



Nagorno-Karabakh Presidential Elections 2012: Observation Mission Report

October 2012

Acknowledgement

The present report has been drafted on the basis of the “Interim conclusion of the Electoral Observation Mission of the Nagorno-Karabakh Presidential Elections”¹ published by European Friends of Armenia (EuFoA). Moreover, it includes input from sources which we contacted after the elections, mainly in Nagorno-Karabakh. Finally, we also included references to the European Center of Geopolitical Studies’ “Preliminary Report of STO Mission at the Elections of the President of NKR”² and Daniel Hamilton’s “Report on conduct of the Nagorno Karabakh Presidential election of 19th July 2012”.³ While this input broadens the information basis on which our report is based, we call for a deeper and more comprehensive observation in the future by the OSCE ODIHR.

Background

On 19 July 2012, Presidential Elections took place in Nagorno-Karabakh (NK). While the Nagorno Karabakh Republic (NKR) is internationally not recognised, EuFoA strongly welcomes the wish of the de-facto authorities to organise local self-government based on democratic principles as acknowledged by the OSCE Minsk Group Co-Chairs.⁴ This wish has been underlined by inviting a large number of international observers, including a group of eight set up by European Friends of Armenia. Our group was composed of three native speakers and five non-native speakers, led by:

- Dr Ioannis Charalampidis (Journalist, Cypriot)
- Dr Michael Kambeck (EuFoA Secretary General, German)
- Dr Eleni Theocharous (Member of the European Parliament, Cypriot)
- Dr Hans-Juergen Zahorka (Chief editor European Union Foreign Affairs Journal, ex-MEP, German)

¹ See “Interim conclusion of the Electoral Observation Mission of the Nagorno-Karabakh Presidential Elections”, 19 July 2012, Brussels http://www.eufoa.org/uploads/NK_EOM_Interim_conclusion_EN.pdf

² See “Preliminary Report of STO Mission at the Elections of the President of NKR”, European Center of Geopolitical Studies, 19 July 2012.

³ See D. Hamilton, “Report on conduct of the Nagorno Karabakh Presidential election of 19th July 2012”.

⁴ See Statement of the OSCE Minsk Group Co-Chairs, Moscow/Paris/Washington, 20 July 2012 <http://www.osce.org/mg/92313>



Picture 1: Members of the EuFoA EOM in front of the Parliament of the NKR

We fully followed the official code of conduct of OSCE/ODIHR election observation missions.

Nature of our observation

Our observation mission carried out a short-term observation, including the Election Day, parts of the electoral counting procedures and interviews with candidates and other observers. Our mission did not include media monitoring, long-term observation before or after the Election Day, monitoring of the complaints procedure and follow-up, as it would be provided for by an OSCE ODIHR mission.



Picture 2: Meeting with incumbent de-facto President Bako Sahakyan one day before the election.



Picture 3: Meeting with second-placed candidate Vitaly Balasanyan one day before the election (together with a group of French observers)



Picture 4: The EuFoA EOM Northern group visits the polling station 24 in the village of Mehmana

On election day, we formed two groups, one northern and one southern group, enabling us to cover a geographically wide area of Karabakh. Of the 245 polling stations, the following 22 stretching from Hadrout in the south to Mardakert in the north were visited by our observation mission:

Settlement	Polling station number	Time of visit	Number of registered voters	Voter turnout at the moment of visit
Northern group				
Askeran	1	09:45	1558	270
Nor Maragha	31	10:53	336	54
Mardakert	1/1	11:30	1289	400
Kusapat	16	12:15	190	91
Mehmana	24	12:55	18	11
Drmbon	6	14:10	252	140
Stepanakert	17	18:17	858	545
Stepanakert	10	18:24	1396+3*	830
Stepanakert	27	18:53	1168+45*	810
Shushi	1/1	19:18	1407	1004
Stepanakert	16	19:57	859	545
Southern group				
Stepanakert	31	09:47	1234	247
Stepanakert	32	09:55	1093	192
Stepanakert	33	10:12	658	106
Stepanakert	15	10:37	1355	298
Shosh	30	11:43	426	142
Sznek	28	12:08	76+1*	37
Suru Shen	36	12:54	301	150
Karmir Shuka	14	13:30	705	340
Drakhtik	9	14:00	306	181
Hadrout	1/1	16:40	1938+3*	1500
Azokh	2	17:50	548+1*	415

*Administratively separate voting lists

Our visits were decided by each group's participants on the morning of the election day. The central Election Commission provided us with a list of all polling stations. Randomly drawing feasible routes for each of the two groups on an NK map, we separated at 9.30h to head north and south. On our routes, which were not communicated to the NK authorities, we also spontaneously deviated from our planned list and visited polling stations closeby which were not in our original plan. The sampling included polling stations sizing from 18 voters in the

mountainous village of Mehmana to 1938 voters in Hadrout. With all this diversity in terms of geographic locations, urban or rural districts, daytime and size, we attempted to cover the election day as comprehensively as possible. Remarkably, we found almost no differences resulting from this diversity (see below), indicating that our observations represent the general picture.

