

EUROPEAN PARLIAMENT

DELEGATION TO OBSERVE THE PRESIDENTIAL ELECTIONS IN THE REPUBLIC OF ARMENIA

19 February 2008

ELECTION OBSERVATION REPORT

*Mrs Marie Anne Isler Béguin,
Chair of the Delegation*

- Annexes:**
- EP press statement of 20 February 2008
 - Joint press statement of 20 February 2008
 - Joint statement on preliminary findings and conclusions of 20 February 2008
 - Lists of participants
 - Programme

DIRECTORATE-GENERAL FOR
EXTERNAL POLICIES OF THE UNION

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ARMENIA

PRESIDENTIAL ELECTIONS

19 February 2008

A Delegation of four Members, led by Mrs Marie Anne ISLER BÉGUIN and composed of Mr Šarūnas BIRUTIS, Mrs Alexandra DOBOLYI and Mrs Gabriele STAUNER, stayed in Armenia from 17 to 21 February 2008 to observe the presidential elections on 19 February 2008.

The Delegation organised its activities in close cooperation with other observing organisations on site. Some 75 parliamentarians and about 250 short-term observers monitored the election under the heading of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Council of Europe Parliamentary Assembly (PACE) and the European Parliament (EP).

On 17 February, the Chair Mrs ISLER BÉGUIN had an exchange of views with the co-chair of the EU-Armenia Parliamentary Cooperation Committee, Mr Avet ADONTS to be briefed from the Armenian side on the state of play with regard to the elections. The preparation of the joint parliamentary observation mission started with a working dinner with OSCE/ODIHR Ambassadors STROHAL and AHRENS and the Head of the OSCE PA Delegation Mrs Anne-Marie LIZIN.

On 18 February, the Delegation had an exchange of views with the Head of the EC Delegation to Armenia H.E. Mr Raul DE LUZENBERGER, the EU Special Representative for the South Caucasus Mr Peter SEMNEBY and the EU Ambassadors from various EU Member States.

The Delegation participated in several briefings organised by ODIHR for OSCE, CoE and EP parliamentary observers. In their introductory remarks, EP Delegation Chair Marie Anne ISLER BÉGUIN, OSCE PA Head of Delegation Anne-Marie LIZIN, and the Head of PACE Delegation John PRESCOTT reminded the stakes of the election and the importance of international observation and of the presence of parliamentarians. The Head of OSCE/ODIHR long-term observation mission Ambassador Geert AHRENS introduced the general frame for the observation and the preliminary findings of the long-term mission, namely that genuine efforts had been made to address shortcomings noted in the previous elections including the legal framework. However, ODIHR long-term observers were of the opinion that further improvements and commensurate political will were still required to address remaining challenges such as: the absence of a clear separation between State and party functions, the lack of public confidence in the electoral process and ensuring equal treatment of election contestants. Further, it was stated that there were suspicions that the electoral choices of public sector employees might be influenced by direct or indirect pressure from the public authorities.

Issues relating to election administration were subsequently discussed with Garegin AZARYAN, Chairman of the Armenian Central Election Commission, followed by the meetings with the seven **presidential candidates or their spokespersons**. Two of the nine candidates, Mr Levon TER-PETROSYAN and Mr Vahan HOVHANNISYAN were not present or represented, though invited to the briefing sessions.

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Briefings and discussions with other observing organisations/NGOs (Helsinki Committee of Armenia, 'It's Your Choice', National Democratic Institute, IFES...) and media representatives, revealed that a generally quite tense atmosphere accompanied the electoral process. Further, some representatives were concerned about amongst others reported intimidation attempts during the campaign, the needless collection of citizen's passport data, creating public anxiety about possible election fraud and an unequal treatment of one candidate (Ter-Petrosyan) by most of the media.

In the evening before the elections the Delegation met with the President Robert KOCHARIAN. The President stressed the importance of the presence of international observer delegations and the efforts made by the Armenian authorities to hold elections which correspond to international standards and the commitment of the country to meet them. He drew attention to various amendments of the electoral code which had been adopted following recommendations made after the last parliamentary elections in May 2006. In reply to questions and comments made by our delegation he expressed confidence that the governmental candidate, Prime Minister SARGSYAN would be elected in the first round, but that this was not a primary objective. As regards the resolution of the Nagorno-Karabakh conflict he fully trusts Mr Sargsyan, if elected President, to take full responsibility to tackle the issue in a constructive way. Moreover, he expressed satisfaction with regard to the European Parliament's commitments to foster the European Neighbourhood Policy and to further develop relations between the European Union and Armenia.

On Election Day, the EP Delegation deployed in two regions of Armenia (Hrazdan, Artashat/Ararat) as well as in the capital Yerevan. Having visited about 30 polling stations, the Delegation had gained the impression that, on the whole, the elections had been technically well prepared and carried out in a largely appropriate way. However, doubts mainly about the conduct of the count as well as the tabulation and transmission of the votes remained.

On 20 February, a debriefing with the Head of the EC Delegation to Armenia H.E. Mr Raul DE LUZENBERGER and the representative of OSCE/ODIHR Mr Anders ERIKSSON took place and confirmed the ambiguous impressions of the observer delegations. Mr ERIKSSON reported amongst others that in 16% of the polling stations observed the counting of the votes raised serious doubts with regard to its correctness.

Various coordination meetings took place between the Heads of the parliamentary observer delegations in order to prepare a joint assessment of the elections. Finally a statement of preliminary findings and conclusions was issued on 20 February by OSCE/ODIHR, and the EP, PACE and OSCE PA Delegations. In the statement it is noted that the elections were "administered mostly in line of OSCE and Council of Europe commitments and standards". However, next to other critical elements, it states that "the conduct of the count did not contribute to reducing an existing suspicion amongst election stakeholders" (see attachment).

These findings were presented during a press conference conducted by Marie Anne ISLER BÉGUIN (EP), Anne-Marie LIZIN (OSCE PA), John PRESCOTT (PACE) and Ambassador Geert AHRENS (OSCE/ODIHR). There was general agreement that the overall confidence in the electoral process has to be increased and that many elements encompassing the whole electoral process have still to be clarified and should be further investigated before a final assessment of

the elections could be given. As chair of the EP Observation Delegation Marie Anne ISLER BEGUIN stated in the press conference that compared to the previous presidential elections, significant progress was noted with regard to the preparation and conduct of the electoral process. However, the whole electoral environment and reported interferences still have to be carefully assessed. The EU will continue to support the reinforcement of democracy in Armenia via its Neighbourhood Policy.



