

Armenia: Picking up the Pieces

I. OVERVIEW

Armenia's flawed presidential election, the subsequent lethal crackdown against a peaceful protest rally, the introduction of a state of emergency and extensive arrests of opposition supporters have brought the country to its deepest crisis since the war against Azerbaijan over Nagorno-Karabakh ended in 1994. The situation deprives Serzh Sarkisian, scheduled to be inaugurated as president on 9 April 2008, of badly needed legitimacy and handicaps prospects for much needed democratic reform and resolution of the Nagorno-Karabakh conflict alike. Unless the U.S., EU and others with significant diplomatic leverage over the regime in Yerevan exert pressure, Armenia is unlikely to make progress on either. The Sarkisian administration must urgently seek credible dialogue with the opposition, release prisoners detained on political grounds, stop arrests and harassment of the opposition and lift all measures limiting freedom of assembly and expression. Unless steps are taken to address the political crisis, the U.S. and EU should suspend foreign aid and put on hold negotiations on further and closer cooperation.

On 1 March 2008, police and security troops broke up a peaceful demonstration that had been going on continuously in Yerevan's Liberty Square to protest the announced official result of the 19 February presidential election. Clashes with demonstrators intensified later in the day, and the violence, involving firearms, arson and looting, left seven civilians and one police officer dead. More than 450 people were reportedly injured, including several dozen police and troops.

Outgoing President Robert Kocharian reacted by declaring a sweeping twenty-day state of emergency, which suspended many basic civil rights and temporarily banned independent media reporting. The authorities used the claim that an attempt, involving a vague "international conspiracy", had been made to topple the government as justification for arresting over 100 opposition figures. Though the state of emergency was officially lifted on 21 March, President Kocharian signed a new law into effect four days earlier placing new controls on political manifestations.

Sarkisian, prime minister since 2007, is Kocharian's hand-picked successor, but questions about his election

and its violent aftermath will undermine his authority. The 19 February election was marred by serious irregularities, and the subsequent use of excessive force and wide arrests by the authorities has caused a deep rift in society. Unless opposition figures are freed, dialogue resumed and justice pursued, this division will deepen.

Armenia's democracy has in most respects been in retreat for over a decade. Some constitutional and legal reforms have been undertaken, but they are mostly formalistic and the exception. The rule has been flawed elections, concentration of power in the hands of the executive, an army and security services which enjoy virtual impunity, a court system subservient to and manipulated by the government, and increased government censorship and control of key media outlets. Though the economy has performed relatively well and poverty has decreased, corruption and cronyism still seriously restrict sustainable, equitable growth.

Armenia needs to address the electoral violence as well as more fundamental questions regarding the country's governance. If the incoming presidency takes the right course, the EU and U.S. need to help foster reconciliation and deeper institutional reform. Their reaction to the flawed election and lethal crackdown, however, has been inadequate. The international community needs to send a stronger message to ensure that Armenia remains a democratic state, with a functional opposition that does not live in fear, and where basic human rights, including the right to freedom of assembly and expression, are guaranteed.

To avoid a crisis of legitimacy and the concomitant political instability, the Armenian authorities should:

- ❑ release persons detained due to their political activity and cease arrests and threats against the opposition, including against the runner-up in the 19 February election, former President Levon Ter-Petrosian;
- ❑ authorise an independent investigation, with international participation, into the 1 March violence and follow through on the pledge to punish police officers who illegally used weapons against civilians;
- ❑ revoke the amendments to the law on freedom of assembly adopted during the emergency rule

and allow peaceful protests in locations where they will not cause a threat to public order;

- lift remaining media restrictions and refrain from new restrictions on the media or access to the internet;
- investigate claims of violence and attacks against political party vote monitors at polling stations and initiate criminal proceedings against perpetrators; and
- pursue a credible dialogue process with the opposition in an effort to lower political tensions.

To defuse tensions, the Armenian opposition should:

- agree immediately and without preconditions to enter into dialogue with the government;
- impress upon supporters that protests which aim to stir unrest, such as blockading government buildings and impeding the work of government ministries, will not be condoned; and
- appeal the Constitutional Court's decision on the elections to the European Court of Human Rights and consider the same course with respect to other court decisions when all domestic remedies are exhausted.

To facilitate a way out of the impasse, the EU and U.S. should:

- encourage all major Armenian political forces to engage in direct negotiations to find ways to defuse tensions and speed reconciliation; and
- deliver clear messages to the Sarkisian administration that business as usual will not be possible until serious steps are taken to reconcile the Armenian polity as well as to address the root causes of the current instability.

If the government does not take credible steps to implement the measures recommended above and if arrests of opposition members continue:

- the EU and U.S. should suspend foreign aid;
- the Council of Europe should consider suspending Armenia's membership; and
- the U.S., EU and EU member states should consider, especially if there is more violence, initiating a diplomatic embargo on visits by President Sarkisian and senior officials of the security services.

II. THE POST-ELECTION CRACKDOWN

Ten full days of peaceful mass protests followed the country's disputed 19 February 2008 presidential election – after which the government declared its candidate, Prime Minister Serzh Sarkisian, the winner with 52.8 per cent of the vote. The main opposition candidate, former President Levon Ter-Petrosian, was second with 21.5 per cent.¹ Early in the morning of 1 March, police and security troops used disproportionate force to crack down on opposition demonstrators in Yerevan's Liberty Square. As the day wore on, the situation in the capital became increasingly dangerous, and by early morning of 2 March, after running battles involving firearms, arson and looting, seven civilians and one police officer were dead.² Outgoing President Robert Kocharian³ reacted by declaring a twenty-day state of emergency, which suspended many basic civil rights and temporarily banned independent media and reporting by other than state-approved outlets.⁴ Although the emergency has now expired, public meetings are still barred, more than 100 of those arrested remain in jail, and a deep political crisis divides the country.

A. 1 MARCH – WHAT HAPPENED?

Accounts vary widely as to what exactly transpired on the morning of 1 March, when police moved in to break up the long-running peaceful rally. Government officials insist they intervened because they had reports that the demonstrators were preparing to riot. But it is difficult to take this claim at face value, mostly because the protesters had shown virtually no inclination to violence. Nor was the ongoing rally, which reached 40,000 or more participants the previous afternoon and dropped

¹ Official results from Armenian Central Elections Commission. Sarkisian is a member of the ruling Republican Party of Armenia (RA). Other main candidates were Arthur Baghdasarian of the Rule of Law Party, 16.7 per cent; Vahan Hovannesian of the Armenian Revolutionary Front (Dashnaktsutiun), 6.2 per cent; and Vazgen Manukian of the Armenian Democratic Union, 1.3 per cent. Four other candidates had less than 1 per cent of the vote each. The turnout was given as 1,671,027 – 70.5 per cent of eligible voters.

