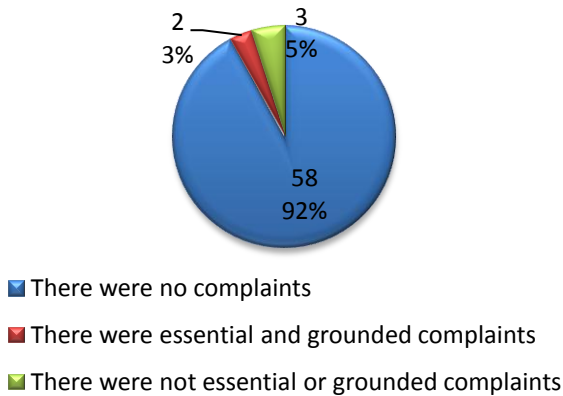
6. Opening of the polling station according to the prescribed order



Problems related to opening of the polling station were recorded only in 7/25 polling station of Yerevan where data of observers and proxies were not correctly mentioned in the registration book but were corrected before opening the station.

In 7/08 polling station of Yerevan one package of ballots for proportional electoral system was not stamped by 3 of the members of commission. In all observed cases the polling stations opened at the defined time.

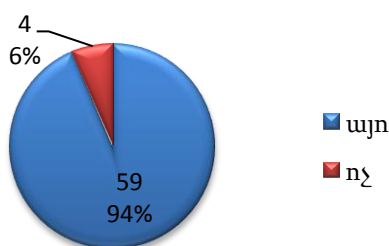
7. Complaints related to opening of the polling station



In 58 (92 %) of the observed stations, no complaints related to the opening of the station were registered, a few registered complaints referred to technical problems which, however, did not hinder opening of the stations on time.

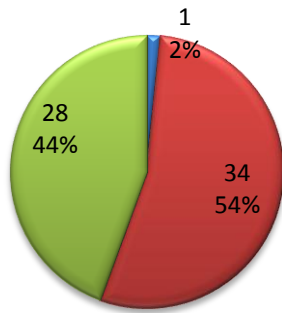
Precinct electoral commission conducted opening of the precinct center according to order and in due manner.

8. The voting room ensures simultaneous regular activities of electoral commission and people having the right to be present at the voting



Only in 4 (4 %) of polling stations, 7/02, 7/10, 7/20 polling stations of Yerevan and 30/31 polling station of Vanadzor the observers recorded that the voting room is not sufficient to ensure simultaneous regular work of electoral commission and people having the right to be present at voting.

9. Problems/inaccuracies related to voters lists

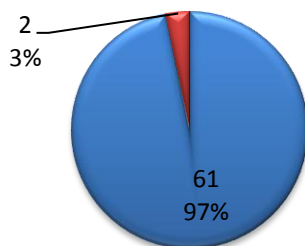


- A large number of voters could not vote because of inaccuracies
- There were no problems related to voters' lists
- Names of some voters were not included in the lists

Problems related to voters lists were recorded in 29 of the observed stations, in 1 of which a large number of voters could not vote, and in 28 (44 %) some voters' names missed from the voters lists. In 7/16 polling station of Yerevan a citizen complained that his name was not included on the list and required a car to go to court accusing that they like to “tug” people. The head of the commission objected that it was necessary to check the lists beforehand.

In 30/12 polling station of Vanadzor before voting a woman loudly announced that the name of her husband, who had died 2 years before, was included in the list. In 7/06 polling station of Yerevan instead of building N 135 it was written 195.

10. Correspondence of the position of voting booth to the requirements of law

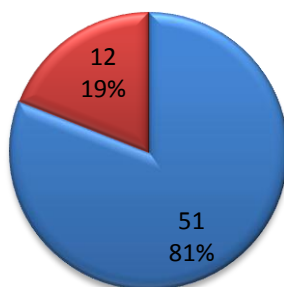


- fully ensures voting privacy
- partially ensures voting privacy

In the observed polling stations the voting booths were mainly located according to the order prescribed by law (97%) the position of the voting booth did not ensure the secrecy of voting in 1 of the observed stations. In some cases the voting booths were placed in violations because of the size of room. In 7/32 polling station in Yerevan the voting booth was located about 1 meter from the windows.

In 30/32 polling station of Vanadzor voting booths were placed facing the commission. In 30/36 polling station of Vanadzor the voting booths were placed in front of the stairs. In 7/16 polling station of Yerevan one of 3 voting booths was placed near the window. And in 33/77 polling station of Gyumri one of the voting booths was placed near the table where ballots were placed.

11. Calls related to disappearance of stamps



- yes
- no

According to Part 4, Article 64 of the RA Electoral Code “The member of the commission responsible for putting a seal on the ballot envelope and for the ballot box shall seal the ballot envelope and allow the elector to drop the ballot envelope into the ballot box only after checking the absence of a stamp seal in the elector’s identification document pertaining to participation in the given elections, and in case no such stamp is present, only after putting such stamp seal on the elector’s identification document.

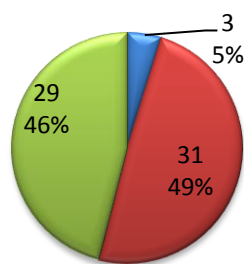
When the elector’s identification document already contains a stamp seal confirming the participation of the elector in the current elections, the commission member shall inform, through the chairperson of the commission, the police officers on duty about the attempt to commit a crime; shall remove the ballot paper from the ballot envelope, return the envelope to the commission member handing out ballot papers and ballot envelopes, attaching any stub to the ballot paper and shall immediately cancel the ballot as prescribed by the Central Electoral Commission”. According to Part 5 of the same Article

For the purpose of putting a stamp seal on identification documents, precinct electoral commissions shall be provided with a substance which remains for at least 12 hours after stamping, and then disappears.

Though the existence of stamps was checked at the polling stations and it was allowed to cast the ballot into the ballot box only in case of absence of a stamp, the observers recorded that sometimes members sealing passports did not check a person's identity before sealing the passport, which is already a risky phenomenon because from the very beginning of the voting there was an alert that the ink of stamps disappears quickly and in that case double voting was more than possible. Calls related to disappearance of stamps were received from 12 (19 %) of the observed stations, namely 7/16, 7/20, 7/25, 7/32 polling stations of Yerevan, 29/03, 30/07, 30/15, 30/26, 30/31, 30/37 polling stations of Vanadzor and 41/26 and 41/28 polling stations of Ijevan. By the order of the CEC the special ink prescribed for stamps was replaced by usual ink in polling stations.

It is obvious how the disappearance of stamps can foster double voting and other abuses. It is also notable that that there were cases when voters returned and demanded to have their passport stamped again as they could have problems at work.

