



FINAL REPORT

Observation Mission for the Constitutional Amendments Referendum of the Republic of Armenia on December 6, 2015

Yerevan, 2016

This Report summarizes the observation mission's findings concerning the organization and administration of the Constitutional Amendments referendum of the Republic of Armenia. The observation mission was conducted by the Citizen Observer Initiative and the European Platform for Democratic Elections (EPDE), with the support of the National Endowment for Democracy (NED), European Endowment for Democracy (EED), the Embassy of Federal Republic of Germany in Yerevan, and the European Union.

The opinions contained in the Report are those of the observation mission and do not reflect the views of the funding organizations.

The Citizen Observer Initiative (established in 2013) was formed by 4 non-governmental organizations to observe the national and local elections in Armenia for their compliance with national legislation and international democratic standards.

The European Platform for Democratic Elections (established in 2012) is a coalition of 13 non-governmental organizations that aims to assist citizens' election observation in countries of the Eastern Partnership and the Russian Federation, and to contribute to democratic election processes throughout Europe.

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ACRONYMS

CRC (CEC)	Central Referendum Commission (Central Electoral Commission)
CC	Constitutional Court
DRC	District Referendum Commission
ELA	Europe in Law Association NGO
EPDE	European Platform for Democratic Elections
JCA	Journalists Club “Asparez” NGO
HCAV	Helsinki Citizens’ Assembly Vanadzor Office
NA	National Assembly
NGO	Non-governmental organization
NSS	National Statistical Service
PRC	Precinct Referendum Commission
RoA	Republic of Armenia
RPA	Republican Party of Armenia
TIAC	Transparency International Anticorruption Center NGO

1. EXECUTIVE SUMMARY

The constitutional amendments referendum held on December 6, 2015, was monitored by the Citizen Observer Initiative, a coalition established in 2013 and constituted by the following non-governmental organizations: Transparency International Anticorruption Center (TIAC), Europe in Law Association (ELA), Journalists' Club "Asparez" (JCA), and Helsinki Citizens' Assembly Vanadzor Office (HCAV). The goal of the Citizen Observer Initiative is to oversee national and local elections in the Republic of Armenia (RoA) and determine their compliance with domestic legislation and international democratic standards. Twenty eight NGOs from Armenia were involved in the Citizen Observer Initiative to oversee the constitutional referendum. Nearly 1,000 individuals were involved in carrying out the observation mission in 520 precincts (one quarter of all precincts in the country), covering nearly all electoral districts in Armenia. The referendum oversight mission was joined by the European Platform for Democratic Elections (EPDE), whose experts provided statistical analysis of the official results of the referendum and monitored the quality and impartiality of the international election observation missions.¹

The constitutional referendum of December 6, 2015, did not comply with the norms prescribed in the *Code of Good Practice on Referendums* of the Council of Europe's European Commission for Democracy through Law (hereinafter: the Venice Commission),² such as those related to the reliability of electoral registers, securing equal voting rights, guarantee of the freedom of voters to form an opinion and express their wishes, opportunities for the proper observation of the referendum, and an effective system of appeal. Hence, the results of the referendum do not reflect the will of the citizens of Armenia. The official results are largely forced and falsified, and the referendum and the document adopted through it are not legitimate.

The observation mission recorded gross, multiple, and widespread examples of voting violations and electoral fraud, unprecedented in recent years and seemingly forgotten, such as widespread restrictions of the rights of observers, mass media representatives, and their proxies, as well as hindrance to exercise their rights, violations of voting procedures, ballot box stuffing, vote buying, exertion of physical force, multiple voting, misreporting of votes during tabulation, and falsification of results protocols. About 1,080 violations were reported by voters and mass media representatives involved in the mission, nearly 130 of which concerned violations of their rights and obstacles to carrying out the duties they were authorized to perform.³

Complaints about violations of the electoral process, received from 156 precincts, and about the validity of the results protocols, received from 258 precincts, were filed and submitted to the District Referendum Commissions (DRC) and the Central Referendum Commission (CRC). The CRC's decisions in regard to the complaints were appealed in administrative and constitutional courts, but the latter failed to carry out proper investigation of the merits of the complaints. The

¹ Appendices 1 and 2

² <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282007%29008-e>

³ Electoral violations as well as the respective photo and video materials are recorded on the violations map, available on http://transparency.am/elections/2015-12-06/map_huuqtnj

electoral violations publicized on TIAC's website⁴ and covered by the mass media, and the public complaints submitted to CRC, served as the basis for law enforcement bodies to prepare materials on electoral fraud.

The official response to the above-mentioned violations (or rather, the lack of proper response) by state bodies mandated to carry out election administration (i.e. referendum commissions), as well as by law enforcement agencies and the judiciary, suggests that such violations are widespread and systemic, and underscore the inability or unwillingness of state authorities to carry out their legally prescribed functions.

Besides the above-mentioned violations, other systemic problems were revealed and substantiated. Some of them were caused by the failure to apply current legal regulations, and a considerable number occurred as a result of gaps and deficiencies in the electoral legislation. In particular, some issues related to filing voter registers, use of administrative resource, election administration, civil oversight, and electoral disputes are serious obstacles to the establishment of an effective electoral system that would ensure honest elections and protect the rights of all actors involved in electoral processes. As these issues play a key role in ensuring electoral rights, they should be addressed in the revision of electoral legislation and electoral processes.

2. PREFACE

The constitutional amendments referendum held on December 6, 2015, was undoubtedly a crucial event for the RoA. The referendum was critical not only because a new constitution was, in effect, put to the popular vote – which would change the government system and the scope of civil rights and freedoms in the country – but also because of the possibility it offered to gauge the political neutrality of the institutions involved in the organization and administration of the referendum, as well as the safeguards and assurance of the free expression of the voters' will and the adequate democratic process. This is especially crucial given the statements issued by various international organizations which found improvements in the electoral process.

To oversee the referendum, the Citizen Observer Initiative brought together about two dozen non-governmental organizations (NGOs) and over 1,000 individuals, who acted as observers or mass media representatives in around 520 precincts (about one quarter of the total number of precincts in the country).

The Report provides fact-based, impartial, and independent insights into the constitutional amendments referendum process, reflecting the main findings of the observation mission, the violations and falsifications observed in the referendum, lessons learnt, and some suggestions about measures to address the revealed problems. The latter are especially important, as there

⁴ <http://transparency.am/elections/2015-12-06/map/>

are plans to revise the extant electoral legislation and adopt a new Electoral Code in the next few months.

The Report is mainly targeted at:

- *The general public*: the public at large is the main “consumer” and beneficiary of any referendum/election observation mission;
- *State authorities adopting and implementing political decisions*, including the National Assembly (NA) of Armenia, relevant bodies of the executive government, and institutions in charge of electoral administration (the electoral/referendum commissions) led by the CRC, which will bear some of the responsibility for drafting the new electoral legislation;
- *Public and political actors* with a stake in the improvement of Armenia’s electoral system, and who will participate in the drafting and implementation of the legal framework; and
- *International organizations* that support democratic consolidation and respect for human rights, and that desire to develop an understanding of Armenia’s electoral system and ways for its improvement.

The Report comprises the following main sections:

- The section on the background of the constitutional amendments provides a brief overview of the context in which the referendum was held, the chronology of the preceding developments, and a summary of the contents of the Draft Amendments and the criticism expressed over the drafting process.
- The section on the constitutional amendments campaign provides information on the use of the administrative resources during the referendum campaign and the resulting violations and risks;
- The section on the general overview of the observation mission mainly aims at presenting the details of the mission, including the composition and methodology, as well as the obstacles encountered in its organization;
- The section on the findings of the observation mission is the core of this Report, which elaborates on the violations and falsifications detected during the observation mission in a total of six categories and over two dozen subcategories;
- The conclusion provides a general summary of the referendum and its assessment on the basis of the observation mission;
- The recommendations section outlines key priorities that need urgent and fundamental solution in order to safeguard the voting rights of citizens in Armenia; and
- The final section presents the follow-up steps expected of the key stakeholders—citizens, state authorities, non-governmental and political actors, and international organizations—to address the issues identified in this Report.

3. THE CONSTITUTIONAL AMENDMENTS PROCESS

The whole process of constitutional amendments was problematic, starting with the single-handed initiative to change the political system, given the absence of necessary and sufficient objective preconditions for a new constitution as well as of public demand for such a change. Also problematic was the process of determining the composition of the Constitutional Commission, drafting the amendments, and pushing them forward.

3.1 Chronology

Presidential Decree NH-207-N, dated September 4, 2013, created the Constitutional Reforms Commission adjunct to the President of the RoA (hereinafter: the Constitutional Commission), which was tasked with preparing the constitutional reforms concept paper and drafting the amendments. According to the Decree, the constitutional reforms were conditioned by the need to implement the principle of the rule of law, improve the constitutional safeguards of fundamental human rights and freedoms, ensure the separation of powers, and achieve greater efficiency of public administration.⁵

On October 15, 2014, the Constitutional Commission published and presented to the RoA President the Concept Paper of Constitutional Amendments,⁶ about which the Venice Commission subsequently issued an opinion.⁷

On July 15, 2015, the Constitutional Commission published a draft of Chapters 1-7 and 10 of the constitutional amendments,⁸ and on August 4, 2015, a draft of Chapters 8-16 and a revised draft of Chapters 1-7.⁹ On July 17, 2015, the Venice Commission issued its opinion on Chapters 1-7 and 10.¹⁰

On August 20, the Constitutional Commission at its final session decided to approve the Draft Constitutional Amendments¹¹ and present the document to the RoA President.

On August 21, the President submitted the draft of constitutional amendments to the RoA National Assembly,¹² and on the same day the draft and the adjacent justifications were published on the website of the Ministry of Justice.¹³

Three days later, on August 24, during the visit of representatives of the Venice Commission to Yerevan, the constitutional commission discussed and negotiated with the Venice Commission

⁵ <http://www.president.am/hy/decrees/item/947/>

⁶ http://www.moj.am/storage/uploads/Sahmanadrakan_barepokhumner.14.10_.pdf

⁷ <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282014%29027-e>

⁸ <http://www.moj.am/article/1326>

⁹ <http://www.moj.am/article/1353>

¹⁰ [http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2015\)015-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2015)015-e)

¹¹ <http://www.moj.am/storage/uploads/Nakhagits.fn.docx>

¹² <http://www.president.am/hy/press-release/item/2015/08/21/President-Serzh-Sargsyan-Constitution-National-Assembly/>

¹³ <http://www.moj.am/article/1361>

a version which was different from the draft submitted to the RoA NA in at least 12 articles: i.e. the European experts were given one document, while the parliament discussed another.¹⁴

On September 4, the RoA NA held parliamentary hearings on the Draft.

The Venice Commission published its opinion on Chapters 1-7 and 10 of the revised draft on September 10,¹⁵ and its opinion on Chapters 8-16 on September 11.¹⁶

The NA's four-day session of September 15-18 focused mainly on the Draft Constitutional Amendments. In its next session, on October 5, the Parliament adopted the Decision on Consenting to Put the Draft Constitutional Amendments of the Republic of Armenia to a referendum. On the same day, Venice Commission President Gianni Buquicchio's address to the NA was published, welcoming the constitutional amendments, commending the contents of the Draft, and emphasizing the need for properly conducting the referendum.¹⁷

Based on the RoA NA's decision, the RoA President issued a Decree on October 8, 2015, setting December 6 as the referendum date. The official referendum Campaign was launched on October 10.

3.2 Concerns over the Contents of the Draft

The Draft Constitutional Amendments intended a virtually complete revision of the state's major legal act, including the unchangeable Article 114, keeping only the first two articles intact; the volume and number of articles in the text almost doubled.

As to the substance, the most significant novelty is the transition from a semi-presidential to a parliamentary system of government, implying a radical change in checks and balances, and conferring virtually all decision-making leverage upon the Parliament, in which the key actor will be a single party holding the stable majority. The condition for the state majority is prescribed by the Constitution.

Various political actors and civil society groups had serious concerns about the amendments, especially the expediency of forming a stable majority and the risks of a one-party system. One may presume that joint and inclusive discussions and mutual concessions could have helped to dispel those concerns, but no such discussions and concessions took place.

Most importantly, the Draft Constitutional Amendments posed a serious threat to human rights and the democratic governance of the country.

The Draft was clearly regressive compared to both the Constitution and the standards of the European Convention on Human Rights and Fundamental Freedoms. The amendments will

¹⁴ [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2015\)019-arm](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2015)019-arm)

¹⁵ [http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2015\)015rev-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2015)015rev-e)

¹⁶ [http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2015\)019-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2015)019-e)

¹⁷ http://www.venice.coe.int/files/2015_05_10_statement_Yerevan.pdf

particularly result in deterioration of the right to personal liberty; the right to fair trial; the right to confidentiality of communications; the rights to freedom of thought, association, assembly, and expression; social rights; and the right to live in a healthy environment.¹⁸ Two rather critical professional opinions were issued by the community of Armenian attorneys, based on a comparison of the existing Constitution and international documents and principles.¹⁹ In addition, a lot of materials have been developed and disseminated by human rights NGOs on the negative consequences of the draft.²⁰

As Article 4(c) of the RoA Law on Referendum²¹ provides that “matters pertaining to human and citizen’s rights, freedoms, and obligations, or to the elimination or restriction of their constitutional safeguards . . . may not be put to a referendum,” there were reasons to question the legitimacy of both the NA’s October 5 Decision on Consenting to Put the Draft Constitutional Amendments of the Republic of Armenia to a Referendum, and the President’s Decree on putting the Draft Constitutional Amendments to a referendum and appointing a referendum.²²

Numerous negative opinions expressed by the interested groups and professional sectors of the public in regard to the referendum were ignored by the authors of the constitutional changes.

3.3 Concerns over the Adoption Process of the Amendments

The initiative to amend the RoA Constitution was unexpected, as no such intention was stated in the election programs of either incumbent President Sargsyan or the RPA led by him. Although a number of parties had for years been trying to promote the parliamentary system of government and a transition to a fully proportional electoral system, constitutional amendments were not a part of the political agenda as of September 4, 2013, and one may conclude that they were initiated by Serzh Sargsyan’s unilateral decision.

After the RoA President took the initiative to amend the Constitution, opposition political forces, NGOs, and individual actors expressed numerous concerns over its expediency as well as the lack of compliance of the planned referendum with international standards²³ due to the following reasons:

- Armenia lacked reasonable prerequisites for constitutional amendments, such as a governance crisis, a public demand, impossibility of implementation of international obligations related to human rights and fundamental freedoms, etc. The key problem was not the imperfection of the Constitution, but rather its implementation, which was largely due to the improper functioning of the constitutional institutions;

¹⁸ http://www.partnership.am/am/Constitutional_Amendments/38457

¹⁹ <http://www.lex.am/docs/lawyers%20opinion.pdf> and

http://advocates.am/images/handznazhoghovner/sahmanadrakan_31082015/Kartcik-Sahmanadrutyun-verjnakan_compressed.pdf

²⁰ http://www.partnership.am/en/Constitutional_Amendments/38457, http://www.partnership.am/res/ARM_HCAV-assessment-of-constitutional-Reforms.pdf, <http://apellainstitute.org/wp-content/uploads/2015/11/Opinion-on-Constitutional-Reforms-Apella-Institute-English.pdf>, https://www.youtube.com/watch?time_continue=89&v=s_jRH0JeQWl

²¹ <http://www.arlis.am/DocumentView.aspx?DocID=98878>

²² <http://hcav.am/publications/21-01-2016-555879/>

²³ <http://transparency.am/en/news/view/1086>

- Confidence in the electoral system is extremely low (according to the Gallup poll, it is around 12-13 percent),²⁴ and there is a high level of mistrust in the constitutional amendments process (81 percent of the respondents did not trust it completely or mostly),²⁵ which can cast doubt on the legitimacy of the referendum;
- The irregularities and problems related to the electoral system, which have been repeatedly pointed out to the authorities by international observation organizations, have been mostly overlooked.²⁶ In particular, there has been no progress in implementing the recommendations made by the OSCE/ODIHR after the 2012 parliamentary and 2013 presidential elections.

Particular concerns emerged with respect to the Constitutional Commission created by the RoA President, as the majority of its members were state officials and ruling political party representatives. Six of the nine Commission members were directly subordinate to the incumbent President: two were members of the President-led RPA, two were from the Presidential Administration (working under his direct supervision), and one held a senior position in the Board of Trustees of Yerevan State University, which is chaired by the President. These Commission members clearly faced a conflict of public and private interests. Another serious problem was that the Constitutional Commission was led by the RoA Constitutional Court President, Gagik Harutyunyan, who not only became involved in an initiative that contradicted his official capacity and his oath to the office, but also personally campaigned in favor of the Constitutional Amendments Concept Paper, thus casting doubt from the beginning on the impartiality and effectiveness of the review of a potential dispute over the referendum outcome in the RoA Constitutional Court.

These factors, coupled with serious problems and concerns over the substance of the draft Amendments, were further complicated by problems in the drafting and adoption process, namely the rush to adopt and the fact of public contempt for whole process.

As the chronology of the constitutional amendments process indicates, the Constitutional Commission took about two years to draft the text, while the public had extremely little time and opportunity to participate in the drafting or react to the proposed amendments. Moreover, the scope of awareness-raising on the constitutional draft was so limited, that one may state that the necessary and sufficient conditions for forming free opinion on the draft were not ensured.

The first part of the Draft was presented to the public on July 15, 2015, and the full Draft on August 21, following its submission by the President to the RoA NA. The document was published at the most passive time in terms of public participation, when many of the NGOs were on leave and could not appropriately react to the rushed process. As the Constitutional Commission had not organized public discussions of the Draft Constitutional Amendments, and as the Concept Paper drafting-stage discussion was limited to a narrow circle, it can be said that

²⁴ <http://www.gallup.com/poll/157997/women-worldwide-less-confident-men-elections.aspx>

²⁵ http://www.aprgroup.org/images/Library/Constitution/report_constitution_web_q.pdf

²⁶ <http://hcav.am/en/publications/implementation-of-international-election-observation-mission-recommendations-in-armenia-in-2003-2013/>

the Armenian public was not provided with any real possibility to participate in drafting or presenting comments and proposals on the Draft Constitutional Amendments as well as forming an opinion. The views and suggestions provided by certain public groups and experts were fully ignored by the authors of the Draft Constitutional Amendments, the constitutional commission, and subsequently the NA. It is worth mentioning that the opinions issued by the Venice Commission, too, ignored the concerns voiced by civil society.

The parliamentary hearings, potentially a vital channel for public participation, were similarly conducted in a highly unfavorable situation: in effect, they were a formality. They were organized in a hurry and scheduled to take place just two weeks after the Draft had been submitted to the NA. The duration of the parliamentary hearings was limited to one day, and each participant had only one chance to express an opinion and pose a question to the authors of the Draft Amendments.

Although the four-day session of September 15-18 was the main opportunity for the Parliament to discuss the Draft, the text of the Draft kept changing during this session, and the parliamentary majority eventually voted for the Draft without even having the final version. The public was only given one and a half months to become familiar with final version of the Draft following its publication.

Unlike the 2003 and 2005 draft constitutional amendments, which had been printed in advance and disseminated in hundreds of thousands of copies to the public, the 2015 Draft Constitutional Amendments were made accessible only on the websites of the National Assembly, the Ministry of Justice, and the CEC,²⁷ and in the *Hayastani Hanrapetutyun* daily (which has a print run of up to 3,000 copies).²⁸ It was also printed by CRC in 4,500 copies to ensure that there being two copies in each Precinct Referendum Commission (PRC) and District Referendum Commission (DRC). It is worth recalling that, according to official data, 2,547,916 citizens had a right to vote at the December 6, 2015, referendum. In regional awareness-raising meetings organized by the TIAC,²⁹ citizens complained about the lack of opportunity to become familiar with the text of the Draft Constitutional Amendments. Instead, all layers of the public administration campaigned for citizens to vote in favor of a draft they were not familiar with. Some campaign materials, as well as a few campaigners, even distorted the substance of the Draft.³⁰

The contempt of the authorities for public participation and public opinion, combined with the compulsive urge to amend the Constitution in a rush and at any cost, fortified the widespread suspicion that the constitutional amendments had actually been initiated with the purpose of enabling the incumbent President to stay in power after the end of his second term, as well as to reinforce RPA's political monopoly.

²⁷ http://www.parliament.am/law_docs5/Sahmanadrutyun_06.12.2015.pdf, <http://moj.am/article/1410>, <http://res.elections.am/images/doc/draft06.12.15.pdf>

²⁸ <http://www.mediamax.am/am/news/media/2358>

²⁹ Meetings were organized during November 2015 in 18 towns of Armenia with the support of Open Society Foundations-Armenia.

³⁰ <https://www.youtube.com/watch?v=q8K3UFWpqVE>

4. THE CONSTITUTIONAL AMENDMENTS CAMPAIGN

As stated above, the official campaign for the constitutional amendments referendum ran from October 10 to December 4, 2015. Proponents of the amendments abused administrative resources in their campaigning, creating uneven conditions between proponents and opponents of the Draft.

The following section provides a summary of information gathered from the mass media on the obvious or alleged abuse of administrative resources during the official Referendum campaign.

4.1 Use of Official Position and Influence

On October 19, 2015, in a session of the RPA's Executive Body, RoA Prime Minister Hovik Abrahamyan was appointed Head of RPA's constitutional referendum campaign headquarters and assumed responsibility for organizing the Referendum campaign. The RPA Press Spokesperson announced that he will not take leave from the office of the Prime Minister and will combine the offices of Prime Minister and Head of Campaign Headquarters.³¹ The RoA Law on Referendum contains no prohibition or restriction of the use of administrative resources, and holders of political or discretionary positions are not barred from campaigning.³² Although this Law was significantly amended on June 10, 2015, the relevant provisions remained untouched, through which the authorities justified the lawfulness of the Prime Minister assuming this position.

On October 24, 2015, in the inception session of the RPA's constitutional referendum campaign headquarters, the following officials were appointed as deputies to Hovik Abrahamyan, the Head of the Campaign Headquarters: Vigen Sargsyan, Chief of Staff of the RoA President; Vahram Baghdasaryan, the RPA Parliamentary Faction Leader; Armen Yeritzyan, the RoA Minister for Regional Administration and Emergencies; Levon Yolyan, the Deputy Head of the RoA Chamber of Control; Hovhannes Hovsepyan, the Head of the Supervision Service of the RoA President; and Karen Karapetyan, parliament member from the RPA. By virtue of their offices, the majority of these individuals have direct influence over all the local self-government bodies of the RoA, and there was a strong risk of them abusing their official position in pursuit of partisan interests.

According to mass media publications, the *marz* (region) governors, appointed as Coordinators of the Regional "Yes" Headquarters, had meetings with the community mayors in the beginning of the campaign and placed upon them the obligation to ensure a certain number of "yes" votes.³³ As the majority of community mayors of the RoA are members of the RPA,³⁴ they were inherently expected, by virtue of their party affiliation, to assume the role of a "yes" campaigner.

³¹ <http://www.azatutyun.am/content/article/27315713.html>

³² RoA Law on Referendum, Paragraph 5 of Article 20.

³³ <http://www.chi.am/index.cfm?objectid=7CE13620-72A6-11E5-81980EB7C0D21663>

³⁴ <http://www.hhk.am/hy/rpa-in-local-self-governance/>

On November 3, 2015, Surik Khachatryan, the Syunik Marz Governor, while participating in a discussion of the RoA Draft Law on the 2016 RoA State Budget in the NA, assured journalists that his marz would secure the highest percentage of “yes” votes in the December 6 referendum, and that he would determine the exact percentage.³⁵

According to GALA TV, the Akhuryan Village Social Services staff, escorted by the village mayors and school principals, went around village homes in district 35, knocking mostly on the doors of the family benefits system beneficiaries. They instructed voters to vote “yes” together with all of their family members, and threatened to deprive them of the family benefits in case of failure to do so.³⁶

Based on an alert by a representative of the Heritage Party, the Helsinki Citizens’ Assembly Vanadzor Office (“HCAV”) analyzed the composition of all the PRCs and found out that, in violation of the Electoral Code, a total of 203 community council members had been appointed as PRC members, of which 18 were in Aragatsotn Marz, 30 in Ararat Marz, 7 in Armavir Marz, 32 in Gegharkunik Marz, 22 in Lori Marz, 17 in Kotayk Marz, 38 in Shirak Marz, 17 in Syunik Marz, 14 in Vayotz Dzor Marz, and 8 in Tavush Marz. 83 of them had been nominated by the respective DRC, 50 by the Republican Party of Armenia, 22 by the Armenian Revolutionary Federation Party, 21 by the Prosperous Armenia Party, 12 by the Country of Laws Party, 10 by the Armenian National Congress (ANC), and 5 by the Heritage Party.³⁷

According to the Radio Liberty program on November 6, 2015, RPA ministers participated in the “yes” campaign in addition to the RoA Prime Minister and marz governors, although they claimed to be doing so only after 18:00. RoA Diaspora Minister Hranush Hakobyan, for example, was planning to campaign for “yes” in “her constituency,” i.e. the Gegharkunik Marz.³⁸

Armen Ashotyan, RoA Minister of Education and Science, member of the Central “Yes” Headquarters, started hosting the new *Yerankyuni* (lit. “triangle” in Armenian) political talk show on Public Television. The very first show, on November 6, was dedicated to the constitutional referendum campaign.³⁹ Council of Europe expert Laurent Ruy considered the fact that Ashotyan, the RoA Education and Science Minister, was hosting a political show during the referendum campaign, absolutely unacceptable from the point of view of common standards and best practices.

On November 8, a video was published in which RoA Defense Minister Seyran Ohanyan was shown directly participating in the “yes” campaign.⁴⁰ Although in a formal sense it did not breach the RoA Law on Referendum, statements by the Defense Minister could directly influence the formation and expression of the will of military servicemen.⁴¹

³⁵ <http://www.azatutyun.am/content/article/27343063.html>

³⁶ <http://galatv.am/hy/news/132382>

³⁷ <http://hcav.am/events/04-12-2015-04/>

³⁸ [9]<http://www.azatutyun.am/content/article/27349562.html>

³⁹ <http://www.azatutyun.am/content/article/27349562.html>

⁴⁰ <https://www.facebook.com/409027245925029/videos/482099295284490/?fref=nf>

⁴¹ <http://www.azatutyun.am/content/article/27356494.html>

On November 6, TIAC organized an awareness-raising meeting on the constitutional amendments in the town of Meghri, during which the Meghri mayor announced that people do not need awareness or campaigning because he is the elected mayor and the residents of his community will vote the way he tells them.

4.2 Campaigning in Educational Institutions

On October 22, 2015, during a discussion on the constitutional amendments held at the Law Department of Yerevan State University, the speakers were actual advocates for the “yes” vote—co-authors of the Draft Constitutional Amendments, Constitutional Commission members Gagik Ghazinyan and Gevorg Danielyan—who presented the document drafted by them and put to the Referendum to the leadership of the university and a select group of students.⁴² Taking into consideration that Gagik Ghazinyan is the Dean of the Law Department, and Gevorg Danielyan is the Constitutional Law Chair in the same Department, their campaigning could seriously influence the formation of the students’ opinion.

In addition, in an interview that followed this discussion, Yerevan State University rector Aram Simonyan announced that no one will be allowed from outside to go to his university and preach against the Draft.⁴³ Thus, Yerevan State University had launched a biased campaign that prevented the provision of balanced information on the constitutional amendments and undermined the equality of the campaigning parties.