² General Ararat Mahtesian, first deputy head of Republic of Armenia Police, press conference, 4 March 2008. There have been opposition claims and rumours that the death toll was higher, but no proof has been presented.

³ Kocharian was limited by the constitution to two five-year terms in office.

⁴ The state of emergency also shut down re-transmission of the U.S.-funded Radio Liberty in Armenia, blocked websites of many independent media and political organisations and banned gatherings and meetings, as well as the distribution of leaflets.

to no more than a few thousand mostly young people overnight, much of a threat to order in the city. Liberty Square, its venue, is essentially an enclosed park bounded by four streets near the State Opera House, where gatherings produce little inconvenience, save for pedestrians trying to cross the street.

It is more likely that the authorities had simply grown nervous at the demonstrators' perseverance. Statements by President Kocharian referring to the rally as an attempted coup and threatening action – a full week before the actual crackdown – are indicative of this.⁵

The government also claimed the demonstrators had collected knives, pistols, Molotov cocktails and metal rods. According to an official police statement, “the demonstrators began to throw stones, branches from trees, metal bars and bottles of inflammable liquid at the police. There were calls to overthrow the authorities with violence, and the police were abused”.⁶ Protesters denied this, saying grenades and weapons had been planted in the area by the police as a pretext for their action. Eyewitnesses among them on the square said police began beating some of those who had stayed overnight and burning their tents. At one point, according to a cameraman who was trying to film, police used electric stun guns and truncheons to clear remaining protesters. The square was reportedly under full police control by 9am, less than three hours after the crackdown began.⁷

Former President Ter-Petrosian's own security detail was reported to have taken him to his residence. He was virtually placed under house arrest, however, since he was told he could exit only if he left his bodyguards behind. By around noon, several thousand people had gathered at a new location not far from the city centre – near the mayor's office and the French embassy. Riot troops were dispatched to the area, but demonstrators blocked it off with several buses and debris, according to police. An eyewitness said that by 3pm the crowd had grown considerably, and a police car had been set ablaze. Members of the crowd began throwing stones through the windows of the mayor's office, where police had taken refuge.⁸

What happened during the next, most lethal phase is the subject of most controversy, claims and counter-claims. By 7pm, a crowd of up to 40,000 was on the scene, and witnesses saw members assembling Molotov cocktails, sidewalk stones, metal bars and wooden sticks. At 8pm, Foreign Minister Vartan Oskanyan warned a press conference that a state of emergency would be imposed unless the demonstrators went home. At 9pm, police and special forces began firing tracer bullets into the sky and using tear gas to disperse the demonstrators.⁹ At approximately 10pm, President Kocharian declared a state of emergency and sent army troops into the streets.

Looting of shops, burning of vehicles and clashes continued late into the night. More than 450 people were reportedly injured, including several dozen police and security troops, many of whom reported the protesters hurled grenades and Molotov cocktails. Ter-Petrosian's campaign staff said the most violent in the crowd were “agent provocateurs”, sent to wreak havoc and justify a massive crackdown and the subsequent state of emergency, but there is no specific proof. “We have a lot of information that guys were sent by oligarchs supporting Serzh Sarkisian”, said Levon Zourabian, an official with Ter-Petrosian's campaign, but he offered no definite evidence.¹⁰ All sides should be held accountable for violent behaviour, but there is no doubt it was the government's initial move against peaceful demonstrators in Liberty Square that set the deadly chain of events into motion on 1 March.

One question involves the way in which the seven civilians died. The first police units on the scene said they had been equipped with only rubber bullets; however, according to Ter-Petrosian's representatives, the civilians died of bullet wounds.¹¹ Those representatives also contended that snipers had been deployed on rooftops. The government claimed protesters had pistols and other firearms, though since only one police officer was killed, the charge may at least be exaggerated. The allegation that some police or troops shot at civilians was given new credence by Prime Minister Sarkisian himself on 13 March, when he told Armenian Television that police who had used weapons illegally would be punished.¹²

Another question concerns the conduct of former President Ter-Petrosian, who waited until 2am on 2

⁵ “Robert Kocharian characterised the events taking place in Armenia as an attempt to seize power by illegal means”, Reuters, 23 February 2008, quoting the presidential press service.

⁶ “Armenia's Bloody Saturday”, Caucasus Reporting Service, Institute for War and Peace Reporting (IWPR), 3 March 2008, at http://iwpr.net/?p=crs&s=f&o=343096&apc_state=henpcrs.

⁷ Crisis Group interviews, eyewitnesses, Yerevan, 4 March 2008.

⁸ Crisis Group interview, international correspondent, Yerevan, March 2008. Radio France International Correspondent Laurence

Ritter was reporting from the scene and witnessed most of the 1 March unrest.

⁹ Crisis Group interview, international correspondent, Yerevan, 8 March 2008.

¹⁰ Crisis Group interview, Yerevan, March 2008.

¹¹ Crisis Group interview, Yerevan, March 2008.

¹² BBC Monitoring, 13 March 2008, citing Armenian Public Television; also, Arminco news agency, Yerevan, 13 March 2008.

March to finally call on his supporters to leave the area and go home. Government officials said his representatives refused an offer to move the renewed protest to the Matenadaran area – about 2km from the mayor's office, where it would be less likely to cause disruptions in traffic and movement – because of the “strategic” value of the location near the city centre.¹³ Ter-Petrosian's campaign denied having rejected the offer and said Ter-Petrosian wanted to address the demonstrators first.¹⁴

B. THE STATE OF EMERGENCY AND ITS AFTERMATH

The authorities used the suspension of civil liberties to engage in indiscriminate suppression, arresting dozens of opposition figures – from leaders to rank and file – many of whom seem to have had no direct role in the violence.¹⁵ According to the prosecutor general, 106 individuals have been detained on criminal charges that they instigated and organised protests in Yerevan in an attempt to illegally seize power.¹⁶ Among those held are former Foreign Minister Alexander Arzumanyan, who led Ter-Petrosian's campaign headquarters, and the chair of the board of his Armenian National Movement, Ararat Zurabian, as well as two members of parliament.¹⁷ Armenia's former deputy prosecutor general Gagik Jahangirian, who was detained and stripped of his position on 23 February for criticising the presidential election as blatantly rigged in a speech at Ter-Petrosian's rally a day earlier, also remains in jail.¹⁸

Detentions continued even after the twenty-day state of emergency ended; some 60 opposition supporters were detained in Yerevan on 25-26 March, and another 21 on 27 March.¹⁹ An opposition member cited

widespread fear among activists and said, “we are waiting for more and more arrests everyday. It simply does not stop”. He added that the police typically treat the rank and file very badly, while those with more prominence and international ties are handled with more caution.²⁰ According to the justice ministry, sixteen jailed Ter-Petrosian loyalists began a hunger strike on 1 April.²¹