12. Activities of PEC in case of incorrect filling in of ballots



- new ballot was provided without immediately cancelling the damaged one and making a note in the voters' list
- new ballot was provided immediately cancelling the damaged one and making a note in the voters' list
- no announcements were related to filling in the ballot incorrectly

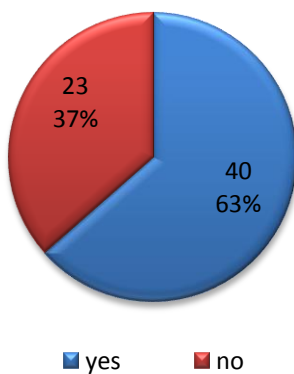
In case of filling in the ballot incorrectly a new ballot was mainly provided according to the order, the old one was cancelled with the stub and the fact was recorded (49 %). In 29 (46 %) of the observed stations cases of filling in the ballots incorrectly were not recorded. In 3 (5 %) of the observed polling stations the ballot filled in incorrectly were not cancelled according to the order.

It is worth mentioning that in one of the voting booths of 7/20 polling station of Yerevan there were carefully hidden ballots found.

In 7/26 polling station of Yerevan one unmarked proportional ballot was discovered.

And in 7/28 polling station of Yerevan 3 voted and enveloped ballots were found in one of the voting booths. After finding them, they were eliminated by the head of the commission.

13. Video recording of the polling station



It is known that the Prosperous Armenia Party placed cameras in the polling stations to control the whole process of voting. In 40 (63 %) of the polling stations observed by HCAV, a video recording was made. In 34/37 polling station 2 people (probably PAP representatives) asked one of the members of the commission to fix the position of the camera because they followed the process of the voting online and the illumination of the room did not allow them to see what happened in the room. After PAP representatives left, the camera was not fixed. In 7/23 polling station of Yerevan an observer of HCA-Vanadzor observed a device resembling a camera; however, the head of the commission said that was some system of providing illumination. The answer did not convince the observer but he did not have an opportunity to check.

VIII. Observations related to work of the precinct electoral commission

According to Part 2, Article 42 and Part 3, Article 39 of the RA Electoral Code “Members to a precinct electoral commission shall be appointed by:

1) Political parties, alliances of political parties having a faction in the National Assembly — one member each, where the number of factions is more than four, and two members each, where the number of factions is less than five;

2) The relevant constituency electoral commission — two members”

Citizens having the right of suffrage, who, by the procedure prescribed by the Central Electoral Commission, completed professional courses on holding elections and have been awarded qualification certificates, may be involved in the composition of precinct electoral commissions. Bad administration conducted by precinct electoral commission was also caused by the incompetence of the members of the commissions and chairpersons in terms of the corresponding legislation and its application.

During the observation mission, as the result of poor administration, the observers of the organization met a number of obstacles, namely a head of commission made an attempt to prohibit implementing an observation mission or allowed to be present at the session of the counting the voting results. In 7/02 polling station of Malatsia-Sebastia District of Yerevan the head of the commission did not allow the observer of HCA-Vanadzor on the grounds that it is said in Point 1 of the local observer certificate of the RA Parliamentary Elections given by the RA Central Electoral Commission that an observer does not have the right to be present at the sessions of the electoral commission.

According to Point 1, Part 1, Article 31 of the RA Electoral Code:

1. Observers and mass media representatives shall have the right to:

1) Be present at the session of electoral commission, and, during the voting, in the voting room as well.

And in 7/20 polling station of Yerevan the head of the commission reported that an observer did not have the right to be present at the counting of voting results, however, after the observer mentioned the relevant provision of the law, he was allowed to be present at the session.

It also causes concern that members and head of precinct electoral commissions often announce that they are not responsible for activities performed outside polling stations, that is they do not take the responsibility for general organization of the electoral process, but view the polling station as territory isolated from external influence without taking into account the fact how those external factors influence the process of voting and legality of results.

Abuse, destruction of general order and congestion is also caused by the fact that members of the commission are usually involved from the same community. For example, members of the precinct electoral commission of 7/35 polling station of Yerevan periodically studied the lists of voters and provided information about people who had not voted on the phone in order “to bring them to the polling station”, after which a directed flow of voters was observed.

In 33/77 polling station of Gyumri the observer witnessed how a citizen cast the envelope into the ballot box without sealing because of the carelessness of the member of commission responsible for ballot boxes. Realizing his mistake, the citizen waited for another ballot to be provided to him but the members of commission ignored him, and after the citizen left the observer understood from the

members' short secret conversation that they were aware of the citizen's choice and that was why they preferred that his vote was considered invalid.

Sometimes members of precinct electoral commissions involved from a given community show carelessness and inconsistency while checking a person's identification document. Besides, members of the commission engage in a conversation with voters who have already voted which causes violation of the natural process of the voting from the viewpoint of both proper performing of duties, and presence of unauthorized people in the voting room.

Functions of members of precinct electoral commissions rotate every 2 hours in 56 (89 %) of the observed polling stations.

In 7 (11 %) of the observed stations rotation of functions of members of precinct electoral commissions was not done every 2 hours because of large queues of citizens.

Voting passed according to the order in the voting room in 24 (38 %) of the observed polling stations. Often there were more than 15 voters in the voting room in 11 (18 %) of the observed polling stations. The observation was not possible in 2 (3 %) observed polling stations because the voting room was overcrowded. In 26 (41 %) of the observed stations, despite the fact that the voting room was overcrowded, precinct electoral commission managed the situation.

Heads and secretaries of precinct electoral commissions of observed polling stations were mostly aware of the Electoral Code (78 %). The head and secretary of the commission periodically consulted the guide in 11 (19 %) of the observed stations. However, there were also polling stations where the head was incompetent, which influenced the whole process, order of the station as well as other issues (3 %).

Violations were recorded by precinct electoral commissions in 24 (47 %) of the observed stations, partially in 14 (27 %) stations, and violations were not recorded in 9 (18 %) stations. No violations were registered in 4 (8 %) of the observed stations. However, numerous complaints were registered by members of the electoral process in the polling stations, namely in 23 (51 %) of the observed polling stations complaints were registered by proxies which referred to violations and abuses by other proxies, as well as biased attitude of members of the commission. Violations raised by voters were recorded in 14 (31 %) of the observed stations and referred mainly to the slow process of the voting and inefficient work of the commission. Complaints by the observers were registered in 7 (16 %) of the observed polling stations.

In 5 (8 %) of the observed polling stations biased attitude towards proxies was registered.

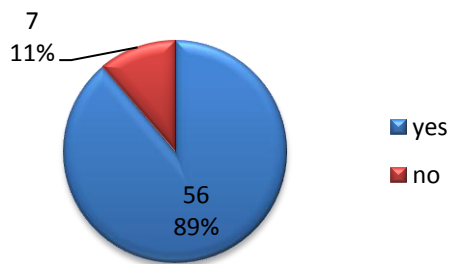
In 41 (65 %) of the observed polling stations there were unauthorized people, in 10 (16 %) polling stations there were unknown people, in 11 (11 %) polling stations there were police officers and in 1 (2 %) polling station there were members of the local self-government bodies.

In 22 (35 %) of the observed polling stations the commission interrupted calculation of the voting results, and in 6 (9 %) of the observed polling stations the calculation began after a short break.

Despite numerous observations about precinct electoral commissions the observers mainly evaluated the work of precinct electoral commissions in the observed polling stations as good (76 %).

