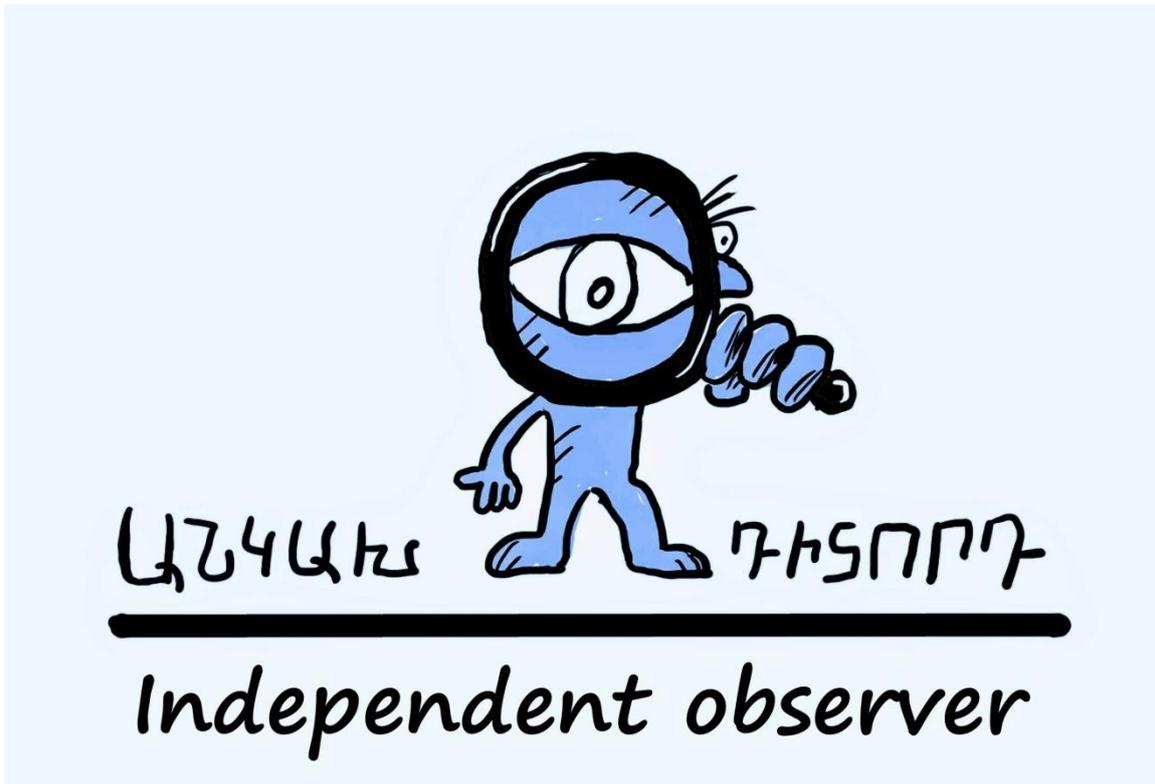


April 12, 2017



REFERENCE

on Actions taken by Legal Team of 'INDEPENDENT OBSERVER' Public Alliance during and after National Assembly Elections of April 2, 2017



EUROPEAN
ENDOWMENT FOR DEMOCRACY



SIGRID RAUSING TRUST



Embassy of the Czech Republic
in Yerevan



Open Society Foundations - Armenia
Բաց Չասարակության Հիմնադրամներ - Հայաստան

The 'Independent Observer' Public Alliance, formed by Helsinki Citizens' Assembly-Vanadzor, Union of Informed Citizens, Martuni Women's Community Council and Goris Press Club NGOs, observed the election campaign and election day of the RA National Assembly elections of April 2, 2017. The observation mission was carried out with the financial support of Council of Europe and European Union, European Endowment for Democracy, Open Society Foundations-Armenia, Sigrid Rausing Trust, Embassy of the Czech Republic in Armenia and Norwegian Helsinki Committee. The Report presents the actions taken as of April 12, 2017 in terms of the alerts received on the election day by the Legal Team of the Alliance.