In the first half of November, organizations that participated in the Citizen Observer Initiative, as well as the mass media, received numerous reports about campaigning in various schools and kindergartens throughout the country, including the compilation of lists of staff, their relatives, and the parents of the students with a view to securing “yes” votes.⁴⁴

On November 20, 2015, in an interview with *Aravot* daily, Tachat Vardapetyan, a member of parliament from the RPA, confessed his intention to visit schools, namely school #2 in the town of Garni, for the “yes” campaign. When asked whether the “Yes” Headquarters had given him the list of schools, Tachat Vardapetyan said “of course, as a member of the RPA, I get the agreement of the Headquarters for my actions.”⁴⁵

On December 3, 2015, in a meeting with journalists, RoA Education and Science Minister Armen Ashotyan refuted the allegation of a “yes” campaign being carried out in schools, alongside partying on the same occasion. He said that he had received only one confirmed allegation about the High School of Garni, and that the interim principal of the school had already been severely reprimanded.⁴⁶

⁴² <https://www.youtube.com/watch?v=cHcNnR7qZ5w>, <http://www.azatutyun.am/content/article/27321152.html>, <http://www.azatutyun.am/content/article/27316749.html>

⁴³ <http://www.azatutyun.am/content/article/27316749.html>

⁴⁴ <http://armtimes.com/hy/read/73533>, <http://top-news.am/7/1/news/54824.html>, <http://top-news.am/7/1/news/54824.html>, <http://www.aravot.am/2015/11/13/628512/>

⁴⁵ <http://www.1in.am/1774869.html>

⁴⁶ <http://www.aravot.am/2015/12/03/635315/>

4.3 Pressure on the Staff of Budgetary and Private Sector Organizations

On November 8, 2015, *Aravot* daily reported that staff of the Malatia Medical Center, which belongs to Samvel Alexanyan, a member of parliament from the RPA, had been instructed by the administration to collect 10 votes each for the constitutional amendments referendum on December 6. To execute the instruction, special templates had been distributed to the staff, demanding them to record voter names, surnames, and passport numbers therein.⁴⁷

According to a report published in *Haykakan Zhamanak* daily on November 19, Artak Sargsyan, a member of parliament from the RPA, owner of the SAS supermarket chain, had demanded the staff of his supermarket chain to secure eight “yes” votes each and to present the copies of eight voters’ passports. Staff living outside the capital city had been told that the voters enlisted by them would be transported to precincts in the capital city to vote.⁴⁸

On November 20, Susanna Muradyan, Board Member of the Heritage Party, reported having received allegations about the collection of lists in the Martuni, Gavar, and Armavir schools and kindergartens. The citizens concerned were afraid to give their names: they had simply approached her and informed her. The Head of the RPA’s Regional Branch inquired where did the individuals, who ask questions at the meeting with voters, worked.⁴⁹

On November 24, the *Trouble Stirred by Yes* article was published in the *Hraparak* newspaper, alleging that the police officers in the town of Etchmiadzin were complaining about being required to fetch passports of their family members, as well as neighbors and relatives, and to specify the address and number of the precinct where they would vote. One of the officers was upset that he could not persuade his neighbor to vote “yes” and risked losing his job.⁵⁰

On December 1, Rubik Abrahamyan, the Ararat Marz Governor, convened all the doctors and hospital directors of the Marz at the Governor’s Office and strictly instructed them to vote “yes” in the Referendum. He threatened to fire the disobedient. In the afternoon, he was in the town of Masis, where he convened the mayors of all the nearby villages and instructed them to work actively for the “yes” vote.⁵¹

4.4 Issues Related to the Voter Lists

During October 25-27, 2015, the RoA National Assembly had a discussion of the possibility of enabling RoA citizens to vote using the domestic ID cards, given that more than half a million citizens were issued identity cards, whereas more than 180,000 of them possess only identity cards. The rest possess two personal identity documents, a passport and an identity card. On November 11, the National Assembly approved the bill, which actually removed the guarantee for elimination of multiple voting – the practice of stamping the identification documents - as ID

⁴⁷ <http://www.aravot.am/2015/11/08/626755/>

⁴⁸ <http://armtimes.com/hy/read/74141>

⁴⁹ <http://www.aravot.am/2015/11/20/631026/>

⁵⁰ <http://www.hraparak.am/?p=94923&l=am/ayo-i+dzerqy+krakn+en+vnkel>

⁵¹ <http://armtimes.com/hy/read/75085>

cards shall not be stamped in accordance with the law. The authors of the bill accepted only two of the numerous proposals tabled by the opposition about introducing additional oversight arrangements to prevent multiple voting: they agreed to mark the fact of a citizen voting with an ID card in the “additional notes” column in the voter list on voting day, and to count and indicate, in the voting results protocols, the number of voters that voted using an ID card. Nevertheless, so long as the voter lists remain confidential, this data cannot be checked and cross-checked, and these arrangements essentially cannot have any relevance for either oversight of the voting or the credibility of the outcome.

On October 26, the RoA Police published on their website the voter list with a right to vote at the referendum (hereinafter – voter lists). Numerous reports were launched on the problems of voter lists, again putting in question the reliability of the lists and their correspondence to the real demographic data. The Gyumri Branch of the ANC Party, in particular, reported that the Gyumri voter list contained 126,000 voters, whereas the 2011 Census reports Gyumri as having 123,000 inhabitants.⁵² According to a report by the HCAV, the number of voters in the Lori Marz was equal to 102% of the permanent population, and 113% in the City of Vanadzor.⁵³ According to a discovery made by *Ilur*, the number of voters was equal to the total population in the towns of Abovyan and Artashat, and exceeded the official population figure by about 3,000 in the town of Alaverdi.⁵⁴

The RoA Police subsequently explained that the discrepancy of about 300,000 between the National Statistical Service data and the Voter Register Data⁵⁵ was due to the NSS not counting individuals absent from the country for over a year (i.e., only counting the permanent population). As to the number of voters growing on the backdrop of a declining population figure, and at times, the voter number being greater than the population figure, the explanation was that the RoA Electoral Code requires voter lists to continue carrying the names of citizens that are physically outside the RoA, because the Police is not competent to take the initiative to remove from the voter lists the names of individuals that are registered in a community in Armenia, but located in a foreign state.⁵⁶

4.5 Vote Buying: Promises and Attempts

GALA TV reported on November 24 that the staff of condominiums and preschools in Gyumri’s Mush District, and in Koshtoyan, Manushyan, Vazgen Sargsyan, and several other streets, were actively compiling lists of citizens residing in the respective areas for the purpose of distributing vote bribes. They were collecting passport data and stating that the vote bribe for the “yes” vote will be worth 10,000 Armenian drams in the upcoming Referendum.⁵⁷

⁵² <http://www.aravot.am/2015/10/28/623247/>

⁵³ <http://www.ilur.am/news/view/50014.html>

⁵⁴ <http://www.ilur.am/news/view/45738.html#sthash.CEKelyQP.dpuf>

⁵⁵ <http://qalatv.am/hy/anatylitcs/3-302-424/>, <http://www.ilur.am/news/view/50365.html>

⁵⁶ <http://www.police.am/news/view/p71115.html>

⁵⁷ <http://qalatv.am/hy/news/10-22/>

On November 23, the editorial office of Haikakan Zhamanak daily received a call from residents of the Kanaker-Zeytun administrative district of Yerevan about a stranger trying to visit the caller's house twice in the course of a week, with the voter list in his hand, and attempting to find out how voters registered at the caller's house intended to vote in the upcoming Referendum. The visitor introduced himself as a representative of the "Yes" Headquarters and asked the residents to clearly state whether they intended to vote "yes" or "no." When the citizen inquired about vote bribes, the stranger said that he could not say anything yet, but did not preclude the Headquarters paying a certain amount for every "yes" vote.⁵⁸

Chorrord Ishkhanutyun daily reported the following: "On November 24, the distribution of vote bribes began in various communities around Yerevan. In the 8th and 9th districts of Nor Nork, several teams were distributing vote bribes concurrently. In the Shengavit district of Yerevan, homes were being visited by representatives of the 'authoritative' neighborhood figures working for the RPA in the preceding election, and trying to compile lists of "yes" voters. In the Malatia-Sebastia district of Yerevan, telephones and New Year's food bags were promised for voting "yes."⁵⁹

In the "Ayo & Voch" (lit. "Yes & No" in Armenian) TV show broadcast on ArmNews TV and the A1+ website, starting on November 13, the "yes" campaigners promised to solve the problems: in the Town of Meghri, for instance, Karine Achemyan, member of parliament from the RPA, promised to raise the issue of natural gas supply to the inhabitants, and Vardan Ayzvazyan, another member of parliament from the RPA, suggested organizing a production workshop.⁶⁰ Giving promises during the campaign is prohibited by Paragraph 11(b) of Article 20 of the RoA Law on Referendum and Paragraph 7 of Article 18 of the RoA Electoral Code, and breaching those provisions entails administrative liability.

On November 24, Levon Zurabyan, leader of the "No" Headquarters and leader of the ANC's parliamentary faction, spoke about pressure and attempts to bribe their members in the referendum commissions.⁶¹ He passed to the Office of the Prosecutor General a video showing an attempt to bribe ANC's representative in a DRC in Yerevan by offering 100,000 Armenian drams. ANC's representative in another precinct commission was actually given a bribe in order to turn a blind eye to the violations of the law.⁶² Parliament member Zaruhi Postanjyan alleged that the commission members from the Heritage Party were offered not to go to the precincts on the referendum day in return for twice the amount payable to them by the state.⁶³

With respect to the crime elements prescribed by Paragraph 2(2) of Article 149 of the RoA Criminal Code, in connection with the incident of apparently obstructing the fulfillment of his powers by a member of the Referendum Commission through a financial incentive, as reported by Levon Zurabyan, the Department for Investigation of Cases of Particular Importance in the

⁵⁸ <http://armtimes.com/hy/read/74472>

⁵⁹ <http://armtimes.com/hy/read/74566>

⁶⁰ <http://hraparak.am/?p=94032&l=am%2F>

⁶¹ <http://www.azatutyun.am/media/video/27384661.html>

⁶² <http://www.azatutyun.am/content/article/27390006.html>

⁶³ <http://www.azatutyun.am/media/video/27384661.html>

Office of the RoA Prosecutor General initiated a criminal case and sent it to the RoA Special Investigative Service for preliminary investigation.⁶⁴

4.6 Pressure on Opponents to the Draft and Obstacles to Campaigning

According to GALA TV's report on November 26, the ruling power has been recently targeting Nanor Barseghyan-Sefilyan, the wife of Jirayr Sefilyan—the opposition activist, leader of the Founding Parliament, and Board Member of the New Armenia Public Salvation Front. On the evening of November 25, as N.Barseghyan was driving home, she was pursued by a VAZ 2121 (Niva) car with tinted windows, license plate number 20 OU 700. The pursuit was not only obvious, but also demonstrative and intimidating, as it tried to block Sefilyan's way several times in an attempt to simulate a potential car crash and physical violence. At around 16:30 on November 26, as Nanor Barseghyan was leaving the Byblos Bank Branch on Amiryan Street, she was attacked, pulled around, her bag containing money, documents, and personal items was stolen, and the perpetrators ran away. Although the authorities have often persecuted Jirayr Sefilyan and his teammates in various ways, they have intensified recently, most probably in connection with the activities of the New Armenia Public Salvation Front against the constitutional amendments.⁶⁵

Some of the public transport operations were blocked prior to the demonstration planned in the Freedom Square of Yerevan on December 1. The editorial office of *Hraparak* daily received reports that a number of regional public transport operators—namely the ones from the Kotayk Marz towns of Charentzavan, Abovyan, Yeghvard, and Hrazdan, to Yerevan—were not working, making it impossible for people to reach Yerevan. No explanation for discontinuing the regular public transport operation was provided,⁶⁶ with the exception of the company operating public transport between Abovyan and Yerevan, which claimed that its vehicles had broken down.⁶⁷ *Hetq Online* reported the absence of transport from the towns of Byureghavan, Garni, Nor Hachen, and Bujakan to Yerevan,⁶⁸ purportedly because of the scheduled demonstration.

The Unified Opposition Headquarters informed about continuing reports of the police obstructing citizens traveling to Yerevan from the regions. In the town of Yeghegnadzor, the police stopped the cars heading for Yerevan and took away the drivers' documents, leaving many travelers stranded in the cold weather. The operation of public transport minibuses was discontinued in the Armavir Marz, as well. The members and supporters of the Heritage Party from Vanadzor hired two buses to travel to Yerevan, but their operation was discontinued after the intervention of the Police and the Transport and Communication Ministry.⁶⁹

Aram Hakobyan, Gyumri Branch Leader for the Founding Parliament, reported drivers being intimidated. They had earlier arranged with a minibus driver to transport 25 persons to Yerevan

⁶⁴ <http://prosecutor.am/am/news/6388/>

⁶⁵ <http://galatv.am/hy/news/131489/>

⁶⁶ <http://www.hraparak.am/?p=95701&l=am/hanrahavagin+yndaraj+marzayin+ertuxinerin+tuyl+chen+talis+hasnel+erevan>

⁶⁷ <http://www.a1plus.am/1421244.html>

⁶⁸ <http://hetq.am/arm/news/64026/kotayqi-marzi-bnakichnern-asum-en-ayo-khapanvats-ertevekutyany.html>

⁶⁹ <http://www.a1plus.am/1421251.html>

on December 1. The driver showed up at the agreed time, but refused to travel to Yerevan. “He apologized and asked not to be offended. He said he can drive all the way to Moscow if we wanted, but he will not drive to Yerevan, as he was afraid,” Hakobyan told *A1+*. He added that the driver had earlier been approached and intimidated by a group of young men. “Everyone is scared; such is the system created in the country. It is all horrible during the campaign, in broad daylight,” added the Gyumri Branch Leader.⁷⁰

HCAV reported that citizens traveling from Vanadzor to Yerevan to participate in the scheduled demonstration in the Freedom Square of Yerevan on December 1 were stranded half-way, because, according to those citizens, the drivers of two of the three buses transporting them were prohibited from driving Yerevan, disallowed to even exit the City of Vanadzor, and threatened with deprivation of their driver’s licenses. Furthermore, one of the three cars refused to transport citizens altogether after seeing what was happening.⁷¹

The Double Tree by Hilton hotel in Yerevan once again breached the agreement with the “You will not pass it” civic initiative about hiring a hall for the “No” Youth Forum on November 30. “This is not the first case of a hotel first confirming, then by order of the authorities breaching agreements with us, causing problems to the ‘No’ campaign,” reads the statement by the civic initiative.⁷²

According to information by *Chorrord Ishkhanutyun* daily, many of the Marz Governors of Armenia, who were also the leaders of the regional “Yes” headquarters, tried to exert pressure on the opposition activists of the “No” front in various ways. The daily reported that the most active of the Governors in this area was Kotayk Marz Governor Karapet Guloyan: “He personally calls and invites the opposition activists to visit him. He then urges them not to hinder and not to create obstacles on the referendum day,” writes the newspaper.⁷³

At around 18:00 on December 1, police officers apprehended Gevorg Safaryan, member of the Founding Parliament, to the police station from the Freedom Square of Yerevan. Earlier, police officers were searching citizens in the Freedom Square.⁷⁴ Even earlier, police officers apprehended civic activist Mikayel Nahapetyan to the police station from the Freedom Square for having a construction helmet in his bag, claiming his apprehension was needed “in order to check a few things.”⁷⁵ The police informed that Founding Parliament members Gevorg Safaryan and Smbat Barseghyan were taken to the police station on suspicion of breaching demonstration participants’ duties under the RoA Law on the Freedom of Assembly.⁷⁶ The apprehended were released after one and a half hours.⁷⁷ Another example of obstruction was the Yerevan City Administration’s prohibition of tent placement in the Freedom Square by the

⁷⁰ <http://www.a1plus.am/1421248.html>

⁷¹ <http://www.a1plus.am/1421261.html>

⁷² <http://www.aravot.am/2015/11/27/633441/>

⁷³ <http://armtimes.com/hy/read/74837>

⁷⁴ <http://168.am/2015/12/01/569059.html>

⁷⁵ <http://168.am/2015/12/01/569067.html>

⁷⁶ <http://www.azatutyun.am/archive/news/20151201/2031/2031.html?id=27400653>

⁷⁷ <http://qalatv.am/hy/news/132007/>

New Armenia political union on the ground that it is a cultural monument, and placing tents and portable toilets there could harm the monument.⁷⁸

On November 19, the New Armenia Public Salvation Front disseminated a report about pressure on Vardenis Office representative Martiros Hakobyan: threatened that his close ones would be fired, he was forced to vacate the apartment and office he was renting. Moreover, he was penalized for the “newly-discovered” failure to conclude a third party motor vehicle liability agreement for his car, and his movement was under constant surveillance.⁷⁹ Martiros Hakobyan informed A1+ that it was all orchestrated by the Deputy Head of the Gavar Police Department, who was acting by instruction from the National Security Service.⁸⁰

4.7 Other Violations

Facebook user Artur Vahanyan reported that, in the electoral district 25 (which includes the towns of Hrazdan and Tsaghkadzor and 11 nearby villages), the Prosperous Armenia Party had given all of its mandates in the commission to the Republican Party of Armenia.⁸¹

According to hearsay in Gyumri, “special” people were in negotiations with the electricity inspectors in the neighborhoods, compelling or persuading them to switch off the electricity in the neighborhood on the voting day. An interlocutor of *Hraparak* daily, who wished to remain unidentified, told about how the city administration had given such an instruction to one of his close associates: “They told him to do something to switch off the power supply, as there were pre-stuffed ballot boxes that had to be accommodated.” The journalist was further informed that “special” people tried to reach agreement with the mass media in order for the latter to turn a blind eye. As the phone numbers of the Marz Governor, City Mayor, or community mayors were either out of reach or not answered, no explanation of this situation could be obtained.⁸²

5. GENERAL OVERVIEW OF THE OBSERVATION MISSION

5.1 Methodology

In the course of overseeing the constitutional referendum on December 6, 2015, the Citizen Observer Initiative—created in 2013 by TIAC, ELA, HCAV, and JCA—was joined by the following 14 organizations: the Foundation against Violations of Law (“FAVL”) NGO, Logos NGO,⁸³ the Regional Development and Research Center (RDRC) NGO, the Community Mobilization and Support Center NGO, the Union of Lori People NGO, the Sose NGO, Martuni Women’s Council NGO, the Democratic Ararat NGO, the Ijevan InfoTun NGO, the Women’s

⁷⁸ <http://galatv.am/hy/news/131983/>

⁷⁹ <http://www.aravot.am/2015/11/19/630728/>

⁸⁰ <http://www.a1plus.am/1420518.html>

⁸¹ <http://blognews.am/arm/news/322691/isk-vahan-babayany-karox-e-mekhabanel-ays-khaytarakutyuny.html>

⁸² <http://www.hraparak.am/?p=95874&f=am/mi+ban+piti+aneq+luysem+anjateq+shiraki+marzayin+ishxanutyunery+ahabekvac+en>

⁸³ “Logos” NGO acted as Democratic Constitutional Referendum initiative group.

Resource Center NGO, the Need for Public Information and Knowledge NGO, the Dialogue for Peace NGO, the New Generation Humanitarian NGO, the Socioscope NGO, and the Civic Youth Centers opened in the Marz centers by JCA. Representatives of the observation mission acted as observers accredited by CRC, representing one of the following organizations - TIAC, ELA, HCAV, FAVL, RDRC, Democratic Ararat, or represented mass media, namely *Asparez* daily, or *Asparez.am* media outlets.

Due to the problems described in Section 5.2, representatives of foreign partner organizations - the European Platform for Democratic Elections (EPDE) international NGO and the “Diplocat” NGO from Catalonia - joined the Citizen Observer Initiative, acting as mass media representatives of *Asparez.am* or the Russia-based *Go/os*.

The aforementioned organizations combined their efforts to carry out a short-term observation mission with more than 1,000 observers and mass media representatives, ensuring presence in about 520 precincts. The precincts chosen for the monitoring were either in larger communities or areas more prone to violations in light of the process and outcome of past national elections.

Given the importance of having knowledgeable observers, the Citizen Observer Initiative developed a number of informational materials and handouts and provided additional training to the observers—who all had to pass a competency test administered by the CRC for purposes of accreditation. To ensure effective oversight by the observers and mass media representatives, a guide on rights and obligations, a code of conduct, monitoring checklists, and violation reporting procedures were developed.⁸⁴

The observers worked in pairs in order to maximize the effectiveness of the oversight and ensure their own safety. Considering that the law lacks the requirement for recording violations and falsifications in the precinct registers (which is left to the discretion of the precinct commissions), the Citizen Observer Initiative observers made ample use of video and photo equipment in order to generate evidence of reported problems.

A unified coordination center was created in order to coordinate the observation mission on referendum day, receive reports of observers and mass media representatives about substantive and/or procedural violations of the voting process, and provide the required legal support. Reports on violations were received by categorized SMS messages, which were immediately published on an online map.⁸⁵ The center also received reports from numerous citizens, as well as from proxies, about violations occurring in precincts not observed by the initiative.

Based on the reports, applications and/or complaints were prepared in accordance with the procedure stipulated by the RoA legislation and submitted to the relevant state authorities, including the CRC and DRC, as well as administrative courts and the Constitutional Court.

⁸⁴ It should be mentioned that these checklists were often taken away from the observers and mass media representatives in the polling stations and destroyed.

⁸⁵ <http://transparency.am/elections/2015-12-06/map/>

5.2 Obstacles related to Accreditation

The following issues emerged in the course of the observation mission:

- According to the legislation, an NGO wishing to act as an observer must be accredited at least 10 days before referendum day, prior to which it must have successfully passed the CRC-administered test that serves as a basis for issuing a certificate.⁸⁶ Tests may be organized for a minimum of 20 persons.⁸⁷ As the first large-scale effort of its kind, the Citizen Observer Initiative discovered problems in the legal provisions that created obstacles for NGOs intending to carry out an observation mission. Requirements pertaining to the tests and to the number of participants in them have significantly increased the administrative, logistic, and financial burden for NGOs, as they have to rent auditoriums in various regions and organize transportation for people taking the test. The very short deadlines created additional problems for the CRC, which was unable to organize the tests properly and issue observer certificates in a timely manner. Although the CRC made an obvious effort to organize the accreditation process as smoothly as possible, the referendum revealed the need to revise test organization and accreditation regulations.
- According to the legislation, a voter who is away from his/her place of registration may temporarily have his/her name removed from the main list and added to an additional list of voters in the place where he/she currently resides, and which enables him/her to vote in any precinct in the country.⁸⁸ Considering that many observers carried out their mission outside their registration communities, they tried to use this mechanism, but encountered obstacles. The staff of a number of Passport Divisions of the Police were unaware of the procedure and misinstructed the applicants by telling them to apply to the Passport Division of their current whereabouts on referendum day, or to declare their temporary residence address in their application. These obstacles were overcome through the direct intervention of Mnatsakan Bichakhchyan, the Head of the Passports and Visas Department of the Police: it was obvious that the Passport Division staff were unfamiliar with their professional duties and responsibilities in this matter.
- According to the RoA legislation, international observers, including foreign NGOs, may observe elections and referenda.⁸⁹ Such organizations, however, must be invited to carry out an observation mission by four state authorities: the RoA President, the NA Speaker, the Prime Minister, and the CEC.⁹⁰ EPDE, a coalition of 13 NGOs registered in Germany, which has the aim of assisting citizens' election observation in the countries of the Eastern Partnership and the Russian Federation, and to contribute to democratic election processes throughout Europe, reached out on numerous occasions to the RoA Ministry of Foreign Affairs (and once to CRC) in order to receive an invitation to observe the referendum, but was regularly advised to contact another office or official. This continued until the accreditation deadline passed, resulting in depriving the organization

⁸⁶ RoA Electoral Code, Article 31

⁸⁷ CEC Decision from 29.07.2011 N 36-N, paragraph 24

⁸⁸ RoA Electoral Code, Article 8 paragraph 3

⁸⁹ RoA Electoral Code, Article 29, paragraph 1

⁹⁰ RoA Electoral Code, Article 29, paragraph 2

of the possibility of acting as an international observer in Armenia. This problem could not be overcome, so that, in the end, EPDE and Diplocat observers were engaged as mass media representatives of the Citizen Observer Initiative.

5.3 Innovative Instruments Used

In addition to traditional observation mission methods and tools, the Citizen Observer Initiative applied a number of innovative practices.

- One way of revealing problems in voter lists is electronic monitoring of the official lists, which was performed by TIAC through comparing and analyzing the substance of the preliminary and final lists.⁹¹ TIAC looked at the number of eligible voters and analyzed voter data by address and date of birth. The actual voter turnout was also analyzed.
- In view of potential risks of abusing inflated voter lists, coupled with the lack of political will to dispel these concerns by declassifying the voter lists signed by those who actually voted, a new instrument was developed for monitoring voter impersonation in the place of absent voters. On the one hand, on the “Oversee the Referendum!” website,⁹² voters provided information about their non-participation in the referendum and/or specified the names of deceased individuals who appeared on voter lists. On the other hand, observers tried to discover the sequential numbers of voters and, by comparing these numbers to the said website, detect incidents of voter impersonation.
- Another instrument was the statistical analysis of official data by EPDE’s experts, using the scientific methods of electoral forensics evolving rapidly in the last decade.
- The fourth practice was the analysis of international observation missions in accordance with the methodology developed recently by EPDE.

6. FINDINGS OF THE OBSERVATION MISSION

The findings of the observation mission include gross violations and falsifications observed throughout the referendum day - prior to the opening of the precincts, during voting, and during the counting/tabulation of results, broken down by types⁹³ as well as infringements of the rights of observers and mass media representatives. The mission also summed up results of review of excerpts from the protocols of the voting results in precincts, the appeals processes, and the outcomes of the observation carried out using the innovative methods described above.

⁹¹ The monitoring was supported by Open Society Foundations-Armenia.

⁹² For details, see <http://hanraqve.com>

⁹³ The description of reports of violations and falsifications, as well as the catalogue of the respective videos can be accessed online at <http://transparency.am/elections/2015-12-06/map/>.

6.1 Preparation of the Precincts

6.1.1 Campaign Materials Displayed in Precincts; Inadequate Voting Conditions at Precincts

Precinct 3/30: the ballot boxes were placed near the curtains. After the observer warned the commission members about the problematic arrangement, the ballot boxes were moved closer to the wall.

Precinct 8/15: the ballot box was not sealed. It was sealed only after the observer showed up.

Precinct 8/25: at 07:04, the observer found out that the precinct was inadequately equipped for the occasion. The same school hosted two precincts, which were separated by a blue plastic sheet. The ballot boxes (three) were placed in such a way that a voter in one precinct could see the voter in the voting booth of the other precinct. One of the precincts had a back door through which commission members and proxies were going in and out, violating the secrecy of vote.

Precinct 8/27: the precinct was not furnished in accordance with the requirements stipulated by law, as there were doors behind the voting booths through which people were going in and out. At 18:19, the observer detected that, due to insufficient lighting, a voter had to walk out of the voting booth, which violated the confidentiality of the vote. These facts were not documented by the commission in the precinct register.

Precinct 10/29: the photo of RoA President S. Sargsyan was hanging above the ballot box. The commission chairperson refused to remove it.

Precinct 29/8: campaign materials were displayed, and the photo of RoA President S. Sargsyan was hanging in the voting room.

Precinct 33/77: the voting booths in the precinct were placed in such a way that free movement behind them was possible; behind the voting booths there was a door through which people were coming and going, and from which one could see the voters in the booths.

Precinct 34/12: the precinct was not furnished in accordance with the requirements of the law: tables were placed against a wall in the back of the room, obstructing the effective performance of the observer's mission. The commission chairperson rejected the proposal to make rearrangements on the ground that the area was too small. As a result, the observer was unable to move freely within the voting room. The commission chairperson rejected the observers' demand to record this violation in the register.

Precinct 35/42: the voting booth was placed near a window on the ground floor, undermining the confidentiality of the vote.

6.1.2 Precincts Inaccessible for Voters in Wheelchairs

Precincts 22/22, 25/2, 25/10, 31/59, and dozens of others were inaccessible for voters in wheelchairs.

Precincts 3/30 and 29/21: for accessibility reasons, the commission chairperson, in violation of the law, took the ballot outside the premises of the precinct for voters with limited mobility, who voted at the precinct entrance and the ballot was taken back and thrown in the ballot box.

Precinct 29/21: another voter was allowed to vote outside the precinct; however, again in violation of the law, the voter list was not taken out for the voter to sign.

6.2 The Voting

6.2.1 Violations of the Operating Procedures of Precinct Commissions

Precincts 3/5, 3/10, 3/20, 3/30, 9/1, 11/22, 32/53, and 34/28: the protocol of rotating functions among commission members every two hours by a draw of lots was breached, and/or the commission members were periodically absent from the precinct for a long time. In a number of precincts, the chairperson disregarded the observer's request to document the breach in the register.

Precinct 8/28, 12/37, and 25/29: the precincts were opened late for voters.

Precincts 9/28 and 10/2: the precinct commissions started operating later than 07:00, although they managed to open the precincts for voters at 08:00.

Precinct 18/32: the commission members did not rotate functions for several hours.