The authorities apparently viewed the state of emergency as essential to ensure a stable transfer of power from President Kocharian to his hand-picked successor, Sarkisian, on 9 April. That conclusion was given weight on 7 March, when the prosecutor general labelled the opposition rallies and the subsequent unrest an international conspiracy,²² and Sarkisian said the later, violent protests were designed to topple the government.²³

Though the state of emergency was officially lifted on 21 March, four days earlier President Kocharian had signed into force amendments to the law on freedom of assembly. These had been expedited through the governing party-dominated parliament in an emergency session that day and placed new controls on political rallies and demonstrations if there are reasonable grounds to believe they could cause disorder or result in an attempt to seize power. The language is overly broad and can be used by the government to limit dissent and legitimate public displays of political concerns.²⁴ This action followed a declaration of intent to stage a mass demonstration on 21 March from the Ter-Petrosian-led opposition.

A diplomat commented that there had been strong indications the government was ready to extend the emergency rule beyond the original twenty-day period, but following negative reactions from Western governments, it instead tightened control by this restrictive law.²⁵ The opposition condemned the amendments as a blatant violation of the constitution and an attempt to prolong the emergency restrictions. It organised “public walks”,

¹³ Noyan Tapan News Agency, 4 March 2008; and Mahtesian press conference, *op. cit.*

¹⁴ Crisis Group interview, Yerevan, March 2008.

¹⁵ On 4 March 2008, the police confirmed the detention of 127 people who are being investigated for involvement in the 1 March events. Sources with the Ter-Petrosian campaign say it has compiled a list of 104 supporters, including two members of parliament and others who are mid-level to rank and file, who have been arrested since the protest demonstrations began. The campaign claims most were not present at and had nothing to do with the violence of 1 March.

¹⁶ The official website of the prosecutor general, www.genproc.am/, on 16 March 2008. There are no more recent official figures.

¹⁷ “Jailed Oppositionists Start Hunger Strike”, Armenia Liberty, 2 April 2008.

¹⁸ “Arrested Ex-Prosecutor Unrepentant”, Armenia Liberty, 3 April 2008.

¹⁹ “Armenia: Lift Ban on Peaceful Protest”, Human Rights Watch, 28 March 2008. See also See “Armenia: Arrests

Continue. Opposition complains of continued harassment following end of state of emergency”, IWPR, 26 March 2008.

²⁰ Crisis Group telephone interview, opposition activist, March 2008.

²¹ “Jailed Oppositionists Demand Hunger Strike”, Armenia Liberty, 2 April 2008.

²² “Armenia, Authorities Advance Conspiracy Theory”, EurasiaNet.org, 7 March 2008.

²³ At a 7 March 2008 news conference, Prosecutor General Agvan Ovsepian said “conspiratorial foreign forces” played a role in initiating the armed clashes between anti-government demonstrators and state security forces that left at least eight people dead.

²⁴ “Armenian president signs law limiting demonstrations”, BBC Monitoring, 17 March 2008.

²⁵ Crisis Group interview, diplomat, April 2008.

book readings and chess games in the streets to circumvent the new limits on assembly.²⁶ The authorities continued to employ intimidation tactics, such as brief detentions and harassment.

To overcome the immediate political crisis and avoid further violence, the authorities need to engage urgently in dialogue with the opposition and release all those not directly involved in violence during the post-election period. They should also drop threats to arrest Ter-Petrosian, a move which would dramatically ignite new tensions.

To mitigate the legitimacy crisis, the authorities need to allow an independent investigation, with international participation or supervision, into the 1 March violence and initiate criminal proceedings against those it identifies as perpetrators. They should follow through on pledges to punish police officers who illegally used weapons against civilians and should lift any remaining restrictions on media or the internet. Peaceful protests should be allowed in locations where they will not endanger public order, freedom of movement or economic activity.

The opposition, led by Ter-Petrosian, should announce it is willing to enter immediately into talks with the government, without preconditions, to defuse the situation. (It has been ambiguous about its readiness for such a dialogue.) Ter-Petrosian should also make it clear to his supporters that protests which aim to stir unrest, such as blockading government buildings or impeding the work of government ministries, will not be tolerated.

C. THE INTERNATIONAL RESPONSE

Many members of the international community praised the 19 February election too quickly. The preliminary report of the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) concluded it was "mostly in line with ... [international] commitments".²⁷ This cautious endorsement was followed by positive general assessments, including by Javier Solana, the EU's foreign policy high representative, the EU presidency and the European Commissioner for External Relations,²⁸

even as extensive opposition protests were underway. "It is just enough to look at the report by the observers and you will see that that is a confirmation that this is another positive step towards the country's democratic development", said Jan Kubis, Slovakia's foreign minister, who chairs the Council of Europe's Committee of Ministers.²⁹ Within hours of the election, the leaders of Russia and France congratulated Sarkisian on his victory.

The 1 March violence triggered a negative reaction, but the international community has been comparatively complacent and passive. Though qualitatively the diplomatic message was similar, Armenia's troubles have received a mere fraction of the attention Georgia's did after the government there used disproportionate violence against demonstrators in November 2007. Azerbaijan was much more harshly criticised for its November 2005 parliamentary elections. Ter-Petrosian publicly accused the West of "double standards".³⁰ "Armenians do not perceive the international community with any legitimacy after these polls", a local activist commented.³¹ The weak international reaction is likely to make it more difficult for foreign observers to exercise constructive influence on the May parliamentary elections in Georgia and the October presidential election in Azerbaijan.³²

On 1 March, the EU presidency did express concern about the post-election situation "and especially about the use of force of Armenian authorities against the demonstrators ... the curtailment of freedom of movement of the opposition leader and former presidential candidate Levon Ter-Petrosian and about the detention of demonstrators".³³ Almost a further week into the crisis, John Prescott, a British member of the Council of Europe and former deputy prime minister, flew to Armenia "to assess the post-electoral situation ... and explore

on behalf of the European Union on the presidential election in Armenia on 19 February 2008", 22 February 2008; and "Statement on the conduct of Presidential elections in Armenia", EU Commissioner for External Relations Benita Ferrero-Waldner, at: http://ec.europa.eu/commission_barroso/ferrero-waldner/speeches/index_en.htm.

²⁶ "Armenian Rally Ban 'Unacceptable' to European Watchdogs", Armenia Liberty, 3 April 2008.

²⁷ "Armenian presidential election mostly in line with international commitments, but further improvements necessary", OSCE/ODIHR, 20 February 2008, at www.osce.org/odhir/item_1_29779.html?print=1.