EUROPEAN PARLIAMENT

ELECTION OBSERVATION MISSION TO THE REPUBLIC OF ARMENIA THE CHAIR

PRESS STATEMENT **by Mrs Marie Anne ISLER BÉGUIN, MEP** **on behalf of the EP Delegation**

on the Presidential Elections in the Republic of Armenia of 19 February 2008

Yerevan, 20 February 2008. A Delegation of four Members, led by Mrs Marie Anne ISLER BÉGUIN (Greens/ALE, France) and composed of Mr Šarūnas BIRUTIS (ALDE/Lithuania), Mr Alexandra DOBOLYI (PES, Hungary) and Mrs Gabriele STAUNER (EPP-ED, Germany), observed the Armenian presidential elections of 19 February 2008.

The first day of the mission was marked by briefings from OSCE/ODIHR experts, NGOs and media representatives from Armenia and meetings with most of the nine candidates of the presidential elections.

On election day, the Delegation visited about 30 polling stations in two regions of Armenia (Hrazdan, Artashat/Ararat) and in the capital Yerevan.

In addition, the Delegation had meetings with the President of Armenia Mr Robert Kocharian and the Co-Chair of the EU-Armenia Parliamentary Cooperation Committee Mr Avet Adonts.

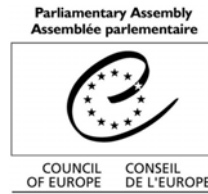
The cooperation with ODIHR and the parliamentary observers' delegations of OSCE and the Council of Europe was productive and materialised in a joint statement of preliminary findings and conclusions and a joint press declaration. Both texts confirm that the election was conducted mostly in line with the country's international commitments and that the Armenian authorities made genuine efforts to address shortcomings noted in previous elections. However, there was evidence that further improvements are still required to fully meet international standards.

Further it was noticed that the overall atmosphere was quite tense and doubts remained with regards to electoral environment on the whole and possible attempts of the governmental parties to influence the electoral process.

In the joint press conference the head of the EP Delegation, Mrs Marie Anne Isler Béguin, stated in the name of the Delegation, that the EU will continue to support the reinforcement of democracy in Armenia via its Neighbourhood Policy and the activities of the Parliamentary Cooperation Committee.

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Armenian presidential election mostly in line with international commitments, but further improvements necessary

YEREVAN, 20 February 2008 – Yesterday’s presidential election in Armenia was conducted mostly in line with the country’s international commitments, although further improvements are necessary to address remaining challenges, the International Election Observation Mission said in a statement published today.

The observers found that the Armenian authorities made genuine efforts to address shortcomings noted in previous elections. But there is a need for further improvements and political will to tackle concerns such as the lack of public confidence in the electoral process and the absence of a clear separation between State and party functions. The conduct of the count did not contribute to reduce suspicions among stakeholders.

“In an active and competitive election, Armenians turned out in strength to choose between genuine political alternatives. The problems we observed, particularly during the counting, must be addressed to increase overall confidence in the electoral process”, said Anne-Marie Lizin, OSCE PA Vice President and Special Co-ordinator of the OSCE short-term observers.

“While we noted improvements in the framework for these elections, problems with its implementation, especially during the vote count, in some cases undermined the trust of the people. In the end, the final choice lies in the hands of the Armenian people. Therefore, its trust in the electoral process is crucial to genuine democracy”, said John Prescott, the Head of the PACE delegation.

“Compared to the previous presidential elections, significant progress was noted with regard to the preparation and conduct of the electoral process. However, the whole electoral environment and reported interferences still have to be carefully assessed. The EU will continue to support the reinforcement of democracy in Armenia via its Neighbourhood Policy”, said Marie Anne Isler Béguin, Head of the European Parliament delegation.

“An election is not a one-day event, and today’s statement is a preliminary one. We will stay in Armenia to observe the completion of the tabulation process and the resolution of election disputes through the available mechanisms. This process should clarify aspects of the election that need further investigation”, said Ambassador Geert Ahrens, the Head of the ODIHR long-term election observation mission.

Close to 400 observers, including some 75 parliamentarians, monitored the elections for the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Council of Europe Parliamentary Assembly (PACE), and the European Parliament (EP).

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INTERNATIONAL ELECTION OBSERVATION MISSION

PRESIDENTIAL ELECTION, REPUBLIC OF ARMENIA, 19 FEBRUARY 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Yerevan, 20 February 2008 – The International Election Observation Mission (IEOM) for the 19 February presidential election in Armenia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP).

The election is assessed against OSCE and Council of Europe commitments and standards for democratic elections and national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the handling of possible post-election day complaints or appeals, and the instalment into office of the newly elected President. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process as well as on the engagement of election stakeholders with the commitments for the democratic process as a whole. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately two months after the completion of the election process. The OSCE PA will present its report at its Standing Committee meeting on 21 February 2008 and the PACE during its April 2008 Plenary Session.

The institutions represented in the IEOM thank the authorities of the Republic of Armenia and stand ready to continue to support them and civil society of Armenia in the conduct of democratic elections.

Preliminary Conclusions

The 19 February presidential election in the Republic of Armenia was administered mostly in line with OSCE and Council of Europe commitments and standards. The high-State authorities made genuine efforts to address shortcomings noted in previous elections, including the legal framework, and repeatedly stated their intention to conduct democratic elections. However, further improvements and commensurate political will are required to address remaining challenges such as: the absence of a clear separation between State and party functions, the lack of public confidence in the electoral process and ensuring equal treatment of election contestants. The conduct of the count did not contribute to reducing an existing suspicion amongst election stakeholders.

The CEC ensured a high level of transparency, except in the consideration of complaints that were for the most part dealt with in informal sessions. Although consistent with the election code, this process did not allow the presence of candidate proxies, observers and media, thus undermining trust.