In the preparation phase of the voting, process of the voting and phase of calculating the voting results the following was registered in the result of the observation of work of PEC:

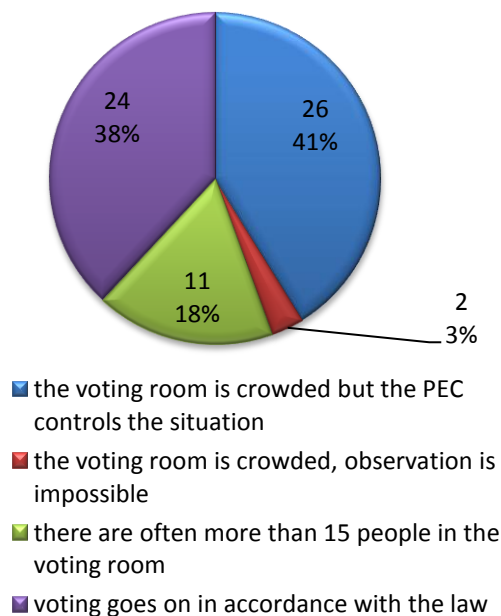
1. Rotation of functions of members of precinct electoral commissions every 2 hours



Functions of members of precinct electoral commissions were changed in 56 (89 %) of the observed polling stations. According to Point 5, Part 1, Article 62 of the RA Electoral Code at 07:00 of the voting day, at the sitting held at the polling station, the precinct electoral Commission shall, by drawing lots, decide upon the rotation of functions every two hours of members of the precinct electoral commission.

The experience of observation mission has shown that some precinct electoral commissions decide upon rotation of functions at the sitting at 7 a.m. prescribed by law, and some commissions decide upon rotation of functions every 2 hours by drawing lots at that moment. There were cases when rotation of functions of members of the commission was done without drawing lots, the head simply instructed the members what function which member of the commission will perform during the next 2 hours. That is, despite the fact that the RA Electoral Code clearly defines how and when must drawing of lots for othe rotation of functions be performed, law is not applied in the same way by precinct electoral commision, which leads to violation of defined order. In 7 (11 %) of the observed polling stations rotation of functions of members of the commission were not performed every 2 hours because of the large queues. In 3 of the observed stations (7/14, 7/16 in Yerevan and 30/22 in Vanadzor) the number of members of precinst electoral cimmissions was 6 instead of being at least 7, as prescribed by law.

2. Order in polling stations



The voting in the voting room passed according to order in 24 (38 %) of the observed polling stations. Often there were more than 15 voters in 11 (18 %) of the observed polling stations. It was impossible to implement observation because the voting room was overcrowded in 2 (3 %) of the polling stations. In 26 (41 %) of the observed polling stations, despite large crowding of the voting room, the precinct electoral commission managed the situation. According to Part 6, Article 63 of the RA Electoral Code no more than fifteen voters may simultaneously be present in the voting room. For the purpose of ensuring the smooth voting process, the chairperson of the precinct electoral commission shall be entitled to admit electors to the voting room one by one.

In case of impossibility to ensure the implementation of this point by the electoral commission, it shall be ensured by the support of the Police, upon the request of the chairperson of the precinct electoral commission.

In 7/06, 7/16, 7/19, 7/20, 7/22, 7/26, 7/34 polling stations of Yerevan, in 41/23 polling station of Ijevan, in 34/37 and 35/39 polling stations of Gyumri and 29/21, 30/12 and 30/37 polling stations of the Lori

Region the number of voters in the polling stations was several times more than 15 allowed. In some cases, in order to regulate the situation, the chairperson of the commission turned to help from police officers and in some cases he showed inactivity.

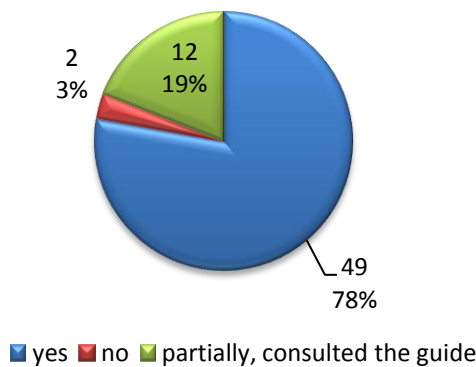
In 30/19 polling station of Vanadzor during the presence of the observer of the organization there were more than 15 voters in the polling station. The observer informed the chairperson of the commission that presence of more than 15 voters simultaneously in the polling station was a violation; however the chairperson did not take measures to maintain the order prescribed by law.

In 7/26 polling station of Yerevan security officers were misinformed that there was a squabble in the polling station but the doubts were denied and the members of the commission and observers confirmed that there was not any incident.

In 30/18 polling station of Vahagni Village of the Lori Region the village leader who was a proxy of RFP hindered the electoral process. In the presence of an observer, the latter argued with the chairperson of the commission and then one of the members. Related to the incident a protocol was drawn with the observer's interference.

In 30/24 polling station in Vanadzor there continually was congestion in the voting room and outside from 11:45 a.m. till 4:30 p.m. because the members of the commission failed in their work (voters were found in the list of voters with difficulties). Citizens waiting inside and outside complained that the commission worked very slowly.

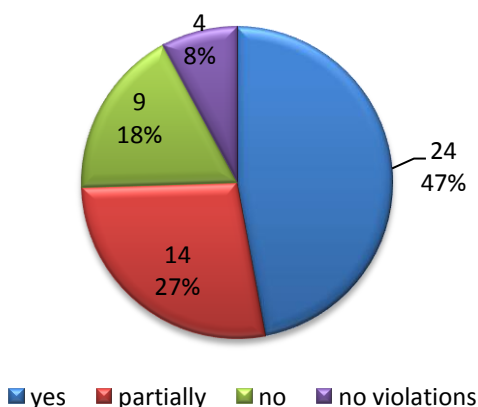
3. Chairperson and secretary of precinct electoral commission are aware of the Electoral Code



Heads and secretaries of the precinct electoral commissions in the observed polling stations mainly were aware of the Electoral Code (78 %). The head and secretary of the commission periodically consulted the guide in 11 (19 %) of the observed polling stations. However, there also were polling stations where the head was not competent, which influenced the whole process, order of the polling station and other issues (3 %).

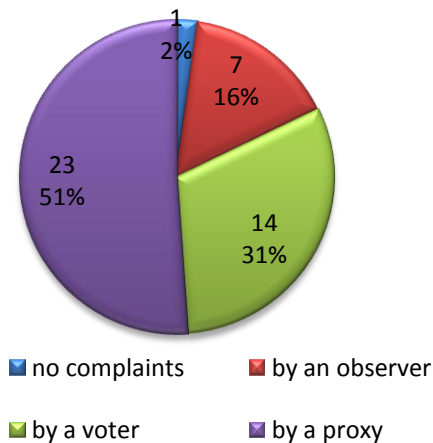
For example, in 7/22 polling station of Yerevan voters signed only in column 1 in list 1 because of unawareness of the commission.