Precinct 31/7: the precinct commission drew lots, but the functions were not distributed among commission members in accordance with the outcome. In response to the observer's comment, the chairperson failed to take measures to restore the procedure.

In many precincts, the protocol of allocating commission member functions by drawing lots was abandoned, and during the voting process the 2-hour rotation sequence was disrupted.

6.2.2 Ballot Box Stuffing

Precinct 5/19: the observer videotaped a commission member stuffing the ballot box with ballot envelopes delivered by an unidentified person.

Precinct 9/27: the ballot box was stuffed in front of observers and voters by the "street authority" Ruben Simonyan (Bogo), with the participation of a number of unauthorized persons. Observers were subjected to intimidation, and these facts were not registered in the precinct register.

Precinct 9/28: from roughly 18:10 to 18:40, the mass media representative noticed the commission secretary secretly place a ballot paper in the ballot box while everyone else was busy with an incident. The case was not recorded in the precinct register.

Precinct 10/8: at around 14:00, the voter list has 130 signatures, but according to the count, 150 ballots had been handed out to voters.

Precinct 11/35: the observer noted that, at 20:07, the ballot box was stuffed with about 100 ballot envelopes, and after closing the precinct, the commission members tried to fill out the signed voter lists in order to match the number of voters with the number of stuffed ballots. These cases were not recorded in the register.

Precinct 25/1: at 13:44, the mass media representative noticed commission members grouping around the commission chairperson's table, as multiple ballot envelopes were being stuffed. At around 14:05, the same representative reported a large number of people gathering at the precinct, together with persons lacking proper credentials. The commission chairperson not only failed to document these cases, but did his utmost to obstruct the observer's work.

Precinct 28/16: the observer reported numerous cases of ballot stuffing during the day, as well as instances of unauthorized persons entering the precinct at various hours.

Precinct 33/69: at 15:39, the commission secretary attempted ballot stuffing, which was noticed by the observer. Thereafter, the secretary left the precinct. The commission chairperson tried to negotiate with the observer an agreement to conceal the incident, but the observer turned him down. Moreover, the observer provided a video showing the commission members pulling ballots from under the table and sealing envelopes and the voter list. The observer's suggestion to address the violations and document them in the register were rejected.

Precinct 34/28: at 20:40, the observer made a video showing several cases of ballot box stuffing.

Precinct 25/21: the observer witnessed numerous cases of ballot box stuffing, but the commission members diligently tried to divert the observer's attention. The observer's suggestion to address the violations and document them in the register were rejected.

Precinct 29/25: a group of about 15 young men made repeated attempts to stuff the ballot box, and succeeded in several instances. The men were removed from the precinct and a protocol was drawn up.

Precinct 34/28: several young men went to the precinct and stuffed the ballot box. The observer caught one of them by the hand and made a video of the incident, but none of the commission members responded to this violation.

Precinct 37/13: the observer spotted ballot box stuffing. The commission chairperson was aware of the violation but failed to prevent it, and, in fact, participated in ballot box stuffing, which happened on multiple occasions.

In precincts 16/9, 16/40, 16/42, and 17/4 the EPDE observers noticed that the ballot boxes were not sealed and detected stacks of dozens of envelopes inside the boxes, which could only have been placed there by opening up the boxes and putting the envelopes inside.

6.2.3 Multiple Voting or Attempts at Multiple Voting

Precincts 2/2, 2/15, 3/2, 3/4, 3/6, 3/22, 3/24, 3/28, 3/29, 4/5, 7/1, 7/26, 9/17, 10/20, 11/35, 34/19, and 34/20: a number of citizens discovered signatures in voter lists next to their names, or next to the names of family members who had not yet voted, were out of the country or, at times, even deceased. As a rule, the commission chairperson and members would claim that this was a mistake and suggested voting by signing next to another citizen's name or collecting a ballot without signing for it. The suggestions of citizens and observers to document these cases in the register were normally ignored. In some cases assurances were given that the incidents had been recorded, but without allowing voters to confirm this by checking the register.

Precincts 6/6, 8/21, 8/25, 10/8, 10/20, 21/14, and 11/3: the observers found numerous cases (and attempts of) multiple voting. This was typically accomplished either by using fake ID cards or by abusing the additional list of voters. In some cases, a mass media representative, observer, or commission member recognized a citizen as having voted already. The citizen was allowed to escape, and the commission chairperson refused to document the incident.

Precinct 8/14: the observer noticed that the passport of a voter already contained a seal and tried to attract the commission chairperson's attention, but the citizen left and took the ballot. The case was not documented in the register.

Precinct 8/25: in the course of about one hour, the observer witnessed four cases or attempts of repeat voting. One citizen came to vote with a passport that was already stamped. Two of them managed to drop the envelope into the ballot box before their passports were checked for a seal. The commission chairperson refused document the violation and threatened to take the video away from the observer.

Precincts 3/20, 7/2, 7/15, 8/35, 31/59, and 39/32: there were recurring cases of voter impersonation, some of which were prevented due to the observer's vigilance. In precinct 7/15, the observer detected a man trying to vote with his wife's passport and raised the issue, after which the commission member quickly closed the passport and referred the citizen to another precinct. In precinct 8/35, the commission member was about to register a voter who had presented someone else's passport, but another commission member informed the chairperson about the violation, after which the chairperson removed him by saying that the citizen was just confused. The violation was not documented. Precinct 39/32: the mass media representative

spotted three men with papers in their passports containing the personal data of other persons, based on which they received ballots and voted.

According to the monitoring of EPDE observers, in precinct 4/5 one voter revealed that someone had voted in place of her daughter who was living outside Armenia and father, while in precinct 6/16 a voter discovered that someone had voted in the name of her son residing abroad. Commission members from precinct 10/12 made multiple visits to adjacent precincts and 'compensation' for their 'work' was organized in that location.

6.2.4 Giving/Promising Vote Bribes

Precinct 3/5: the observer noticed citizens assembled in the vicinity of the precinct, talking about vote bribes.

Precinct 30/35: the commission members were promising bribes.

Precinct 33/75: at 14:05, the observer was offered a bribe in return for turning a blind eye to the violations, which caused an argument. Moreover, the observer witnessed several cases of vote bribes. None of this was documented in the register.

6.2.5 Violation of the Voter Assistance Procedure and the Confidentiality of the Vote

Precinct 3/33: the confidentiality of the vote was breached, as multiple voters were periodically present inside the voting booth.

Precinct 4/1: at around 11:30, the observer spotted a breach of confidentiality: Marzpet Dallakyan, proxy for the Country of Laws Party, together with the proxy for the Prosperous Armenia Party named Mher, and Armen Azoyan, the commission chairperson, approached a citizen as he was voting in the booth and examined how he was voting, staying close to him for a long time.

Precinct 8/21: at 10:56, the mass media representative found a breach of the confidentiality of the vote. A proxy entered into the voting booth and watched citizens as they were voting. The commission chairperson refused to document the violation or ask the proxy to leave the booth.

Precinct 8/25: at around 11:30, the observer detected a violation of the voter assistance procedure. The case was not documented in the register.

Precinct 8/27: at 11:49, the observer detected a violation of the voter assistance procedure. The names of individuals assisting the voter were not documented in the register.

Precinct 10/2: the observer noticed video cameras fixed on the wall, just above the voting booths. The observer brought this up with the commission chairperson, Hakob Hakobyan, who also discussed the issue also with the Citizen Observer Coordination Center's operator and

insisted that they could not move the voting booths and that the cameras had been switched off. They failed, however, to check whether the cameras were being used for surveillance, who had installed them, and whether they were there before the voting. The commission chairperson failed to contact the administration of the building. This incident was not documented and the video cameras remained on the precinct wall throughout the day.

Precinct 29/21: the observer watched one of the commission members stand near the voting booth virtually throughout the voting process and follow how the citizens were voting, thereby breaching the confidentiality of the vote. This incident was not documented in the register. In the same precinct, the commission chairperson and a proxy were taking ballots out of the precinct for a large number of persons with disabilities. These ballots were marked outside of the precinct, then brought in and dropped into the box. None of these cases were documented in the register.

Precinct 28/30: open voting occurred in this precinct located in the vicinity of the Balahovit Military Detachment.

Precinct 31/47: two cases of open voting had occurred and the commission chairperson was aware of those.

Precincts 11/28 and 34/31: some people were assisting elderly voters without documenting their assistance in the register.

Precinct 34/31: at 14:24, a woman voted in her grandmother's place. The observer's suggestion to document the violation in the register was disregarded. Moreover, at 12:19 a person who had already voted earlier in the morning voted again, and the commission chairperson disregarded the observer's suggestion to address the violation and document it in the register.

6.2.6 Removing Ballots from the Precinct

Precinct 6/3: the observer noticed that the ballots had temporarily disappeared from the precinct.

Precinct 7/1: at 16:10, the mass media representative noticed a ballot being taken out of and brought back into the precinct. The commission chairperson was informed, but failed to document the incident in the register.

Precinct 8/14: at 14:21, the observer noticed a ballot being taken out of and brought back into the precinct.

6.2.7 Removing Other Voting Accessories from the Precinct

Precinct 4/26: commission member Vahram Ghukasyan took the seal and left the precinct for some time.

Precinct 7/2: at 20:46, the mass media representative noticed that voting accessories were being taken out of the precinct. He saw a commission member leave with the seal and return to the precinct after a while. These facts were not documented in the register, although the commission chairperson knew about them.

Precinct 9/17: at 14:03 the observer noticed that the precinct seal was in the possession of the commission member from the Armenian Revolutionary Federation, Sona Parsadanyan, while her own stamp has disappeared. The CRC was informed about the incident and voting was suspended in order to find the stamp. After a while it was found in the trash bin. This fact was not documented. Journalists from 168.am, news.am, and H3 TV were present during the incident.

Precinct 9/23: the mass media representative saw a commission member take the commission seal out to the precinct lobby twice. When it happened a third time, the observer made a video of the occurrence. The incident was not documented in the register.

Precinct 34/28: just before the precinct closed, the observer saw an unidentified person take the precinct seal from a commission member sitting near the ballot box and walk out of the precinct with it. For a while, the commission members pretended to search for missing seal, after which the seal reemerged. The observer's suggestion to take action in response to the violation and to document it in the register was rejected by the commission chairperson.

6.2.8 Unauthorized Persons and/or Two or More Representatives of the Same Organization Present and Campaigning Inside the Precinct

Precinct 3/10: an unidentified person was present inside the precinct, filling out the voter lists. The commission chairperson was informed of the violation but did not act.

Precincts 1/36, 3/29, 4/1, 4/2, 5/25, 7/1, 7/15, 8/25, 9/16, 25/2, 29/25, 30/35, 31/53, 32/1, 34/23, 35/29, and numerous other precincts: the observers noticed unrelated persons during the voting who claimed to be proxies (most often, representing the RPA) or observers, but who failed to show or properly display identifying credentials. They were participating in the voting process, in some cases guiding the flow of the voters and engaging in campaigning (for example, in precincts 11/25 and 38/1). In those same precincts, there were cases of two or more (up to five) persons claiming to be representatives of the same organization. Although the majority of these violations are documented by material evidence (audio and video recordings made by observers and the mass media), the precinct commission chairpersons did not act and failed to document them in the register—as was the case with many other violations.

6.2.9 Guiding Voters Inside and Around the Precinct; Transporting Voter Groups

Precinct 4/1: the commission chairperson entered the voting booth three times to assist voters, and once was clearly heard saying “mark the left side.” He repeated the same instructions several times, prompting citizens without approaching the voting booth.

Precinct 6/6: throughout the voting, RPA proxy Vladimir Galstyan guided the voters, and even went into the voting booth two or three times. The chairperson was asked to document the violation, but failed to do so.

Similar conduct was observed in about a dozen other precincts (5/15, 7/4, 8/14, 8/27, 9/1, 9/16, 10/20, 12/11, 12/34, 37/8, and 38/2) where commission members, proxies, and unrelated persons without badges were guiding voters towards voting booths. As a rule, the commission chairpersons did not react appropriately to these violations and failed to document them in the register.

According to EPDE observers, voters were transported to precincts 5/6 and 10/13 by cars. In precinct 5/6, transportation was carried out with 3 cars and coordinated by the proxy of the RPA political party.

Voter transportation to precincts and the guiding of voters inside precincts occurred in a number of other areas. Voter groups periodically arrived at precincts 4/1, 5/15, 5/16, 7/15, 10/4, 13/22, 34/23, and 35/29, escorted by persons who claimed to be proxies. As a consequence, the rule of allowing no more than 15 voters inside the precinct at any given time was frequently violated, creating confusion and complicating the duties of commission members and other participants. As a rule, the commission chairpersons did not react appropriately to these violations and failed to document them in the register.

6.2.10 Voters Gathering Inside the Precinct; Persons or Vehicles Gathering Outside the Precinct

The rule of allowing no more than 15 voters inside the precinct at any given time was breached in at least a dozen other precincts (2/22, 3/30, 4/1, 6/6, 7/1, 8/25, 9/1, 9/13, 9/16, 9/28, 14/5, and 29/8), limiting the ability of observers and mass media representatives to oversee the voting process adequately. The commission chairpersons failed to take any action to address the problem or document the violation in the register.

Another rule important to the voting process prohibits persons or vehicles from gathering within 50 meters of the precinct. This rule, too, was breached in a number of observed precincts (3/10, 7/15, 8/25, 8/27, 9/1, 9/13, 32/53, 33/77, and 34/33).

6.3 Counting and Tabulation of Results

6.3.1 Violations of the Results Tabulation Procedure

Precinct 4/2: at around 01:00, commission chairperson Arman Yepremyan failed to place the results protocol inside the bag.

Precinct 5/10: the mass media representative noticed that the “yes” votes were not being counted. He was informed that the commission would first count the “no” votes, subtract the number of “no” votes from the total number of votes, and that way come up with the number of

“yes” votes. Several “no” ballots were moved inside the stack of ballots marked “yes.” When the observer asked why this was being done, he was told: “Because that is what should be done.”

Precinct 7/15: at 20:23, the mass media representatives noticed that the commission had taken a tabulation break for an indefinite period of time. This incident was not documented in the register.

Precinct 8/27: at 21:55, 22:22, 23:13, 00:07, and 00:35, the observer noticed violations of the tabulation procedure. Ballot counting was interrupted and the commission chairperson left the precinct without any explanation. These incidents were not documented in the register.

Precinct 8/35: at 23:27, the mass media representative detected a violation of the results tabulation procedure. The power supply to the precinct was disconnected, the tables were flipped over, and the ballots and envelopes fell to the ground. This incident was not documented in the register.

Precinct 11/35: the observer noticed that vote counting began an hour later than required. After the precinct closed, commission members tried to add signatures to the voter list. These incidents were not documented in the register. The real number of voters, as per the number of signatures in the voter list, did not correspond to the number of ballots in the ballot box.

Precinct 12/27: the ballots were shown not to everyone as required by law, and not all members of the commission got a chance to vote regarding recognizing the invalidity of ballots. Some ballots were invalidated without serious reasons. “Yes” or “no” votes on ballots were not clearly called out.

Precinct 34/28: at 20:46, voting results tabulation had still not begun, due to unstated reasons.

Besides the aforementioned incidents, after 22:00 in a number of precincts the results counting sessions were suspended for several hours. These cases too have not been registered in the precinct registers.

6.3.2 Falsification of Voting Results

Precinct 4/5: at around 01:00, the observers witnessed an argument between a proxy and the commission chairperson during the voting results tabulation, after which a decision was made to recount the votes. This incident was not documented in any way. Before the incident, there were 205 “yes” and 609 “no” votes. After the incident, there were 300 “no” and 500 “yes” votes.

Precinct 4/26: at 22:25, during the tabulation of results, the commission chairperson simply destroyed some of the “no” ballots. Commission member Tokmajyan entered a special opinion about it in the protocol.

Precinct 4/28: the observer discovered that the initial count had resulted in 484 “no” and 350 “yes” ballots, with 52 invalid ballots, but after the recount, the outcome was 720 “yes” and 150 “no” ballots. Sargsyan and ANC proxy Anahit Avanesyan, as well as the ANC member in the commission, demanded that the commission chairperson document these facts in the register, but the latter refused.

Precinct 5/13: “no” ballots were being counted as “yes” ballots. This violation occurred three to four times.

Precinct 7/2: at 01:07 the observer detected an instance of falsification of voting results. During the vote count in the precinct, there was an obvious mismatch between the numbers announced by the commission and the voter turnout numbers (according to the observers’ records the actual number of voters was much less). The number of counted “yes” and “no” votes was almost equal before the power supply to the precinct was disconnected. After power was restored, and while ballots were being recounted, commission members discovered a number of invalid ballots in the stack of “no” ballots, which they removed. The stack of “yes” ballots on the table had become thicker, resulting in there being considerably more “yes” than “no” ballots.

Precinct 7/15: at 23:35, the mass media representatives detected an instance of falsification of voting results. The power supply to the precinct was disconnected during vote counting. One individual took a stack of ballots and tried to run out of the room. Before disconnecting the power supply, there were more “no” ballots in the precinct. After power was restored, the recount revealed a significantly high number of invalid “no” ballots. This incident was not documented in the register.

Precinct 8/25: at 23:02, the observer detected an instance of falsification of voting results. During the tabulation, several proxies of the same organization (four to six representatives of the RPA) were present at the precinct. The voting results were not announced out loud: in this way, at least 30 “no” ballots were counted as “yes” ballots. Ballots with contested markings were deemed valid if they were marked “yes,” while similar “no” ballots were invalidated. These incidents were not documented in the register.

Precinct 8/27: at 01:18, the observer detected an instance of falsification of voting results. The commission chairperson increased the number of “yes” ballots by moving the stack under the table and pulling out a thicker stack, then refused to document the incident.

Precinct 11/22: during vote counting, the commission prepared a protocol showing 526 “no” and 126 “yes” ballots. A copy of the protocol was given to each of the observers and proxies, as well as other authorized persons. However, the published results were vice versa: 526 “yes” and 126 “no” votes. The special opinion of one commission member was not documented in the protocol.

During vote counting (and probably sensing that the outcome was going to be different than desired), commission chairpersons staged scenes of feeling sick and called ambulances. Such cases during about the same time were recorded in many precincts.

6.4 Violations of the Rights of Observers and Mass Media Representatives

On referendum day, the rights of the representatives of the Civil Observer Initiative (observers and mass media representatives, and sometimes proxies) were restricted or obstructed in almost all precincts. Representatives were not allowed to monitor the signed voter lists and make their own notes regarding voter turnout. In many precincts, voter lists were tied in such a fashion that the numbers of voters were not visible.

The activities of observers and mass media representatives were obstructed due to the fact that precinct commission chairpersons or, often, other commission members directly, through either their actions or inaction, failed to fulfill their legal obligations, including failing to establish order in the precinct, bar the entry of unidentified and unauthorized persons, and call for the support of the police in a timely and appropriate fashion.

Complaints have been submitted to the DRCs and CRC in regard to violations of the rights of 150 observers and mass media representatives in 87 precincts.

Violations of observer rights can be grouped into the following four categories:

- In about three dozen districts (1/22, 3/20, 3/29, 4/5, 5/8, 5/15, 5/16, 9/1, 9/27, 12/16, 12/21, 12/27, 14/21, 14/23, 19/7, 19/8, 20/3, 21/9, 21/12, 21/18, 29/8, 29/11, 30/37, 32/1, 34/7, 35/30, 38/17, and 38/56), observers were unlawfully prohibited from examining and taking notes on voter lists and other documents related to the voting process. In addition to this unlawful prohibition, the templates used by many Citizen Observer Initiative observers and mass media representatives for taking notes related to the voter lists were taken from them by force and destroyed. These violations were so widespread that, as early as referendum day, observers from ELA, TIAC, and FAVL, as well as representatives of *Asparez* and *Asparez.am*, had to lodge a complaint with CRC Chairperson Tigran Mukuchyan, requesting that the violations be addressed, that sanctions be imposed on the violators and individuals responsible for documenting the violations, and when, necessary, that criminal violations be referred to the authorities. However, the violation of the right of access to the lists continued throughout the whole referendum process, as well as later during the recount.
- In over three dozen precincts (3/20, 29/8, 4/1, 4/2, 4/5, 4/26, 4/28, 9/1, 9/16, 9/27, 12/11, 12/16, 12/21, 12/27, 14/23, 20/3, 21/12, 25/1, 25/2, 26/9, 29/8, 29/21, 31/59, 33/69, 33/75, 34/12, 34/20, 34/23, 34/25, 34/28, 34/31, 35/29, and 35/37), the commission chairpersons refused to record the violation in the register and/or refused to take steps to address the violation.
- The right to make videos and freely move around the precinct was unlawfully restricted in more than one dozen precincts (1//36, 3/5, 3/29, 4/26, 5/8, 29/8, 5/16, 6/6, 10/17, 10/20, 32/1, 34/7, 34/12, 34/25, and 38/5).
- Cases of pressure, intimidation, threats, or physical violence against observers and mass media representatives occurred in 17 precincts (3/5, 4/1, 4/5, 4/11, 5/8, 5/16, 6/6, 8/27, 9/23, 9/27, 11/21, 12/11, 12/27, 29/11, 30/5, 35/30, and 38/62). However, such

violations are hard to prove because the victim of the intimidation or violence is not always willing to publicize the facts. These cases were confirmed after referendum day, when conversations with observers revealed that they had been pressured in a number of precincts. Prior to and especially on referendum day, as well as in the post referendum period, there was a widespread practice of pressuring observers through personal, family-related, and/or work-related ties in order to convince or compel them to refrain from filing complaints or submitting reports about violations.

The first three categories of violations created favorable conditions for commission members and various unauthorized persons to continue their unlawful activities (or inaction) with impunity.

6.5 Overview of Excerpts from Voting Results Protocols in Precincts

Upon examining excerpts from voting results protocols in 475 precincts, the Citizen Observer Initiative found numerous problems in about 440 of them.

In particular, the following protocols lack the basic information (necessary for making corrections and additions) or do not match the official figures published on CRC's website:

- the numbers of voters included in the voter lists are missing in the protocols of 22 precincts (2/37, 5/18, 6/15, 7/2, 13/1, 11/25, 12/16, 17/2, 17/8, 17/10, 17/11, 21/9, 21/14, 23/2, 23/44, 30/23, 31/43, 31/45, 32/39, 34/30, 35/1, 35/38), and in 71 precincts the numbers do not match the figures published by CRC (1/2, 1/4, 1/23, 2/34, 2/37, 3/6, 4/2, 5/13, 5/18, 6/6, 6/15, 6/20, 7/2, 10/2, 10/5, 11/3, 11/16, 11/32, 12/6, 12/10, 12/23, 12/24, 13/1, 13/2, 15/29, 16/3, 16/40, 16/45, 17/8, 17/10, 19/8, 19/5, 19/20, 20/5, 21/4, 22/24, 23/1, 23/42, 25/17, 25/21, 26/7, 26/10, 28/10, 28/24, 31/36, 31/39, 31/59, 32/1, 32/5, 32/28, 32/39, 33/51, 33/78, 34/15, 34/16, 34/34, 35/1, 35/4, 35/7, 35/10, 35/26, 35/38, 35/44, 37/3, 38/10, 38/13, 38/14, 38/17, 38/28, 38/37, 41/22, 41/28);
- the numbers of voters included in the main list do not match the figures published by CRC in the protocols of 35 precincts (2/34, 4/2, 6/15, 6/20, 7/2, 10/31, 11/3, 11/6, 11/25, 11/32, 12/23, 12/24, 16/40, 19/8, 19/15, 19/20, 20/5, 21/4, 23/42, 25/1, 26/10, 32/28, 33/51, 35/4, 35/7, 35/10, 35/44, 36/1, 36/34, 38/5, 38/14, 38/17, 38/28, 38/48, 41/22)
- the numbers of voters included in the additional lists are missing in the protocols of 2 precincts (11/25, 29/28), and in 33 precincts do not match the figures published by CRC in the protocols (1/2, 1/4, 2/22, 3/6, 5/13, 6/6, 6/20, 7/2, 7/21, 11/25, 15/29, 16/3, 16/40, 16/42, 19/15, 19/20, 23/1, 23/42, 25/17, 25/21, 28/24, 31/59, 32/5, 32/39, 34/15, 34/16, 34/34, 37/23, 38/10, 38/13, 38/14, 38/37, 41/28);
- the voter turnout numbers are missing in the protocols of 49 precincts (2/37, 5/18, 5/22, 6/15, 6/20, 7/2, 7/4, 7/34, 9/14, 10/2, 10/5, 11/25, 12/16, 12/24, 13/1, 17/2, 17/8, 17/10, 21/3, 21/9, 21/11, 21/14, 22/14, 22/24, 23/2, 23/42, 23/44, 24/34, 25/18, 28/10, 29/2, 29/25, 30/23, 31/39, 31/41, 31/43, 32/36, 32/39, 33/71, 33/78, 34/22, 34/30, 35/1, 35/7, 35/16, 35/38, 37/7, 38/7, 38/19) or do not match the figures published by CRC in the protocols of 36 precincts (4/9, 6/6, 9/28, 11/8, 12/25, 15/30, 16/3, 16/40, 16/42, 18/1,

19/1, 19/5, 19/15, 20/5, 23/1, 23/40, 25/19, 26/11, 29/18, 29/21, 31/35, 31/59, 32/28, 32/32, 32/65, 33/66, 34/10, 34/27, 34/38, 35/7, 37/73, 38/1, 38/13, 41/3, 41/27, 41/28)

- the voter turnout in the main list is missing in the protocols of 4 precincts (21/3, 22/24, 22/30 34/9);
- the number of voters who voted using ID cards is missing in the protocols of 69 precincts (1/36, 2/10, 2/37, 3/6, 4/2, 5/18, 5/22, 6/15, 6/20, 7/2, 7/4, 7/34, 9/14, 10/2, 10/5, 11/25, 12/16, 12/24, 13/1, 17/2, 17/8, 17/10, 18/17, 19/20, 21/3, 21/9, 21/11, 21/14, 21/18, 22/14, 22/24, 23/2, 23/4, 23/8, 23/44, 24/34, 25/18, 25/20, 26/10, 28/8, 28/10, 29/2, 29/25, 31/36, 31/39, 31/43, 32/36, 32/39, 33/71, 33/73, 33/78, 34/2, 34/22, 34/26, 34/27, 34/30, 34/31, 34/40,35/1, 35/7, 35/24, 35/38 36/33, 37/7, 37/21, 38/7, 38/19, 41/23, 41/24) or do not match the figures published by CRC in the protocols of 21 precincts (3/7, 5/15, 8/10, 8/15, 9/14, 11/3, 16/40, 19/5, 23/3, 23/40, 29/25, 32/28, 32/36, 34/3, 34/7, 34/10, 37/13, 37/23, 38/3, 38/13, 41/21);
- the number of ballot papers submitted to the commission is missing in the protocols of 184 precincts (1/17, 1/36, 2/1, 2/10, 2/15, 2/22, 3/6, 3/7, 3/20, 3/23, 3/30, 4/2, 4/22, 5/2, 5/13, 5/16, 5/18, 5/19, 5/33, 6/6, 6/25, 6/31, 7/2, 7/14, 7/21, 7/26, 8/8, 8/11, 8/14,8/15, 9/4, 9/13, 9/14, 9/17, 9/21 , 9/28, 10/2, 10/5, 11/28, 11/31, 12/20, 12/26, 12/28, 12/29, 12/32, 12/33, 13/22, 13/27, 13/30, 13/31, 15/30, 17/2, 17/8, 17/10, 18/3, 18/7, 18/12, 19/1, 19/3, 19/8, 19/15, 20/1, 20/4, 20/5, 21/1, 21/3, 21/4, 21/11, 21/12, 22/15, 22/16, 22/22, 22/26, 22/27, 23/1, 23/2, 23/8, 23/11, 23/39, 23/40, 23/42, 24/3,25/1, 25/5, 25/15, 25/27, 26/7, 26/9, 26/10, 26/14, 26/17, 28/6, 28/8, 28/12, 28/14, 28/16, 29/18, 29/27, 30/10, 30/23, 31/1, 31/35, 31/36, 31/37, 31/39, 31/40, 31/43, 31/62, 32/1, 32/39, 33/56, 33/70, 33/75, 33/76, 33/77, 33/78, 33/79, 34/8, 34/9, 34/16, 34/20, 34/23, 34/27, 34/33, 34/35, 34/37, 34/38, 34/39, 34/41, 35/8, 35/16, 35/24, 35/25, 35/26, 35/27, 35/29, 35/31, 35/32, 35/36, 35/38 35/39, 35/41, 35/45, 36/37, 37/2, 37/4, 37/13, 37/15, 37/23, 37/39, 37/44, 37/51, 38/9, 38/11, 38/14, 38/16, 38/20, 38/22, 38/24, 38/30, 38/60, 39/32, 41/21, 41/22, 41/23, 41/24, 41/25, 41/26, 41/27);
- the subsequent numbers of stubs are missing in the protocols of 213 precincts (1/2, 1/17, 1/19, 1/22, 1/36, 2/1, 2/10, 2/15, 3/6, 3/7, 3/23, 3/30, 3/33, 4/2, 4/22, 5/2, 5/13, 5/16, 5/18, 5/19, 5/22, 6/6, 6/25, 6/31, 7/2, 7/14, 7/21, 7/26, 8/11, 8/14, 8/15, 8/16, 8/17, 9/4, 9/13, 9/14, 9/16, 9/17, 9/21, 9/28, 10/2, 10/5, 11/25, 11/28, 11/31, 12/20, 12/26, 12/28, 12/29, 12/32, 13/14, 13/22, 13/27, 13/30, 13/31, 15/30, 15/31, 17/2, 17/8, 17/10, 18/1, 18/3, 18/7, 18/12, 19/1, 19/3, 19/8, 19/15, 20/4, 20/5, 21/3, 21/4, 21/11, 21/12, 21/33, 22/14, 22/15, 22/16, 22/22, 22/24, 22/26, 22/27, 23/1, 23/8,23/9, 23/11, 23/39, 23/40, 23/42, 23/44, 24/3, 25/1, 25/2, 25/5, 25/10, 25/15, 25/27, 26/7, 26/9, 26/10, 26/13, 26/14, 26/17, 28/6, 28/8, 28/12, 28/14, 28/16, 28/20, 29/18, 29/28, 30/10, 30/23, 30/30, 31/1, 31/37, 31/35, 31/36, 31/40, 31/41, 31/43, 31/45, 31/62, 32/1, 32/39, 33/56, 33/69, 33/70, 33/75, 33/76, 33/77, 33/78, 33/79, 34/1, 34/3, 34/7, 34/8, 34/9, 34/13, 34/16, 34/20, 34/23, 34/26, 34/27, 34/33, 34/35, 34/37, 34/38, 34/39, 34/41, 35/5, 35/8, 35/16, 35/24, 35/25, 35/26, 35/27, 35/29, 35/31, 35/32, 35/36, 35/38, 35/39, 35/40, 35/41, 35/45, 36/37, 37/2, 37/4, 37/13, 37/15, 37/23, 37/39, 37/40, 37/44, 37/51, 38/6, 38/9, 38/11, 38/14, 38/16, 38/19, 38/20, 38/22, 38/24, 38/30, 38/51, 38/57, 38/60, 39/32, 41/7, 41/21, 41/22, 41/23, 41/24, 41/5, 41/26, 41/27);