The field of nine candidates offered voters a genuine choice. Many candidates campaigned actively and were able to discuss their programmes with voters. The authorities made efforts to provide a permissive campaign environment. The freedoms of assembly, association and expression were generally respected but on several occasions citizens were obstructed in exercising their right to attend campaign events. The Prime Minister retained his office while campaigning for president, which awarded him campaign advantages.

During the official campaign which started on 21 January, the media overall treated all candidates equitably. Candidates received mostly positive or neutral coverage while one candidate received extensive negative coverage across the broadcast media, including on public media. News programmes were largely devoid of viewpoints critical of the ruling authorities.

Positive aspects of the pre-election process included:

- Pluralism was generally respected. Under an improved framework, candidate registration was inclusive and non-discriminatory.
- Candidates could freely present their views at public meetings and actively campaigned.
- The electoral authorities were well organized and well prepared, and implemented the amended legal framework.
- A comprehensive training programme for Precinct Election Commissions (PECs) was implemented with an emphasis on following correct vote count procedures.
- Lines of jurisdiction to the courts were clarified by the December 2007 legal amendments.
- Public service announcements were aired in the media, and various high-State officials underscored existing guarantees regarding voters' freedom of choice, the secrecy of the vote, and the security of the ballot, thereby contributing to public confidence.
- Efforts to enhance the quality and accuracy of the National Register of Voters continued.
- A large number of domestic election observation groups were registered, indicating an active and engaged non-governmental sector.

However, the following issues raised concerns:

- The composition of most leadership "*troikas*" of election commissions (chairperson, deputy chairperson and secretary) raised concern about possible control over the election administration by one political interest.
- The pre-election environment became increasingly tense, including public order incidents at campaign events and several attacks on campaign offices and activists.
- A concern exists that electoral choices of public-sector employees, a segment of society vulnerable to pressure, can have consequences for individual livelihoods. This questioned the ability of citizens to hold opinions without fear of retribution.
- The needless collection of citizens' passport data created public anxiety about possible election fraud. This was compounded by the persistence of unsubstantiated allegations of possible vote-buying, lack of secrecy of the vote and impersonation of voters.
- The National Commission on Television and Radio (NCTR) did not adequately fulfil its mandate to monitor compliance of the media with legal provisions.

On election day, the conduct of opening and voting was assessed in positive terms in a large majority of polling stations (PS) visited. Polling was conducted in a relatively calm atmosphere, although tension or unrest were noted in some 6 per cent of PSs visited, which on occasion resulted in violent incidents. Unauthorized persons were noted in over 10 per cent of PSs visited.

In some 3 per cent of PSs visited, interference in the election process was noted, mostly by candidate proxies.

The secrecy of the vote was improved but further progress is required especially for military voting. Although declining, group voting remained a problem. In isolated cases, serious problems were noted, including: campaigning, attempts to influence voters' choices, intimidation of voters, 'controlled voting', vote-buying, and transportation of voters from one PS to another. Formal complaints were filed in very few PSs visited.

The count was assessed as 'bad' or 'very bad' in some 16 per cent of PSs visited. Problems noted included: not announcing aloud the number of votes for each candidate, inconsistent determination of valid votes, the use of mobile phones, and the frequent failure to post results protocols publicly. In several PSs visited, IEOM observers reported deliberate falsification of data entered into the protocol.

Preliminary Findings

Background

The 19 February 2008 presidential election was the fifth to be held since independence. The incumbent President, Robert Kocharian, served two consecutive terms and under the provisions of the Constitution was not eligible to contest the election. If, in the first round, no candidate receives an absolute majority of votes, a second round will take place 14 days after the first round between the two candidates with the highest numbers of votes.

The 2007 parliamentary elections were assessed as having "demonstrated improvement and were conducted largely in accordance with OSCE commitments and other international standards for democratic elections" while the 2003 presidential election fell short of these standards.

On several occasions, during the election period, high State officials declared their intention to hold democratic elections in line with OSCE and Council of Europe commitments and standards. According to the authorities, this intention was conveyed to lower levels of the State administration.

During the pre-election period, a lack of confidence in the election process was noticeable. There were widespread allegations, including on vote-buying, opportunities for multiple voting, printing of excess ballot papers, issuance of ID documents to facilitate election fraud, and coercion of voters. Most could not be substantiated and in some instances appeared overstated. In order to increase public trust, several public statements were made by State officials (including the Ombudsman, the Prosecutor General and the CEC Chair) and election stakeholders reassuring voters of their freedom of choice, the secrecy of the vote, emphasizing legal penalties for election violations and underlining the integrity of the election process.

Prime Minister Sargsyan's presidential candidacy was endorsed by outgoing President Robert Kocharian in a television interview on 16 February and by Prosperous Armenia, a coalition partner of the Republican Party. Heritage Party, in opposition to the government, supported Levon Ter-Petrossian's candidacy.

Legal Framework

The Constitution guarantees civil and political rights, and fundamental freedoms. The Election Code provides a good basis to conduct democratic elections, if implemented in good faith. Some weaknesses, however, remain. The amendments passed in November and December 2007 address some previous recommendations made by the OSCE/ODIHR and the Council of Europe's Venice Commission. The most significant changes introduce the right to self-nomination; remove the need for prospective candidates to gather supporting signatures; increase the deposit required of candidates to AMD 8 million (some EUR 17,000); enable citizens to vote at their place of 'actual' rather than 'legal' residence; provide for checking and stamping of voters' identity documents when voting (aimed at preventing multiple voting); and provide that an individual may assist only one other voter.

Election Administration

The election was administered by the CEC, 41 Territorial Election Commissions (TECs) and 1,923 Precinct Election Commissions (PECs). The CEC and TECs are permanent bodies, while PECs are temporarily appointed. The CEC has eight members, five of which are appointed by party factions represented in the National Assembly, one member by the President, and the Council of Chairmen of the Republic of Armenia Courts nominated two 'judicial servants'. Each CEC member nominated one member to each TEC, who in turn nominated one member to each PEC (hereafter, the 'nomination chain'). Each commission has a Chair, Deputy Chair and Secretary ('the *troika*'), who were elected at each commission's first session. By law, all election commissioners must have undergone a certification process.

A large majority of TEC *troikas* and PEC Chairs were elected from among persons appointed through the Republican Party, Prosperous Armenia and presidential nomination chains. This raises concerns about possible control over the election administration by one political interest.