The views in the Report do not in any way reflect the official views of the funding organizations.



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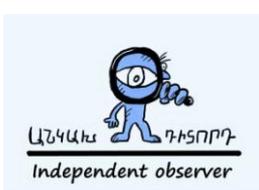
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General Information

During the observation of the elections of April 2, 2017 by the 'Independent Observer' Public Alliance, the observers and Alliance member organizations were assisted by 27 lawyers.

On the election day, the observers recorded over 3058 alerts on frauds and reported 205 of the cases to the legal team.

On 205 alerts received from the observers, the lawyers provided verbal consultations and drafted relevant written documents, applications, complaints, suggestions and crime reports.

Accordingly, the alerts may be classified into the groups below:

- ✓ Calls seeking consultation (interpretation of a provision, procedure established by law, settlement of a situation, etc.);
- ✓ Alerts on violations of the voting procedure that observers could not cope with independently;
- ✓ Violations of observer's rights;
- ✓ Information on obvious elements of crime.

In cases related to seeking consultation or procedural violations and/or violations of observers' rights, the lawyers tried to find a rapid response mechanism to remove the problems, i.e. to solve them on the spot, which they achieved by providing advice on the procedure established by law, phone talks with chairpersons of election commissions and in several cases by calling the hotlines of the district election commissions and police.

And in cases the issues raised by the observers concerned information on crimes and there were certain relevant evidence available, crime reports were prepared and submitted to the RA Police and RA Prosecutor General's Office and published on HCA Vanadzor's website: www.hcav.am .

As for alerts on the actions or inaction or lawfulness of the decisions of the district election commissions that could not be solved by calls, consultation or any other means, in such cases relevant applications, complaints or suggestions were submitted to the competent election commissions (see details in the Table).



Table 1. General quantitative data

		Quantity
1.	Number of frauds recorded by observers, by observation cards	3058
2.	Overall number of alerts forwarded to the legal team	205
3.	Overall number of issues resolved by consultation or phone calls	188
4.	Overall number of draft documents prepared	45
5.	Number of issues resolved through phone calls, consultations or negotiations while drafting written documents	29
6.	Number of submitted written documents	16
7.	Number of cases under written procedure still in progress	16

Table 2. Data on submitting written documents

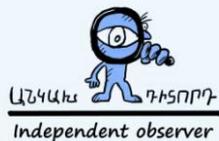
	Type of written documents	Quantity	Responsible agency
1.	Crime reports	11	Prosecutor's Office, Police
2.	Administrative complaint	2	District election commissions
3.	Suggestions	3	CEC (Central Election Commission) and district commission
4.	Claim (following administrative complaint)	1	RA Administrative Court
	Total	17	

The above tables show that on the election day, the lawyers drafted applications, complaints, suggestions and crime reports on around 45 cases, including the submitted ones (16 cases).

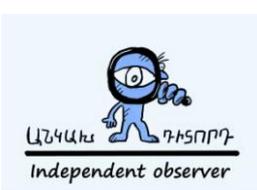
On 29 cases (45-16 = 29), no written documents were submitted as the issues raised by the observers were resolved through phone calls or consultations while relevant documents were still drafted. 4 of the draft crime reports were not submitted as 3 of them lacked prima facie elements of crime and 1 lacked relevant evidence.