4. Violations are being registered



In the observed polling stations violations were registered by the electoral commissions in 24 (47 %) of the polling stations, partially registered in 14 (27 %) polling stations, violations were not registered in 9 (18 %) polling stations. No violations were registered in 4 (8 %) of the observed polling stations. The observers mentioned that mainly on the selective basis and even in those polling stations where violations were registered, it was done by observers' and proxies' insistence.

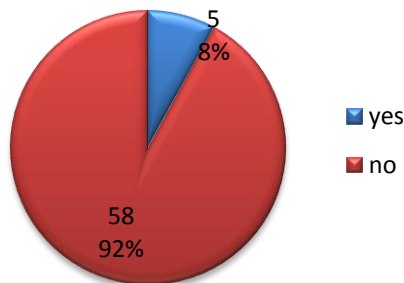
5. Complaints were registered in polling stations related to the voting



Numerous complaints were registered in polling stations by members of the electoral process, primarily in 23 (51 %) of the observed polling stations complaints were registered by proxies which referred to violations and abuses by other proxies, as well as biased attitudes of members of the commission. Complaints raised by voters were registered in 14 (31 %) of the observed polling stations and mainly referred gatherings, slow process of voting and inefficient work of the commission.

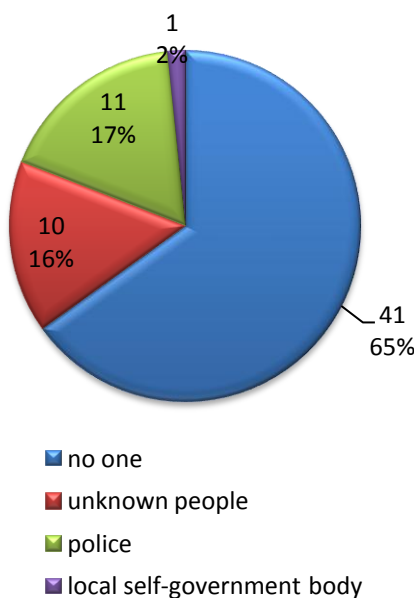
Complaints by observers were registered in 7 (16 %) of the observed polling stations.

6. Biased attitude towards a proxy/proxies



In 5 (8 %) of the observed polling stations biased attitudes toward proxies was registered. In some cases because of “biased” friendliness there was more than one proxy of a candidate or party, namely in 30/24 polling station of Vanadzor there were 2 proxies from Rule of Law Party and Armenian Revolutionary Federation simultaneously.

7. Presence of unauthorized people in polling stations



In 41 (65 %) of the observed polling stations there were no authorized people, in 10 (16 %) polling stations there were unknown people, in 11 (11 %) polling stations there were police officers and in 1 (2 %) polling station – members of local self-government bodies. In 7/18 polling station of Yerevan, without being called for, a police officer, as well as unknown people, periodically entered the voting room but were removed by the chairperson. In 7/35 polling station of Yerevan the police room was located directly adjacent to the voting room and when coming out of their room, the police officers found themselves in the voting room; the observers also registered presence of unknown people in the same polling station who were taken out by the chairperson after interference.

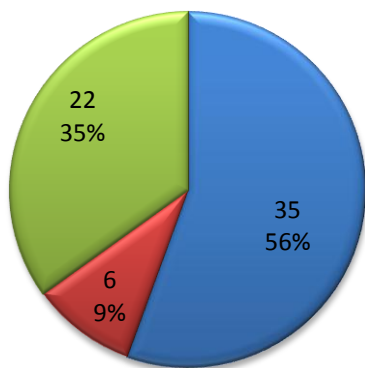
In 30/31 polling station of Vanadzor there were 2 proxies of RPA simultaneously one of which was registered and the other was not. With the interference of the observer of HCA-Vanadzor the chairperson of the precinct electoral commission asked the second proxy to leave.

Cases were also registered when voters stayed in the voting room for some time after they had voted, which was regulated after the observers' interference. In 41/28 polling station of Ijevan at about 8:30 a.m. an observer noted that 3 proxies of RPA candidate Hakob Hakobyan were simultaneously at the

polling station. After a remark the chairperson of PEC asked two of them to leave. They returned 10 minutes later and again were asked to leave. 30 minutes later a citizen, who had an observation certificate, came to the polling station but did not represent any organization. It turned out that he was sent by the candidate Hakob Hakobyan. The citizen was asked to leave.

There was one complaint related to publicity during the voting, in 29/21 polling station of Lernapat Community of the Lori Region a journalist was not allowed to make compilations from the registration book. In general, the process of recording and taking photos by proxies, observers and mass media representatives in polling stations was not hindered.

8. Sitting of calculating and summarizing votes



- PEC began to count votes immediately after closing the polling station
- PEC had a short break
- PEC had a long break

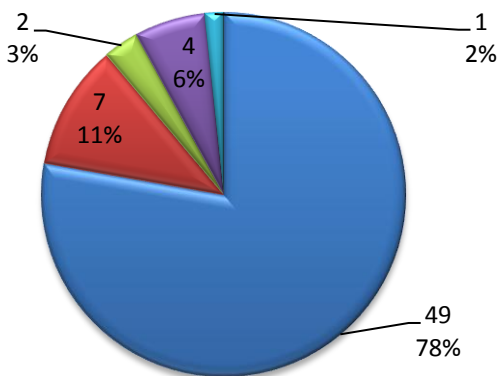
According to Part 4, Article 71 of the RA Electoral Code “The sitting of the precinct electoral commission may not be interrupted from the moment the voting is over until the protocol on precinct voting results is prepared”.

However, in 22 (35 %) of the observed polling stations the commission interrupted the calculating of voting results, and in 6 (9 %) polling stations calculating began after a short break. In 7/11 polling station of Yerevan after calculating votes of proportional system, there was a break, with, food, alcohol and vodka, which lasted for 40 minutes and the calculating of votes for majoritarian system was continued after they were finished with the food and drink.

9. Evaluation of work of precinct electoral commission

Despite numerous observation related to precinct electoral commissions, in the observed polling stations the observers mainly evaluated work of precinct electoral commissions as good (on average 76 %). And work of precinct electoral commissions in different phases of electoral process was evaluated as follows:

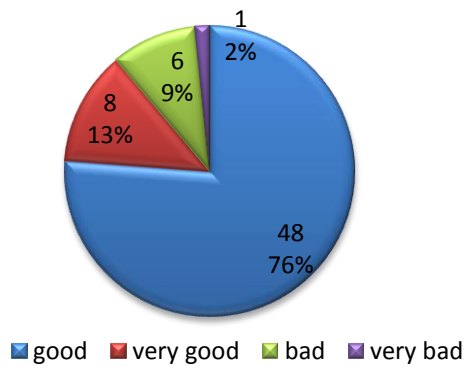
9.1. In the preparation phase of voting



- good
- very good
- bad
- very bad
- medium

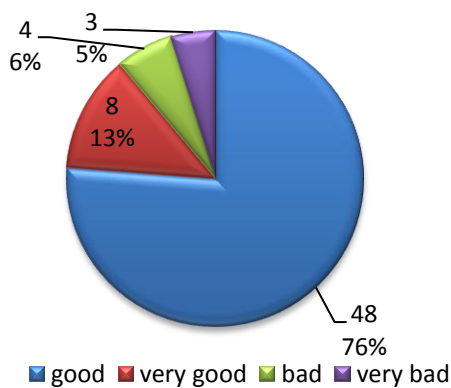
The preparation phase of voting work of precinct electoral commissions was evaluated as “bad” in 7/02 polling station of Yerevan where the chairperson did not know his functions, in 7/04, 7/10 polling stations of Yerevan, and 29/21 polling station of Vanadzor. Work of precinct electoral commission was evaluated as “very bad” in 7/07 polling station of Yerevan and 30/19 polling station of Vanadzor.