The CEC and most TECs appeared well-organized and well-prepared to conduct the election. Their preparations respected legal deadlines. Comprehensive efforts were made at training PEC members before the election and some 164 PEC training sessions were held. PEC *troikas* received additional training on vote count and protocol completion procedures. The CEC and the police, responsible for voter registration, organized for public service announcements to be aired on television.

The CEC administered the election process in an overall transparent manner, *inter alia* through publishing decisions and information, holding press conferences, and arranging for the publication of PEC-level results. The CEC held only a few sessions but they were attended by observers, candidate representatives and the media. It adopted numerous decisions supplementing provisions of the Election Code, including one which introduced additional safeguards for the security of the ballot.

Candidate Registration

All nine prospective presidential candidates were able to register under straightforward legal provisions that were implemented in an inclusive and non-discriminatory manner.

The field of candidates allowed for a high degree of political competition, and offered voters genuine electoral choices. The candidates were: Arthur Baghdasaryan, (former Speaker of Parliament and leader of *Orinats Yerkir* - Rule of Law Party); Artashes Geghamyan (leader of the

National Unity Party); Tigran Karapetyan (leader of the People's Party); Aram Harutiunyan (leader of the National Accord Party); Vahan Hovhannisyan (Vice-speaker of Parliament and candidate of Armenian Revolutionary Federation *Dashnaktsutium*); Vazgen Manukyan (former Prime Minister and leader of the National Democratic Union); Arman Melikyan (self-nominated candidate); Serzh Sargsyan (incumbent Prime Minister and candidate of the ruling Republican Party); and Levon Ter-Petrossian (former President, and self-nominated candidate).

The Election Code entitles each candidate to appoint proxies and confers on them a wide variety of rights, including appealing against election commissions' decisions. Some candidates made use of this provision and registered high numbers of proxies.

Voter Registration

By law, the police (the Passport and Visa Department - OVIR) are responsible for maintaining the National Register of Voters, which is updated on an ongoing basis. Efforts continued to improve the accuracy and quality of the voter lists. Measures were implemented, including door-to-door verification by the police, public display on the CEC's website and at polling places, and a hotline for voters to check their inclusion on the list. As of 17 February, 2,328,320 voters were registered. According to OVIR, 19,024 persons were registered to vote at the place of their actual residence as of 18 February. According to data published on the CEC website, persons registered at their actual place of residence had been removed from the voter lists at their legal residence.

Election Campaign

Most candidates campaigned actively, but only Mr. Hovhannisyan, Mr. Sargsyan, and Mr. Ter-Petrossian campaigned country-wide. Overall, candidates were able to convey their campaign messages without interference, and freedom of movement and assembly were mostly respected. Nevertheless, on six occasions citizens were unduly impeded to attend campaign events, sometimes at the behest of village heads, owners of transportation companies, or police officers. These incidents involved campaign events held by two candidates in opposition to the incumbent authorities, Mr. Baghdasaryan and Mr. Ter-Petrossian.

Candidates used posters and billboards as means of campaigning, with Mr. Sargsyan's campaign materials very visible in Yerevan and in most regional centres. By law, 'Community Leaders' were obliged to designate places, at least one per precinct, where candidates may display campaign material. This provision was inconsistently implemented, e.g. some mayors had designated space while others had not. Posters were frequently placed in 'non-designated' locations, and, in contrast to the 2007 parliamentary elections, were systematically removed by unknown persons. Campaign material for Mr. Sargsyan was posted in non-designated spaces, inside and outside publicly owned buildings, without being removed.

Campaign rhetoric became more acrimonious as the campaign developed. Levon Ter-Petrossian frequently directed derogatory comments at Serzh Sargsyan and President Kocharian, while the latter sharply criticized Mr. Ter-Petrossian's presidential record and his current campaign. Violence against four of Mr. Ter-Petrossian's campaign activists in two separate incidents and eight attacks on campaign offices used by three candidates (Mr. Baghdasaryan, Mr. Sargsyan and Mr. Ter-Petrossian) contributed to the increasingly tense pre-election atmosphere.

The legal framework provides for equal campaign opportunities. It prohibits candidates from "any abuse of official position in order to gain advantage" during the campaign. It forbids national and self-government officials from using their authority to influence the free expression

of citizens' will by creating unequal conditions, or showing partiality. It does not define whether and under what conditions government and local government officials and employees can participate in a candidate's campaign.

Favourable treatment of a candidate by local self-government officials led to a blurring of the separation between State and political party functions. This, combined with unclear legal provisions, created *de facto* unequal campaign conditions. Many city district community leaders and town mayors campaigned actively for Mr. Sargsyan's election. While some took a leave of absence, others did not. The Republican Party used a number of pre-existing party offices located in local self-government buildings as campaign offices. At one campaign event for Mr. Sargsyan, OSCE/ODIHR EOM observers saw uniformed police handing out Republican Party flags; at another, Mr. Sargsyan's police cortege displayed similar flags.

Controversy arose about Serzh Sargsyan actively campaigning while continuing to serve as Prime Minister. The CEC clarified that the Prime Minister could campaign without resigning. Mr. Sargsyan gained additional publicity and campaign advantages through his official position.

A concern exists that electoral choices of public-sector employees, a segment of society vulnerable to pressure, can have consequences for individual livelihoods. This questioned the ability of citizens to hold opinions without fear of retribution. The OSCE/ODIHR EOM received three first-hand accounts of public employees who had been directed by their superior to attend Mr. Sargsyan's campaign events. In another two instances, local government employees were told that they were free to leave their post to attend his rallies. Public sector and local government employees, especially school teachers, attended Mr. Sargsyan's rallies in large numbers, frequently during working hours.

The needless collection of citizens' passport data created public anxiety about possible election fraud. In one instance, schoolchildren were requested by their teachers to bring passport details of their parents to school. In another case, a sheet for collecting such data contained a column headed 'Republican Party', suggesting that the information gathered was used for party purposes. Unsubstantiated allegations of possible vote-buying, lack of secrecy of the vote and impersonation of voters persisted throughout the campaign, and affected public confidence.