²⁸ "Javier Solana, EU High Representative for the CFSP [Common Foreign and Security Policy], congratulates the Armenian people on the orderly conduct of the presidential elections", 20 February 2008; "Declaration by the Presidency

²⁹ "Council of Europe Envoy Praises Armenian Vote", Armenia Liberty, 25 February 2008.

³⁰ "Silence on Armenia", Levon Ter-Petrosian, *The Washington Post*, 5 March 2008.

³¹ Crisis Group telephone interview, activist, Yerevan, April 2008.

³² Sabine Freizer, "Combustible Caucasus", *The Wall Street Journal*, 13 March 2006; and Thomas de Waal, "Voices From Afar: Freetocracy", *The National Interest*, 28 March 2008.

³³ "EU Presidency Statement on the events following the presidential elections in Armenia", 1 March 2008.

possibilities for defusing the current political crisis and promoting dialogue” and to meet Ter-Petrosian.³⁴

Matthew Bryza, a deputy assistant secretary of state and chief U.S. Nagorno-Karabakh mediator, and Peter Semneby, the EU’s special representative for the South Caucasus, went to Yerevan to press the authorities to restore order and the rule of law.³⁵ Moscow expressed generic concern for “destabilisation” in the region.³⁶ Perhaps the strongest message came from Washington’s Millennium Challenge Corporation (MCC), which officially warned President Kocharian that “the recent events could have negative effects on Armenia’s eligibility for MCC funding” (currently \$235.6 million).³⁷ Shortly after the state of emergency was lifted, however, Bryza commented that positive steps had been taken, and “there is no need to take negative steps on our side”.³⁸

The Council of Europe’s Venice Commission and the OSCE/ODIHR examined the newly legislated restrictions on freedom of assembly and jointly concluded that they were unacceptable.³⁹ A high-ranking Western diplomat said that a particularly strong message has been delivered to the authorities about the urgent need to release prisoners detained for political activity.⁴⁰

The international community should refrain from actions and statements that indicate business as usual with the new administration. The U.S. and EU should apply diplomatic pressure on authorities and opposition alike to negotiate directly, with a view to defusing tensions and speeding conciliation. They should offer guidance and technical help for investigations of the violence and be ready to rigorously monitor these, while refraining from offering new foreign aid until the current impasse is resolved in a transparent and satisfactory manner. If Sarkisian fails to take remedial measures after he assumes office, and particularly if arrests and intimidation of the opposition continue, the EU and the U.S. should suspend existing assistance programs and cooperation, while the Council of Europe should consider taking

steps towards suspension of Armenia’s membership. Particularly if there is new violence, Washington and Brussels should consider a diplomatic embargo on visits by the president and senior members of the security services.

III. KOCHARIAN AND SARKISIAN: PASSING THE BATON

The presidential election had initially appeared to be a “beauty pageant” in which President Kocharian would essentially hand over power to the consensus choice from within his ruling circle.⁴¹ The authorities kept one candidate who had found some resonance with voters, the U.S.-born, former foreign minister Raffi Hovannisian of the pro-Western Heritage Party, off the ballot on the grounds that he had allegedly not been a citizen for ten years, as required by the constitution. Hovannisian said the charge was untrue and politically motivated. No other serious contenders were anticipated.

A. THE KARABAKH CLAN

Sarkisian was a predictable figure to emerge as successor. Like Kocharian, he hails from the breakaway region of Nagorno-Karabakh, internationally recognised as a part of Azerbaijan but almost entirely inhabited by ethnic Armenians and heavily reliant on Armenia for military and economic security.⁴² He commanded the Karabakh armed forces during the conflict with Azerbaijan and was later brought to Yerevan, where he served as minister of defence, interior and national security, presidential chief of staff and, finally, prime minister.

Kocharian and Sarkisian have developed deep ties over the twenty years since they first led the separatist movement in Nagorno-Karabakh. There are few signs of major differences between them. “I see no real differences between Kocharian and Sarkisian other than of a tactical nature”, said David Petrossian, a prominent Yerevan political analyst considered sympathetic to the opposition. Petrossian noted, however, that Kocharian has tended to make more provocative statements, while Sarkisian has usually tried to portray himself as more prone to conciliation – a “bad cop, good cop” approach. “In

³⁴ See “Prescott leads Armenia peace trip. Ex-deputy prime minister John Prescott is heading a diplomatic mission aimed at defusing Armenia’s political crisis”, BBC News, 6 March 2008.

³⁵ See “Fresh clashes feared in Armenia crisis”, *The Financial Times*, 7 March 2008.

³⁶ “Russia has no interest in seeing destabilisation or a coloured revolution in its main ally in the South Caucasus”, declared Konstantin Zatulin, a senior Russian Duma member, *ibid*.

³⁷ Letter from MCC’s Chief Executive Officer, Ambassador Danilovich, to President Kocharian, 11 March 2008.

³⁸ “Bryza: Suspension of U.S. Aid May Be Reconsidered,” PanArmenian.net, 25 March 2008.

³⁹ “Armenian Rally Ban ‘Unacceptable’ to European Watchdogs”, Armenia Liberty, 3 April 2008.

⁴⁰ Crisis Group interview, senior diplomat, Brussels, April 2008.

⁴¹ Crisis Group interview, political analyst, Yerevan, February 2008.

⁴² For background on Nagorno-Karabakh, see Crisis Group Europe Reports N°166, *Nagorno-Karabakh: Viewing the Conflict from the Ground*, 14 September 2005; N°167, *Nagorno-Karabakh: A Plan for Peace*, 11 October 2005; and N°187, *Nagorno-Karabakh: Risking War*, 14 November 2007.

terms of political relations, they divide different functions. This is a system that they worked out many years ago. It continues to this day”, he said.⁴³ A diplomat with access to both men, however, professed to see differences; while Kocharian is very reluctant to take practical conciliatory steps, he said, Sarkisian seems more inclined to pursue dialogue and reconciliation.⁴⁴

The two men represent the top of the “Karabakh Clan”, whose members come from the region and have, over the last decade, politically dominated Armenia itself. Many Karabakh Armenians who have moved to Armenia and taken positions of power are now viewed with resentment by native Armenians. They speak a dialect that differs from the eastern Armenian of Yerevan and Armenia proper. Many Armenians, especially among the capital’s educated elites, stereotype “Karabakhis” as somewhat rough or uncouth and resent that “shops and businesses are owned by Karabakh Armenians, that they have impunity on the streets in their expensive cars, that they are untouchable and have pushed Yerevanis out of jobs and businesses”.⁴⁵ There is a big gap between the perception in Armenia of Nagorno-Karabakh as the sacred idea supported by Armenians worldwide and Karabakh Armenians as represented by individuals in everyday life.⁴⁶