- the number of cancelled ballot papers is missing in the protocols of 29 precincts (7/2, 8/11, 8/14, 9/14, 11/32, 16/7, 17/10, 22/26, 23/2, 28/10, 29/28, 30/7, 31/36, 31/41, 32/1, 32/39, 33/78, 34/10, 34/16, 34/39, 35/8, 35/24, 35/26, 35/28, 37/9, 38/3, 41/24);
- the number of ballot envelopes of approved specimen in the ballot boxes are missing in the protocols of 73 precincts (1/21, 2/1, 3/7, 3/20, 4/2, 5/18, 5/24, 6/15, 7/2, 8/8, 8/11, 8/14, 8/16, 9/4, 9/13, 9/14, 12/16, 12/20, 16/40, 16/7, 17/2, 17/10, 19/2, 19/3, 21/9, 21/14, 21/18, 22/9, 22/15, 22/20, 22/28, 23/39, 23/41, 23/42, 25/2, 25/5, 25/17, 25/18, 25/20, 28/6, 28/8, 28/23, 29/28, 30/10, 31/1, 31/36, 31/62, 32/1, 32/28, 32/39, 33/51, 33/70, 33/79, 34/9, 34/16, 34/29, 34/41, 35/16, 35/24, 35/26, 35/29, 35/38, 36/1, 36/5, 36/34, 37/2, 37/15, 37/39, 38/2, 38/3, 38/8, 38/11, 38/20, 38/25, 38/28, 39/32, 41/5, 41/21, 41/24, 41/28), and in 24 precincts the numbers do not match the figures published by CRC (2/10, 3/14, 5/2, 5/19, 5/33, 7/4, 7/34, 8/8, 9/4, 11/3, 21/19, 24/5, 24/34, 25/19, 31/13, 32/32, 33/68, 33/79, 34/6, 34/20, 34/27, 34/31, 35/32, 35/38);
- the number of invalid ballot papers is missing in the protocol of 1 precinct (33/74), and in 12 precincts it does not match the figures published by CRC (4/2, 7/28, 9/14, 9/22, 12/16, 16/40, 24/5, 29/36, 34/4, 34/16, 34/27, 37/39);
- the number of “yes” and “no” votes does not match the figures published by CRC in the protocols of 6 precincts (12/16, 25/5, 32/32, 35/10, 34/25, 41/23); in the last 2 precincts (34/25 and 41/23), the numbers of “yes” and “no” votes have been reversed.

The comparison of the recorded basic data within the protocols have shown the following inaccuracies:

- the number of ballot papers submitted to the commission is smaller than the number of voters included in the main list in protocols of 3 precincts (33/78, 35/33, 36/1) and larger than 3% in one precinct (41/6);
- the sum of numbers of voters in the main list and the additional list does not match the total number of voters in one precinct (41/22);
- the total number of involved voters is smaller than the sum of ballot papers of cancelled, invalid, “yes” voted and “no” voted ballot papers in 1 precinct (37/15);
- the number of cancelled, invalid, “yes” voted and “no” voted ballots does not correspond to the voter turnout in 20 precincts (22/20, 33/67, 34/4, 34/31, 35/1, 35/16, 35/25, 35/29, 35/32, 35/33, 35/36, 35/38, 35/40, 35/41, 36/27, 37/9, 37/44, 41/3, 41/25);
- the number of cancelled, invalid, “yes,” and “no” ballots does not correspond to the total number of ballot papers submitted to commissions in 84 precincts (1/13, 1/14, 1/19, 1/21, 1/35, 2/26, 2/31, 2/37, 3/5, 3/35, 4/5, 4/9, 5/15, 6/15, 6/22, 6/33, 7/4, 7/19, 7/34, 8/14, 9/16, 9/23, 10/31, 11/3, 11/8, 11/16, 11/20, 11/35, 12/6, 12/10, 12/21, 12/23, 12/25, 12/37, 13/8, 13/14, 13/37, 19/6, 19/20, 21/18, 22/14, 22/20, 23/5, 23/41, 24/34, 25/2, 25/20, 28/18, 29/19, 29/36, 30/5, 30/17, 30/30, 31/8, 31/13, 31/53, 31/54, 31/59, 32/66, 33/57, 33/63, 33/66, 33/67, 33/70, 33/79, 34/1, 34/2, 34/3, 34/4, 34/5, 34/6, 34/7, 34/17, 34/21, 34/22, 34/24, 34/29, 34/30, 34/31, 34/34, 34/35, 34/40, 35/1, 35/10, 35/22, 35/29, 35/33, 35/34, 35/36, 35/40, 36/1, 36/35, 36/36, 36/40, 37/9, 38/12, 38/15, 38/27, 41/3, 41/5);

- the total number of “yes,” “no,” and invalid ballots does not correspond to the ballot envelopes of approved specimen in the ballot boxes in 31 precincts (1/19, 3/6, 3/18, 3/23, 4/9, 5/2, 5/8, 5/19, 5/33, 6/22, 7/4, 9/22, 11/3, 11/16, 12/21, 12/28, 19/6, 22/9, 23/2, 23/3, 25/19, 28/24, 29/18, 29/29, 31/37, 31/47, 33/78, 34/20, 37/44, 41/3, 41/25);
- the number of envelopes of approved specimen in the ballot boxes does not correspond to voter turnout numbers in the protocols of 108 precincts (1/13, 1/14, 1/17, 1/19, 1/22, 1/35, 2/10, 2/15, 2/22, 2/26, 2/31, 3/5, 3/6, 3/18, 3/23, 3/35, 4/1, 4/9, 4/22, 5/2, 5/13, 5/15, 5/16, 5/19, 6/6, 6/22, 6/33, 9/16, 9/22, 9/23, 9/28, 10/31, 11/3, 11/8, 11/28, 11/32, 11/35, 12/21, 12/25, 12/26, 13/8, 13/37, 15/30, 18/7, 19/5, 19/6, 19/15, 20/5, 22/9, 23/5, 24/3, 24/5, 25/19, 25/27, 28/24, 29/36, 30/17, 30/30, 31/6, 31/8, 31/13, 31/25, 31/40, 31/53, 31/54, 33/63, 33/68, 33/72, 34/1, 34/2, 34/6, 34/7, 34/8, 34/12, 34/17, 34/20, 34/22, 34/23, 34/27, 34/29, 34/30, 34/31, 34/34, 34/35, 34/37, 34/40, 35/1, 30/5, 35/7, 35/10, 35/24, 35/25, 35/32, 35/33, 35/36, 35/40, 35/41, 36/35, 36/37, 37/44, 38/12, 38/13, 38/22, 38/27, 41/3, 41/22, 41/27).

In some protocols/excerpts, the necessary requisites were not observed:

- the number of precinct commission members who signed the protocols is missing in the protocols of 79 precincts (1/8, 1/22, 2/1, 2/15, 2/22, 2/37, 3/7, 3/18, 3/33, 4/22, 5/6, 5/24, 5/32, 7/4, 7/21, 7/34, 8/11, 8/14, 8/16, 8/17, 9/17, 9/22, 10/2, 11/8, 11/14, 12/6, 12/26, 16/3, 16/40, 17/8, 18/1, 18/10, 20/1, 20/5, 21/3, 22/20, 22/26, 23/1, 23/2, 23/4, 23/9, 23/39, 23/44, 25/10, 25/20, 28/8, 28/10, 29/9, 30/33, 31/36, 31/41, 32/39, 33/55, 33/62, 33/77, 34/2, 34/9, 34/30, 34/41, 35/8, 35/29, 35/39, 35/41, 35/44, 35/45, 36/33, 37/7, 37/15, 38/5, 38/13, 38/16, 38/20, 38/57, 38/59, 39/32, 41/7, 41/28);
- the protocol was not signed by any member of the commission, or by an insufficient number of members in 31 precincts (12/23, 23/40, 28/14, 28/18, 29/27, 29/28, 31/1, 32/1, 33/75, 34/10, 34/13, 34/14, 34/15, 34/16, 34/23, 34/28, 34/31, 35/6, 35/8, 35/35, 35/39, 35/40, 35/41, 35/44, 35/45, 36/5, 36/6, 36/33, 37/15, 38/3);
- the seal of the protocol is missing in excerpts from the protocols of 43 precincts (1/2, 1/14, 2/28, 2/37, 3/7, 3/20, 3/33, 3/35, 4/5, 5/6, 5/24, 7/26, 11/25, 19/1, 20/1, 21/1, 22/9, 22/16, 22/17, 22/26, 22/27, 22/28, 23/1, 23/2, 23/3, 30/23, 31/40, 31/45, 33/66, 34/6, 34/15, 34/16, 35/7, 35/28, 35/39, 35/40, 36/5, 37/2, 37/44, 38/6, 38/28, 38/51, 38/56);
- the day and/or hour of filing the protocol is missing in the protocols of 16 precincts (5/32, 10/3, 22/24, 23/2, 31/43, 33/56, 33/71, 34/14, 34/15, 34/16, 34/22, 35/6, 35/8, 37/15, 38/20);
- the commission protocol was signed by 5-7 commission members in 10 precincts (12/33, 13/22, 13/27, 20/3, 23/1, 23/7, 23/27, 33/35, 33/67, 35/24, 35/28);
- information on the existence of a special opinion or the number of members that signed the protocol is missing in 160 precincts (1/8, 1/19, 1/22, 1/35, 2/1, 2/22, 2/31, 2/37, 3/7, 3/18, 4/2, 4/22, 5/6, 5/15, 5/16, 5/18, 5/19, 5/24, 5/32, 6/15, 6/31, 6/33, 7/4, 7/14, 7/21, 8/8, 8/14, 8/17, 9/17, 9/22, 10/2, 10/4, 10/5, 10/17, 10/20, 11/3, 11/14, 11/28, 11/32, 12/6, 12/21, 12/28, 12/29, 16/3, 16/40, 17/8, 17/10, 18/1, 18/7, 18/10, 19/2, 19/3, 19/6, 19/10, 19/20, 20/1, 21/2, 21/3, 21/11, 21/12, 21/14, 22/14, 22/15, 22/18, 22/20, 22/23, 22/24, 22/26, 23/1, 23/2, 23/3, 23/4, 23/6, 23/9, 23/39, 23/40, 23/42, 23/44, 25/10, 25/20,

26/7, 26/13, 28/6, 28/8, 28/10, 28/14, 28/18, 29/2, 29/9, 30/22, 30/33, 31/1, 31/41, 31/42, 31/45, 31/54, 32/1, 32/39, 32/52, 33/56, 32/66 33/63, 33/65, 33/66, 33/72, 33/75, 33/77, 33/79, 34/1, 34/2, 34/3, 34/6, 34/9, 34/21, 34/22, 34/23, 34/27, 34/28, 34/30, 34/31, 34/44, 35/6, 35/8, 35/26, 35/27, 35/29, 35/31, 35/35, 35/39, 35/40, 35/43, 35/44, 36/33, 36/37, 37/7, 37/15, 37/40, 37/51, 38/1, 38/3, 38/5, 38/7, 38/9, 38/10, 38/13, 38/14, 38/16, 38/20, 38/30, 38/51, 38/55, 38/57, 38/59, 39/32, 41/28).

A complaint/report in regard to some of these incidents was submitted to the CRC on December 13, 2015, at 15:00; however, the CRC refused to receive it until 21:30. Only after the involvement of the rapid response unit of the Human Rights Defender's Office of Armenia, and long negotiations and the official finalization of results of the referendum did the Head of the Legal Department of CRC receive these and other complaints. Nevertheless, those were later rejected without reviewing their essence and offering justifications on formalistic matters, the most critical of which was that the referendum results had already been finalized.

Hence, in reality, on the one hand, when dealing with a large number of violations, it is impossible to gather, analyze, and submit reports to the authorities in the short timeframe prescribed by the law. On the other hand, CRC fails to make proper efforts to investigate violation reports. Hence, there is no effective way to protect electoral rights in RoA.

6.6 The Recount

Due to lack of information on CRC's website regarding the recount, it was impossible to learn in advance in which precincts and when recounts would be conducted, and to participate in the recount process. Citizen Observer Initiative received sparse information on the recount from the headquarters of political parties. Some common problems were identified by the observation mission upon participating in the recount process in a number of referendum districts. In particular, recounts were often conducted based on applications filed by the Republican Party of Armenia (RPA), whose commission members had not earlier expressed special opinion and make notes in the course of filing protocols and summarizing referendum results.⁹⁴ It is likely that the lack of special opinion notes on the protocols enabled RPA representatives to make them later when necessary, counterbalancing the special opinions of the Armenian National Congress (ANC).

In some cases, recount applications filed by ANC representatives were rejected due to alleged technical errors. For instance, the chairperson of DRC of district 11 was given an application by an ANC member on December 8, 2015, at about 17:00, requesting a recount in precinct 11/22. The chairperson refused to accept the application, citing an incorrect address as the reason.

The rights of observers and mass media representatives were violated during the recount process as well. In particular, despite an opportunity stipulated by the electoral code, the observers were not allowed to view excerpts from signed voter lists in districts 5 and 14. During

⁹⁴ https://www.youtube.com/watch?time_continue=376&v=2BjT8klF7jo

recount in districts 2, 5 and 8, observers were denied access to voting-related documents and prevented from making notes in the register on these and other procedural violations.

6.7 Complaints

The oversight of the referendum by the Citizen Observer Initiative periodically necessitated lodging complaints with various authorities and demanding that violations be addressed and compliance with the law be ensured.

Complaints were submitted on violations in about 202 precincts; 69 complaints were submitted to the DRCs and 164 to the CRC. For 50 precincts, complaints were submitted to both the DRCs and the CRC. According to administrative hierarchy, decisions made by the DRCs were appealed to the CRC, while some CRC and DRC decisions were appealed to the administrative court (64 lawsuits).

The first complaint was lodged with the CRC on referendum day, when the work of the Citizen Observer Initiative's observers and mass media representatives was obstructed in about three dozen precincts. Following a detailed account of the violations encountered in the precincts, the complaint demanded that obstructions to the work of observers and mass media representatives be removed for the remainder of the Referendum, that steps be taken to impose lawful sanctions on violators and individuals responsible for documenting and addressing the violations, and that criminal violations be referred to the relevant authorities when necessary. In response to this complaint, CRC Chairperson Tigran Mukuchyan telephoned one of the observers listed in the complaint and, by disfiguring the substance of the complaint and misleading the observer, convinced him to withdraw the complaint.

On December 7, the day after the referendum, 40 complaints describing grave violations of the rights of observers and mass media representatives were compiled and presented first to the CRC (given that the DRCs were not geographically accessible within the deadline set for the submission of complaints) and sent via post to the DRCs. Another 64 complaints about violations were prepared and lodged with the same authorities in the period of December 8-11. In addition, on December 11, the Citizen Observer Initiative submitted an extensive report to the CRC, describing about 170 fact-based violations of electoral law in about 100 precincts on referendum day, including cases of multiple voting, voter impersonation, ballot box stuffing, and voter list falsification. The report included a demand for the CRC to initiate ex officio proceedings and investigate the impact of these violations on the referendum outcome.

On December 11, a 44-page complaint was submitted to the CRC, listing violations in more than 150 referendum precincts documented by observers and mass media representatives of the Citizen Observer Initiative and its partner organizations. The complaint addressed electoral violations, including: control of voting; voter impersonation on the name of individuals residing outside the country; deceased persons; multiple voting by the same person; multiple voting in the name of the same person; voting attempts using other people's passports; instances of commission members making notes in the voter's register; falsifying signatures and/or stamping

next to the blank lines, filling in passport and/or ID card data in the blank lines; sealing more than one ballot envelope submitted by the same person at the same time; allowing one person to drop more than one ballot envelope in the ballot box; sealing ballot envelopes without voters and dropping them in the ballot box; taking precinct seals and individual stamps out of the polling station; exchanging stamps among commission members; stealing signed voter lists; and numerous instances of ballot box stuffing. The report requested that the CRC launch an official administrative proceeding and examine the violations and their impact on the results of the referendum.

On the same day, the Citizen Observer Initiative submitted a motion to the CRC to postpone the final tabulation of the referendum results and allow all actors to present the violations observed by them, with a view to evaluating their impact on the referendum outcome. The request was necessitated by the fact that the time period prescribed for lodging complaints (on day after the vote, from 12:00 to 18:00) was insufficient for presenting and effectively investigating the issues that emerged before, during, and after referendum day. The opinion of the Citizen Observer Initiative this would not only deepen public suspicion about the transparency and fairness of the referendum, but also effectively revoke the means of protecting the violated rights. Such a motion was based also on the argument that the DRCs started convening sessions based on the complaints of the Citizen Observer Initiative only on December 11.

In a session convened on December 12, the CRC rejected the complaints and refused to initiate proceedings on the basis of the facts described therein, thereby violating the Armenian Constitution, the Law on Administrative Basics and Administrative Proceedings, as well as the Law on Referendum and the Electoral Code. The CRC refused to properly interrogate any of the observers representing the Citizen Observer Initiative, thereby violating their right to be heard.

The absolute ineffectiveness of the initiated proceedings is illustrated by the story of one observer, Vardan Hambarzumyan, who had observed precinct 5/16 and was alleging that PRC chairperson Gurgen Avagyan had hit him in the head inside the precinct during the voting. Although the complaint was accompanied by a video recording, the CRC declared that the video could not be admitted into evidence because the observer's head was not visible in the video. When the observer stated that the incident had been documented in the Precinct Commission's register, the CRC said that it does not have time to go through the Commission register. Thus, the CRC rejected this complaint on the basis that the observer had been able to remain in the precinct and continue observing the referendum process. As later was revealed, the RoA Investigative Committee also refused to initiate criminal proceeding with respect to this incident, and the latter decision is now being appealed to RoA Prosecutor's Office.

The DRC-level proceedings were even more ineffective, as the DRC representatives did not even try to create the impression of administrative proceedings: they simply read out the identical texts of decisions obviously pre-written by the CRC, and explicitly informed the applicants' lawyers that they were uninterested in hearing their motions and arguments.

CRC scheduled a meeting to sum up the referendum results on December 13 at 19:00. Since 15:00 on December 13, Citizen Observer Initiative has tried to submit new complaints and reports to the CRC regarding the researched and analyzed violations and the documents and information it obtained, including complaints against the decisions of district commissions 2, 3, 6, 12, 21, 25, lodged on December 11 and 12 within the three-day timeframe prescribed by law. However, the CRC staff refused to accept the report. Nune Hovhannisyan, a member of the CRC, explained to the representatives of Human Rights Defender's Office that the complaint was not accepted because it was submitted on Sunday, when the CRC staff was not working. Nonetheless, Lilia Hakobyan, Head of Legal Department of the CRC, had accepted the complaints the very same day, at approximately 21:30.

Nearly 63 claims were lodged on the above mentioned actions, inaction, and decisions against the CRC and district referendum commissions, as well as to administrative court on December 6 and afterward. Some of the claims were returned and will be submitted again; some were rejected and will be appealed in higher instances.

On December 18, five organizations within the Citizen Observer Initiative, mass media representatives, as well as a number of Armenian citizens, applied to the CC of Armenia. The head of the staff of the Court refused to accept the application by hand though he did not have an authority to do so. However, based on the experience of the Citizen Observer Initiative, the application was also sent to CC in advance by post. Arushan Hakobyan, Head of Staff of the CC, made a decision to decline the application. The appeal was taken to Gagik Harutyunyan, Chairman of the CC, an active participant and campaigner of constitutional changes. However, the appeal was declined.

6.8 Reactions from Law Enforcement Bodies

In regard to restrictions of the rights of the representatives of Citizen Observer Initiative on referendum day, the Coordination Center submitted oral reports to the RoA police in order for the latter to take measures to eliminate infringements and ensure the normal work of the observers and mass media representatives. However, instead of detecting violations, the police took observers and mass media representatives to the police station, removing them from the precincts and creating additional obstacles for the implementation of the observation mission.

Since the electoral violations recorded and published on TIAC's website were also covered by mass media, they were considered as crime reporting by the media and served a basis for law enforcement agencies to prepare materials on electoral fraud.

The Prosecutor General's Office of Armenia disseminated a statement on December 10 on the abovementioned and other electoral violations. The statement particularly reads: *"In order to carry out proper legal process within its jurisdiction in response to reports on violations in the constitutional referendum campaign, in the referendum itself, and afterward processes regarding obstacles to realize the electoral rights of the Armenian citizens, a working group was established in the Prosecutor's Office. It examined 446 cases of various nature as of December*

9 (reports by mass media, NGOs, citizens and written applications). 420 of them contained data on apparent characteristics of crime that were sent to pre-investigation and investigation bodies according to subordination to prepare materials and 16 reports were sent to different departments of police to verify the facts. Criminal cases were initiated in 10 instances.”

While law enforcement agencies continue to investigate the cases, there is no willingness to prepare materials on and detect the electoral fraud. Moreover, while preparing materials on violation of observers' rights, criminal cases were initiated against the observers, accusing them of hindering the work of the commissions - for instance, the case on precincts 4/1 and 9/15.

6.9 Findings from the Use of Innovative Instruments

In addition to the aforementioned issues, the following was found through the use of innovative monitoring methods:

- Electronic monitoring of voting numbers revealed multiple discrepancies that bring into question the reliability of voter lists and create doubts on their possible abuse. According to the National Statistical Service of the RoA, as of October 1, 2015, the permanent population of Armenia was 3,004,000.⁹⁵ At the same time, according to the voter list provided by the RoA Police Department of Passports and Visas, the total number of voters was 2,550,323, as of December 5, 2015.⁹⁶ This means that almost 84.9% of the permanent population of Armenia are voters, while the rest are under 18 years of age and have not yet acquired a right to vote. This is a much larger figure than the 77% provided in “The Demographic Handbook of Armenia, 2015.”⁹⁷

It appears, therefore, that the number of voters in many marzes and settlements exceeds the number of residents in those areas. Among those are Lori marz (248,974 voters form 105.24% of the permanent population of 226,200), cities of Gyumri (125,695 voters form 106.79% of the permanent population of 117,700), Vanadzor (96,656 voters form 117.3% of the permanent population of 82,400), and others (such as Jermuk, Berd, Shamlugh, Agarak, Akhtala, Tashir, Spitak, Stepanavan, Alaverdi, Charentsavan, Hrazdan, Sevan, Gavar, Metsamor, Armavir, Artashat, Talin, and Ashtarak).

Such discrepancies are justified by the authorities with the fact that voter lists are developed on the basis of the population register, which contains the names of citizens who emigrated from Armenia but did not follow the required procedures of deregistration. In spite of the fact that the problem has been criticized since the 2012-2013 national elections questioning the legitimacy of the electoral processes and the results, no steps have been taken to improve the legislation, correct the discrepancies, and increase public trust in the electoral process.

⁹⁵ http://armstat.am/file/article/bnakch_09_15.pdf

⁹⁶ <http://www.police.am/news/view/hn51221.html>

⁹⁷ http://armstat.am/file/article/demog_2015_2.pdf

Inflated participation numbers are one indicator of possible abuses of absent voters' names. According to the official information of the CRC, as received from precinct commissions every 3 hours,⁹⁸ in 101 precincts, the duration of registration for voting at different time intervals exceeded 44 seconds/person,⁹⁹ which is the minimum possible duration in accordance with the timing tests calculated by the electronic monitoring team members during 2012-2013 national elections.¹⁰⁰

More information about the electronic monitoring of the constitutional referendum voting numbers is available on TIAC's online interactive database.¹⁰¹

- Potential cases of falsifying the participation of absent voters were identified by comparing data entered into the "Oversee the Referendum!" website about 12,037 voters and the findings of observers and mass media representatives in the precincts: in 421 cases where voters reported on the website that they were absent from Armenia or were not participating in the vote, it was found that at their respective precincts someone had voted under their sequential numbers. In 33 other cases, voters found that someone else has already voted instead of them. In two cases, diseased persons were impersonated at voting stations. A large volume of data collected from about 105 precincts (36,864 entries) has not yet been entered into the system and analyzed.
- The analysis of the official referendum data has revealed a number of flagrant anomalies, such as:
 - Whenever the turnout rose, the share of "yes" votes rose in proportion;
 - Turnout varied considerably across the country, whereas the share of "no" votes was rather consistent;
 - Within certain constituencies, the share of "yes" votes was considerably lower in precincts in which representatives of the Citizen Observer Initiative had been present.

The statistical analysis report is included in Annex 1.

- The analysis of the international observation missions shows that some of them participated superficially, and with the aim of legitimizing the referendum. Only two of the six observation missions publicized their observation methodology. A group of observers representing the CIS observation mission, the CIS Interparliamentary Assembly, and the Russian Federation's CEC delegation commended the voting process on referendum day while voting was still in progress, thus violating international election observation standards and principles.

The report on the analysis of international observation missions is included in Annex 2.

⁹⁸ <http://www.elections.am>

⁹⁹ <http://transparency.am/en/publications/view/87>

¹⁰⁰ <http://transparency.am/en/publications/view/87>

¹⁰¹ http://elections.transparency.am/2015/index.php?am_distribution-depends-participation,53.

7 CONCLUSION

The abundance of facts and evidence collected by the large-scale observation mission supports the conclusion that the constitutional amendments referendum of December 6, 2015, was carried out with extensive and numerous violations and falsifications unprecedented in the recent past, including vote buying, infringements of the confidentiality of the vote, intimidation, violence, ballot box stuffing, multiple voting, falsification of voting results during the counting, and others.