Media

Television is the most influential information source but the OSCE Representative on Freedom of the Media noted that "limited pluralism in the broadcasting sector remains a major problem". While there has been significant progress in improving legislation, in December 2007, the Secretary General of the Council of Europe pointed out that "the current situation of the Armenian media in general does not meet the standards of the Council of Europe".

Censorship is forbidden by law. However, the Criminal Code contains provisions which make libel and insult punishable by imprisonment or fines. The Election Code provides that public and private media are required to present "impartial and non-judgmental" information about candidates' campaigns, and that candidates shall be "guaranteed equal conditions for access to mass media".

During the official campaign period, there was extensive coverage of election-related events, including speeches of the President, on broadcast media through news, free and paid advertisements, and various talkshows. Levon Ter-Petrossian declined to appear in the latter and

Serzh Sargsyan used his right to participate only once. There were no TV debates between candidates.

Candidates were able to convey their messages in free airtime provided on *HI* (up to 60 minutes per candidate) and on *Public Radio* (up to 120 minutes). The public media complied with their legal obligations in this regard; however public TV started the broadcast of free and paid spots at 17.15 hours, again outside the main viewing hours, despite previous criticism. *HI* presented reasonably equitable coverage of all nine candidates in terms of airtime. Candidates received between 21 per cent (Mr. Ter-Petrossian), 19 per cent (Mr. Sargsyan) and 14 and 13 per cent (Mr. Baghdasaryan and Mr. Geghamyan) of the total time allocated to all candidates.¹ Whereas the tone of Mr. Ter-Petrossian's coverage mostly contained negative remarks, the other eight candidates were presented in a generally positive or neutral manner.

Serzh Sargsyan received most coverage by five of the six monitored private TV channels, primarily in his capacity as presidential candidate. In particular, *Armenia TV* gave him about double the coverage of any other candidate. He had more positive coverage than the other candidates and news broadcasts rarely aired critical remarks toward him or government policy. His rallies were consistently shown with one day delay and using similar footage. This gave the impression that specific editorial policies were applied and questions the editorial independence of media outlets. The monitored TV channels were largely devoid of critical remarks regarding seven of the other eight candidates.

One candidate, Levon Ter-Petrossian, received extensive negative coverage across the TV stations monitored, especially on *HI*, *H2*, *ALM TV*, *Kentron*, and *Yerkir Media*. In part, the volume of this coverage arose because President Kocharian and some candidates, in particular Artashes Geghamyan, frequently criticized him. Conversely, almost all broadcast media in their news programmes ignored Mr. Ter-Petrossian's comments criticizing the incumbent authorities. *HI*, in its news programmes, showed selective coverage of his campaign messages with distorted footage giving an impression of unreceptive and small campaign audiences. Footage used by Mr. Ter-Petrossian in his free and paid airtime presented images of enthusiastic support at well-attended rallies. While the media made efforts to treat all candidates equitably, these factors raise some concern over the media's full respect for the OSCE commitment to provide impartial information for citizens to make a well-informed choice.

Print media is more pluralistic and independent, but plays a limited role in informing the public due to low circulation. The State-funded newspaper *Hayastani Hanrapetutyun* gave Mr. Sargsyan around 45 per cent of print space devoted to candidates with generally positive tone. The private paper *Haykakan Zhamanak* offered Mr. Ter-Petrossian 56 per cent of its print space devoted to candidates with mostly positive coverage.

Complaints and Appeals

Recent legal amendments clarified provisions for complaints and appeals, and thereby addressed issues regarding jurisdiction raised by the Constitutional Court following the 2007 elections. The amended legislation provides that the newly established Administrative Courts – rather than the Courts of First Instance – have responsibility to hear election-related complaints and appeals, except in cases related to the voter list. Therefore, citizens can seek legal remedies against administrative decisions, election violations, and restrictions of their rights with a variety of

¹ The other candidates received the following time share: Vahan Hovhannisyan and Mr. Manukyan 11 per cent; Aram Harutiunyan and Tigran Karapetyan 4 per cent and Arman Melikyan 3 per cent.

bodies. However, the Election Code does not specify that election commissions must take formal decisions on complaints received. It also lacks clarity whether specific election offenses are criminal or administrative offenses, and consequently which court has jurisdiction to adjudicate.

While the CEC is charged with monitoring adherence to campaign-related provisions, the National Commission on Television and Radio (NCTR) should monitor the media compliance. The Prosecutor General is responsible for election offenses under the Criminal Code. The Prosecutor General's office established a working group to monitor election-related criminal complaints. They received a total of 61 complaints of which 22 came from reviewing media reports and the rest from citizens, candidates, CEC and parties; 19 cases are under criminal investigation.

In the pre-election period, the CEC received 55 complaints, largely filed by Levon Ter-Petrossian's proxies. For the most part, the CEC did not hear complaints in a formal session, however, on 17 February, convened an extraordinary session at short notice in which they considered draft decisions on complaints. In a single decision, the CEC found that none of the 25 complaints contained violations of campaign procedures. There was little discussion or reference to the facts contained in the complaints and complainants were not present. The CEC indicated that they had attempted to notify the complainant. This raises questions about the effectiveness of legal remedy sought by the complainant.

The Constitutional Court considered two cases filed by candidates. In the first, it ruled that Arman Melikyan as a presidential candidate did not have the right under constitutional provisions to file what was equivalent to a constitutional challenge to the legal provision that voting does not take place outside Armenia. The Court, on 11 February, heard a second case, brought by Levon Ter-Petrossian. The candidate claimed to face an "insurmountable obstacle" because of alleged unequal campaign conditions provided by public TV. The Court found that the claim did not constitute an "insurmountable obstacle" in the sense foreseen by the Constitution, but indicated that it could fall within the ambit of other authorities and bodies.

On 6 February, Levon Ter-Petrossian filed a complaint with the CEC regarding *HI* coverage of his election campaign and requesting the TV channel to provide equal conditions for all candidates. The CEC passed the complaint to the NCTR which on 11 February rejected the complaint on formal grounds stating that the provided evidence only referred to the period prior to the start of the official campaign.

Participation of Women

None of the presidential candidates is a woman. Arthur Baghdasaryan's campaign was managed by a woman. Twelve members of the National Assembly and one government minister are women. While two of the eight CEC members are women, there are only 36 women TEC members (some 18 per cent). Six TEC are all male and only three TECs have a female chairperson. PECs were mostly chaired by men in 75 per cent of PSs visited, only one in four PECs had a female chairperson.