It was at least partly this resentment of the Karabakh Armenians and their cliquish political influence that prompted Ter-Petrosian’s surprise move to enter the presidential race in autumn 2007.⁴⁷ Although he brought the two men to Yerevan in the 1990s to help rule when he was president, he derisively referred to the Karabakh Clan as “shepherds” or “herders” in campaign speeches and to Kocharian as “a provincial”. He accused both men of nepotism, saying they had installed fellow Karabakh Armenians in top government jobs, who had now taken over the economy as well. “Because of these two persons, 15,000 people have moved from Karabakh to Armenia, mainly Yerevan, in the past ten years”, Ter-Petrosian told a campaign rally in February 2008.⁴⁸

Kocharian responded by calling for a law penalising discrimination based on place of origin, that is, against Karabakh Armenians.⁴⁹

The personal relationship between Ter-Petrosian and Kocharian is openly hostile. The two men are said to have had their last direct conversation, on the telephone nine years ago.⁵⁰

Some commentators see the perceived dominance of the “Karabakh Clan” as exaggerated.⁵¹ They say that far more important to the Kocharian-Sarkisian government is a small group of rich business people, “oligarchs”, who mostly do not come from Nagorno-Karabakh. They note that Ter-Petrosian’s campaign was perceived as having relied heavily for political and financial support on one of the country’s richest men Khachatur Sukisian.

B. REGIME SUPPORT

1. Armed forces, security services and Russia

Aside from the cohesion of the Karabakhis, the ruling elite relies heavily on Armenia’s disproportionately powerful army and security forces. The former has an estimated 60,000 troops and has always faced far fewer problems with draft evasion or mutinies than neighbouring Georgia and Azerbaijan. Army service – even during the mid 1990s, when draft evasion rates were over 90 percent in Georgia – has traditionally been seen as a matter of honour associated with the folklore of the battlefield victories against Azerbaijan during the Karabakh war. Since that war, it has been of great importance for the authorities to uphold the heroic image of the army in society, to the point of sacrificing human rights and other standards.

The government also seems to have overhauled other power structures. “The procuracy, the police, the National Security Service (the former KGB), and the military are directly subordinate to Kocharian. Parliament and even the Cabinet of Ministers have little control over their activities”.⁵² Law enforcement bodies have become powerful tools of political repression in recent years, with the police frequently detaining opposition activists.⁵³

⁴³ Crisis Group telephone interview, David Petrossian, March 2008.

⁴⁴ Crisis Group interview, senior diplomat, April 2008. On 4 April 2008, President Kocharian said that he would not engage in a dialogue with Ter-Petrosian, *Noyan Tapan*, 4 April 2008.

⁴⁵ Crisis Group correspondence with international expert, March 2008.

⁴⁶ Crisis Group interview, international expert, Tbilisi, March 2008.

⁴⁷ Crisis Group interview, Armenian political analyst, Tbilisi, February 2008.

⁴⁸ “Crisis Spotlights ‘Karabakh Clan’”, *Armenia Liberty*, 5 March 2008, at www.rferl.org/featuresarticle/2008/3/A55F54E6-4BF5-4CE7-94E0-C01F28755717.html.

⁴⁹ Ruzanna Khachatryan, “Kocharian Keen to Criminalise Opposition Line of Attack”, *Armenia Liberty*, 4 April 2008.

⁵⁰ Crisis Group interview, senior diplomat, April 2008.

⁵¹ Crisis Group interview, diplomat, Yerevan, February 2008.

⁵² “Countries at the Crossroads 2006”, *Freedom House*, 2006, at www.freedomhouse.org/template.cfm?page=140&edition=7&ccrpage=31&ccrcountry=109.

⁵³ *Ibid.*

Armenia counts itself a full strategic partner of Russia. There is a wide national consensus on this. Russia's sole remaining military base in the South Caucasus is in Armenia. There have been no major calls for early pullout of the 3,000 troops, unlike in Georgia, where Moscow was recently forced to close outposts. Most Armenians still see Russia as a guarantor of their security against Turkey and Azerbaijan.

Armenia is also a member of the Moscow-led Collective Security Treaty Organization (CSTO), which includes Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and, most recently, Uzbekistan. The organisation is seen as a de facto alternative to NATO. Unlike Azerbaijan and, especially, Georgia, few leading Armenian politicians or parties have advocated NATO membership. The exception is Rule of Law Party leader Arthur Baghdasarian, who did so in 2006. Even he, however, has more recently toned down his advocacy and balanced it with support for continued strong ties with Russia.⁵⁴

The country does participate in NATO's Partnership for Peace program, as do many other former Soviet republics which have no immediate NATO aspirations, and has a small force of 46 soldiers, mostly sappers and medical personnel, in Iraq, where they serve under Polish command.⁵⁵ That contingent is viewed as a gesture of good-will and political balance toward Washington.

Though Russian officials did not explicitly endorse Sarkisian during the campaign, they sent many signals of support for the regime. This included a visit by Prime Minister Victor Zubkov to Yerevan shortly before the election, to meet with both Sarkisian and Kocharian.⁵⁶ Russian officials who came as part of a Commonwealth of Independent States monitoring delegation on election day made critical remarks about Ter-Petrosian and his refusal to accept the results of the election.⁵⁷

2. Oligarchs

Several high-profile Armenian business people are seen as providing important support for the Kocharian-Sarkisian regime and benefiting from it economically,

such as through lucrative licences for imports of commodities like fuel, sugar and grain. Some political analysts point to a clique of "20-30 families – oligarchs – people who, thanks to the opportunities that are provided to them by the authorities, became rich, and have wide possibilities of avoiding taxes and customs fees".⁵⁸ Freedom House reports that "key industries remain in the hands of oligarchs and influential clans who received preferential treatment in the early stages of privatisation".⁵⁹

Various oligarchs are said to have strong ties to regional officials in the areas where they own or control commercial enterprises.⁶⁰ The resulting cronyism and patronage help the regime strengthen its control of administrative structures and ensure the discipline and smooth functioning necessary to build and maintain a powerful political machine.⁶¹

Perhaps the most powerful such pro-regime oligarch is Gagik Tsarukian, a famous champion arm wrestler. Tsarukian worked at an animal husbandry facility in the late 1980s and later founded the country's such farm. He became Armenia's first independent poultry producer in the mid-1990s and purchased a well-known beer factory. Tsarukian later set up the Prosperous Armenia Party, which rapidly became the country's second most powerful party and the main coalition partner to Sarkisian's Republican Party, though it appears to be more a patronage and philanthropic organisation than a true political party.⁶²

Other notable pro-regime oligarchs are Ruben Hayrapetyan and Samuel Alexanian. Hayrapetyan, 45, began as a mechanic, later worked at a food-processing plant and then rose to run one of Armenia's largest factories. He is said to have significant business interests in the banking, import-export and hotel sectors and is president of the Armenian Football Federation and a member of the governing Republican Party. Alexanian,

⁵⁴ The populist Baghdasarian made a controversial call for Armenia to join NATO in 2006 after he fell out temporarily with the authorities. Baghdasarian rejoined the Kocharian-Sarkisian government following the election, see below.