9.2. Related to voting process



Related to voting process work of precinct electoral commission in the observed polling stations was mainly evaluated as good. Related to voting process work of precinct electoral commission in the observed polling stations was evaluated as very bad in 7/07 polling station of Yerevan.

9.3. In the process of calculating voting results



In the process of calculating voting results the work of members of precinct electoral commission in the observed polling stations was mainly evaluated as good (48 %), in 8 cases (13 %) – very good, in 4 cases (6 %) – bad and in 3 cases (5 %) – very bad. In all the observed polling stations observers and proxies had an opportunity to record the process of calculating voting results, as well as to study and take photos of ballots.

No cases of deliberate counterfeiting of protocols in polling stations were registered, however some inaccuracies were discovered which, although did not have an essential influence on the final results, once again prove that it is necessary to raise the professional preparedness of the precinct electoral commissions.

IX. Observations related to violations of electoral process

According to Point 3, Article 64 of the RA Electoral Code “Identification document shall be the national passport (without biometrical data), the identification card or the temporary document replacing the national passport or the identification card issued by the authorised body; for military servicemen it shall be the military service certificate or the military service record card, where they register (vote) in the list of electors drawn up by the given military unit. Conscript soldiers, who have been granted a temporary leave in the manner prescribed by the legislation, shall vote in the places of their residence with the military service record cards, by also submitting the carbon copy of a document on having been granted a temporary leave from compulsory military service. The fact of expiry of the validity of an elector’s identification document shall not be grounds for not admitting him or her to voting”.

Cases of providing a ballot without an identification document were registered in 2 (3 %) of the observed polling stations.

In 7/10 polling station of Yerevan it was observed from the early morning that passports of the majority of voters are very new though the date of issue was up to 1995. The same fact was registered in 7/09 polling station of Yerevan and 35/39 polling station of Gyumri. In 35/39 polling station of Gyumri the fact was registered by the members of the commission.

In 35/39 polling station of Gyumri a voter came to vote with a passport the validity of which had expired a few years before. Although the validity of an elector’s identification document shall not be a ground for not admitting him or her to voting, the commission considered it strange why the citizen had not updated his passport, after it was checked again, it turned out that the citizen's name was not included in the voters lists.

In 33/77 polling station of Gyumri an observer witnessed how a family came to vote but could not remember their address without consulting the passport. After the commission checked the passport the commission informed that the family lived in temporary cottages and had to vote in a different polling station. The family was obviously surprised that they lived in a temporary cottage.

During the voting, besides implementing an observation mission in polling stations, շրջիկ observers of HCA-Vanadzor studied also some other polling stations.

In the result of observation implemented during the voting the following was observed:

The observers of the organization registered existence of campaign materials and campaign itself in 7 (11 %) of the observed polling stations.

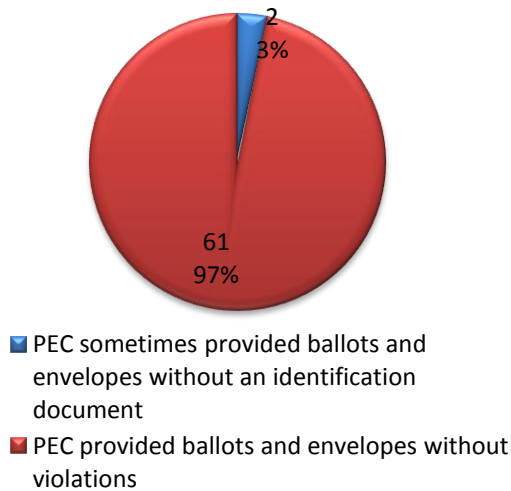
Voting privacy was violated in 22 (35 %) of the observed polling stations, and numerous cases of assisting persons not having an opportunity to cast ballots in the voting booth were registered in almost all polling stations. In 4 polling stations the same person assisted those not having an opportunity to vote and in 5 (8 %) polling stations the fact of assistance was not registered in the registration book.

In 14 (23 %) of the observed polling stations the chairperson of the commission reported the data of citizens' participation with one hour intervals. Chairpersons of 4 polling stations reported data of participation irregularly (6 %). Chairperson of 1 polling station reported data of participation with 4 hours' intervals. In 8 (13 %) of the observed polling stations voters' directed flow was observed.

In 57 (90 %) of the observed polling stations calculating of votes passed according to the order. In 3 (5 %) of the observed polling stations the precinct electoral commission conducted calculation with violations, and in 3 other polling stations deviated from the procedure (5 %).

Observations related to the electoral process are presented in more details below:

1. *Provision of ballots and envelopes*



Cases of providing ballots without identification document were registered in 2 (3 %) of the observed polling stations. In 7/07 polling station of Yerevan a citizen voted without signing and then came to vote again. The attempt was prevented but it is not known whether such cases were repeated or not.

In 7/09 polling station of Yerevan the citizen A.Harutunyan announced that it was already signed in front of his name on the basis of a certificate, while A.Harutyunyan came to vote with a passport.

A protocol was drawn related to the fact.

In 41/27 polling station of Ijevan and in 7/06 polling station of Yerevan there were cases when citizens' data was deliberately filled in on the wrong line, and in 2 polling stations, citizens were allowed to vote instead of a person who had voted instead of them, and a protocol was drawn. Similar incidents happened in 7/09 polling station of Yerevan where a member of the commission mixed the passport data of a father and son. A representative of CEC who was in the voting room at the moment informed that they did not have the right to make any corrections or to show with an arrow, they had to draw a protocol which however, was not done. Both citizens voted.

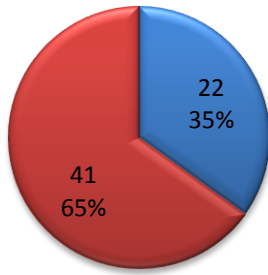
In 7/10 polling station of Yerevan a member of PEC, PAP representative A.Avetisyan, noting that it was already signed in front of a person's name, tried to unnoticeably inform about it a proxy of PAP, M. Shahinyan, but the observers, being present, prevented double voting. In 7/10 polling station of Yerevan the commission insisted that the citizen who came to vote had already voted. The observer of the organization said that he had not voted yet. The observer of the organization turned to the chairperson demanding to draw a protocol and the chairperson answered that the voters were sisters and they mixed the passports.