Domestic and International Observers

The law provides for international and domestic election observation. The CEC accredited observers from six international organizations and over 12,000 observers from 39 Armenian NGOs, including "It's Your Choice" (which intended to deploy some 4,000 observers) and the

“Free Society Institute” (which intended to deploy some 1,600 observers). Domestic observers were present in 85 per cent of polling stations visited.

Election Day and Vote Count

The CEC announced a voter turnout of about 69 per cent. The overall conduct of opening and voting was assessed in positive terms in a large majority (97 and 95 per cent respectively) of polling stations (PS) visited; these figures were almost identical to the 2007 elections.

Polling was conducted in a relatively calm atmosphere, although tension or unrest was noted in over 6 per cent of PSs visited, which in part seems to have been caused by disputes among proxies and PECs, as well as overcrowding (15 per cent). A few isolated violent incidents were reported. Observers received first-hand testimony from two proxies who were assaulted at PS 28/07 in Kotayk region and in Avan community (Yerevan), and from four activists from Abovyan and Davitashen who claimed to have been assaulted and bore signs of physical injury. Three PEC members were forcibly ejected from PS 07/05 in Yerevan by persons unknown. Unauthorized persons were noted in over 10 per cent of PSs visited, including police (some 6 per cent) and local government officials. In some 3 per cent of PSs visited, interference in the election process was noted, mostly by candidate proxies.

The secrecy of the vote improved compared to the 2007 election, partly as a result of new rules on repositioning voting screens. Further progress is required, especially with regard to military voting. Although a declining phenomenon, group voting remained a problem in some 9 per cent of PSs visited, and in some 2 per cent some voters were showing marked ballots to other persons.

On election day, PECs had up to six voter lists, including a ‘supplementary list’ of persons registered to vote on election day. The number of persons registered on election day was not publicly announced. Following the recent legal amendments, the official PEC result protocols do not contain information on the number of registered voters which only allows voters to know the voter turnout at a PEC in absolute terms, thereby diminishing transparency.

In several isolated cases, serious problems were noted in some PSs visited, including: campaigning (32 cases), attempts to influence voters in their choices (18 cases), intimidation of voters (22 cases), one person ‘assisting’ numerous voters, turning a voter away for inappropriate reasons (13 cases), and voting with a pre-marked ballot (4 cases). A bus driver was observed in the vicinity of PS 35/28 (Shirak region) with multiple passports, and in two incidents IEOM observers saw persons with passports in their hands being collected from a Yerevan market. Observers reported nine instances where persons were transported from one PS to another.

The IEOM confirmed a number of allegations of vote buying schemes. On 18 February, in the village of Vardablur (TEC 31, Lori region), observers interviewed villagers who confirmed that villagers had been offered AMD 5,000 (EUR 11) to sell their votes. A similar vote-buying scheme was also noted in Bazum (Lori). In the vicinity of a Yerevan PS, observers saw voters receiving money from a man who was ticking entries from a list of names. Few reports indicated possible controlled voting, e.g military personnel were given pens of different coloured ink to mark their ballots. An isolated case of ‘ballot stuffing’ was witnessed at PS 23/24 (Gegharkunik region) where a candidate proxy placed some 15 ballots into the ballot box, after being validated by a PEC member.

Proxies were present in almost all PSs visited. Although the proxies of one candidate made numerous complaints to the OSCE/ODIHR EOM, formal complaints were filed only in some 2

per cent of PSs visited. The Office of the Ombudsman sought to verify the factual basis of the large number of complaints it received and passed details to the competent authorities, including on the alleged assault of two members of parliament from the Heritage Party at PS 13/16 in Yerevan. The Prosecutor General initiated seven election-related criminal investigations.

The conduct of the count was assessed as ‘bad’ or ‘very bad’ in some 16 per cent of PSs visited. Some 18 per cent of IEOM observers reported ‘significant procedural errors’, indicating that some major problems remain. These included: not announcing aloud the number of votes for each candidate (some 22 per cent), inconsistencies in determining the validity of votes (some 10 per cent) and the usage of mobile phones. Proxies and domestic observers generally were not hindered in their work and could observe counting procedures. Although some 15 per cent of PECs still faced difficulties in completing the results protocols, this is an improvement from the 2007 elections attributable to the enhanced training efforts. In several PSs, IEOM observers reported deliberate falsification of data entered into the protocol, and in several PSs the protocols were not completed in ink. In some 27 per cent of PSs visited, the protocol of results was not publicly displayed as required by law.

IEOM observers monitored tabulation in all 41 TECs. The tabulation process was generally evaluated positively. However, problems with the organization of the process were noted in some cases. Confusion seemed to exist among TECs in Yerevan (TEC 1 through 13) on how tabulation of PEC protocols should take place. This was compounded by the lack of a CEC instruction on the matter. For example, 35 PEC protocols from TEC 2 arrived at the CEC without TEC remarks and stamp.

*This statement is also available in Armenian.
However, the English version remains the only official document.*

Mission Information & Acknowledgments

The OSCE/ODIHR opened its election observation mission in Yerevan on 10 January 2008 with 11 experts, later increased to 16, and 28 long-term observers deployed in the capital and around the country. On election day, 333 short-term observers were deployed in an International Election Observation Mission (IEOM), including a 48-member delegation from the OSCE Parliamentary Assembly (OSCE PA), a 29-member delegation from the Parliamentary Assembly of the Council of Europe (PACE) and a 6-member delegation from the European Parliament (EP). In total, there were observers from 42 OSCE participating States. The IEOM observed the voting in over 1000 and counting in 101 polling stations throughout the country (out of 1,923 polling stations countrywide), the transfer of PEC results to TECs and the tabulation of results in all 41 TECs after polling stations closed.

Ms. Anne-Marie Lizin (Belgium), Vice-President of the OSCE Parliamentary Assembly and Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers. Mr. John Prescott (United Kingdom) headed the delegation of the Parliamentary Assembly of the Council of Europe, and Ms. Marie Anne Isler Béguin (France) headed the delegation of the European Parliament. Ambassador Geert Ahrens (Germany) is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the Ministry of Foreign Affairs and the National Assembly of the Republic of Armenia for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, and to other state and local authorities for their assistance and co-operation. The IEOM also wishes to express appreciation to the OSCE Office in Yerevan for their support throughout the mission, and resident embassies of OSCE participating States and other international institutions for their co-operation and support.

