

**Third Long Term Monitoring Report, 2003 Presidential Elections  
Republic of Armenia  
Prepared by  
It's Your Choice (IYC)**

January 1-20

**Introduction**

In January 2003, IYC continued long term monitoring of the 2003 Presidential Elections. IYC is a domestic, non-partisan NGO that has 4000 volunteers and branch offices in every marz of Armenia and district in Yerevan city.

IYC's central office observed the candidate nomination process, period preceding the official start of campaigning, steps made by the candidates who withdrew from the race, current political atmosphere, state officials' activities, mass media coverage and their campaign policy, the CEC, and decisions made by the National Committee on TV and Radio.

**Political atmosphere**

As of January 15, 11 candidates out of 12 were registered. The Central Electoral Commission declined presidential candidate Raffi Hovannisyan's registration as he does not meet the 10 year residency requirement of the Constitution and the Electoral Code. The Court of First Instance and later the Court of Appeal turned down Mr. Hovannisian's appeal to acknowledge his ten year residency in Armenia.

The Coalition of 16 has not yet nominated a unified presidential candidate. However, several candidates (A. Geghamyan, S. Demirchyan, V. Darbinyan, A. Z. Sargsyan, G. Margaryan, A. G. Sargsyan) declared that the unified candidate will be known by February 6.

**IYC's current observations raise the following concerns:**

- Unequal application of the law in candidate registration process;
- Violation of the Election Timetable;
- The bias campaign coverage by the State TV station;
- Involvement of State official in the election campaign;

**Unequal application of the law in candidate registration process**

The requirements about RA citizenship and ten year residency in Armenia as defined by the Constitution were unequally applied by the CEC. The latter declined R. Hovannisian's

registration stating he does not meet the above mentioned requirements, nevertheless, registered the incumbent whose period of citizenship and residency contradicts the law, as well.

In accordance with Article 50 of the Constitution and Article 65 of the Electoral Code anyone who has attained the age of thirty-five years, who has been citizen of the Republic of Armenia for the last ten years, who has been a permanent resident of the Republic of Armenia for the last ten years and has the right to vote.

The incumbent's residency issue was argued as he was registered and lived in Nagorno Karabakh before 1997. The incumbent was registered by the CEC based on the document issued by the Passport and Visa Department which says that R. Kocharyan resided in Armenia and was citizen of Armenia for the last ten years.

R. Hovhannisyanyan's registration was rejected by CEC as he was not citizen of Armenia for the last ten years. The CEC did not consider the fact that he permanently resided in Armenia for the last ten years and applied for citizenship in 1991. R. Hovhannisyanyan brought an action against the inaction of the President in the court of first instance and requested to recognize his citizenship since 1991. The Court of First Instance and the Supreme Court declined R. Hovhannisyanyan's application.

### **Violation of the election timetable**

According to the time-table set by the CEC, the official campaign started on January 21, 2003. However, IYC observed TV spots, films and broadcast speeches before January 21, these types of broadcasts are prohibited by the Article 20 of the Electoral Code. Point 5 of the Article 18 of the Electoral Code says "The pre-election campaign commences on the day following the last day envisaged for the registration of the candidates and parties and ends on the day of voting and the day prior to it."

According to Article 3, protocol N1 of the European Convention on Human Rights (verified by Armenia in 2002) and point 7 of the OSCE Copenhagen document, every step must be taken to provide Armenian citizens with accurate broadcast information before the official campaign period. IYC's observation dated January 1-20 shows the opposite.

Some examples:

- "Armenia", "Prometevs" and "ALM" private TV stations broadcasted musical clips in between the commercials which show the incumbent's activities. These clips indeed contain campaign issues.
- On December 22 (30 days prior to official campaigning) "ALM" TV station broadcasted an interview with a presidential candidate A. Karapetyan subtitled "Pre-election program".
- On January 12, 10 days prior to official campaign, ALM TV station broadcasted a program with presidential candidate A. Karapetyan's participation, which broadly represented his campaign program.
- On January 12, H1 public TV station in "Orakarg" program broadcasted a satirical cartoon on the political opposition.