⁵⁵ "USA highly appreciates Armenia's participation in international peacekeeping efforts in Iraq", Arka News Agency, 11 October 2007.

⁵⁶ Emil Danielyan, "Does Moscow back Armenia's Embattled Leaders?" Jamestown Monitor, 12 February 2008, at http://jamestown.org/edm/article.php?article_id=2372797.

⁵⁷ "Konstantin Zatulin: I am Disappointed with Ter-Petrosian's Activity", PanArmenian.net, 20 February 2008.

⁵⁸ Brian Whitmore, "Crisis Spotlights 'Karabakh Clan'", Armenia Liberty, 5 March 2008, www.ferl.org/featuresarticles/2008/3/A55F54E6-4BF5-4CE7-94E0-C01F28755717.html.

⁵⁹ "2007 Map of Freedom in the World: Armenia", Freedom House, 2007, at www.freedomhouse.org/template.cfm?page=363&year=2007&country=7126.

⁶⁰ Crisis Group interview, political analyst, Yerevan, February 2008.

⁶¹ Crisis Group interview, local expert, Yerevan, February 2008.

⁶² Crisis Group interviews, Yerevan, February 2008. The party was unknown until it began distributing charity several years ago. Observers say donations are used to obtain support for the ruling coalition.

who is also a parliamentarian, is reported to have made a fortune in the trade of foodstuffs.⁶³

Ter-Petrosian's main oligarchic supporter, the parliamentarian Sukisian, has diverse business interests, including a brewery and a mineral water company. The pro-government-stacked parliament recently removed his parliamentary immunity, along with that of three other opposition deputies. Sukisian has gone into hiding. The government claims that he played a role in organising the anti-government protests.⁶⁴

3. Parliamentary super-majority

Politics in Armenia tend to be based less on the strength of political parties and their ideologies and more on individual personalities and the clans to which they belong. Nonetheless, Kocharian and Prime Minister and soon-to-be President Sarkisian enjoy a super-majority, with over two thirds of the 131 seats in the National Assembly. OSCE/ODIHR monitors said the 2007 parliamentary election showed improvement over previous contests. However, observers still noted significant instances of fraud and other irregularities. Most notably, they evaluated vote tabulation procedures as "bad" or "very bad" at 34 per cent of the territorial elections commissions.⁶⁵ Freedom House commented that ruling regimes in Armenia have always used the security apparatus for carrying out and covering up vote falsification.⁶⁶

The main pro-government party, the Republican Party of Armenia (RA), has 64 seats, just short of a majority, but leads a coalition that includes the nationalist Dashnaksitiun Party (sixteen seats) and the Prosperous Armenia Party (25 seats).⁶⁷ Were the current government to lose power, the Republican Party and Prosperous Armenia might simply melt away as serious political forces.⁶⁸ That is what happened to Ter-Petrosian's

Armenian National Movement after his resignation in 1998; the party went from majority status to practically ceasing to exist in electoral terms within a short period.

IV. THE PRESIDENTIAL ELECTION

Kocharian has faced lingering questions about his legitimacy since he defeated Karen Demirchyan, a one-time Soviet Armenian Communist boss, in 1998.⁶⁹ He won in the first round, with 60 per cent of the vote, but international observers said the election had been tainted by fraud. Those questions surfaced again in 2003, when he was forced into a second round against Demirchyan's son, Stepan. According to the government, Kocharian won the run-off decisively, with 67.5 per cent of the vote, but again international monitors said the vote was marred by fraud.⁷⁰ Weeks of uncertainty and public demonstrations followed both the 1998 and the 2003 elections, and police cracked down violently on thousands of demonstrators in 2004, after the Constitutional Court ruled against Stepan Demirchyan's appeal for an annulment of the results.

After three consecutive fraud-tainted presidential elections in 1996, 1998 and 2003,⁷¹ there was a chance to restore citizens' faith in the political process in 2008 and for the unpopular Kocharian to leave office on a high note. The opportunity has been wasted.

A. ISSUES

When former President Ter-Petrosian joined the contest in late 2007, some saw an emerging debate over the future of Nagorno-Karabakh and negotiations to formally end hostilities with Azerbaijan. It was advocacy of compromises – specifically his acceptance of a set of proposals for a stage-by-stage settlement of the conflict – which led to Ter-Petrosian's forced resignation in February 1998.

attempts were made to rename the party and give it a new image. Once Shevardnadze was swept from power, the party rapidly became defunct.

⁶⁹ Karen Demirchyan was killed on 27 October 1999 in a shooting spree in the parliament. He was speaker of the parliament at the time.

⁷⁰ Crisis Group Europe Report N°158, *Armenia: Internal Instability Ahead*, 18 October 2004.

⁸⁴ During an interview with the Russian daily *Rosssiiskaya Gazeta* on 7 March 2008, Prime Minister Sarkisian claimed: "It's fair to say that an attempt to organise a 'colour revolution' in Armenia really took place", cited in EurasiaNet.org, 7 March 2008, at www.eurasianet.org/armenia08/news/030708.shtml.

⁶³ Crisis Group interviews, February 2008, Yerevan.

⁶⁴ "Authorities Advance Conspiracy Theory", EurasiaNet.org, 7 March 2008.

⁶⁵ "Election Observation Mission Report, Republic of Armenia, Parliamentary Elections, 12 May 2007", OSCE/ODIHR, 10 September 2007.

⁶⁶ "Countries at the Crossroads", op. cit.

⁶⁷ The nationalist Dashnaksitiun (Armenian Revolutionary Federation Dashnaksitiun) Party, which advocates a hard line against Azerbaijan and wants the return of what it considers historic Armenian lands in present-day Turkey, is highly ideological. It has a stable core constituency of roughly 10 per cent.

⁶⁸ There are precedents in many former Soviet republics. One is Georgia, where former President Eduard Shevardnadze built a powerful governing party, Mokalaketa Kapshiri (Citizens' Union), in the 1990s. As Shevardnadze lost popularity, unsuccessful

Nagorno-Karabakh did figure somewhat in the election campaign. Both camps tried to portray themselves as the better patriots. Sarkisian argued that security was best entrusted to those who had a proven war record, and that it was Ter-Petrosian who had wanted to make compromises a decade earlier. Ter-Petrosian claimed that the Basic Principles were similar to the 1997 peace plan he had urged and Kocharian and Sarkisian had rejected. He also repeated an old allegation that Kocharian had in the past secretly agreed with negotiators from the Minsk co-chairs to cede Armenia's southern district of Meghri – its land border with Iran – to Azerbaijan in exchange for Nagorno-Karabakh's accession to Armenia.⁷² Kocharian flatly denied this.