Brief Outline and Progress of Written Documents and Responsible Agencies

	Brief Outline	Addressed to	Progress
	Crime reports		
1	There are markings on ballots: polling stations №№ 16/15, 04/53 and 27/16	RA Prosecutor General's Office	In progress
2	Guidance, inaction by the police, open voting, beatings, threats: polling station № 21/28	RA Prosecutor General's Office, Police	In progress
3	Open voting: polling station № 05/06	RA Prosecutor General's Office, Police	In progress
4.	Open voting: polling stations №№ 03/10 and 03/19	RA Prosecutor General's Office, Police	In progress
5	Overcrowding of voters and inaction by the police: polling station № 25/02	RA Prosecutor General's Office, Police	In progress
6	Guidance, interference with expression of voter's free will: polling station № 20/53	RA Prosecutor's Office, Military Investigative Committee	In progress
7.	The Public Monitoring Group was prohibited from entering penitentiary facilities	RA Prosecutor General's Office, RA MoJ	In progress
8	Guiding voters by a registered observer	RA Prosecutor General's Office	In progress
9.	Non-provision of reference printed from the technical device: polling station № 21/05	RA Prosecutor General's Office, Police	In progress
10	A total of 104 invalid ballots had no stamps on their envelope cuts at the moment they were thrown into the ballot box. By agreement of the commission chairperson and members, the ballots were stamped during the vote count and declared valid: polling station № 14/20	RA Prosecutor General's Office	In progress



11	Record data were changed by a stranger.	RA General's Office	Prosecutor	In progress
Administrative complaints				
1	An observer's opinion was not recorded in the polling station commission's register: commission of polling station № 14/10	Election commission of voting district № 14		By decree № 7-A of April 7, 2017, the complaint was rejected: it will be appealed in a court of law
2	An observer's opinion was not recorded in the polling station commission's register: commission of polling station № 28/20	Election commission of voting district № 28		In progress
Suggestions				
1	On taking measures to reduce overcrowding at polling station № 22/34	Election commission of voting district № 22		By decree of April 7, 2017, initiation of administrative proceedings was rejected (it will be appealed in a court of law)
2	At polling station № 29/45, the community leader acts as an observer and can affect the expression of the voters' free will and make them feel uneasy	Election commission of voting district № 29		In progress
3	At various polling stations, observers identified printed markings on the ballots threatening the secrecy of the ballot. It was suggested inspecting all the polling stations and replacing such ballots, if any.	CEC		Given the lack of any legal mechanism and other measures, the CEC did not react to this. The CEC's response is no longer of any value.
Claims				
1	Claim to declare unlawful the inaction of commission of polling station № 14/10 and invalid the decree № 7-A of April 7, 2017 of commission of voting district № 14	RA Court	Administrative	In progress
2	Claims are prepared on 4 cases to challenge under the general claim procedure the election commissions' actions (inaction) in their failure to provide proper responses to the Organization.	RA Court	Administrative	In progress



Crime Reports

1. There are markings on the ballots.

The organization's observer at polling station № 16/15 in Armavir marz (region), RA, identified markings in the left bottom corner on the Republican Party of Armenia ballots; there are no such markings on the ballots of the other parties, which makes them essentially different from each other. This marking may be used to violate the principle of secrecy of the ballot.

Then, in addition to the previous crime report, some information was also provided on distinctive markings on the ballots of 'Armenian Renaissance' Party ('Haykakan Veratsnund') at polling station № 04/53 and on the ballots of 'Armenian Renaissance' Party and Republican Party of Armenia at polling station № 27/16.

2 Guidance, inaction of police, open voting, beating, threats

During the observation mission on April 2, 2017 at polling station № 21/28 in Zolakar community in Gegharkunik marz (region), RA, the organization's observer found that a head of village in the said community guided the voters and the police officers who arrived at the polling station showed inaction on his instruction. The observer also recorded open voting, beating and forcing out a proxy and threats against him. The organization's observer took a video of all the said frauds.

3. Open voting

During the observation mission on April 2, 2017 at polling station № 05/06 in Davtashen administrative district of Yerevan city, RA, the organization's observer identified an incident of violating the secrecy of the ballot. The said violation is substantiated by the photos made by the observer.

4. Open voting

During the observation mission on April 2, 2017 at polling station № 03/19 at Avan administrative district of Yerevan city, RA, the organization's observer identified an incident of violating the secrecy of the ballot; particularly, when voting in the voting booth, the voter took a picture of the ballot.

During the observation mission at polling station № 03/10 at Avan administrative district of Yerevan city, RA, another observer of the organization noticed a number of incidents when voters put their ballots into the envelope outside the voting booth and such incidents were shot by the video cameras at the polling station.