Observers and mass media representatives were intimidated across the country, often creating insurmountable obstacles, which rendered a large number of observers unable to exercise their functions, thereby depriving the public of the right and possibility of genuinely and effectively overseeing the referendum.

In at least the precincts observed by the Citizen Observer Initiative, violations of law were so widespread as to cast serious doubt on the possibility of the voters having their political will formed, expressed, and registered in compliance with democratic election standards. As to the referendum results, multiple instances of ubiquitous ballot box stuffing and results falsification during the counting sufficiently justify the claim that the results announced by the CRC do not reflect the real voting situation.

The widespread and consistent nature of the violations and falsifications, as well as the same response to them (or rather, the absence of a proper response) by the electoral administration on all three levels of commissions, as well as by law enforcement agencies and the judiciary, indicate that the violations and falsifications were coordinated, organized, and steered by one center, and that the said institutions were executing a political order and were incapable under such circumstances to exercise their functions as prescribed by the law.

The referendum has unequivocally proven that optimistic statements about improvements in the electoral process, issued by various international observation organizations after the recent national elections, are groundless and fanciful. In reality, the electoral process has seen no progress in the RoA: despite some perfunctory efforts to honor international commitments and continue benefiting from foreign aid (especially in the form of financial support), the country's authorities are ready, whenever "necessary," to tap into a whole arsenal of violations and falsifications in order to achieve or register the desired outcome. Amending the Constitution at this price finally and fully confirmed the preexisting public belief that the constitutional referendum was a struggle for "life and death," and that it was injected into the political agenda with one aim only: securing a lasting foundation for Serzh Sargsyan, and the RPA led by him, to stay in power.

The December 6, 2015, constitutional referendum did not comply with the norms prescribed in the Venice Commission's *Code of Good Practice on Referendums*, especially as related to the

reliability of electoral registers, assurance of equal voting rights, guarantee of the freedom of voters to form an opinion and express their wishes, the opportunity for proper observation of the referendum, and an effective system of appeal. Hence, one may conclude that the results of the referendum do not reflect the will of the citizens of Armenia, that the results are largely forced and falsified, and that the referendum and the document adopted through it are not legitimate.

8 RECOMMENDATIONS

The observation mission conducted by the Citizen Observer Initiative revealed a number of systemic issues, which occurred as a result of the imperfection of electoral legislation and in many cases a lack of desire and will to comply with electoral legislation, ensure free and fair elections/referendum, and carry out effective investigation of violations.

To secure the necessary foundation for the free expression of the will of voters and a sound electoral process, particular attention should be paid to essentially solving at least the following core problems.

8.1 Publicity of Voter Lists

An essential and most important tool for falsifying elections is the current legal framework on the compilation and administration of voter lists, that allows for the inclusion in the lists of hundreds of thousands of citizens who are abroad and de facto disenfranchised, on the one hand, and the prohibition of access to the signed voter lists on the other, since the effectiveness of widespread falsification of people's votes largely depends on the number of people whose names are on the voter lists but who do not participate in the voting. Absent voters are impersonated by others, including the members of precinct commissions, who fill in the respective lines in the voters' lists and stuff the ballot boxes, or their numbers are simply included in the vote counting through falsifying the actual turnout and the results. From election to election, this perception has only been reinforced as a result of the inflated numbers revealed through the electronic monitoring of the voter lists, the numerous observed and documented cases of multiple voting and voter impersonation, the suspiciously large volume of some additional lists, and, in this context, the precinct commissions' efforts to prevent observers and mass media representatives from even approaching the signed voter lists.

So long as the signed voter lists remain confidential, the actual turnout cannot be checked and verified, which, against the backdrop of extremely low trust in the authorities, will continue to negatively affect the public perception of any electoral process in the country, let alone the credibility of its outcome. Thus, declassifying the signed voter lists is an urgent imperative, to which there is no alternative.

Any process or arrangement to change and improve the electoral system cannot be considered positive until and unless citizens are given the opportunity to personally oversee their participation and the participation of their friends and relatives in elections and referenda.

Today, both in reality and according to legislation, such a situation is created in Armenia, which, rather than protecting the rights of actual voters and the votes they cast, protects those who do not participate in the voting. In view of the excessive instances of electoral fraud and violations and the very limited financial and human resource (such as the civil society, observation missions) for the adequate oversight, an unreasonably short and unjustifiably limited timeframe allotted for exposing the such violations and for reporting and lodging applications and complaints against them by those representatives of the civil society and the observation missions who oppose them, the signed voter lists must be publicized once voting is completed and made electronically accessible to the public, offering them the opportunity to oversee the process which allowed fraudsters to vote instead of persons who are out of the country or are deceased.

Because of introduction of new legal regulations that allow citizens to vote with ID cards without having them stamped, the main guarantee of preventing individuals from casting multiple votes is revoked. Hence, considering Armenia's defective practice, a new mechanism should be created in order to ensure adequate control over multiple voting and thus restore proper oversight. In this regard, it is desirable to consider control mechanisms implemented in other countries.

8.2 Prohibiting the Use of Administrative Resources

Administrative resources have been another essential lever in any electoral process in Armenia. The electoral legislation of Armenia does not fully restrict the use of administrative resources in electoral processes to individuals carrying out public functions. As a result, the equality of contesting interests and parties is distorted in favor of the authorities holding the power or the issues for which they campaign. The prescribed rules pertaining to administrative resource restrictions for some exceptional cases are ineffective and remain as mere declarations, as they are not balanced to have adequate and proportional liability. For instance, the Code of Administrative Offences prescribes sanctions only for campaigning by unauthorized persons or other infringements of the campaigning procedure, while persons who are authorized to campaign are essentially allowed to make unhindered use of administrative resources to influence the formation and the free expression of the will of voters.

The legal gaps should be addressed, more effective and tighter restrictions prescribed, and sanctions imposed for every instance of using administrative resources in pursuit of partisan interest or other self-interest.

8.3 Improving the Electoral Administration

Firsthand observation of flagrant violations at all stages of the electoral process, and evidence showing that such violations are facilitated by the acquiescence of electoral commissions on all level (or, at times, their active participation or at least inaction), support the conclusion that the current regulations for the formation and operation of electoral commissions do not enable the effective administration of elections in accordance with the law, and do not fully ensure the protection of the electoral law in all its components.

Commission formation and operation procedures should be revised completely in order to minimize political and other dependency, and to maximize liability and professional qualification.

8.4 Safeguarding the Effectiveness of the Appeals Process

The ineffectiveness of the established appeal procedures and their practical implementation has essentially rendered it impossible to resolve electoral disputes by legal means and protect the right to vote. As a result, it is difficult to measure the impact of the identified violations and falsifications on the election or referendum outcome, which deepens suspicion and mistrust in regard to the transparency and fairness of the process. The actors involved in the violations and falsifications continue to enjoy impunity, which encourages future unlawful conduct. The declining trust of people in the electoral system, in the possibility for the problem solution and change of government through elections compels them to search for solutions outside lawful frameworks, and thus undermines the rule of law.

Creating an effective procedure of appeals is crucial. It should include, but not be limited to: extending deadlines for lodging complaints and reports; extending the list of individuals who have the right to lodge complaints, in order to effectively protect the voting rights of all constituencies; and providing longer timeframes for the approval of the final voting results, in order to accommodate effective resolution of disputes or proportional extension of the timeframe – all of which would more effectively protect the right to vote.

8.5 Augmenting the Rights of Observers and Mass Media Representatives

In spite of the existing limitations and systemic flaws, both academic research¹⁰² and experience have confirmed that observers and mass media representatives can positively influence the quality of the electoral process, chiefly by exposing, preventing, documenting, and presenting photo and video evidence of electoral violations and falsifications to the authorities and the general public.

¹⁰² As examples of recent academic papers on the impact of observers on Armenia, see Hyde, Susan D. (2011), *The Pseudo-democrat's Dilemma: Why Election Observation Became an International Norm*, Cornell University Press. Ithaca; Hyde, Susan D. (2007) "The Observer Effect in International Politics: Evidence from a Natural Experiment." *World Politics* 60(1): 37-63; Bader Max and Scheemts (2014) "Is international election observation credible? Evidence from Organization for Security and Co-operation in Europe missions" *Research and Politics* 1(6); Policy Forum Armenia, "Armenia's 2012 Parliamentary Election," <http://www.pf-armenia.org/document/armenians-2012-parliamentary-election>, pp. 34-35.

To improve the effectiveness of the electoral process, observers and organizations carrying out election observation should first be given the opportunity to file official complaints documenting instances of violation and fraud revealed by them. They should then be allowed to appeal the decisions (or, as the case may be, the inaction) of state officials regarding violations and frauds. Observation organizations that assume responsibility for their observers should also be given the opportunity to defend their infringed rights in court.

It is noteworthy that, with regard to the referendum to protect electoral rights in RoA, only the President of Armenia, the National Assembly, and 1/5 of the members of NA may actually apply to CC for constitutional justice. Experience showed that such a situation makes it impossible for the CC to protect electoral rights.

The observer test requirements should be revised, relieving the observing NGOs and the CEC of unnecessary burdens, and placing the responsibility for the quality of the observation solely on the respective observation missions.

NGOs should have the privilege – enjoyed now only by state authorities – to invite international observers, which would promote parallel collaboration among domestic and international NGOs, empower Armenia’s civil society, and promote the development of democratic processes.

8.6 Expanding the Possibilities for Public Oversight

In addition to ensuring the publicity of voter lists (as mentioned in section 8.1, this requirement would allow citizens to check the roll of actual voters and get convinced in the reliability of voter lists and the official election participation figures), it is necessary to make the voting process more transparent for the broader public through a day-long video recording, inside and outside the precincts, as well as via live broadcasts. This preventive mechanism will help eliminate electoral violations and increase public trust in the elections.

9 SUMMARY

The Citizen Observer Initiative hopes that the target audience of stakeholders will give attention to the problems presented in this Report. The following is expected of the stakeholders:

- Citizens will appreciate the role and importance of the observation mission, participate in generation of public demand for developing a free and fair electoral system in line with international standards, and assume some personal responsibility for overseeing the electoral process;
- The relevant state authorities will properly follow up on the violations and falsifications described in this Report, and will take measures to remedy the identified structural problems in their revision of electoral legislation and practice;

- Political parties, in their advocacy for electoral system reforms, will not merely pursue partisan interests, but, primarily, defend the interests of the citizens of Armenia, observation organizations, and the mass media, with a view to maximizing the possibilities for effective public oversight; and
- International organizations will take their professional reputation more seriously and base their assessment of draft electoral legislation or elections upon evidence and facts, refraining from rushed conclusions and statements that serve to uphold the current political paradigm.

APPENDIX 1

Statistical Analysis of the Results of the Constitutional Referendum of the Republic of Armenia on December 6, 2016

Author: Roman Udot, EPDE

Introduction

The following analysis provides a quantitative and qualitative evaluation of the results of the Constitutional Referendum. It is based on the official data from all polling stations published by the Central Election Commission (CEC) of Armenia. It includes also data provided by civic observers on the Voting Day.

Methodology and Conclusions

Three hypotheses or “Models” were used to analyze the integrity of the official results presented by the Central Election Commission (CEC) of the Republic of Armenia:

Model 1: “Ideal voting” - honest, transparent, and in compliance with country’s laws and international obligations; election results are fully consistent with the public will.

Model 2: “Complicated, but adequate voting” - elections with many recorded cases of violations, which, however, do not significantly affect the results; election results are adequate to the real public will.

Model 3: “Rigged voting” - election with many recorded cases of violations; the violations are so significant that they completely distorted the public will.

Each model was tested by using the official data published by the Central Election Commission (CEC) of the Republic of Armenia.

The statistical analysis shows massive manipulations of voting results at the large number of polling stations throughout the country: the higher the turnout recorded at polling stations, the higher the number of “Yes” votes. Though the turnout and the number of “Yes” votes grew by the same number, the number of “No” votes stayed virtually the same. This can be explained by following manipulations and violations of voting procedures: ballot box stuffing, multiple “controlled cruise” voting (carousel voting), vote buying, forced controlled voting, and variations of the above. The analysis also clearly shows the correlation between the high turnout and high number of “Yes” votes recorded after the closing of polling stations and the violations reported by citizen observers during the voting day. Some examples of violations at particular polling stations are provided in the following analysis.

According to the statistical analysis, 53-70% of the population voted “Against”¹⁰³ the proposed constitutional changes, and 30-47% voter “For”, while the official results being some 63 % “For”, 32 % “Against”. For Yerevan, the statistically reconstructed figures are following: turnout: 37-

¹⁰³ Hereinafter, “Yes” vote and “For” vote are used interchangeably and designate votes in favour of the amendments to the Constitution, whereas “No” votes and “Against” votes are used to describe votes cast against the amendments.

42%. “For”: 34-35%. “Against”: 61-62%, while the officially announced results were the following: turnout - 46.23%, “For” - 53.06%, “Against” - 41.36%.

The following analysis shows also that there are no significant differences between the voting preferences of the residents of different Armenian regions. A comparison of electoral districts showed that there is a country-wide consensus with respect to the refusal of changes in the Constitution. Thus, **the official results of the referendum run counter to the will of the Armenian voters.**

Background

On December 6, 2015, a Constitutional referendum was held in the Republic of Armenia.

The Central Election Commission made some efforts to make the election transparent. Access to the polling stations was free for accredited observers and representatives of the mass media, ballot boxes were semi-transparent, and election data was promptly published. On the day following the referendum, December 7, the voting data appeared on the CEC website in a format convenient for analysis.

On the Voting Day, evidence of attempts to distort the will of the citizens was reported and well documented on the Internet. There were recorded cases of multiple voting, voter impersonation, ballot box stuffing, misrecording of votes, manipulation of additional voter lists (a variety of multiple voting), invalidation of ballots, vote buying, and other violations.

The Citizen Observer Initiative, consisting of several local NGOs, carried out independent citizens’ monitoring of the voting and counting process. Representatives of Citizen Observer Initiative were present at 526 out of 1997 (26.3%) precinct election commissions (PECs).

Additionally, by the evening of December 7, 2015, Citizen Observer received reports of violations from 203 PECs (38.5% of the observed PECs) sent by their observers, as well violation reports from 43 PECs sent by ordinary citizens.

Independent citizens’ observation is the main component in conducting fair and transparent elections and ensuring public confidence in their results. However, reports issued by Citizen Observer Initiative about the distortion of the public will were greeted critically. In addition to the traditional accusations of bias, observers encountered objective obstacles. Therefore, as expected, their election observation coverage was uneven.

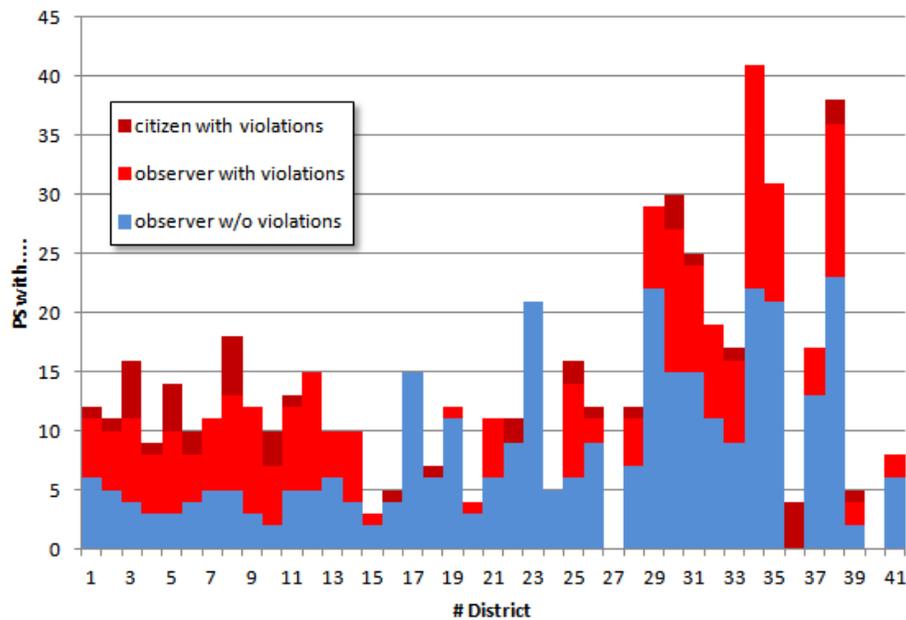


Fig.1 Presence of observers, complaints by observers, complaints by citizens per district

Many observers found it impossible to exercise the right to observe the conduct of the voting. They reported facing threats, intimidation, obstruction of work, and other obstacles to observation activities.

In this context, we consider it interesting to evaluate the official referendum figures issued by the Armenian authorities.

This approach has a number of advantages:

It is assumed that the authorities trust their own data, that the data covers 100% of the polling stations, that it is publicly available and that anyone can cross-check the findings and calculations by downloading the data from the website <http://www.elections.am> in a convenient Excel format: <http://res.elections.am/images/doc/resulteng06.12.15v.xlsx>. Thus, we aim to avoid all accusations of bias, prejudice, or falsification of evidence.

At this point, 8 days after the referendum, we possess no evidence that the officially published data was fabricated or is at odds with the final protocols of the PECs.

Methodology

There is no election or referendum after which the losing party does not accuse the winning one of fraud and wrongdoing. After the referendum on December 6, 2015, there was a wide spectrum of public assessments on the integrity of the process, ranging from assertions that the referendum was “perfect, free and fair,” to allegations of massive violations and complete distortion of the public will.

Here we will highlight three assumptions or models that we will test by officially published statistics.

Model 1: “Ideal voting” - honest, transparent, and in compliance with country’s laws and international obligations; election results are fully consistent with the public will.

Model 2: “Complicated but adequate voting” - elections with many recorded cases of violations, which, however, do not significantly affect the results; election results are adequate to the real public will.

Model 3: “Rigged voting” - election with many recorded cases of violations; the violations are so significant that they completely distorted the public will.

For our analysis, we took into consideration the official data of the Central Election Commission, as well some of the assumptions and patterns regularly observed in the elections.

For example, Sobyenin-Soukhovolsky Method¹⁰⁴ , as it’s named in Russia, describes the distribution of PECs in turnout/(share of votes) coordinates.

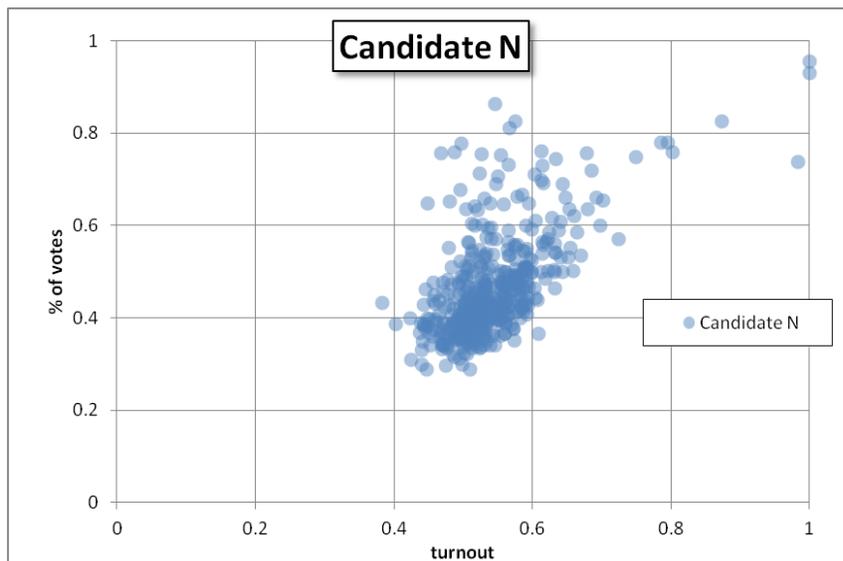


Fig. 2. An example of Sobyenin-Soukhovolsky Method

Here is another illustration of the same dependencies, such as the distribution of polling stations by the turnout or by the vote.

¹⁰⁴ A.A.Sobyenin, V.G.Soukhovolsky. Democracy, limited fraud: elections and referendums in Russia in 1991-1993. M, 1995.

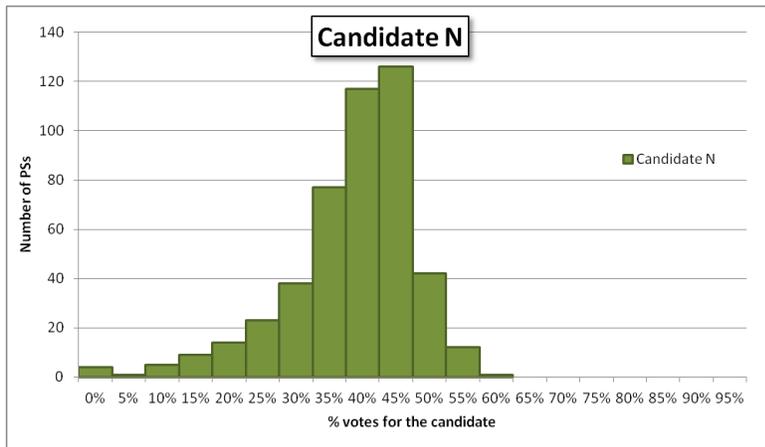


Fig.3 Normal distribution of PECs by % of votes for a candidate

The general idea here is that there are some statistical laws and distributions depending on the opinions of the population. In free and fair elections, we observe an explainable and stable picture – regular bell-shaped or compact cloud-shaped – representing “regular” results. Any artificial interference leads to a noticeable distortion of those regular shapes. Artificial influence on the outcome in a particular PEC is a sign of tampering or other abuses, such as controlled voting.

For instance, the classical falsification – ballot stuffing – occurs, by definition, at a particular polling station, causing it to move on the Sobianin-Suhovolskiy chart from the regular compact “cloud” of other polling stations.

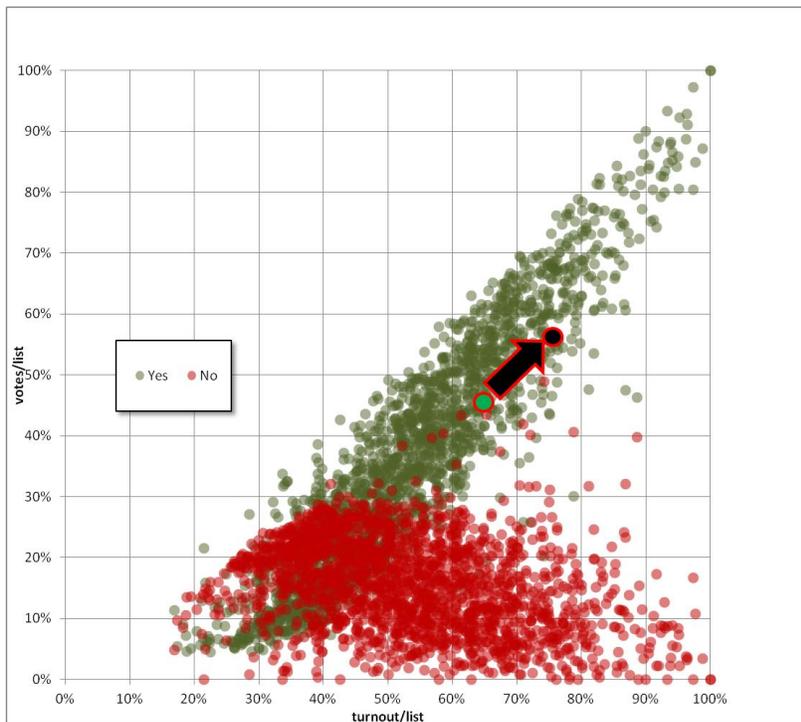


Fig.4 Distortions revealed by Sobianin-Sukhovolsky method

In these coordinates, the original position of a PEC (the green dot) is changed due to ballot box stuffing. If N ballots making up $n\%$ of registered voters are stuffed in, the point moves by n on the X-axis (turnout increased by n) and by the same amount n on the Y axis (since the share of the registered voters is used for Y axis as well).

In the case of massive ballot box stuffing, the resultant picture from such moves looks like the shown on Fig.4.

This distortion of the results is quite typical. It can be described as $+n/+n/0$ in the Turnout/Yes/No space, where all quantities are indicated as a share of the voter list, where «Turnout» refers to voter turnout, i.e. participants/list, «Yes» refers to (votes in favour of the falsifier’s desired result) /list, and «No» refers to (votes against the falsifier’s desired result)/list.

The distortion $+n/+n/0$ occurs in many types of electoral fraud. Mass impersonated voting at polling stations (carousel voting) is mathematically the same as ballot box stuffing (using “people” instead of papers). Buying the votes of people who did not plan to vote provides the same picture: simultaneous and equal increase in turnout and “Yes” votes.

In other words, suddenly voters of one polling station are experiencing a rush to go and vote for the falsifier’s desired result. At the same time, the opponents of the falsifier’s positions seem not to feel this urge, and the number of opponent votes in the polling station remains normal.

Another distortion occurs due to the “misrecording of votes,” when votes for one candidate are counted for another. With such a rigging technique, the distribution of votes according to Sobianin-Suhovolskiy chart is distorted the following way:

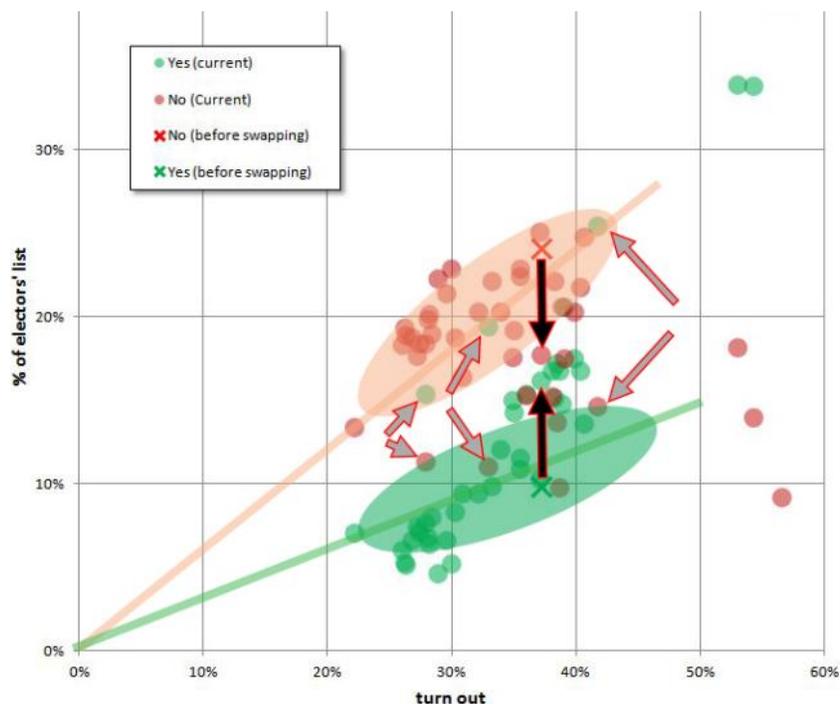


Fig.5 Misrecording of votes. Sobianin-Sukhovolskiy method

And a histogram is distorted this way:

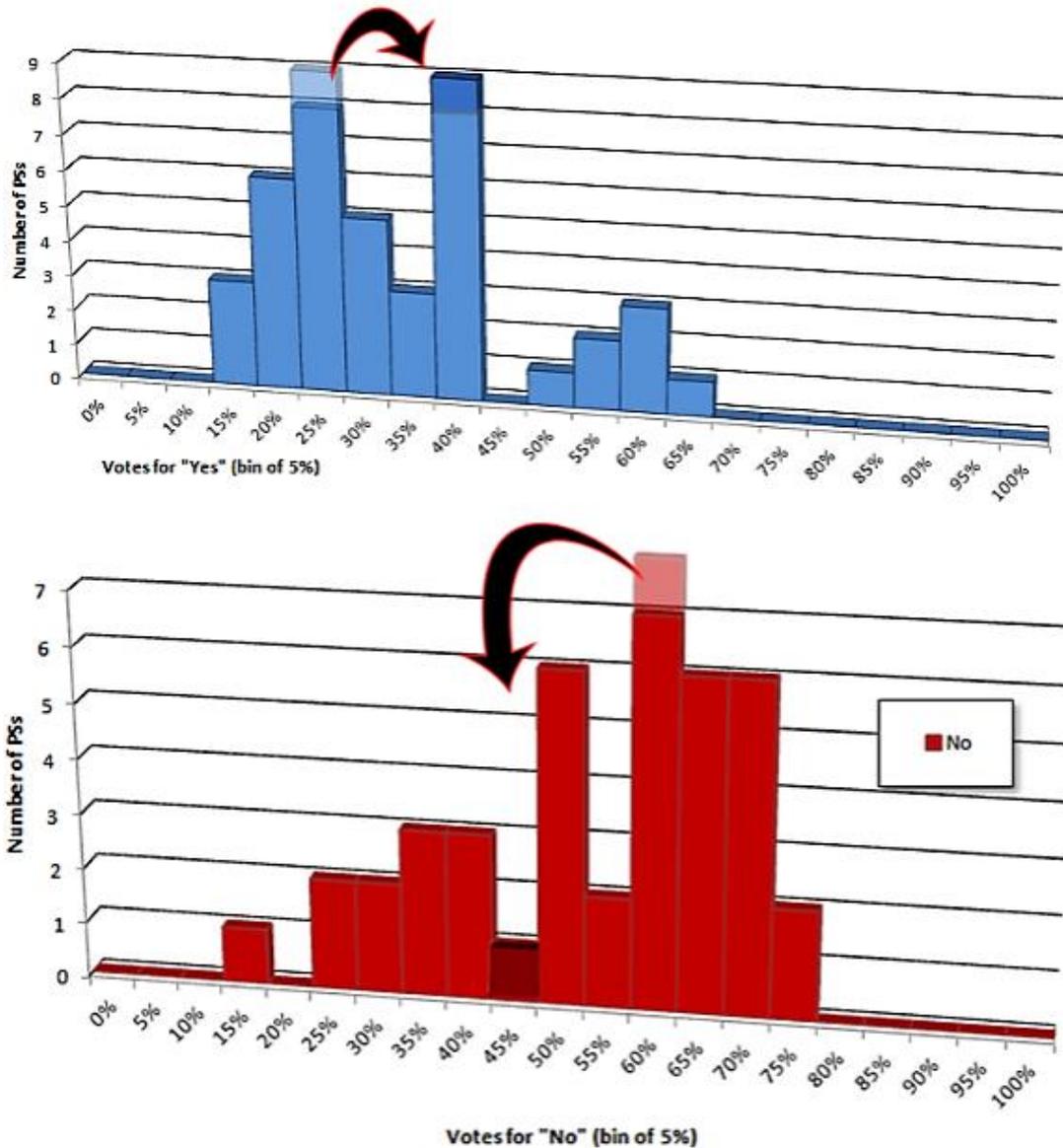


Fig. 6 Misrecording of votes. Histogram

This distortion can be described as a $0/+n/-n$ in Turnout/Yes/No space. The turnout is not affected. Some voters suddenly experienced a surge of changing their mind.