Neither candidate was long on specifics about how he would end the conflict,⁷³ both instead asserting they were best positioned to both guarantee Karabakh's security and negotiate a settlement. But while the Karabakh issue played a role, it was not the first or even the second most important issue in the campaign. Nor were foreign relations generally particularly central. The candidates did differ on Turkey, with Sarkisian saying the Armenian "genocide" must be recognised, and Ter-Petrosian indicating that resolving the genocide issue should not be an absolute prerequisite before attempting to develop normal relations with Ankara.⁷⁴

Perhaps the most important single issue was the economy, as well as the related topic of corruption. Sarkisian regularly cited economic improvements over the last eight years and the continuing reduction in poverty, while promising new efforts against corruption. Ter-Petrosian repeatedly charged that Armenia was run by a "kleptocracy" under Kocharian and Sarkisian, which had enriched itself by creating artificial monopolies over many types of basic imports.

The Kocharian-Sarkisian team seemed better equipped to exploit bread and butter issues, since the economy has performed well under its stewardship, despite the unresolved conflict with Azerbaijan, which keeps trade routes to Turkey as well as Azerbaijan closed. Gross domestic product (GDP) growth in 2007 was an impressive 13.8 per cent, up from 13.3 per cent in 2006 and putting Armenia in second place of the 27 countries that emerged from the former Soviet Union and the old Warsaw Pact. The cornerstone of the growth has been the construction sector, partially due to the massive rebuilding of central Yerevan. Per capita GDP increased

to \$2,121 in 2006, while inflation held at 2.9 per cent.⁷⁵ The government boasted that the numbers of those living under the poverty level had declined to less than 25 per cent of the population, from 55 per cent in the mid 1990s, and Sarkisian vowed to reduce that figure to less than 10 per cent over the next five years.

Behind the rosy figures, however, are some less hopeful ones. Roughly a quarter of Armenia's GDP consists of cash transfers from Armenians outside the country, principally those in the large diasporas in the U.S., Russia and Europe.⁷⁶ The diasporas have also been disproportionate contributors to investment, particularly in infrastructure and other construction projects. The current construction boom in Yerevan is not considered sustainable in the long run. Armenia also continues to rely on well-below market prices (less than half what Georgia pays, for instance) for Russian natural gas. There has been recent speculation that Moscow may more than double that price to bring Armenia in line with other customers. This would have a very serious effect on the economy.

Though raw GDP growth has been strong, Armenia still ranks just 98th out of 192 countries overall in terms of per capita GDP at purchasing power parity (PPP), just ahead of Albania.⁷⁷ There is also a perception among many Armenians that, while living standards are undeniably much higher than in the impoverished 1990s, the growth has been heavily skewed in favour of the richest as a result of a corrupt and oligarch-dominated economic system.

Though as president he once sent tanks into the streets of the capital and announced his own state of emergency, Ter-Petrosian raised the important issue of the lack of democratic reform, justice and rule of law. His 1996 action was in response to protests after a deeply fraudulent election which, officially at least, he had won with just over 51 per cent of the vote. Many Armenians thus understandably still hold him responsible for initiating the trend of fraudulent elections and weak rule of law. While many also see him as the only alternative to the deeply flawed rule of Kocharian-Sarkisian, his record as a democratic reformer is less than credible.

Ter-Petrosian's campaign, at the outset, appeared to attract mainly relatively well-educated urban voters,

⁷² Salome Asatiani, "Armenia: Race for Presidency Offers New Debate Over Old Taboo", *Armenia Liberty*, 18 February 2008.

⁷³ See "Campaign Issues", *EurasiaNet.org*, at www.eurasianet.org/armenia08/gallery/index.shtml.

⁷⁴ *Ibid.*

⁷⁵ Statistical Committee of Commonwealth of Independent States, *Arka News Agency* (Yerevan) 8 February 2008, at www.arka.am/eng/economy/2008/02/08/7986.html; and "Armenia Country Profile", *The Economist Intelligence Unit*, 2007.

⁷⁶ Crisis Group interviews, political analysts, Yerevan, February 2008.

⁷⁷ "The World Factbook", the U.S. Central Intelligence Agency, January 2008.

especially in the capital. His support seemed to grow in outlying regions as the election approached, however. After the vote and with allegations of serious rigging increasing, ten senior officials in the foreign ministry and several in the trade and economic development ministry resigned on 23-25 February in protest, in effect aligning themselves with Ter-Petrosian. The deputy prosecutor general was dismissed and arrested on 24 February, after he voiced support for the opposition. The resignation of Deputy Defence Minister Lieutenant-General and chair of the powerful veterans union "Yerkrpah", Manvel Grigorian, on 2 April appears to give credence to Ter-Petrosian's claim there was a serious split in the armed forces.⁷⁸ Nevertheless, officers and troops obeyed the orders to back up police in central Yerevan after the state of emergency was declared on the night of 1 March.

B. THE CAMPAIGN

On the face of it, the 19 February contest offered a real choice between nine candidates – some with authentically divergent political views, though Prime Minister Sarkisian and former President Ter-Petrosian were the only ones regarded as having any chance of winning. Electoral reforms were implemented in 2007 which provided for eight-member electoral boards, on which political parties represented in parliament were given seats.⁷⁹ In principle, this was an improvement over previous elections, but in practice dissenting board members had little or no influence at either the local, territorial or national level. They could and did write dissenting opinions, but this often had no impact on the approval of results. Public trust in the process remained low, and reports of extensive irregularities contributed to the crisis of legitimacy faced by the declared victor.

1. Media bias and pre-election manoeuvres

A media bias in favour of Sarkisian and against Ter-Petrosian created an uneven playing field. From the moment Ter-Petrosian announced his candidacy, virtually all television stations portrayed him in a distinctively negative light, while Sarkisian was presented in an overwhelmingly positive fashion. This continued throughout the official, one-month campaign, although

there was somewhat more balance during the immediate days before the vote.⁸⁰ In the period 21-30 January, a monitoring survey of seven leading television outlets found 93 positive and only six negative editorial references to Sarkisian, but no positive and 72 negative references to Ter-Petrosian.⁸¹ Often, rather than direct attacks, stations played clips from some of the lesser-known "opposition" candidates criticising former Ter-Petrosian or praising Sarkisian.