Transparency for election observers

We strongly commend the local authorities for allowing us to move absolutely freely around Nagorno-Karabakh (including the scarcely populated buffer zone around) and to question anyone who was directly or indirectly connected to the elections. The efforts made to allow our and other observer teams to gain full insights and transparency were considerable and we call upon the international community to appreciate these efforts.

Why to do election observation in Nagorno-Karabakh?

The solidarity of democrats demands that we prefer and promote the basic human right of democratic self-governance and it is in this context that our group carried out its mission in Nagorno-Karabakh. We call in particular upon the OSCE ODIHR to provide technical assistance and election observation for future local elections, as part of a humanitarian development aid, even if this is done while underlining the non-recognition of the local state entity. This will allow for a real boost in local democratic culture and help prepare the local population for the time after a deal is reached for the resolution of the so-called frozen conflict, as envisaged by the OSCE Minsk Group.

Electoral campaign

The electoral campaign was not directly covered by our mission. Nevertheless, we did probe questions about the campaign before, during and after our trip to NK. The input we received does not indicate strong inequalities of the opportunities of the candidates. While some complaints about the unequal use of media resources were uttered by the opposition candidate Vitaly Balasanyan and sources close to him, these complaints described phenomena which are common in most healthy democracies – media give priority to the incumbent, the incumbent receives more support from institutions and from state employees acting in their private time. No cases have become known, for example, about jailed opposition supporters, state organised infringement of media reporting about the opposition, state organised infringement of campaign gatherings (right to assemble) or the publication of campaign material and posters (freedom of speech).

According to the report of the observation mission by the European Center of Geopolitical Studies⁵ which covered also the electoral campaign, all the candidates enjoyed equal access to the voters with their electoral programs and campaigning.

⁵ See “Preliminary Report of STO Mission at the Elections of the President of NKR”, European Center of Geopolitical Studies, 19 July, 2012, p. 3

Election Day – Positive aspects observed in the polling stations:

- Proxies of at least two of the three candidates were present in all polling stations.
- All proxies questioned reported no violations of the electoral code, at the time of asking.
- In line with the electoral code, educational posters were visible in all polling stations.
- As reported by Daniel Hamilton, an independent election observer, the staff of the polling stations visited “demonstrated exemplary knowledge of procedures and a clear commitment to scrupulously adhering to them”.⁶
- Official CVs of the three running candidates, with photographs, were posted in all polling stations.
- No political advertising was visible in the protected proximity of the polling stations.
- Voter lists were posted transparently in all polling stations.
- Voters were only permitted to vote in their designated polling station.
- Voting procedures in all polling stations made a solid and organised impression. In the polling stations, significant efforts were exerted to ensure that the ballot papers could not be forged, namely “the reverse side of each ballot paper contained the signature of three polling station staff (who rotated this responsibility throughout the day) and the official stamp of the polling station”.⁷
- Information gathered about the vote counting revealed solid procedures. For instance, “prior to the commencement of the count, unused ballots were publicly destroyed and placed inside sealed envelopes. During the counting procedure, each ballot paper was individually displayed to the members of the local election commission and the count supervisors of Bako Sahakyan, Vitaly Balasanyan and Arkady Soghomonyan”.⁸ Moreover, “ballot boxes were unsealed in the presence of international observers and the count supervisors of the three candidates”.⁹
- Voting booths were prepared in a way that provided sufficient privacy for the voting process.
- No reports of violence or tensions were received throughout the observation and the general atmosphere was friendly and relaxed.
- Voters questioned at the polling stations reported no violations or intimidations.
- Polling station staff and proxies fully cooperated with all observers and provided full transparency.
- The Central Election Commission fully cooperated with all observers, providing them with “complete and detailed information about the electoral procedures as well as with all necessary assistance in fulfilling their duties”,¹⁰ and ensured full transparency.
- Voter turnout which was registered at the moment of the monitoring was visibly above average compared to European elections.