There are other ways to detect fraud using official data. Most of them are also based on the random nature of the examined processes. These methods include analysis of the last digit, analysis of the dynamics of the official turnout, fictitious rounding-up, identical values for properties of random nature, mathematical errors, and others.

December 6, 2015, Referendum Data

Official data released on December 7, 2015, caused great concern.

Sobianin-Suhovolskiy distribution throughout Armenia is as follows:

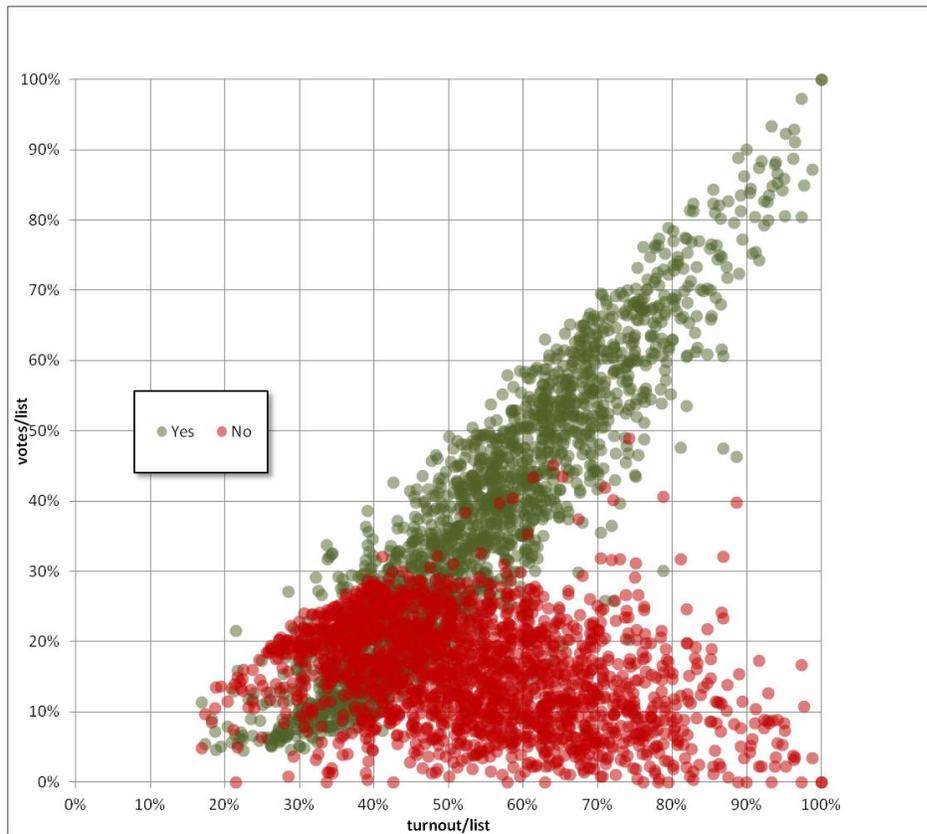


Fig. 7 Official results of the Referendum. Sobianin-Sukhovolsky method (the whole of Armenia)

The expected compact cloud was smeared exactly in the direction of 45 degrees.

According to Model №3, “Rigged elections”, this indicated mass fraud of the ballot-box/vote-buying/mass-multiple-vote type. Indeed, three well-documented cases of ballot stuffing plotted on the diagram do not contradict the model.

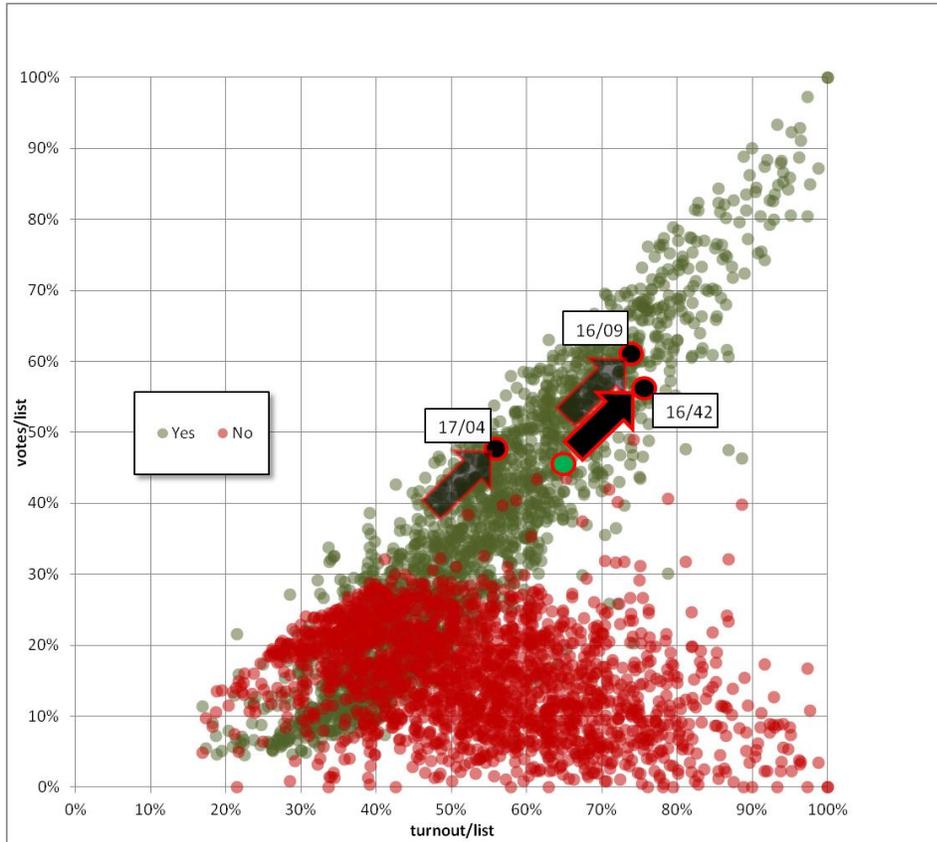


Fig. 8 Official results of the Referendum. Sobianin-Sukhovolsky method and PS with ballot stuffing

In case of PS 16/42, it was possible to establish the number of stuffed envelopes and thus calculate the shift (from the green dot to the black one). In the cases of PS 17/04 and PS 16/09, only the direction of the resulting distortion is shown.



Fig. 9 and 10 Photos from PS 16/42

Ballot stuffing at polling station 16/42 was discovered at 10:00 a.m., at the beginning of the commission's work. This stuffing of 200 ballots, however, explains approx. one third of the PEC shift from the initial cluster. The rest of the day was left for vote buying, multiple voting and other violation of this type. Indeed, there were indirect confirmations of preparations for evening manipulation by appointing PEC members via morning lottery who were supposed to be on duty during the evening hours. For example, the same member of the PEC “won” the lottery for one morning shift and three evening shifts on duty at the ballot box. This position is crucial for fraud associated with both stuffing and with multiple voting. The estimated probability of winning a raffle in such a way under fair conditions is negligible: 0.00804.

Վիճակահանության արդյունքում որոշվեց՝

Վերջին ժամը	Քվեարկերի քանակի և կազմի փոփոխություն		Քվեարկերի և քվեարկատերերի անվանումներ		Քվեարկատերի անունը	Քվեարկատերի հասցեն
	Քվեարկերի քանակը	Քվեարկերի կազմը	Քվեարկերի և քվեարկատերերի անվանումներ	Քվեարկատերի անունը		
7:00	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
8-10	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
10-12	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
12-14	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
14-16	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
16-18	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն
18-20	1400	200	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն	Քվեարկատեր Մանուկյան Վահագն

Ստորագրում 8 անդամ:

Ստորագրում 09 05

Fig. 11 The improbable results of the lottery

In addition, there were reports of misrecording of votes (a transfer of the ballots from a stack of “Against” to a stack of “For” votes). One of these reports, from the PS 34/3, can be clearly seen in the official data (indicated by black arrows).

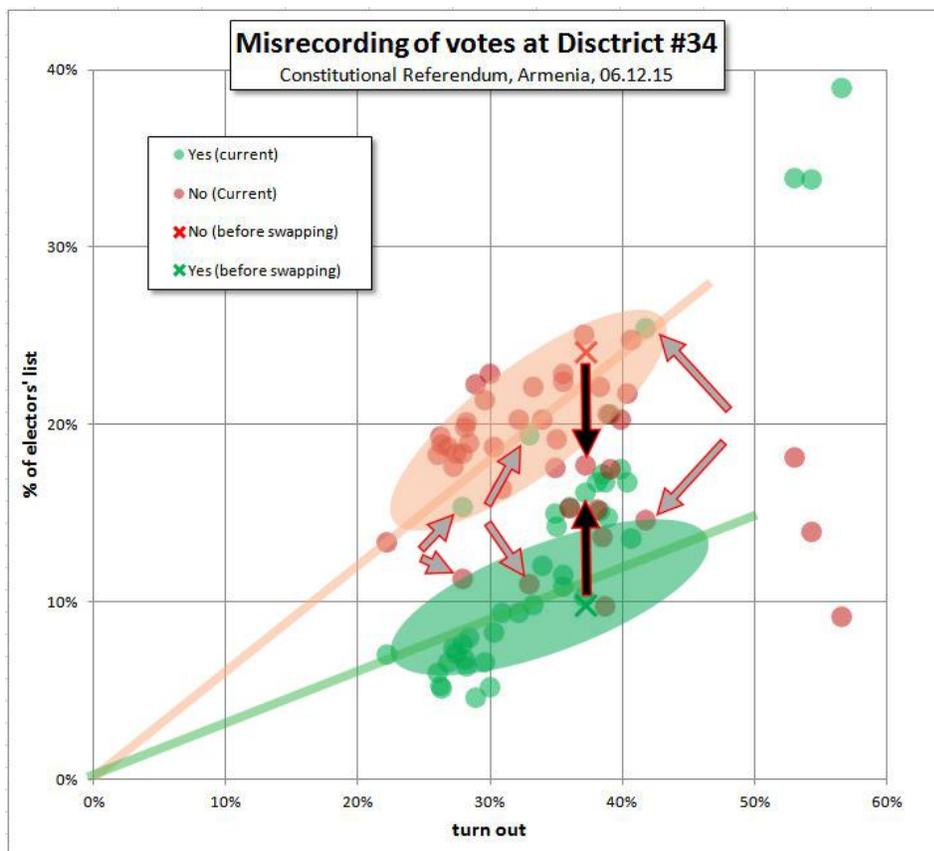


Fig. 12 District #34. Sobianin-Sukhovolsky method

In terms of the models 1 and 2 blurring or “smearing” on Fig.8 is usually explained by differences in various districts. In principle, the distribution of 41 clusters of 41 districts on the diagram may be arbitrary, and thus may give an arbitrary aggregated pattern. Nevertheless, it was unclear why 41 clusters were placed on one line. The probability of such an event is extremely small. However, the question of regional differences is important and requires a special investigation.

Yerevan

In order to exclude the influence of regional differences, we would like to start by scrutinizing what happened in Yerevan. Indeed, one could expect a more or less homogeneous vote from a large, modern city with advanced communications.

Previously, Yerevan showed uniformity and unanimity in terms of voting preferences. A compact “cloud” on Fig.2 is, in fact, based on official data from polling stations of Yerevan for the Presidential elections in 2013.

Comparing the official results of the vote in Yerevan in 2013 and 2015, it is clear that the distribution of votes became more smeared – approximately by a factor of 1.5.

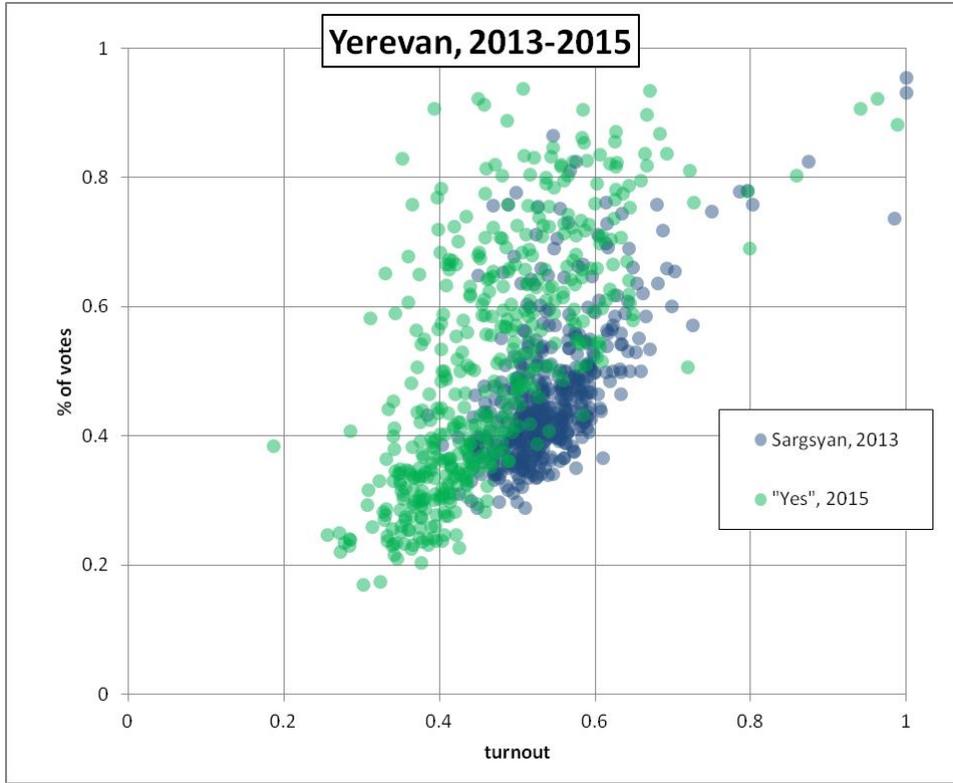


Fig. 13 Comparison of voting in 2013 и 2015. Sobianin-Sukhovolsky method for Yerevan

Model 1 explains this by the increased divergence of opinion between the residents assigned to different polling stations.

Model 3 still views the residents' opinion as homogenous. Just the scale of rigging increased from 2013 to 2015, leading to distortion on the graph. Basically, this is the +n/+n/0 type of distortion.

Model 2, as a hybrid of models 1 and 3, and suggests that the rigging was present to some extent but it did not affect the final verdict of the Referendum. This model will be discussed at the end of the section.

Blurring (Smearing)

The Sobianin-Sukhovolsky chart of the vote in Yerevan looks as follows:

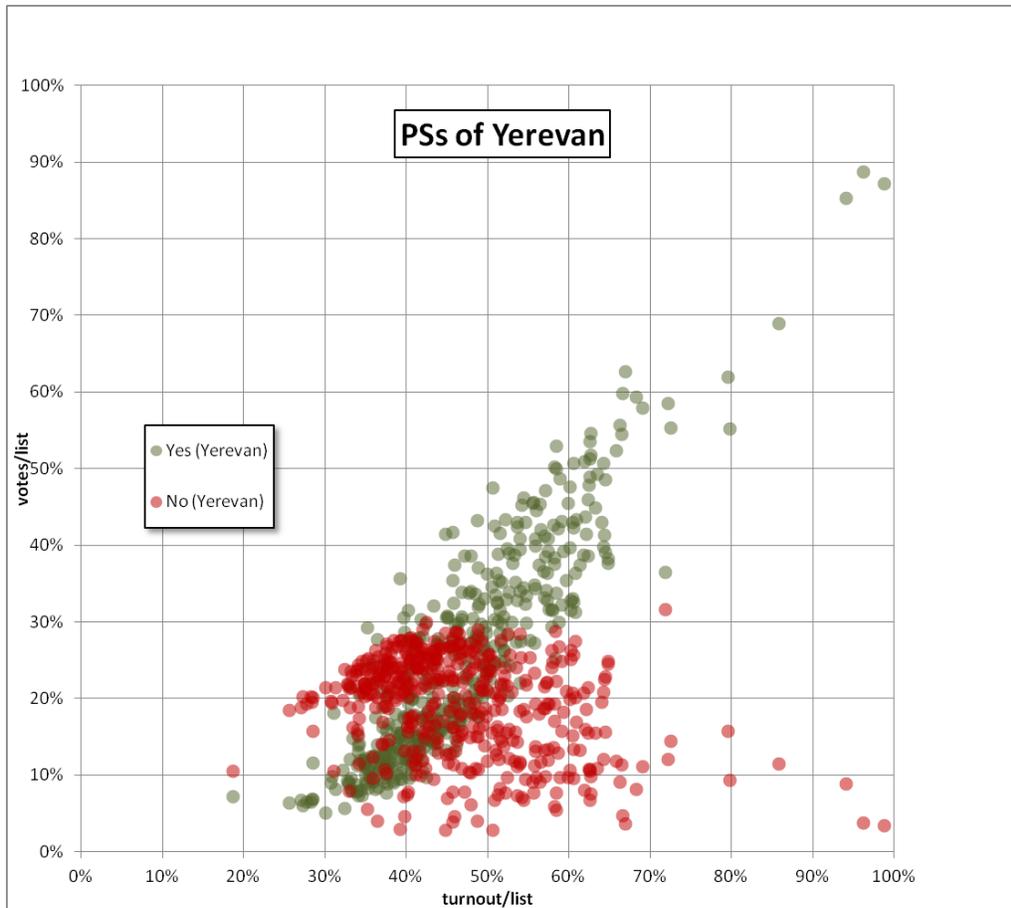


Fig.14 Sobianin-Sukhovolsky method for Yerevan. "For" and "Against" votes

Model 1 explains this by the suggestion that residents of Yerevan have not reached consensus on the reform. Their opinion from district to district varies considerably.

A problem arises: why are fluctuations only at 45 degrees? The opinion of a given citizen is the product of a random set of information, beliefs, preferences, and so on. So, this randomness should form a cloud rather than a line. An accidental formation of a line is highly improbable. Sometimes attempts are made to explain such lines by unknown laws – so-called "hidden variables" – but we are not aware of any hidden variables in this instance.

According to **Models 3**, there is a consensus among Yerevanians, but it is distorted: it is smeared by a simultaneous increase of turnout and of "Yes" votes, i.e. the type $n+/n+/0$ (T/Yes/No). This distortion, as mentioned, is caused by stuffing, mass voting, and vote buying in favour of "Yes". In contrast to the mysterious "hidden variables", instances of such manipulation were observed and documented. The only question is how prevalent such violations were, since it is possible to witness them only by happenstance.

Geographical inconsistencies

Mr. Kireev, electoral geographer and author at www.electoralgeography.com, made an interesting observation: in many cases polling stations responsible for adjacent precincts gave incoherent results. Sometimes, the results were even opposite.

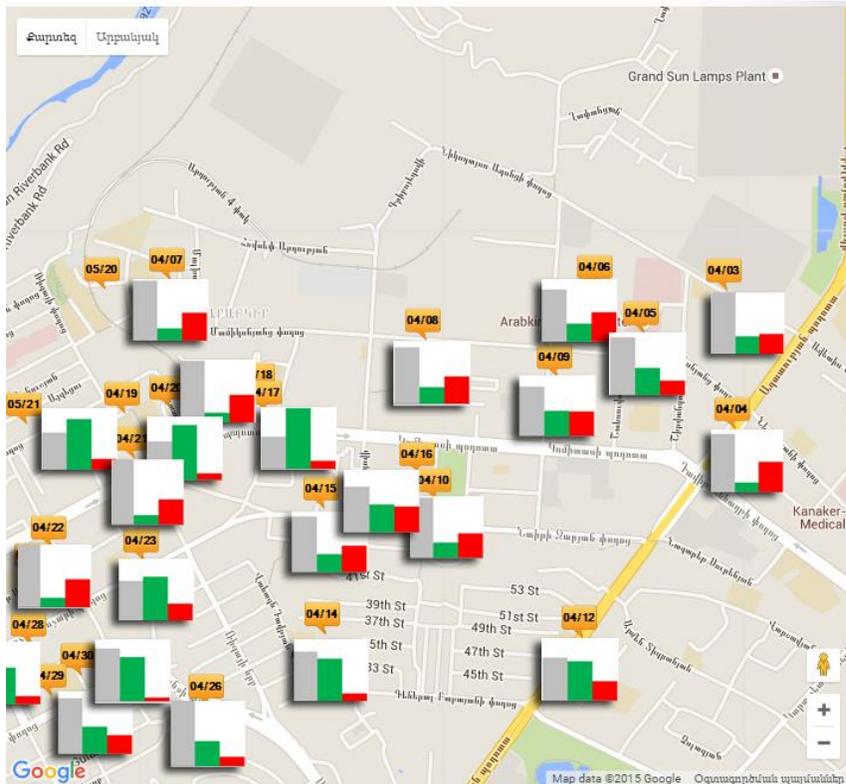


Fig.15 Location of polling stations of District #04, and their results (grey bar -% of abstainers/list, green -% of votes "Yes"/list, red - votes "No"/list)

Model 1 cannot explain these localized rushes to vote “Yes” among dwellers of some buildings with no effect on neighbouring houses. Any legitimate campaigning events always affect adjacent areas. Influence of rallies, posters, concerts, newspapers, radio and TV programs cannot be shut off by precinct borders. The only explanation might be an activity of some incredibly effective agitator who goes “door to door” strictly within the borders of a precinct. Moreover, the campaigning efforts of such an agitator had a 100% efficiency (each additional vote is a vote “For”, hence the angle of 45 degrees on the Fig. 16). Such a campaign worker could in theory explain the distortion of type $+n/+n/0$. We do not have any evidence of door-to-door campaigning in favour of the amendments, let alone that it was successful and thorough.

The same data for this district in the Sobianin-Suhovolskiy diagram looks as follows:

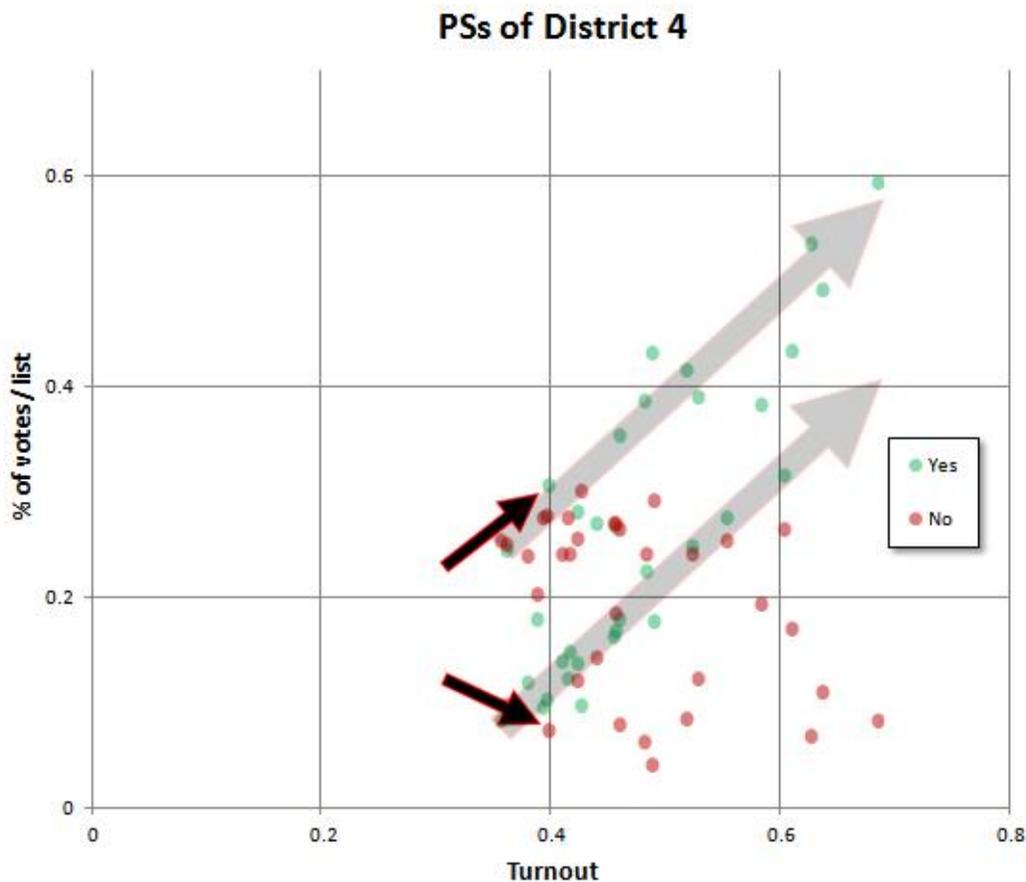


Fig. 16 Polling stations of District #04. Sobianin-Sukhovolsky method

Model 3 easily explains these topographic and statistical phenomena. According to this model, the distortion of 45 degrees is the result of massive ballot box stuffing, carousel voting, and vote buying (among those who had not planned to vote). Statistical distortions caused by these violations were described above at length.

On the other hand, such violations can be successful at one polling station, whereas it can be prevented by observers or rejected by the commission at the next station. Unlike public opinion, which is aggregated function and varies gradually from district to district, attempt on offence and its success is a binary function, which, in general, doesn't depend on position of the polling station. Hence, we observe the scattering of results on neighboring polling stations.

Indeed, in contrast to the hypothetical door-to-door campaigners, instances of mentioned violations were observed in abundance on December 6, 2015.

Violation Reports

EPDE was provided with data from observers of the Citizen Observer Initiative. We see that some regularities can be found in relation to this data.