5. Overcrowding and police inaction

On April 2, 2017 Tirayr Mkhitarian, observer at polling station № 25/02 in Tashir town, Lori marz (region), RA, stated that starting from 11 am there were constant overcrowdings of voters inside the polling station, namely in the voting room and area with a radius of 50 m adjunct to the polling station, which affected the normal course of the voting. The observer informed of that the chairperson of the commission so that measures were taken to solve the problem but the latter could not solve it. Also, the Organization reported the problem to the RA Police hotline (010-54-69-12).

At about 1:30 pm, Tirayr Mkhitarian, observer at polling station № 25/02, stated that upon calling the RA Police hotline the problem was solved for some time but as of 1:30 pm the situation was actually the same. The organization called the RA Police hotline once again, but the overcrowding of voters at polling station № 25/02 continued and the problem remained unsolved.

6. Guidance, interference with expression of voters' free will

During the observation mission on April 2, 2017 at polling station № 20/53 in Sevan town of Gegharkunik marz (region), RA, the organization's observer saw that a stranger accompanied a group of military servicemen to the voting room. The stranger stayed at the polling station and area near it all that time. The observer demanded that the chairperson of the polling station commission recorded the incident in the polling station register. Then he asked the stranger out of the polling station with the help of the police officers.

The stranger made some unclear notes in his record book. And some time later, another person in military uniform entered the polling station and also made some notes and called out the names of the servicemen.

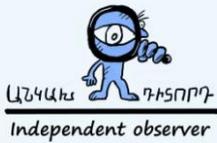
7. Preventing the observation group from entering the penitentiary facility

On April 2, 2017 the members of the Public Observers' Group Monitoring RA MoJ Penitentiary Facilities and Institutions made the statement below:¹ "Today, at 11 am and 12:35 pm, Public Observers' Group members Arman Sahakyan from 'New Generation' Humanitarian NGO and Hasmik Harutyunyan from 'Protection of Rights without Borders' NGO were prevented from conducting their observation mission at 'Nubarashen' and 'Kentron' penitentiary facilities."

Based on the above, the Organization submitted a crime report.

8. Guidance of voters by a registered observer

¹ [Arman Sahakyan shared post New Generation Humanitarian NGO: http://ngngo.net/am/elections_observers_am/](http://ngngo.net/am/elections_observers_am/)



During the observation mission at polling station № 10/10 at school № 12 in Erebuni, the organization's observer saw that the observer of 'It's Your Choice' NGO twice openly guided the voters to vote for Number 6.

Then the representative of 'Yelk' bloc noticed the said fraud, informed of it the chairperson of the commission and made a record in the register. But once the observer saw that his/her illegal action was revealed, he/she escaped.

Some time later, the observer of 'It's Your Choice' NGO appeared at polling station № 10/9 and continued guiding citizens to vote for Number 6.

9. Non-provision of reference printed from technical devices

During the observation mission on April 2, 2017 at polling station № 21/05 in Martuni town of Gegharkunik marz (region), RA, and polling station № 31/49 in Gyumri, the organization's observers reported that the chairpersons of the commissions did not provide them with the references printed from the technical devices. The observers demanded that the chairpersons of the polling station commissions recorded the incident in their registers but the latter refused to do so. The observer at polling station № 21/05 took a video of the whole incident. The video will be provided later.

At polling station № 21/05, the reference was not issued to the observer and he/she was offered to take photo of it.

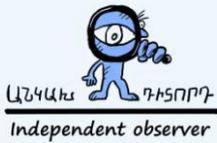
At polling station № 31/49, the reference was issued (with delay), the problem was solved and the Organization made a relevant statement on its website on April 4, 2017.

10. Unstamped envelopes were stamped during vote count

At polling station № 14/20 in Ejmiadzin town of Armavir marz (region), RA, the Organization's observers identified that during vote count after 8 pm when the voting was declared closed, Vardan Melkonyan, chairperson of the election commission at polling station № 14/20, made the commission to declare valid a total of 194 invalid ballots. A total of 104 ballots had no stamps on their envelope cuts at the moment they were thrown into the ballot box. By agreement of the chairperson and members of the commission, the ballots were stamped during the vote count.