⁶ D. Hamilton, “Report on conduct of the Nagorno Karabakh Presidential election of 19th July 2012”, p. 1

⁷ Ibid, p. 2

⁸ Ibid, p. 3

⁹ Ibid, p. 3

¹⁰ See “Preliminary Report of STO Mission at the Elections of the President of NKR”, European Center of Geopolitical Studies, 19 July, 2012, p. 3

Election Day – Negative aspects observed noted in the polling stations:

- Ballot boxes were marked and sealed with inconsistent means. In the polling stations N 10, 16 and 27 in Stepanakert, the ballot boxes were not sealed, except with a non-marked cable binder. In the polling stations N 6 in Drmbon, N 24 in Mehmana and N 16 in Kusapat, there were no stamps or numeration on the boxes (see pictures below).



Picture 5: Ballot boxes in the polling station N 10 in Stepanakert



Picture 6: Ballot box in the polling station N 24 in Mehmana



Picture 7: Ballot boxes in the polling station N 17 in Stepanakert



Picture 8: Ballot boxes in the polling station N 16 in Stepanakert

- Candidate Vitaly Balasanyan complained to us about the use of state resources by the incumbent.¹¹
- In the polling station N 1/1 in Shushi, three proxies of the incumbent President Bako Sahakyan were present simultaneously, in the polling station N 31 in Stepanakert, two proxies of the same candidate were present.
- In 20% of the polling stations observed, more than 8 people not related to the voting administration were counted inside the polling station. However, none of the proxies of the competing candidates or voters connected this to any form of code violation.

¹¹ See also "Karabakh Leader Reelected", Radio Free Europe/ Radio Liberty, 20 July 2012
<http://www.azatutyun.am/archive/english/20120720/1089/1089.html>

- In 20% of the polling stations observed, people not officially linked to the voting procedure were standing outside in the proximity of the polling station. However, none of the proxies or voters connected this to any form of code violation.
- In 11% of the polling stations visited by the observation mission of the European Center of Geopolitical Studies, "the secrecy of ballot was not fully guaranteed due to the lack of sufficient space of the used rooms."¹² Our own EOM confirmed that in some polling stations, improvisation was necessary to create enough room for the administrative staff and the ballot boxes. However, in no case did we observe an infringement of the secrecy of voting and boxes were positioned in a way that no one could observe the actual voting process.
- Across Nagorno-Karabakh, comparatively few billboard posters of any candidate were noticeable. The main form of visible campaign advertising consisted of A4 sized posters in shops and public places.
- Access to polling stations for people with impairments was often not facilitated and voting by correspondence was not possible.

Post Election Day:

While our EOM did not comprise post-election monitoring, some facts about the post-election conduct should be noticed.

The Central Election Commission received until the last deadline (14h on 20 July 2012) three complaints. They reflect one case of vote secrecy violation, one case of a breach of voter registration rules and a case of physical harassment of one of Mr Balasanyan's proxies.¹³

The CEC together with the NK Prosecutor General's Office claim they are dealing with these complaints in line with the local regulations.

Opposition candidate Vitaly Balasanyan's political adviser Masis Mayilian comments on this: "Both during the campaign and on the day of the vote, our priority was to keep the whole process inside the legal framework of NKR and to prevent any use of administrative resource by the incumbent. Although administrative resource has been used, it was not a decisive factor for the outcome of the elections. For that reason Mr Balasanyan recognised the results of the elections, although he refrained from congratulating the winner. Moreover, he qualified the elections as free but not fair. With 32.5% of ballots cast in favour of the opposition's candidate the Artsakh (NKR) society displayed its maturity in terms of democratic values and freedom. Finally, we have achieved a landmark result both in terms of consolidation of democratic institutions and of strengthening the legitimacy of the government and the opposition. For us, democracy is a crucial asset for the international recognition of our statehood."¹⁴

The general public climate remained very calm after election day, and the public debate in NK's online media, which are the most independent local media, did not show a very polarised debate about the elections, nor did they substantiate significant doubts as to the quality of the election conduct.

¹² See "Preliminary Report of STO Mission at the Elections of the President of NKR", European Center of Geopolitical Studies, 19 July, 2012, p. 4

¹³ See "Central Electoral Commission of Nagorno-Karabakh receives a complaint about a violation during presidential election in the republic", Arminfo, 20 July 2012

<http://www.arminfo.info/index.cfm?objectid=7CF7E0F0-D1C2-11E1-92CEF6327207157C>

¹⁴ Masis Mayilian interviewed by EuFoA on 10 October 2012.