For further information, please contact:

- Mr. Jens-Hagen Eschenbächer, OSCE/ODIHR Spokesperson, in Warsaw (+ 48 22 520 0600) and in Yerevan until 21 February 2008 (+374 94 46 4297), or Ms. Nicola Schmidt, OSCE/ODIHR Election Adviser, in Warsaw (+ 48 22 520 0600);
- Mr. Andreas Baker, Press Officer, International Secretariat of the OSCE PA, in Copenhagen (+45 60 10 83 80) and in Yerevan (+374 94 43 70 22);
- Ms. Nathalie Bargellini, PACE Secretariat, in Strasbourg (+33 665 40 32 82);
- Mr. Thomas Grunert, Election Observation Service, Directorate-General for External Policies, European Parliament, in Brussels (+32 49 89 83 369).

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OSCE/ODIHR website: www.osce.org/odih

EUROPEAN PARLIAMENT

ELECTION OBSERVATION MISSION TO THE REPUBLIC OF ARMENIA

PRESIDENTIAL ELECTIONS

17-21 February 2008

Members of the Delegation

Members:

Mrs Marie Anne ISLER BÉGUIN, <i>Chair of the Delegation</i>	Verts/ALE	France	Environment, Public Health and Food Safety
Mr Šarūnas BIRUTIS	ALDE	Lithuania	Industry, Research and Energy
Mrs Alexandra DOBOLYI	PES	Hungary	Development; Petitions
Mrs Gabriele STAUNER	EPP-ED	Germany	Legal Affairs

Secretariat of the Delegation:

Mr Thomas GRUNERT, Head of Unit, Secretariat of Interparliamentary relations Europe
Mrs Elke SCHMUTTERER, Assistant

Interpreters:

Mr Khachatur ADUMYAN
Mrs Zabela GHAZARYAN
Mrs Naira MANUKYAN
Mr Artashes DARBINYAN

Others:

Mr Ioannis LATOUDIS, Assistant to Mrs Dobolyi

Abbreviations :

EPP-ED	European People's Party/European Democrats	GUE/NGL	European United Left/Nordic Green Left
PES	Party of European Socialists	IND/DEM	Independence/Democracy Group
ALDE	Alliance of Liberal and Democrats for Europe	UEN	Union for Europe of the Nations Group
Verts/ALE	Greens/European Free Alliance	NI	Non-attached

11 February 2008
PD/TG/ES



EUROPEAN PARLIAMENT

Observation Mission to Armenia PRESIDENTIAL ELECTIONS

17 - 21 February 2008

FINAL PROGRAMME

Coordination:

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+32-475-977 002 (Elke Schmutterer)
093-39 23 61 (local mobile)

Saturday, 16 February 2008 / Sunday, 17 February 2008

Individual arrival of the members and staff of the European Parliament delegation and transfer to the hotel

Accommodation:
(organised by the EC Delegation Office Yerevan)

Hotel MARRIOTT
Republic Square
Yerevan, 0010 Armenia
Tel. 00374-10-599 000 - Fax 00374-10-599001

Major credit cards accepted.

Sunday, 17 February 2008

- 11h00 Interview with Yerkir Media TV on the South Caucasus (Chair ONLY)
Venue: *Hotel MARRIOTT*
- 14h00 Meeting with **Mr Avet ADONTS**, Co-Chairman of the EU-Armenia Parliamentary Cooperation Committee (Chair ONLY)
Venue: *Hotel MARRIOTT*
- 16h00 Meetings of the Secretariats of ODIHR and OSCE PA (SECRETARIAT ONLY)
Venue: *Hotel MARRIOTT*
- 18h00 Meeting with interpreters (SECRETARIAT ONLY)
- 19h00 Dinner hosted by **H.E. Mr Christian STROHAL**, ODIHR Director (Chair ONLY + OSCE PA)

Monday, 18 February 2008

- 8h30 Breakfast meeting with the Head of the European Commission Delegation to Armenia, EU Ambassadors and the EU Special Representative for the South Caucasus
Venue: *Hotel MARRIOTT, Armenia Brasserie, 3rd floor (private room)*

Joint briefing/meetings with OSCE PA and PACE organised by the OSCE/ODIHR

Venue: Hotel MARRIOTT, Grand Ballroom, Ararat Wing

Time	Event
<i>Morning</i>	Briefing packs and accreditation ID available for collection
09:30- 09:45 <i>(15 min)</i>	<p><u>Opening by the Heads of Parliamentary Delegations</u></p> <ul style="list-style-type: none"> ▪ Mrs. Anne-Marie Lizin, Head of OSCE PA Delegation and Special Co-ordinator of the OSCE CiO to lead the OSCE STOs ▪ Mrs. Marie Anne Isler Béguin, Head of Delegation of the European Parliament ▪ Mr. John Prescott, Head of Delegation of the CoE Parliamentary Assembly
09:45 – 10:15 <i>(30 min)</i>	<p><u>Political Background</u></p> <ul style="list-style-type: none"> ▪ Ambassador Sergey Kapinos, Head of the OSCE Office in Yerevan ▪ Ms Bojana Urumova, Special Representative of the Council of Europe Secretary General to Armenia ▪ Mr. Raul de Luzenberger, Head of the EC Delegation to Armenia ▪ Mr. Peter Semneby, EU Special Representative for the South Caucasus