11. Changing numbers by erasures in the polling station commission's records

On April 2, 2017, the organization's observers identified cases of voting results falsification by the election commission of voting district № 1 in Avan administrative district of Yerevan city, RA; particularly, upon receiving the voting results records of voting districts in Nor Nork administrative district, the election commission members of voting district № 1 erased by correction pen the numbers in front of the parties and blocs and wrote other numbers.



Complaints/Suggestions to District Election Commissions and CEC

1. Application/complaint to voting district № 14 election commission on the actions of the commission of polling station № 14/10

The commission of polling station № 14/10 did not record the data of the citizen helping a person unable to take part in the voting independently; the observer demanded that his opinion on the violation was recorded in the register but the chairperson of the commission rejected the demand.

The complaint was filed on behalf of the observer, through a representative.

2. Application/complaint to voting district № 28 election commission on the actions of the commission of polling station № 28/20

During a short-term observation mission on April 2, 2017 at polling station № 28/20 in Nor Gegh community of Kotayk marz (region), RA, the observer found that the election commission of the polling station violated the voting procedure; particularly, the ballots of each of the parties were exhausted at different times and were added again without any calculations.

The observer shared this observation with the chairperson of the commission, but the latter took no actions.

The observer suggested that the chairperson of the commission recorded his/her opinion of the incident in the register, but the latter refused to do so.

The district election commission is requested to:

Assign the polling station election commission to record the opinion in its register.

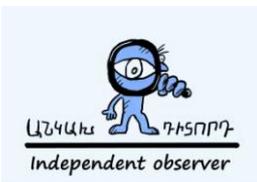
3. Suggestion to № 22 voting district election commission

At polling station № 22/34, there are overcrowdings of voters in the voting room, the chairperson of the commission takes no steps to ensure flow of voters in the voting room, prevent overcrowding and meet the requirement of no more than 15 voters in the voting room at a time; we suggest assigning the chairperson to meet the requirements of Article 65(5) of the RA Electoral Code.

4. To № 29 voting district election commission

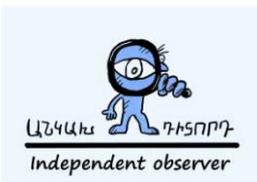
At polling station № 29/45, community leader Arakel Virabyan acts as an observer and his presence at the polling station may put psychological pressure on voters and he may guide them in their vote; therefore, we suggest removing the community leader from the polling station.

5. Suggestion to the CEC



At polling station № 16/15, some extra markings in diagonal form in the left lower part of RPA (Republican Party of Armenia) ballots were detected. Such markings were also detected at another party's (Number 5) ballots at polling station № 9/25.

We suggest checking and finding out whether there are any other such cases throughout RA and taking relevant measures to provide polling stations with new ballots.

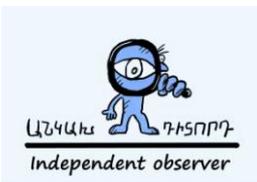


Claim to RA Administrative Court

The election commission of polling station № 14/10 rejected the demand to record the observer's opinion on the incident that the same person assisted voters unable to vote independently for three times and the observer challenged such inaction before the election commission of voting district № 14.

By its decree № 7-A of April 7, 2017, the district election commission rejected the observer's complaint.

HCA Vanadzor and the observer filed a claim to the RA Administrative Court against the election commission of polling station № 14/10 and the election commission of voting district № 14 challenging the polling station commission's inaction and the district commission's decree.



Summary

The crime reports and claims below are currently under examination:

- 11 crime reports;
- 1 claim is under examination at the RA Administrative Court.

Claims are prepared on 4 cases to challenge under claim procedure the election commissions' actions (inaction) in their failure to give proper responses to the Organization.

*Founding members of 'Independent Observer' Public Alliance:
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