There were numerous other alerts by the observers about double voting but, unfortunately, no proof was found.

2. *Voting privacy*

The principle of privacy of voting was violated in 22 (35 %) of the observed polling stations. Namely, in 7/06 polling station of Malatia-Sebastia District of Yerevan, according to the observer, A. Israyelyan, the proxy of the candidate for Parliament, Vardan Vardanyan, detected the voters. After voting, people made a sign with a head nod about voting to the proxy.

In 30/30 polling station of Vanadzor the observer informed the chairperson that a proxy was standing too close to the voting booth. The problem was solved. In 30/02 polling station of Vanadzor an argument began with a proxy of the candidate Edmon Marukyan because the latter informed that it was not allowed to approach the voting booth and see the result of the voter's voting.



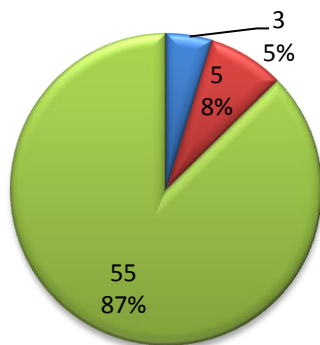
- there were cases of presence of more than 1 person in the voting booth
- voting privacy is ensured

In 7/09 polling station of Yerevan a proxy of ANC who was standing near the ballot boxes, and took a photo of a middle part of woman's passport. The woman complained, the raised argument was resolved with interference by a police officer. In 7/09, 7/17, 7/18, 7/20, 7/22, 7/32 polling stations of Yerevan and 33/77, 34/37, 35/39 polling stations of Gyumri often, without the chairperson's knowledge, there were 2 voters in the voting booth for assistance or other purpose.

In 7/18, 7/01 polling stations of Yerevan and 29/21, 30/02, 30/12, 30/26, 30/37 polling stations of the Lori Region there were cases of demonstrative open voting in polling stations.

In 29/21 polling station of Lernapat Community a voter wished to take a photo of the ballot after voting but his attempt was prevented, and in 7/27 polling station of Yerevan a voter took a photo of his ballot. In 30/37 polling station of Vanadzor 7-8 citizens announced loudly in the yard who they voted for (RPA, ANC).

3. Assisting a voter not having an opportunity to vote independently



- the same person assisted to cast the ballot in the voting booth several or multiple times
- data of a person assisting the voter not having an opportunity to vote independently were not registered in the PEC registration book
- another person who was neither PEC member, nor a proxy assisted to cast a ballot in the voting booth

Numerous cases of assisting people not having an opportunity to cast the ballot independently were registered in all polling stations. In 55 (87 %) of the observed polling stations assistance was provided by another person who was neither a member of PEC, nor a proxy. In 4 polling stations the same person assisted those not having an opportunity to cast ballots independently, and in 5 polling stations (8 %) data related to the fact of assistance were not recorded in the registration book.

In 30/28 polling station of Vanadzor the same person assisted 2-3 people in the voting booth, in case of the 3rd one the chairperson made a warning/reprimand. Cases of multiple assistance by the same person were registered in 7/19 and 7/34 polling stations of Yerevan.

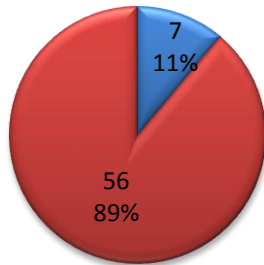
In 7/06, 7/18, 7/19 polling stations of Yerevan, 30/37 polling station of Vanadzor and 41/23 polling station of Ijevan data of not all citizens who assisted were registered in the registration book. For example, in 7/06 polling station of Yerevan a citizen assisted an old woman to vote but was without a passport and his data were not recorded, the fact was not registered even after an observer's warning.

In 7/19 polling station of Yerevan the chairperson assisted a voter in voting. In the same polling station the data of a citizen providing assistance were not registered. There was also a case 3 persons assisted a voter simultaneously and it was not recorded in the registration book.

In 7/20 polling station of Yerevan the chairperson explained to an old woman in a voting booth on how to vote. After the observers interfered the chairperson left the booth. In 41/28 polling station of Ijevan a person whose data were not registered assisted a voter, and it turned out later that he was a proxy of the candidate Vahe Vardapetyan. The person was asked to leave the polling station.

In 30/37 polling station of Vanadzor the chairperson made a mark on the ballot by holding an old man's hand.

4. Campaign in the polling station. Existence of campaign materials in the voting room and near the precinct center



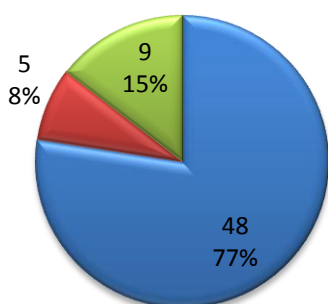
■ exists ■ does not exist

According to Paragraph 2, Part 1, Article 18 of the RA Electoral Code “Election campaign shall start on the seventh day following the last day provided for by this Code for registration of candidates and electoral lists of political parties and shall finish one day before the voting day. Any campaign on the voting day and the day before the voting day shall be prohibited.

According to Article 401 of the RA Law on Administrative Offenses “Conducting a campaign on the voting day and the day before the voting day causes penalty 200 up to 500 times minimal wage”. The observers of the organization registered campaign materials and campaign in 7 (11 %) polling stations, namely in 29/03, 30/36, 30/33 polling stations of Vanadzor the picture of Serzh Sargsyan, leading the list of RPA, was posted. And in 30/22 polling station a booklet holding “Forward Armenia” was posted. In the yard of 29/03 polling station of Vanadzor there were 3 flags of the Republican Party of Armenia. In 7/22 polling station of Yerevan a voter came to vote with a 2-3 years old child who had a campaign ballon holding “Believe to change” in his hand. In 7/25 polling station of Yerevan a proxy of Nikol Pashinyan drew a protocol about the fact that a proxy of Samvel Aleksanyan periodically left the polling station and շփու՛մ հսսսսսսսսսսսս with the constituency, some citizens. In 7/11 polling station of Yerevan a proxy of RPA came with a badge of RPA on his suit, the observer considered it a campaign sign and informed the chairperson about it. The latter demanded it removed. The proxy of RPA performed the requirement.

In 41/28 polling station of Ijevan a proxy of PAP noted a calendar with an RPA logo in a voter's passport, took it out and wanted the fact to be registered as a campaign. As the majority of those present did not notice an intention of obvious campaign, the incident was solved.

5. Gatherings of people and cars in the territory adjacent to precinct electoral commission up to 50 m radius



■ none
 ■ congestion was not removed by the RA Police
 ■ congestions were prevented and eliminated by the Police

In 48 of the observed polling stations there were no gatherings of people and cars in the territory adjacent to the precinct (77 %). In 9 polling stations the congestion was eliminated by the RA Police, and in 5 polling stations no measures to eliminate congestion was taken. In 7/25 polling station of Yerevan a proxy of ANC drew a protocol about the fact that there was a car in the territory adjacent the precinct which brought voters to the polling stations periodically. The proxy of ANC asked the police officer to clear the situation but the driver and car escaped.