- On January 13, 7 days prior to official campaign “ALM” TV station made 40 paid minutes of air time available to broadcast a film about a presidential candidate V. Manukyan.
- On January 18, H1 public TV station broadcast “Country’s Power”, a program about the incumbent’s family, life style, memories, approaches, etc.
- On January 12, “Prometevs” TV station broadcast a film titled “Work N 1” telling about the incumbent’s daily responsibilities in a positive context.
- On December 31, 2002 and January 1, 2003 “Armenia” TV station broadcasted an interview with the incumbent during the program “Exclusive”.

### **Bias Coverage by the Public Television Station**

According to the CEC decisions and the Electoral Code the public TV is obliged to make 60 minutes free air time and 120 minutes paid air time available for every candidate. However, the period proceeding the official campaigning showed that television performs bias policy and applies unequal conditions for the candidates. Thus, the public TV deprives the society of full and accurate information.

- Public TV broadcast very extensive programs, TV news about the incumbent’s official responsibilities (H1 TV – on January 18, 19, 20).
- On January 9, in an interview by Radio “Freedom” the newly appointed president of the Public TV and Radio Board, Alexan Harutjunyan outright advocated the incumbent’s re-election and added that in case the incumbent loses he will resign.

### **Involvement of State Officials in the Election Campaign**

The involvement of state executives and officials is viewed as a way to influence their employees and creates unequal conditions for the candidates.

- On January 19, 2003 the prime minister made a business visit to Gyumri, and openly told about the motive of his visit, which was to observe the campaign offices of the Republican Party. He admitted his political motive to journalists after a closed meeting with the marz government. The prime minister visited other marzes, as well, with the same mission. He said he is going to make visits during the official campaigning period, as well.

The incumbent’s campaign office formation, their location and selection of the office heads constitute further violations of the law:

- the following campaign offices are established in government funded institutions:
  - The chief campaign office of the incumbent is located in the National Academy of Sciences in Yerevan.
  - Ararat marz – the Cultural House of the Municipality.
  - Aragacotn marz – the Teachers’ House of the Municipality.
  - Shirakmarz – the Community Head’s Office.
  - Yerevan – Sports School N 1 of Shengavit District.
  - Yerevan - Library of the Nor – Norq community.
- government funded high officials are deployed as campaign office heads especially in marzes:
  - i. Marzpet Gareginyan, the administrative head of Kotayq marz office;

- ii. Samvel Galstyan, deputy marz governor in Ararat marz;
- iii. Samvel Tarverdyan, deputy marz governor in Vayots Dzor marz;
- iv. Mekhak Mkhitaryan deputy marz governor in Armavir marz;
- v. Ashot Gndoyan, head of the military academy in Gegharqunik marz;
- vi. Maxim Hakobyan, the director of Zangezur molybdenum factory in Syunik;
- vii. Gurgen Khachatryan, the dean of the teacher training university in Lori marz.
- viii. In big cities the mayors are appointed as campaign office heads: Kapan, Vagharshapat, Mecamor, Artashat, Masis, Ashtarak, Yeghegnadzor, etc.)
- ix. The vice minister of Culture, Sport and Youth Ishkhan Zaqaryan was appointed as a campaign office head in Nor Norq district of Yerevan city.

The above mentioned people go on leave according to point 4/1 of the Article 18 of the Electoral Code, however they use their official positions to campaign and create unequal conditions for the candidates.

- Ashot Gndoyan, head of the military academy in Gegharqunik marz, thus employee of the Ministry of Internal Affairs, violated point 4/2, Article 18 of the Electoral Code becoming the incumbent's campaign office head. Point 4/2, Article 18 says: "It is forbidden to conduct the pre-election campaign and to disseminate campaign documents of any kind to Member of Judges of the Constitutional Court, employees of the Ministry of Internal Affairs and National Security, officials of the Prosecutor's office, and the military."

### **Recommendations:**

1. The CEC should strictly follow the provisions in the Armenian Constitution and the Electoral Code and equally apply the law for all the candidates.
2. To exercise point 8, Article 18 of the Electoral Code in case violations occur during the official campaigning period: "... In the event of violation of the procedures the commission that has registered the candidate or the party, appeals ton the relevant bodies, in order to prevent them, as well as to the Court – to declare the registration of that candidate or party electoral list out of force."
3. To provide candidates with equal conditions to campaign, the CEC should not allow public TV to broadcast campaign programs other than defined by the law.
4. To prevent manipulation of administrative resources and involvement of state executives in electoral processes and campaigning.