For example, we can study the correlation between the number of PECs at which complaints were filed and those at which no irregularities were observed, and we can compare these numbers to the percentages of “For” votes cast at each PEC:

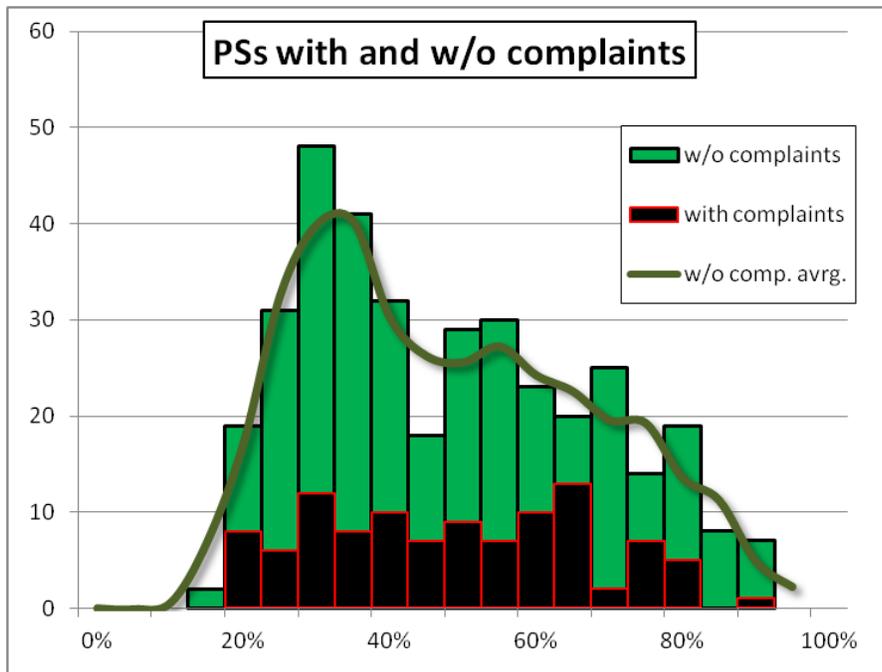


Fig. 17 Distribution of PEC by % of “Yes” votes (5% bin, Yerevan)

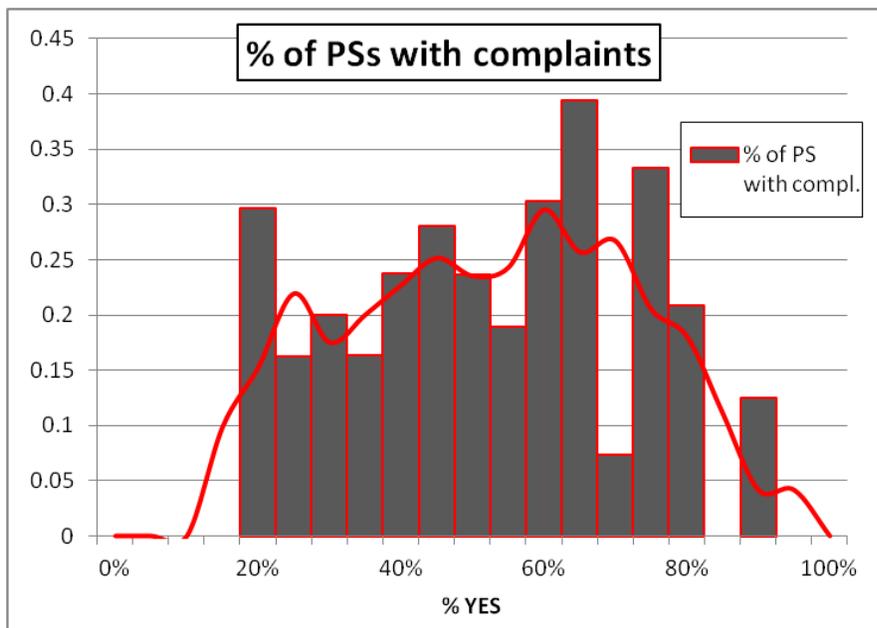


Fig. 18 PECs with complaints as a share of total number of PECs for different segments of “Yes” results (bin 5%, Yerevan)

We can see that observers were distributed evenly across different types of polling stations (on the entire range of “Yes” % results). However, the relative maximum of an average of the PECs with complaints is observed at the value of about 60% of “Yes” votes.

Model 1 cannot explain this relationship. According to this model, no violations occurred and the observers must therefore have invented them.

According to **Models 2 and 3**, “Yes” votes after 50% were associated with some increased illegal activity that caused a rise in the number of observers’ and citizens’ complaints.

Some might question the validity of observers’ data; as such data can be intentionally skewed to cast doubt on the results of PEC with % “For” > 50%. However, we must bear in mind that the complaints were received and published during the voting day, when the results of the referendum were still unknown. How observers knew in advance the PECs with % “For”>50% to coordinate their reports remains a mystery.

Therefore, summing up the abovementioned set of facts and regularities, we can say that the **Model 1, “Ideal voting”**, contradicts these facts and regularities and is inconsistent with them.

The remaining models, **Model 2, “Complicated but adequate voting”** and **Model 3, “Rigged voting”**, both admit the presence of fraud but differ on whether the public will was crucially distorted or not.

Evaluation of distortions

Models 2 and 3 both suggest that falsification occurred and that it somewhat distorted the original values. The distortions that we have found so far are either $+n/+n/0$ (t/yes/no), or $0/+n/-n$ (t/yes/no).

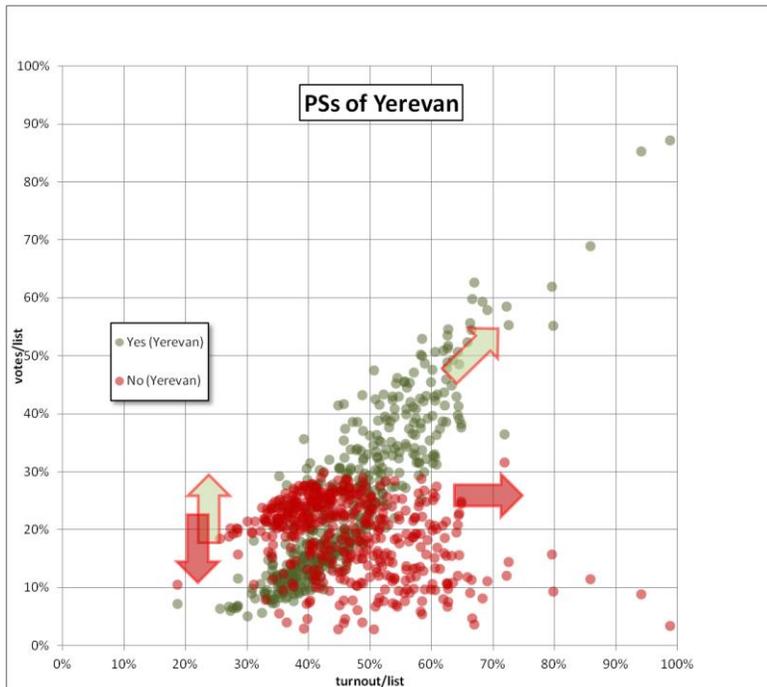


Fig.19 Sobianin-Sukhovolsky method for Yerevan. Directions of distortion and initial clusters

In the diagram above, these distortions are indicated by arrows. The diagram shows that (a) both types of fraud occurred, (b) falsifications happened in one direction only, and (c) there are always residual “honest” PECs, where it was impossible to commit falsifications for various reasons. The chart shows that the initial consensus of Yerevan residents (a) existed, and (b) that “Against” votes were about 23% (of the number of voters in the PEC list!), whereas “For” voters amount to about 13% (of the list). The undistorted turnout was about 37%.

We can convert these figures to traditional percentages, i.e. of participants instead of the voters in the list:

There are 845,903 voters in the lists in Yerevan. In reality, about 312,984 (**37%**) of them voted, including “For” – $845903 \times 13\% = 109,967$ (i.e. **35%** of those who took part in the voting), and “Against” – $845903 \times 23\% = 194,557$ (i.e. **62.16%** of the participants). About 3% could be the number of invalid ballots.

It is also possible to evaluate the real results in another way: by residual humps on histograms.

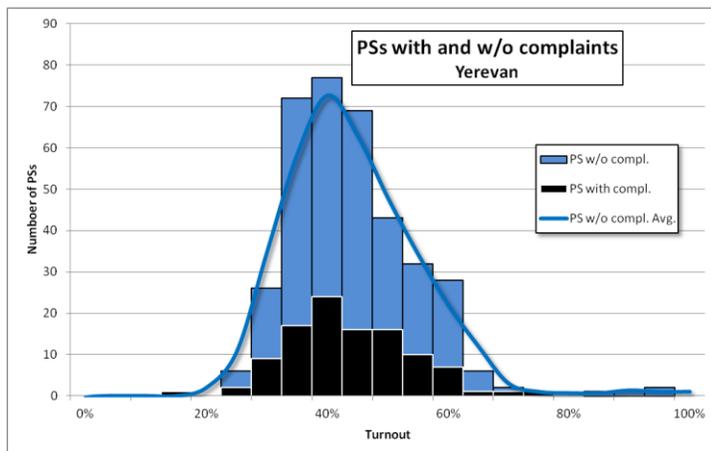


Fig 20 Distribution of PEC by Turnout (5% bin, Yerevan)

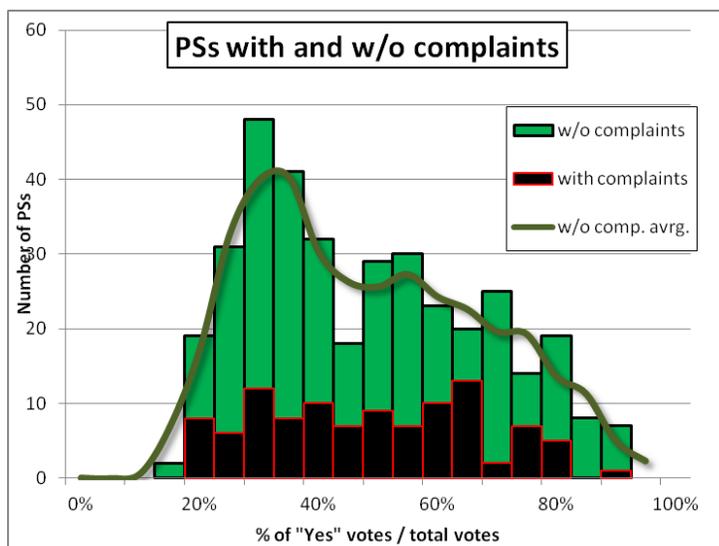


Fig 21 Distribution of PECs by % of “Yes” votes (5% bin, Yerevan)

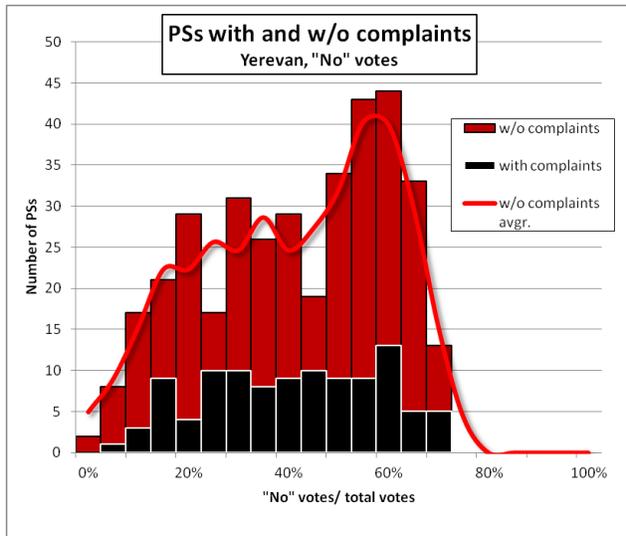


Fig 22 Distribution of PEC by % of “No” votes (5% bin, Yerevan)

The histograms allow us to estimate turnout at **42.5%**, **34% “For”** and **61% “Against.”**

According to official figures in Yerevan, the turnout was 46.23%, of which 53.06% voted “For” and 41.36% “Against.”

Thus, **Model 2, “Complicated but adequate voting”**, is contrary to the observed facts. The only model that does not contradict the facts observed in Yerevan is **Model 3**.

We, therefore, have to conclude that voting in Yerevan was rigged considerably. The violations were so significant that they completely distorted the public will.

The countrywide results

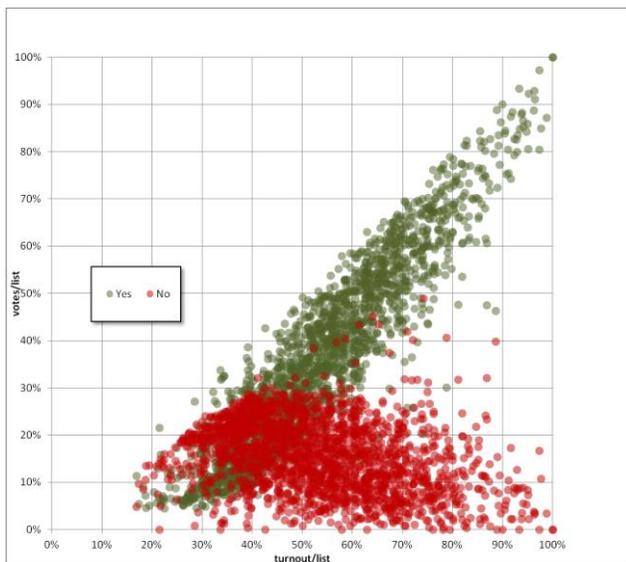


Fig. 23 Official results of the Referendum. Sobianin-Sukhovolsky method (the whole of Armenia)

Model 1, “Perfect voting”, is out of question. The abovementioned facts and regularities observed in Yerevan, the main metropolitan area, where 30% of the electorate voted (according to official data) does not allow us to consider the voting as “ideal” for the whole country.

However, **Model 2** can still survive the test by facts: it is possible that voting outside Yerevan was rigged insignificantly, and that the authorities still got the adequate results, despite the established falsifications in the capital. Perhaps the observed smear in country-wide data can be explained by regional differences.

Model 3 has good chances to stand the test by facts too. Indeed, so far we haven’t encountered any fact that contradicted Model 3.

The “Naumov” Case

The first doubts in the significant difference between voting in Yerevan and the regions were caused by an incident involving the Russian journalist Dmitry Naumov. Mr. Naumov, who was accredited at the CEC, was visiting a region with a population that supposedly adhered to strong pro-government views. Unlike regular international observers, Mr. Naumov spent all day at two PSs and carefully controlled the process of voting and counting. In fact, his core interest was in the procedures of the local municipal elections that took place on the same day as the referendum. So, the sensational results of the referendum there were an unexpected by-product.

The results, indeed, turned out to be inexplicable:

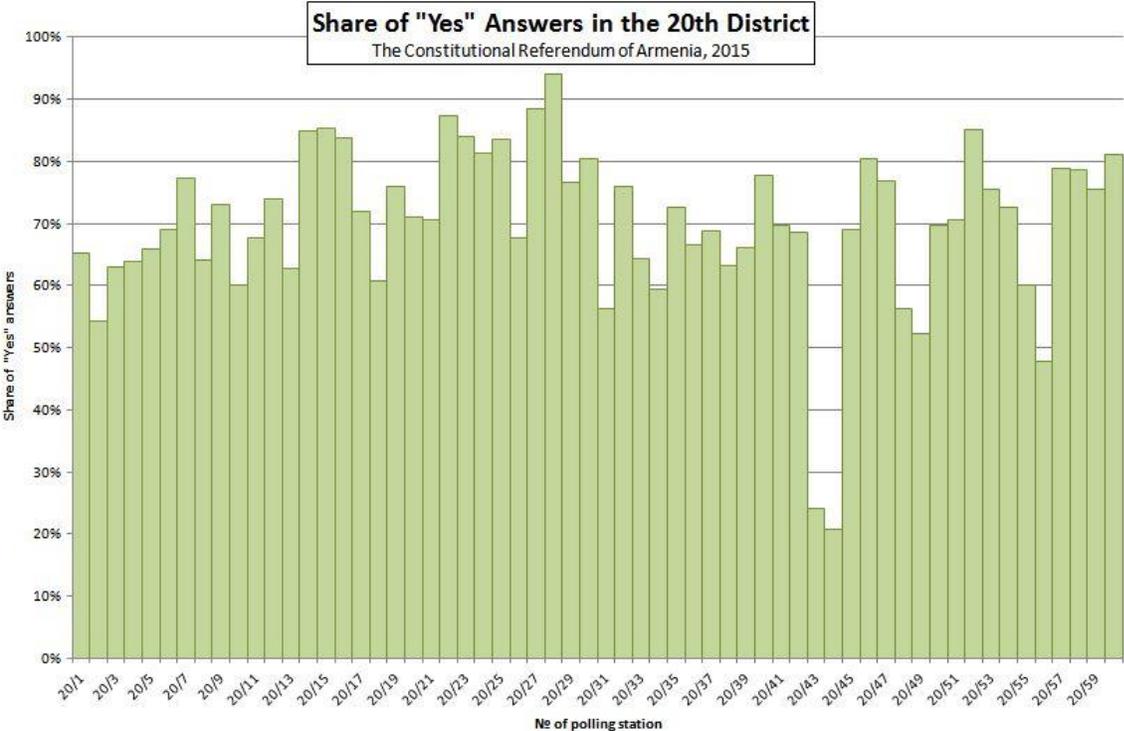


Fig. 24 Comparative diagram of “Yes” votes among PECs of District #20 in the Referendum

Mr. Naumov was at PEC 20/43 and PEC 20/44. It should be noted that these two precincts didn't demonstrate electoral peculiarities previously.

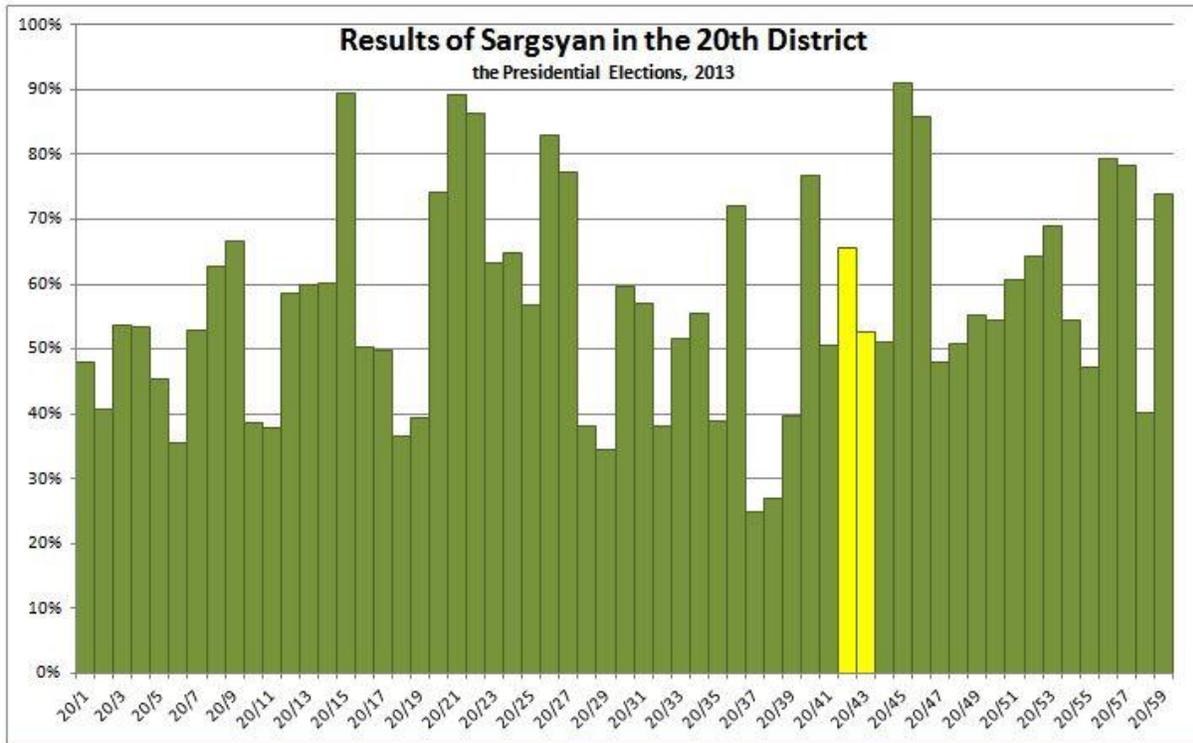


Fig. 25 Comparative diagram of votes in favour of Sargsyan among PECs of District #20 in 2013 Presidential Elections

In 2013, these PSs, marked by yellow colour on Fig.25, had the numbers 20/42 and 20/43.

Model 2 cannot explain this paradox. The probability is close to zero that a journalist accidentally hit precisely those PECs where there was dissent and a conspiracy against the government.

Model 3 explains the extraordinary “Naumov” case obviously: remote regions suffer from large-scale fraud due to lack of external control. So, uninterrupted control by a single observer during the Election Day was enough to bring to light the real results of the vote.

The Scale of Regional Differences

However, the statistical picture as a whole gives reason to suspect that regional differences do exist:

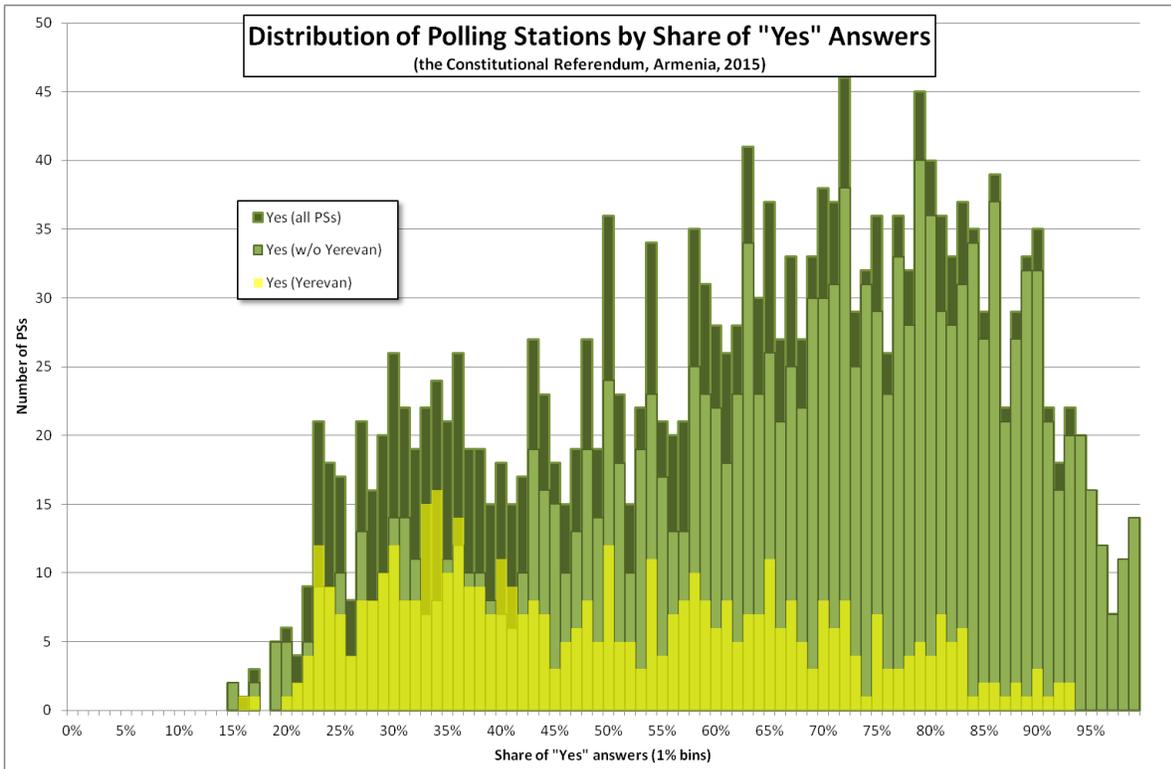


Fig. 26 Distribution of PECs by % of “Yes” votes (1% bin, Armenia)

Model 2, according to which the final distortion was small, explains the first hump at the segments of 30-35% of “For” votes as a result of the consensus in Yerevan, but since the majority of voters were not from the capital, their consensus at the segments around 75% of “For” votes outweighed the opinion of the capital’s residents. Thus, the total referendum results, in which the supporters of the “For” vote won, reflects the view of the country’s population.

Model 3, in which the rigging was overwhelming, considers the first hump as the residual hump of “honest” PECs present all districts. In this model, the opinion difference of inhabitants of the country is insignificant, the pan-Armenian consensus lies just in the area of 30-35% of “For” votes, and the second “hump” is a result of rigging in each district.

To settle this dispute, we broke the data down by each district:

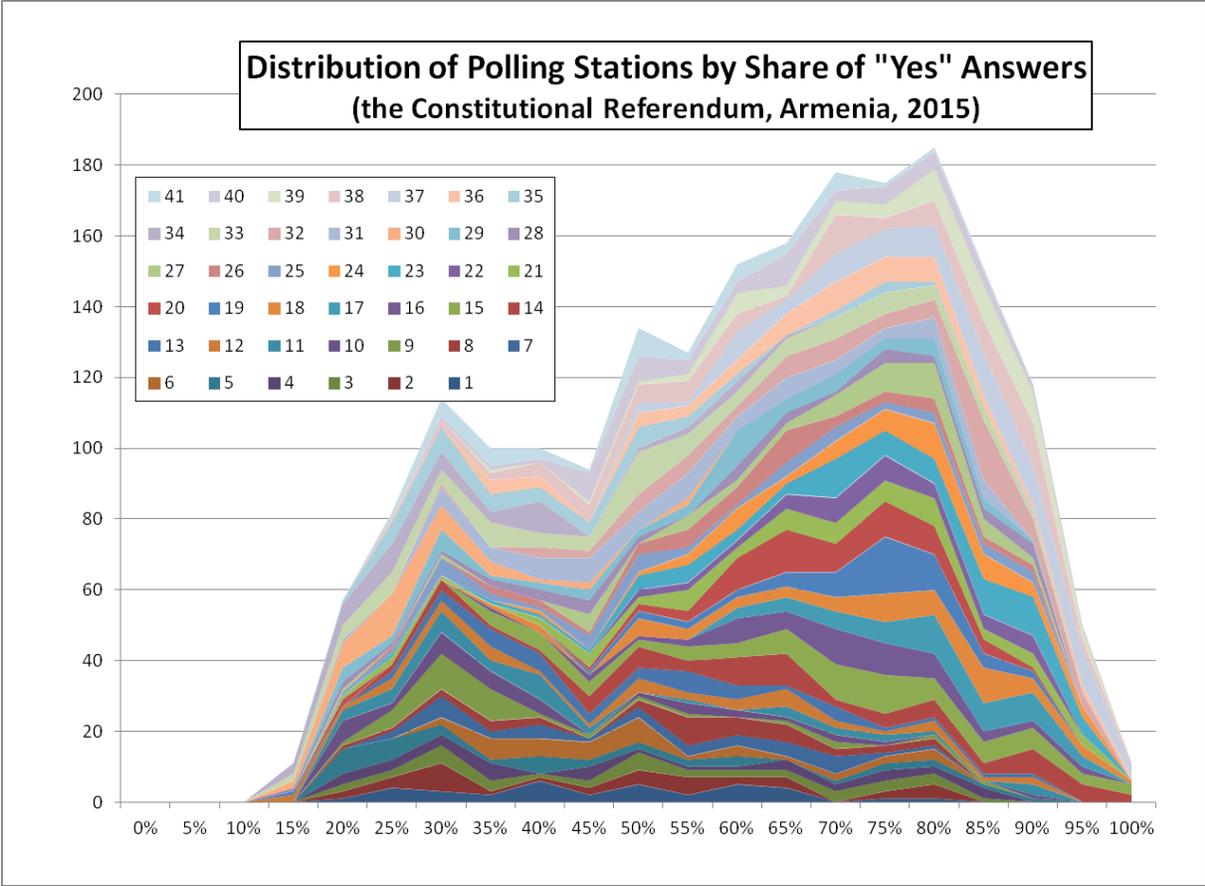


Fig. 27 Distribution of PECs by % of “Yes” votes (5% bin, Armenia)

Contrary to expectations, the first hump truly appeared to look like the national-wide consensus, which got contributions from 38 districts from across the country (except districts 17, 22, and 37). The peak is located at the bin of 30-35% “For,” and therefore of 65-70% “Against.”

Besides, it is noteworthy that there are no expected regional compact consensuses, and that all the districts are as suspiciously smeared like the districts of Yerevan.

National Consensus

To further investigate this phenomenon, we split the data into 5% bins and grouped PECs by the share of votes from the list of voters, rather than by the share of participants. In the resulting distribution, colour saturation in a bin shows the ratio of PECs in the bin to the PECs in the bin having maximum of number of PECs for a given district. So, the bin with maximum number of PECs has the highest colour saturation.