10:15 – 12:00 (1hr 45 min)	<p><u>OSCE/ODIHR EOM Core Team</u></p> <p>Introduction</p> <ul style="list-style-type: none"> ▪ Ambassador Geert Ahrens, Head of Mission (15 minutes) <p>Political overview, Campaign activities and media landscape</p> <ul style="list-style-type: none"> ▪ Lolita Cigane, Political Analyst (10 minutes) ▪ Ivan Godarsky, Media Analyst (10 minutes) ▪ <i>Questions (10 Minutes)</i> <p>Elections Framework</p> <ul style="list-style-type: none"> ▪ Olexiy Lychkovakh, Election Analyst (10 minutes) ▪ Karen Gainer, Legal Analyst (5 minutes) ▪ <i>Questions (10 minutes)</i> <p>Polling procedures and observation forms</p> <ul style="list-style-type: none"> ▪ Paul O’Grady, Deputy Head of Mission (10 minutes) ▪ Olexiy Lychkovakh, Election Analyst (10 minutes) ▪ Anders Eriksson, Statistics Expert (5 minutes) ▪ <i>Questions (5 minutes)</i> <p>Observers’ Safety</p> <ul style="list-style-type: none"> ▪ Andrey Sherbakhov, Security Officer (5 minutes)
12:00 – 12:15	Coffee Break

Time	Event
12:15 – 13:00 (45 min)	<p><u>Electoral Administration</u></p> <ul style="list-style-type: none"> ▪ Mr. Garegin Azaryan, Chair (Central Election Commission) ▪ Mr. Yuri Chibukhchyan, (Yerevan City Police Department) ▪ Mr. Aram Tamazyan (Deputy Prosecutor General of the Republic of Armenia)
13:00-14:00	Lunch

14:00 – 15:40 (1 hr 40 min)	<p><u>Meetings with political parties (1st session)</u></p> <ul style="list-style-type: none"> ▪ Mr. Arthur Baghdasaryan (Orinats Yerkir) or Ms. Heghine Bisharyan (Chief of Campaign Office) ▪ Mr. Gagik Tadevosyan , Vice-president of the National Unity Party (National Unity Party) ▪ Mr. Tigran Karapetyan (People’s Party) ▪ Mr. Aram Harutyunyan (National Accord Party) ▪ Mr. Vahan Hovhannisyan (ARF Dashnaktsutyun Party)
15:40-15:50	Coffee Break
15:50 – 17:10 (1 hr 20 min)	<p><u>Meetings with political parties (2nd session)</u></p> <ul style="list-style-type: none"> ▪ Mr. Serzh Sargsyan (Republican Party) ▪ Mr. Arman Melikyan (self – nominee) ▪ Mr. Shavarsh Kocharyan (National Democratic Party) ▪ Mr. Levon Ter Petrosyan (self – nominee)
17:10 – 17:50	<p><u>Roundtable with NGO representatives (International and Armenian)</u></p> <ul style="list-style-type: none"> ▪ Mr. Avetik Ishkhanyan, (Helsinki Committee of Armenia) ▪ Mr. Harutyun Hambardzumyan, (‘It’s Your Choice’)

(40 min)	<ul style="list-style-type: none"> ▪ Mr. Gegham Sargsyan, (National Democratic Institute) ▪ Ms. Linda Edgeworth, (IFES)
17:50 – 18:30 (40 min)	<p><u>Roundtable with Media Representatives</u></p> <ul style="list-style-type: none"> ▪ Mr. Boris Navasardian, (Yerevan Press Club) ▪ Mr. Aleksandr Iskandaryan, (Caucasus Media Institute) ▪ Mr. Grigor Amalyan and Ms. Lilit Gazazyan, (National Council on Public Radio and Television) ▪ Mr. Gnel Nalbandyan, Deputy General Director (State TV)
18:30	Concluding Remark
18:30	<p><u>Deployment</u></p> <ul style="list-style-type: none"> ▪ Area specific briefing conducted by OSCE/ODIHR LTO teams 1/2/3 ▪ Meeting with interpreters and drivers

19h00 Meeting with **Mr Robert KOCHARIAN**, President of the Republic of Armenia
Venue: Residence of President

20h15 Dinner hosted by **Mrs Marie Anne ISLER BEGUIN**, Chairman of the EP Election Observation Delegation (Heads of Delegations ONLY)
Venue: Restaurant DOLMANA, Yerevan

Tuesday, 19 February 2008

ELECTION DAY -

Monitoring of voting in different areas - including opening and closure

Team 1 - Yerevan: Mrs ISLER BEGUIN, Mr GRUNERT

Team 2 - Artashat/Ararat: Mrs STAUNER, Mr BIRUTIS, Mrs SCHMUTTERER

Team 3 - Hrazdan/Yerevan: Mrs DOBOLYI

12h00 - Coordination meeting with OSCE/ODIHR, OSCE PA and PACE (Heads of
14h00 Secretariat ONLY)
Venue: Hotel MARRIOTT

16h00 - Meeting with Chairs of CIS observer delegations
17h00 *Venue: Hotel MARRIOTT*

17h30 - Meeting of the Heads of the Delegation of the EP, OSCE PA, PACE and
19h00 OSCE/ODIHR
Venue: Hotel MARRIOTT

Wednesday, 20 February 2008

- 9h00 Breakfast debriefing of EP Delegation with ODIHR representative **Mr Anders ERIKSSON** and the Head of the EC Delegation to Armenia, **H.E. Mr Raul DE LUZENBERGER**
Venue: Hotel MARRIOTT, Armenia Brasserie, 3rd floor (private room)
- 10h00 - Coordination meeting with Heads of Delegations of the EP, OSCE PA, PACE and
12h00 OSCE/ODIHR
Venue: Hotel MARRIOTT
- 13h30 Coordination meeting of Heads of Secretariat of the EP, OSCE PA, PACE and OSCE/ODIHR
Venue: Hotel MARRIOTT
- 15h30 - Meeting with Heads of Delegations of the EP, OSCE PA, PACE and
16h00 OSCE/ODIHR and other parliamentarians for the preparation of the press conference
Venue: Hotel MARRIOTT
- 16h00 Press conference
Venue: Hotel MARRIOTT, Grand Ballroom, Ararat Wing
- 17h30 Interview with Yerkir Media TV on the South Caucasus (Chair ONLY)
Venue: Hotel MARRIOTT
- 19h00 Meeting with **Mr Avet ADONTS**, Co-Chairman of the EU-Armenia Parliamentary Cooperation Committee (Chair ONLY)
Venue: Hotel MARRIOTT
- 20h00 Dinner hosted by **H.E. Mr Raul DE LUZENBERGER**, Head of the EC Delegation to Armenia
Venue: "Ai Leoni" Restaurant

Thursday, 21 February 2008

Departure of the delegation