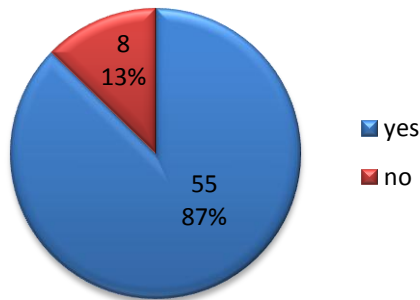
In the territory adjacent to 30/26 polling station of Vanadzor there were congestion of people and queues, however, 3-5 voters were admitted to enter the polling station simultaneously. In the territory

of the same polling station also the gathering of cars was observed.

During different hours a yellow gazel with registration plate 0528L and a yello bus with registration plate 35711 brought voters to 30/02 polling station of Vanadzor.

An observer from 7/30 polling station of Yerevan called that there was a disorder in neighbouring 7/29 polling station with many people in attendance.

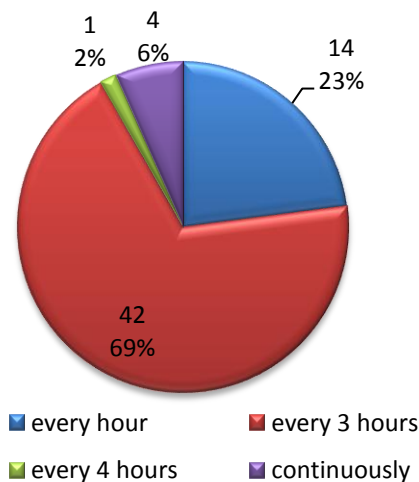
6. Voters flow is observed



In 8 (13 %) of the observed polling stations a directed flow of voters was observed. Namely, in 7/30 polling station of Vanadzor, people entered in organized groups and this seemed very strange to the observer of HCAV. In 7/35 polling station of Yerevan the observers recorded that head of the community several times brought citizens to the polling stations to vote.

By interference of the observers the illegal action was stopped. In general, the flow of voters to the polling stations was rather high in early morning, in some places congestion was observed in the morning hours from 8:00 a.m. till 10:00 a.m., the situation settled until midday and then congestion began again.

7. Chairperson of the precinct electoral commission communicates the number of voters

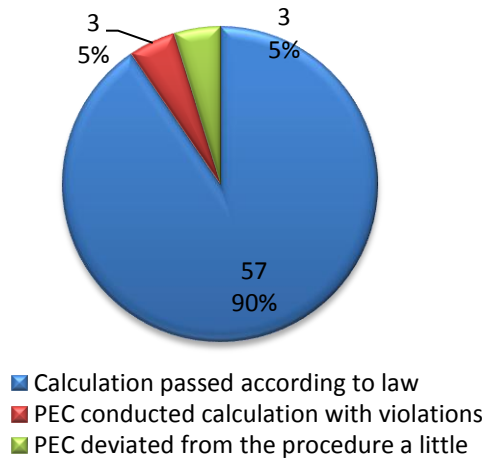


According to Point 10, Article 6 of the RA Electoral Code “On the voting day, precinct electoral commissions shall be obliged to communicate - every three hours — data on the turnout to the constituency electoral commission. Constituency electoral commissions shall summarise, publicise, and communicate data to the Central Electoral Commission during the same intervals. At national elections, the Central Electoral Commission shall, at 09:00 of the voting day, publish information on the progress of elections; from 12:00 to 21:00, it shall — every three hours — publish information by Marzes [regions] (in

Marzes - also by Marz centres and Marz communities having more than 10 000 electors) and the city of Yerevan (in Yerevan - also by administrative districts) on the turnout as of the foregoing hour”.

In 14 (23 %) of the observed polling stations the chairperson communicated data on the turnout of citizens every hour. Chairpersons of 4 polling stations communicated data on turnout irregularly (6 %). Chairperson of 1 polling station communicated data on turnout every 4 hours. In 42 of the observed polling stations chairpersons communicated data on turnout every 3 hours, as prescribed by law (69 %). Thus, in a number of polling stations chairpersons communicated the data on turnout often and it is unknown who was interested in receiving the data. However, it is obvious there were cases of communicating data of absent citizens and “bringing them to polling stations” to ensure the number. In 7/35 polling station of Yerevan the chairperson attempted to communicate the data on turnout every hour however, by observers' interference, the action was stopped.

8. Correspondence of calculating votes to law



In 57 (90 %) of the observed polling stations calculation of votes passed according to law. In 3 (5 %) of the observed polling stations the precinct electoral commission implemented calculating with violations, and in 3 other polling stations it deviated from the procedure a little (5 %). In the observed polling stations a number of unusual cases were registered while calculating votes. In 7/19 polling station of Yerevan when calculating proportional ballots the chairperson took the ballots out of the box and the members of the

Commission began to open and count them together; however, the chairperson did not participate in counting. In 7/02 polling station of Yerevan during calculating voting results invalid ballots (e.g. when unmarked was put in the ballot or 2 ballots were put in 1 envelope) upon consent of chairperson and other members of the commission were distributed among candidates. Only those ballots were considered invalid which were wholly ջնջված or voted by all.

In 7/11 polling station of Yerevan an observer recorded that in case of existence of a mark which differed from the prescribed one even not essentially the ballot in favour of N.Pashinyan was considered invalid, while in similar case ballots in favour of S.Aleksanyan were considered valid. The observer of HCAV recorded 9 such cases.

In 7/26 polling station of Yerevan during calculating ballots it turned out that majoritarian 4 ballots were missing.

In 7/16, 7/28, 7/35 polling stations of Yerevan and 30/24 polling station of Vanadzor empty envelopes were discovered. In general, the large number of discovered empty envelopes proves that the phenomenon of “carousel voting” was widely applied during the elections, that is empty envelopes were taken out of the polling station and brought in marked thus giving an opportunity to control directly the result of a person's voting.

9. Cases of registered bribes on the day of voting

An alert was received on the day of voting that an election bribe was being distributed in the RPA office located at school N 6 and in the yard of Building 7 of Heratsi Street. According to Article 154² of the RA Criminal Code it is criminally liable “Taking bribe from candidates personally or through a mediator in order to vote for or against someone in the elections, participating in the elections or refusing to participate in the elections”, as well as “Compelling a voter to vote for or against a candidate, to participate or refuse to participate in the elections, which was done by threats to damage one’s property, giving bribe personally or through a mediator, by violence or threats of violence”.

Citizens also made an alert that a bribe was being distributed in 30/26 polling station located in school 11 of Vanadzor. In the same polling station the observer witnessed several times how different old men took money out of the passport and put into their pockets, and a small calendar with RPA logo with number 7 և ☑marks fell. When the observer asked an old man outside where the calendars were given, the old man answered very roughly “It is not your business”. Besides, in the

same polling station during calculation of ballots it turned out that some voters put the mark not in the corresponding box but on the number 7, as it was in the calendar. Those ballots were considered invalid.