Turnout (participants/list):

Unexpectedly, we found a surprising unanimity among all the inhabitants in all the districts: the number of votes cast “Against” divided by the number of votes on the list is practically the same!

Model 2 cannot explain this great dispersion between districts in turnout and “For” votes, and the unanimity in “Against” votes.

Model 3 explains it the following way. Falsifications of the type $+n/+n/0$ do not affect the votes “Against” whereas they do heavily distort the turnout and the “For” vote alike. Hence, the observed pattern is not a result of differences in opinion among district residents but a result of differences in scale of falsifications of the said type. In other words, the regions differ mostly by the scale of rigging activity.

Thus, the only model that does not contradict the observed facts is **Model 3**. It explains all the differences by massive distortions of the type $+n/+n/0$ (Turnout/Yes/No). As it was shown in “Methodology” section, such distortions are caused by stuffing, mass voting for other persons (carousel voting), vote buying, and forced controlled vote.

Based on this model, it is possible to reconstruct the initial values that reflect the true opinion of the citizens of Armenia.

All PECs give the following aggregated distribution for the “Against” votes (see column “All” in the previous diagrams):

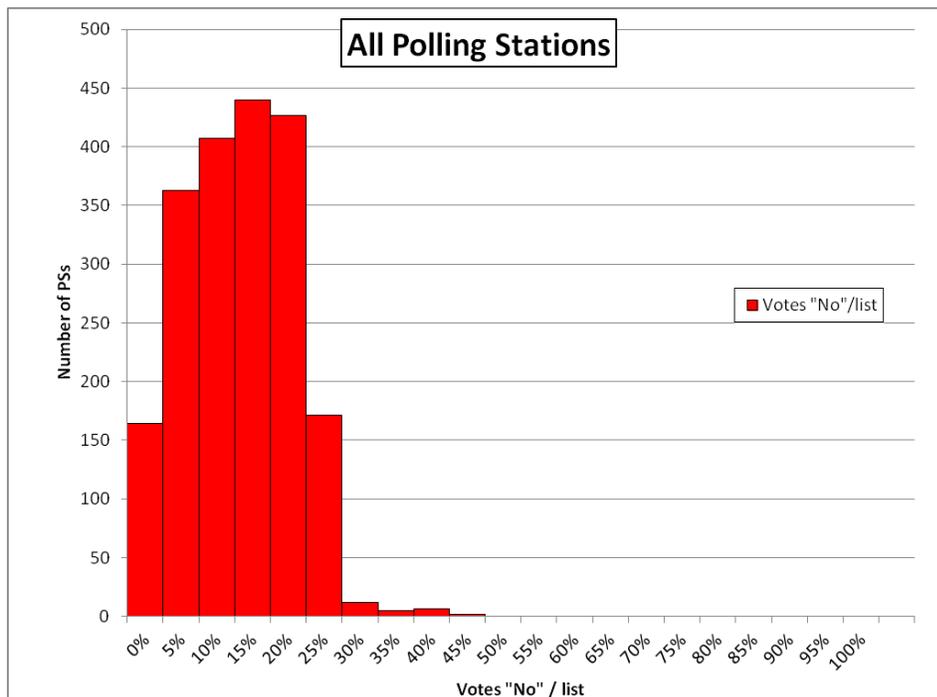


Fig. 31 Distribution of PECs by % of “No” votes (5% bin, Armenia)

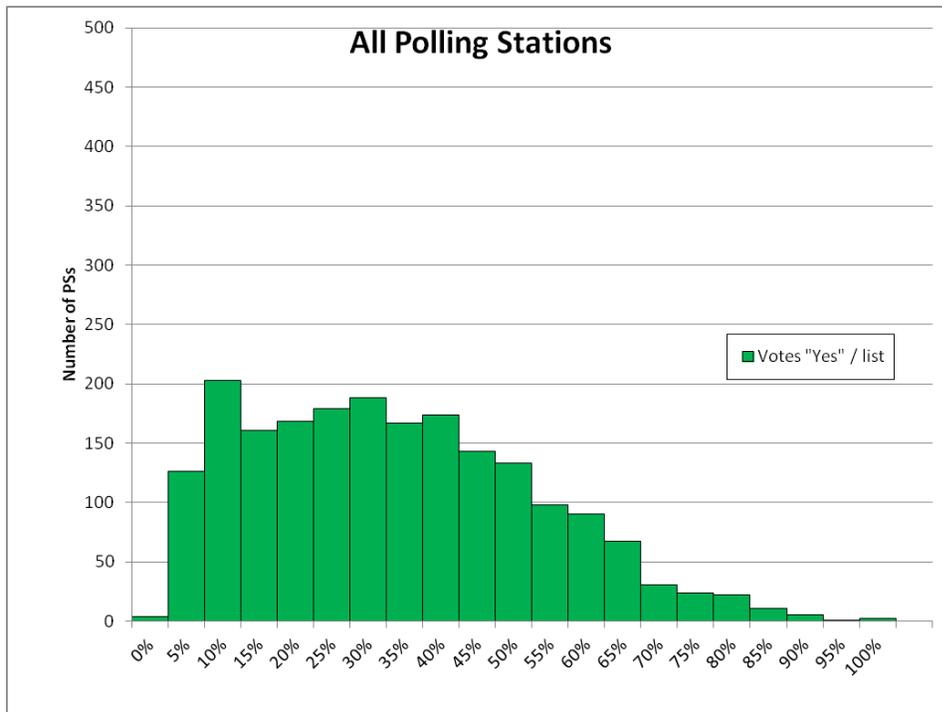


Fig. 32 Distribution of PECs by % of “Yes” votes (5% bin, Armenia)

So, on the distributions by 5% bins, we can see the peak for residual “honest” votes “Against” at the 15% (of the list), and for the votes “For” somewhere at 12.5% (of the list) .

After similar calculations for 2% bins, we obtained a similar picture:

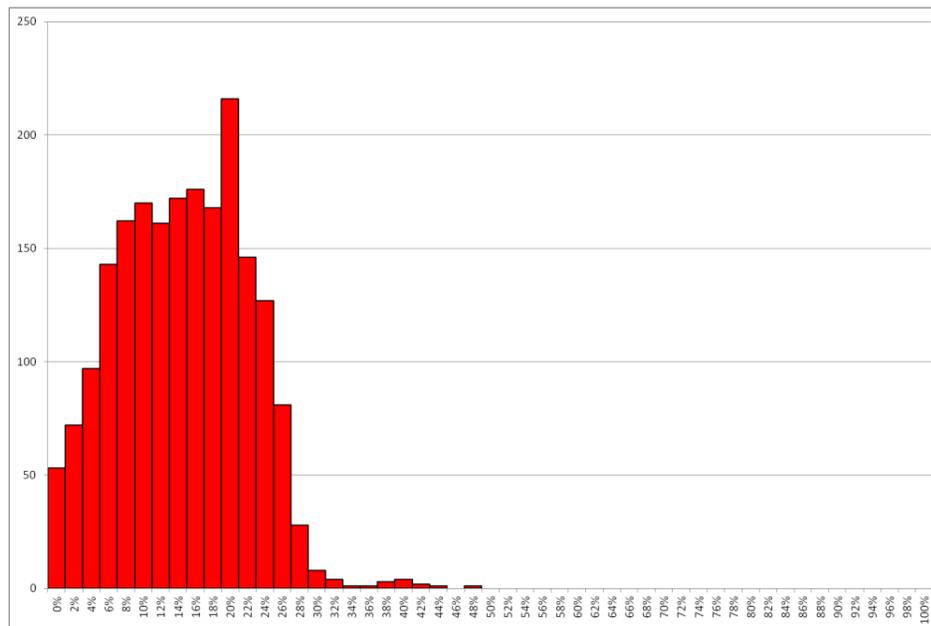


Fig. 33 Distribution of PECs by % of “No” votes (2% bin, Armenia)

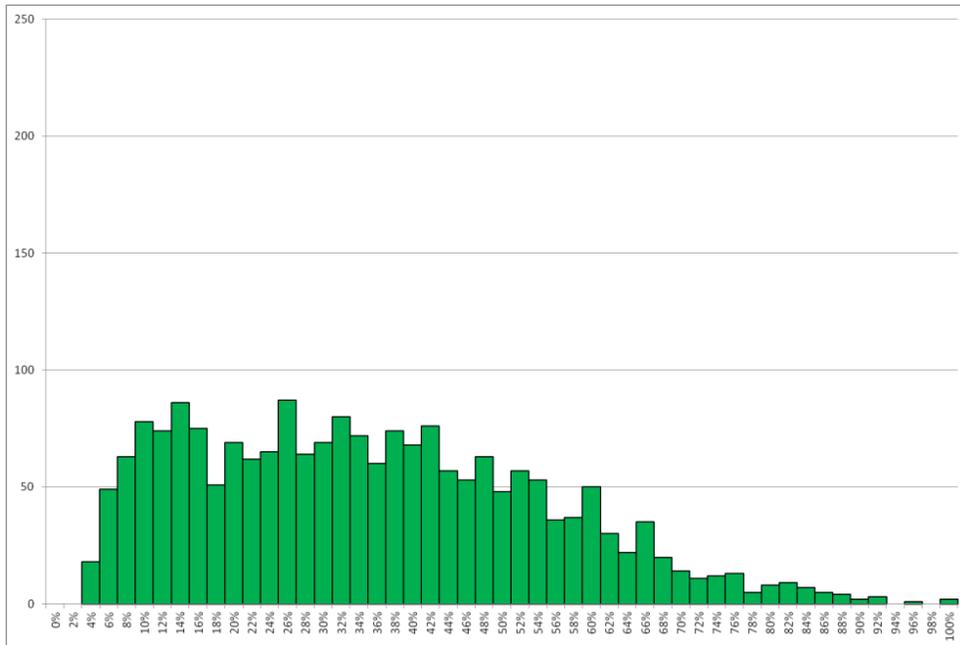


Fig. 34 Distribution of PECs by % of “Yes” votes (2% bin, Armenia)

“Against”: 16% (of the voters list). “For”: 14% (of the voters list).

Even at this stage, we can conclude that undistorted number of “No” votes are slightly higher than number of “Yes” votes. Assuming that the number of invalid ballots is negligible, real number of participants can be estimated as sum of “Yes” and “No” votes. This assumption let us estimate undistorted ratio of votes in traditional way, i.e. by number of participants: 45-47% “For” and 53-55% “Against”.

Let me remind that above we got a residual “honest” hump for “For” votes at the segment of 30-35%, and 65-70% for the “Against” votes. The “Naumov” case gave 20% “For” and 80% “Against”.

It is evident that the accuracy of the methods is not enough to give quantitative estimations, but they have one common feature: there were fewer supporters of amending the Constitution in Armenia than there were opponents.

Or, in other words, all abovementioned calculations and considerations force us to make a conclusion that official results are contrary to the opinion of the real participants of the Referendum.

APPENDIX 2

Analysis of the Activities of International Monitoring Missions at the Constitutional Referendum of the Republic of Armenia on December 6, 2016

**Authors: Sergey Tkachenko and Yelizaveta Rekhtman
European Platform for Democratic Elections**

Regarding the work of international missions and parliamentary delegations for the constitutional referendum in Armenia, we have to mention that this monitoring is based on information obtained from public sources (media: newspapers, websites, television), as well as information obtained from interviews with observers and representatives of organizations and delegations monitoring the referendum as international observers.

This monitoring and evaluation of the international missions focuses on the compliance of the missions' conduct with the principles and standards of international monitoring outlined in the "Declaration of Principles for International Election Observation," adopted by the UN on October 27, 2005. The declaration was signed by leading international institutions and organizations engaged in international election observation.

It is significant that under the Article 29, Part 2 of the Electoral Code of the Republic of Armenia, international organizations, diplomatic and consular missions accredited in the Republic of Armenia, and foreign non-governmental organizations may carry out observation missions only if they have an official invitation to do so. Citizens of the Republic of Armenia cannot be included as observers in the observation missions of international organizations and foreign non-governmental organizations. The following persons and bodies have the right to issue observation mission invitations to individuals and organizations:

- 1) President of the Republic;
- 2) President of the National Assembly;
- 3) Prime Minister;
- 4) Central Election Commission (CEC).

This clause clearly illustrates that the CEC and the leadership of the Republic of Armenia are well aware of the specifics of institutions and organizations that receive such invitations (e.g. their experience, availability of monitoring methodology, etc.). However, the "European Platform for Democratic Elections" (EPDE) has not been able to obtain such an invitation from the government of the Republic despite numerous appeals. (A report issued on December 4, 2015, and published on the websites

News.am and Armenia Today stated that the European Platform for Democratic Elections (EPDE) had not been accredited by the CEC of Armenia.¹⁰⁵¹⁰⁶⁾

According to the Central Election Commission of the Republic of Armenia, 123 international observers from 6 international missions, organizations, and delegations observed the voting process of the constitutional referendum on December 6:

1. The mission of the Commonwealth of Independent States (CIS);
2. Interparliamentary Assembly of the CIS;
3. PACE Delegation (Parliamentary Assembly of the Council of Europe);
4. OSCE/ODIHR (Expert Team);
5. Delegation of the CECs (Central Electoral Commissions) from other countries;
6. Diplomatic delegations from other countries.

General findings and conclusions on the results of monitoring and evaluation:

1. The lack of response from the government of the Republic of Armenia to appeals by EPDE (European Platform for Democratic Elections) about receiving neither an invitation to observe the constitutional referendum nor accreditation for its representatives as international observers, indicates a possible selective approach in the invitation process in favor of missions and delegations loyal to the leadership of the Republic of Armenia;

2. Despite our best efforts to learn more about the observation methodologies adopted by the accredited missions, delegations, and organizations, EPDE managed to get acquainted with the observation methodology of only two international missions. The vast majority of international missions, delegations, and organizations neither conducted preliminary press conferences, nor explained the methodology and focus of their monitoring of the voting process for Armenia's constitutional referendum.

3. Several international observers, in violation of the principles and standards of international election observation, issued press statements on Voting Day, and gave a positive assessment of the course of the vote long before the voting process was complete. According to our monitoring data, four international observers expressed in the media their satisfaction and positive assessment of the voting process without waiting for the closing of polling stations. These four observers represent the Interparliamentary Assembly of the CIS and the delegation of the Central Election

¹⁰⁵ News.am, <http://news.am/rus/news/299939.html>

¹⁰⁶ Armenia Today, <http://www.armtoday.info/default.asp?Lang= Ru&NewsID=139284>

Commission of the Russian Federation. (Monitoring results provide a complete list of these organizations and delegations).

4. On December 7, four international missions, delegations, and organizations issued statements on their observations of the voting process in the constitutional referendum in Armenia. However, the full reports of these organizations, the evidence on which these statements are based, and their conclusions drawn from the observations, are the subjects of further EPDE monitoring when these reports are generated and published.

1. Mission of the CIS¹⁰⁷

Official invitation from the Ministry of Foreign Affairs of Armenia.

Members: 44¹⁰⁸ (as reported on the website of the CEC of Armenia) and 78¹⁰⁹ (including the CIS IPA, according to the official website of the CIS Executive Committee). The Mission included representatives of the Republic of Belarus, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan, the Interparliamentary Assembly of States (participants of the CIS, Parliamentary Assembly of the Belarus-Russia Union), and the Executive Committee of the Commonwealth of Independent States.¹¹⁰

Head of the Mission: Yevgeny Sloboda

Mission Start: November 26, 2015

Mission's activities:

- Meeting with CEC Armenia Chairman, Tigran Mukuchyan
- Meeting with Deputy Foreign Minister of Armenia, Ashot Hovakimyan
- Meeting with the National Commission on Television and Radio of the Republic of Armenia
- Meeting with the Prosecutor General's Office of Armenia
- Visits to the district election commissions.

Evaluation on Referendum Day

Member of the mission from Belarus, Mikhail Petrushin, stated: "We recorded that the voting at ballot stations takes place in accordance with the law; the citizens are quietly doing their civic duty. We have not registered any problems. All the members of election

¹⁰⁷ Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

¹⁰⁸ The list of international organizations carrying out observation mission of December, 6 2015 Referendum on amendments to the RA Constitution, http://res.elections.am/images/doc/ditint06.12.15_en.pdf

¹⁰⁹ Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

¹¹⁰ Official website of the CIS executive committee, <http://www.cis.minsk.by/news.php?id=5805>

commissions respond to our questions clearly and specifically and provide us information. We hope that the society will make the right choice.”¹¹¹

The Head of the mission, Yevgeny Sloboda, said that the referendum had taken place in an organized and calm manner.¹¹²

A press conference on the results of the monitoring was held in the Ani Plaza Hotel on December 7 at 11:00 a.m.¹¹³

Evaluation after the referendum

Andrey Klishas, chair of the Federation Council (Russian Federation) on Constitutional Legislation and State Construction, stated: “The referendum on changing the presidential system into a parliamentary one became yet another confirmation of the high level of democracy in Armenia.”

The head of the delegation of Russian Federation’s Federation Council stated: “It is noteworthy that at all polling stations there was a very calm working environment. Of course, citizens’ freedom of expression (closed polling booths, transparent ballot boxes) was implemented, and, in general, there was a very friendly attitude of the members of electoral commissions towards the observers and citizens who came to cast their vote in the referendum.”¹¹⁴

“Everything went according to the current legislation. All the polling stations were equipped in accordance with the requirements. In most of the polling stations we visited, there were both national and international observers,” said Klishas. According to him, representatives of the media also observed the referendum.¹¹⁵

Evaluation at a press conference on the results of the referendum

At the final press conference on December 7, the head of the mission, Yevgeny Sloboda, said that the constitutional referendum had been held in a free and open atmosphere. “The vote was held in accordance with the Electoral Code of Armenia. Everything happened peacefully and according to the law. According to the mission, the referendum was held in a free and open atmosphere; public authorities provided

¹¹¹ AMI News-Armenia, <http://newsarmenia.am/news/armenia/nablyudateli-ot-sng-dovolny-khodom-golosovaniya-na-referendume-po-konstitutsionnym-izmeneniyam-v-arm/>

¹¹² Vestyk Kavkaza, <http://www.vestikavkaza.ru/news/Referendum-v-Armenii-protokaet-spokoyno-nablyudateli-ot-SNG.html>

¹¹³ <http://armenpress.am/rus/news/828537/nablyudateli-sng-dovolny-khodom-golosovaniya.html>

¹¹⁴ RIA Novosty, <http://ria.ru/world/20151206/1337202458.html>

¹¹⁵ RIA Novosty, <http://ria.ru/world/20151206/1337202458.html>

citizens with the opportunity to exercise free will,” Sloboda said at a press conference in Yerevan on Monday.

He also noted that the mission did not record any violations.¹¹⁶

A member of the mission, State Duma deputy Nikolai Arefiev, noted that the voting at the constitutional referendum was legitimate. “I want to say that I personally visited 15 polling stations. We did not find any comments about any violations of the legislation on the part of voters, or the election commission, or by the observers and their proxies,” said Arefiev. According to the deputy of the State Duma, everything was quiet. “And, perhaps, the results of the referendum reflects the will of the Armenian people,” said Arefiev.¹¹⁷

2. The CIS Interparliamentary Assembly

Official invitation from the Chairman of the National Assembly of the Republic of Armenia.

Members: 23 (Belarus, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Republic of Tajikistan)

Head of the Mission: Akramsho Felaliev (Tajikistan)

Short-term mission activities:

- Meeting with the chairman of the Central Election Commission of the Republic of Armenia
- Report of the expert group on long-term monitoring of the preparation and holding of the referendum on Constitutional change. The report was not published but delivered to the CEC Chairman, Tigran Mukuchyan.¹¹⁸
- Meeting with the Deputy Chairman of the National Assembly of the Republic of Armenia, Hermine Naghdalyan, as well as with representatives of parliamentary political parties, both those in favor as well as against the adoption of the new Constitution.¹¹⁹

Conclusion from the report:

Preparations for the referendum were in compliance with the electoral legislation of the Republic of Armenia, as well as with the most important international obligations of the

¹¹⁶ Interfax, <http://www.interfax.ru/world/483532>

¹¹⁷ News.am, <http://news.am/rus/news/300548.html>

¹¹⁸ Official website of CIS Interparliamentary Assembly, http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/nablyudateli_ot_mpa_sng_vstretilis_s_rukovodstvom_tsik_respubliki_armeniya/

¹¹⁹ Official website of CIS Interparliamentary Assembly, http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/nablyudateli_ot_mpa_sng_vstretilis_s_predstaviteleyami_parlamentskikh_politicheskikh_partiy_armenii/

Republic of Armenia in the electoral sphere. All referendum-related events were in compliance with the “Calendar Plan for the Preparation and Holding of the Referendum on Constitutional Amendments,” approved by the Central Election Commission. The national media fully covered all stages of referendum preparation, keeping citizens informed about the referendum and the proposed constitutional changes.¹²⁰

Evaluation on Referendum Day

The deputy of the Republic of Belarus, Yevgeny Obolensky, said that the referendum in Armenia had been held “neatly and without incident.”¹²¹

Evaluation after the referendum

The Head of the Mission, Akramsho Felaliev, said that the referendum confirmed the observance of the Republic of Armenia’s commitments, allowing its citizens to freely express their attitude to Constitutional change. “The presence of national and international observers, proxies of political parties, and representatives of the media at polling stations contributed to the openness of the electoral process,” said Felaliev.¹²²

A member of the mission and deputy of the State Duma of the Russian Federation, Vasily Likhachev, welcomed the results of the constitutional referendum “as very democratic, very responsible, and very positive.” The deputy stated: “For me, as a lawyer, it is important that international electoral standards have been fully observed at all the polling stations, in particular the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in CIS countries of 2002, and a similar convention of the Council of Europe.”¹²³

3. PACE (Parliamentary Assembly the Council of Europe)

Members: 11

Members of the delegation (according to officially available data):

Andreas Gross (Switzerland, SOC), head of delegation

Doris Fiala (Switzerland, ALDE)

Alan Meale (United Kingdom, SOC), rapporteur of the Monitoring Committee

¹²⁰ Official website of CIS Interparliamentary Assembly,

http://www.iacis.ru/pressroom/news/mezhdunarodnyy_institut_monitoringa_razvitiya_demokratii/proshla_vstrecha_nablyudateley_ot_mpa_sng_s_zamestitelem_predsedatelya_natsionalnogo_sobraniya_respubliki_armeniya/

¹²¹ News.am, <http://news.am/rus/news/300377.html>

¹²² News.am, <http://news.am/rus/news/300538.html>

¹²³ Ru.Euronews.com, <http://ru.euronews.com/newswires/3104557-newswire/>

Activities:

- Meeting at the Parliament of the Republic of Armenia¹²⁴
- Meeting of mission member (co-rapporteur) Alan Mill with the President of Armenia, Serzh Sargsyan, on Referendum Day.¹²⁵ In the meeting, Mill praised the preparations for the referendum and the cooperation between Armenia and the Venice Commission.

<http://armenpress.am/rus/news/828549/prezident-prinyal-sodokladchika-monitoringovoiy-komissii.html>

Evaluation after the referendum

The Head of the Mission, Andreas Gross, said that the referendum was held under the influence of political interests instead of the needs of the Armenian community, and was perceived by many citizens as an expression of confidence in the authorities rather than an expression of popular opinion regarding the proposed changes to the Constitution.

According to the mission, the turnout for the referendum was quite low (50% of the population). The process of constitutional reform, which lasted two and a half years, was not sufficiently inclusive. The parliament had only a few weeks to discuss the reform, and public discussion of the proposed changes was limited to two months; therefore, it was difficult for all parties involved to reach an agreement. Thus, the core of the constitutional reform, the transition from a presidential to a parliamentary republic, was seen by many as an attempt by the president of the Republic of Armenia to stay in power after his second (and final) term in office.¹²⁶

Mission observers also noted a number of problems on Referendum Day, i.e.:

- Inaccuracies in voter lists, such as inclusion of individuals who live abroad or are deceased, which gave rise to suspicions that the names of such individuals had illegally been used to cast multiple votes for each name;
- allegations of large-scale organized vote buying, carousel voting, pressure on voters;
- the misuse of administrative resources by executive bodies;
- allegations of attempts to corrupt election officials.

In addition to these problems, a statement at the end of the observation mission also noted inadequate training of election commission members, particularly in terms of vote

¹²⁴ News.am, <http://news.am/rus/news/300166.html>

¹²⁵ PanArmenian.net, <http://www.panarmenian.net/eng/news/201849/>

¹²⁶ Mediamax.am, <http://www.mediamax.am/en/news/foreignpolicy/16352/>

counting. Observers also noted problems related to mobile (off-site) voting, whereby voters with disabilities were being virtually excluded from the voting process.¹²⁷

Statement on the voting day

On December 7, the PACE mission issued a statement on the results of its monitoring.¹²⁸ The statement noted the duration of the observation mission (December 4-7) and listed the mission's activities (meetings with leaders and representatives of parliamentary groups and parties, the chairman of the CEC, representatives of civil society and the media, as well as experts from the OSCE/ODIHR). The names of three members of the mission were mentioned in this statement: Andreas Gross (Head of the Mission), Doris Fiala (Switzerland), Alan Mill (rapporteur of the PACE Monitoring Committee).

4. The OSCE/ODIHR (expert team)¹²⁹

The organization did not carry out a monitoring mission for the December 6 referendum.¹³⁰

Four experts from ODIHR will assess the referendum process. The format of the expert team does not imply a comprehensive monitoring of the voting process and the vote counting.

The expert team was officially invited by the government of the Republic of Armenia.

Period: November 26 - December 13

Final Report: Two months after the referendum

Focus: Referendum campaign legislation; regulation and role of the media; referendum organization.

Delegations of the CECs (Central Electoral Commissions) from other countries

Total: 33 representatives

1. The delegation of the Central Election Commission of the Russian

¹²⁷ PACE website, <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5932&lang=2>

¹²⁸ PACE website, <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5932&lang=2>

¹²⁹ OSCE/ODIHR, <http://www.osce.org/odihr/elections/armenia/203956>

¹³⁰ ArmlInfo Independent News Agency, <http://www.arminfo.am/index.cfm?objectid=08116CE0-9919-11E5-81DA0EB7C0D21663>

Federation¹³¹

Head: Oleg Lavrov

Evaluation on Referendum Day

Russian Federation CEC head, Vladimir Churov, stated: “All procedures were followed ... everything was calm, no accidents, we have not seen any violations.”¹³² At the same time, Churov said that there were some “shortcomings” in the conduct of the referendum; for example, bad preparation of premises for a polling station, and at one station the voter lists were inaccessible.

Evaluation after the referendum

Member of the Central Election Commission of the Russian Federation, Oleg Lavrov, stated after the vote: “Voting was calm and followed the procedure stipulated by the law. Observers reported no violations; generally, the polling stations were calm, and representatives from almost all the political parties were represented in the local parliament. Somewhere in the afternoon, there was increased activity, even small queues were at the stations.”¹³³

On December 7, the Head of the CEC of the Russian Federation, Vladimir Churov, said that the referendum on amendments to the Constitution of Armenia can be considered valid, and that the final turnout even exceeded expectations.¹³⁴

List of Media monitored by EPDE

1. International News Agency Novosti-Armenia <http://newsarmenia.am/>
2. News portal News.am <http://news.am/rus/>
3. Armenia Now.com <http://www.armenianow.com/>
4. PanArmenian. net <http://www.panarmenian.net/rus/news/201456/>
5. www.1in.am RUS
6. www.azatutyun.am Radio Liberty ENG, livestreaming
7. www.hetq.am Rus ENG
8. www.ditord.am ENG blog
9. www.Civilnet.am live streaming
10. www.epress.am
11. www.mediamax.am
13. www.hanraqve.com

¹³¹ ArmlInfo Independent News Agency, <http://www.armlinfo.info/index.cfm?objectid=13FE03D0-9809-11E5-A13F0EB7C0D21663>

¹³² AMI Novosti-Armenia, <http://newsarmenia.am/news/armenia/nablyudateli-ne-zafiksirovali-narusheniy-na-referendume-v-armenii-churov/>

¹³³ RIA Novosti, <http://ria.ru/world/20151206/1337224141.html#ixzz3tbywwksS>

¹³⁴ SputnikArmenia, <http://sputnikarmenia.ru/armenia/20151207/1323561.html>

14. transparency.am
15. armenpress.am
16. hayeli.am - announcements of upcoming press conferences
17. sputnicarmenia.ru

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