On May 6, 2012 in 35/39 polling station of Gyumri an old woman came to the station and approaching the observer representing “Generation of Independence” NGO (who was a teacher of that school and according to some rumour was to be a member of the commission or a proxy of a party) asked whether someone named Anahit was in the polling station. The observer and members of the commission informed that there was not such a person in the commission, after which the angry woman announced “Certainly she won't be here, she is a liar, and she deceived the whole district and did not give the money of 5000 drams. I was going to buy medicine, why did she խաբէց, not give?” During the incident the members of the commission persuaded the woman not to make trouble and leave in order to clarify the problems outside.

The registered alerts prove that during the parliamentary elections of May 6, 2012 electoral bribes were of substantial in nature, while criminal cases filed related to bribes are very few and do not reflect the reality.

X. Activities implemented by the organization related to violations discovered on the day of voting

The HCAV immediately submitted a note to the RA Central Electoral Commission related to the fact that an observer was not allowed to be present at the session of the commission in 7/02 polling station of Yerevan, after which the observer was allowed to participate in the session.

Numerous calls were received on the day of voting that in a number of polling stations the stamp put in the passport disappeared after 15 minutes. The organization submitted a note to the RA Central Electoral Commission after which by the order of CEC the disappearing ink was replaced by another ink. The observers of the organization were instructed to inform the chairperson of the precinct electoral commission about the problem immediately and urge him to take immediate measures. Despite urgency of the problem, in some polling stations the precinct electoral commission continued to use the disappearing ink, about which the organization again made an alert. In 7/02 polling station of Yerevan it was registered that by 3:00 p.m. ink used for stamping the passport of voters was not changed. The organization submitted a note to the RA Central Electoral Commission to take measures to eliminate the violation. After some time the observer of the organization reported that the ink used for stamps was replaced. The Central Electoral Commission disseminated clarification that the problem was connected with wrong usage of the ink, it was necessary to shake it before usage.

The observers of the organization recorded that in 29/03, 30/36, 30/33 polling stations of Vanadzor a picture of Serzh Sargsyan heading the RPA list, was posted in the voting room. In 30/22 polling station of Yerevan a booklet holding "Forward Armenia" was posted. A note was submitted to 29 and 30 precinct electoral commissions to eliminate the violation. A note was received from N 30 precinct electoral commission which said that before receiving the note, the violation had already been eliminated by the chairperson's instruction. And on May 11, 2012 a decision was received according to which filing of administrative proceedings on the base of the claim of organization on the grounds that that according Article 46 of the RA Electoral Code everyone shall have the right to appeal against the decisions and actions (inaction) of the electoral commission, if he or she finds that those decisions and actions (inaction) have violated his or her subjective electoral rights. The commission found that the organization did not have the right to appeal to the electoral commission on that problem.

An observer of HCA-Vanadzor recorded that in 30/19 polling station located in School 8 of Vanadzor there was congestion; there were more than 15 voters in voting room simultaneously, about which the observer informed the chairperson, however, the chairperson did not take any measures to eliminate violations. A note was submitted to the RA Central Electoral Commission related to the fact, but no answer was received.

In 7/08 polling station of Yerevan one package of ballots of proportional system was not signed by 3 of the members of the commission. A note was submitted to the RA Electoral Commission with a demand to take relevant measures to eliminate the violation. No answer was received from the RA CEC about the note.

On May 6, 2012 an alert was received from an unknown citizen that near 30/32 polling station of Vanadzor, in the campaign office of RPA a bribe was being distributed. The observers of the organization went to the mentioned place at about 7:30 p.m. and the doors of the campaign office were closed but a woman and a man waiting in the yard stated that the employees of the office had gone to

bring money and they were waiting for it. They persuaded the observers to stay. A man standing near the office told that they could go to the 30/32 polling station and someone called Vazgen would possibly give the money there.

HCA-Vanadzor received an alert that in the leisure pavillion located in the yard of Building 7 of Heratsi Street in Vanadzor 2 women were distributing bribes. The employees of the organization went to the mentioned place and saw 2 people were sitting at the table placed in the pavillion, and a wallet and lists were put on the table. Citizens with passports were gathered near the pavillion; they approached the women sitting at the table and whispered something. The representatives of the organization saw how one of those gathered approached one of the women and asked something, and one of the women said “No” in answer, after which the citizen said: “If no, then I won't elect anyone” and left. A report about crime was submitted by the organization related to the fact.

On May 7, 2012 the RA Special Investigation Service submitted the presented report on crime to the head of the working group created for coordinating the activities of prosecutors and increasing the effectiveness of prosecutor control and procedural administration of consideration of possible violations during the Parliamentary Elections of May 6, 2012.

On May 11, 2012 an answer was received by the RA Chief Prosecutor's Office that the report presented by the organization was submitted to the Lori Region Prosecutor K.Shahbazyan. On May 15, 2012 a note was received from the Lori Region Prosecutor's office that the report on crime presented by the organization was submitted to T.Shushanyan, head of the department of investigation of Lori Region and A.Hambaryan, head of Lori regional department of the RA Police.

On June 1, 2012 a decision of N. Osanyan, investigator of the Lori Region Investigation Department, made on May 25, 2012 on rejecting the filing of a criminal case because of the absence of a crime. During preparation of materials by the body conducting proceedings, 3 residents of Building 7 of Hertsy Street of Vanadzor were interrogated and they were told that no one distributed bribes from the pavillion located in the yard of the building.

On June 6, 2012 the organization appealed the above mentioned decision to the RA Chief and Lori Region Prosecutor's Offices taking as a basis the fact that violations of norms of criminal procedure were allowed during preparation of materials.

An alert was received that a bribe was being distributed the RPA office located in School 16 of Vanadzor. A report on crime was submitted to the RA Special Investigation Service. On May 7, 2012 the Special Investigation Service submitted the presented report on crime to the head of the working group created for coordinating the activities of prosecutors and increasing the effectiveness of prosecutor control and procedural administration of consideration of possible violations during the Parliamentary Elections of May 6, 2012.

On May 11, 2012 a note was received from the RA Chief Prosecutor's Office to the Lori Region Prosecutor K.Shahbazyan. On May 15, 2012 a note was received from the Lori Region Prosecutor's office that the report on a crime presented by HCAV was submitted to T.Shushanyan, head of the department of investigation of Lori Region and A.Hambaryan, head of Lori Regional Department of the RA Police.

On June 1, 2012 a decision of N. Osanyan, investigator of the Lori Region investigation department, made on May 25, 2012 on rejecting filing of a criminal case because of the absence of a crime. During preparation of the materials by the body conducting the proceedings the head and 3 employees of the campaign office located in School 16 were interrogated who unsurprisingly denied the fact of distributing bribes in the campaign office.

On June 6, 2012 the organization appealed the above-mentioned decision to the RA Chief and Lori Region Prosecutor's Offices taking as a basis the fact that violations of norms of criminal procedure were allowed during preparation of materials. On June 11, 2012 a decision of the Prosecutor was received that the investigator's decision was justified and legal, and there were no grounds to eliminate the decision.



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