Candidates were able to use several minutes of daily airtime allotted and paid for by the state on a daily basis during the one-month official campaign. Many citizens complained, however, that they could not see these broadcasts, because the time slot, 5pm to 6pm, was when they were returning from work.⁸²

Many state workers reported being coerced by their superiors to vote for Sarkisian or attend his rallies.⁸³ Workers were told they had to appear at campaign venues and sign a paper proving they had taken part, a familiar post-Soviet, pre-election abuse. An independent analyst said, however, that many tactics were relatively sophisticated. The more blatant ballot rigging practiced soon after independence had been replaced by tight control and application of administrative resources, and by having trusted civil servants, especially outside the capital, use informal incentives and disincentives, such as access to or threatened denial of employment or other benefits in exchange for votes.⁸⁴

There were also several reports of violence directed against the Ter-Petrosian campaign, including incidents of arson at some of his regional campaign headquarters. Likewise, there were violent incidents at several Ter-Petrosian rallies, including a large rock thrown at the candidate.⁸⁵ The third-place finisher in the election, Artur Baghdasarian, claimed in a campaign speech that he

⁷⁸ Ter-Petrosian claimed on 21 February 2008 that two deputy defence ministers, Lieutenant-General Manvel Grigorian and General Gagik Melkonian, had vowed not to use troops to crack down on supporters in Liberty Square. "Deputy Minister of Defence Manvel Grigorian Sends in His Resignation at Suggestion of Armenian President", *Noyan Tapan*, 4 April 2008.

⁷⁹ "Statement of Preliminary findings and conclusions", International Election Observation Mission, Presidential Election, Republic of Armenia, OSCE/ODIHR, 19 February 2008, p. 2.

⁸⁰ Crisis Group interview, diplomats, Yerevan, February 2008.

⁸¹ "Interim Report: On Monitoring the Coverage of Presidential Elections-2008 By Broadcast Media of Armenia (January 21-30, 2008)", Yerevan Press Club. According to officials with OSCE/ODIHR in Yerevan, the findings of the Yerevan Press Club were in line with the conclusions of their organisation's own monitoring operation.

⁸² Crisis Group interview, Tbilisi, February 2008.

⁸³ One Yerevan resident, a state librarian, was told along with her co-workers that attendance at a pre-election Yerevan rally for Sarkisian was mandatory and that she must "sign in" at the rally to prove she attended, Crisis Group interview, Yerevan, February 2008.

⁸⁴ Crisis Group interview, analyst, Tbilisi, February 2008.

⁸⁵ Crisis Group phone interview, Ter-Petrosian campaign official, February 2008.

had received death threats and that the government would be responsible if anything happened to him.⁸⁶

During the campaign, Baghdasarian repeatedly met with Ter-Petrosian, who told his supporters that Baghdasarian was preparing to take his name off the ballot and join him. This never materialised, even when an angry Ter-Petrosian said he would be guilty of treason if he did not.⁸⁷ Baghdasarian essentially endorsed the election results, and after the 1 March violence, blamed Ter-Petrosian for stirring up unrest. Sarkisian rewarded him with the prestigious post of secretary of the national security council.

Although Baghdasarian undoubtedly has a loyal base of supporters who dislike both the Kocharian-Sarkisian team and Ter-Petrosian, he is considered an opportunist and a tool of the current government by many observers. One analyst called him a “spoiler”, built up originally by the present authorities in 1998 to siphon votes from serious opposition candidates.⁸⁸ “Artur Baghdasarian never does anything without the tacit consent of the authorities”, another said.⁸⁹

2. Election-day problems, counting violations and post-election procedures

International observers, journalists, and candidate proxies reported significant irregularities and instances of fraud on election day and during vote counting.⁹⁰ These included the barring of registered vote observers, who were in many cases not allowed to witness voting or

vote tabulations, the beating of some Ter-Petrosian proxies attempting to observe voting or vote tabulation, ballot box stuffing and organised multiple voting. In the town of Abovian, journalists saw a female precinct election commission member for Ter-Petrosian be physically dragged out of a polling station by her hair. She did not return to the voting or counting. A proxy working for Ter-Petrosian reported being removed from a polling station, forced into a car and driven to a remote area by three men. She said she was beaten on the head and face and threatened with rape.⁹¹

OSCE/ODIHR’s preliminary report on 20 February said that the election had been conducted “mostly in line with OSCE and Council of Europe commitments and standards for democratic elections”. The Kocharian-Sarkisian government interpreted this as an “endorsement” that the prime minister’s announced victory was legitimate. The international community took it as a cue, though OSCE/ODIHR did not qualify the election as “free and fair” and indeed no longer follows its earlier practice of giving or withholding a stamp of approval. OSCE representatives refused as a matter of policy to comment on whether violations they observed were sufficient to call the outcome of the vote into question.⁹²

The preliminary OSCE/ODIHR report also specifically criticised the conduct of the vote tabulation. The organisation’s observers noted that in 16 per cent of the polling places they visited, the tabulation was evaluated as “bad” or “very bad”.⁹³ Although the vote may not have been rigged massively on election day, the combination of the abuse of administrative resources and media bias during the campaign and the irregularities in the count raises questions at least about the whether the margin of 2.86 per cent of total votes by which Sarkisian avoided a second round run-off was credible.

In an updated interim report on 3 March, OSCE/ODIHR issued a significantly harsher assessment. It noted that turnouts in some precincts had been suspiciously high, that Sarkisian received in excess of 99 per cent of the vote in others and that especially in Yerevan – the centre of Ter-Petrosian’s support – there were inordinately high numbers of invalid ballots. The observers noted instances in which packets of apparently pre-prepared ballots were counted for Sarkisian, ballots cast for other candidates, specifically Ter-Petrosian, were added to Sarkisian’s totals and vote protocols were tampered

⁸⁶ Armenia Election Watch, at <http://blog.oneworld.am/2008/02/06/more-on-baghdasarian-alleged-death-threats/>. Baghdasarian, 39, is a controversial populist, who has shifted loyalties throughout his political career. First elected to the National Assembly in 1995, he heads the Orinats Yerkir (Rule of Law) Party, which he helped form in 1998. As chair of the National Assembly from 2003 to 2006, he joined his party to the Kocharian-Sarkisian coalition government but broke with it in 2006 over irregularities committed during a 2005 constitutional referendum and after defections from his party cost him the parliament chairmanship. He gained notice for demanding review of unfair privatisations and railing against official corruption.

⁸⁷ “Armenia Election Watch”, at <http://blog.oneworld.am/2008/02/15/2008-presidential-election-monitor-20/>.

⁸⁸ Crisis Group phone interview, Tbilisi, March 2008. The analyst compared him to Russian ultranationalist Vladimir Zhirinovskiy, who is widely seen as having been created by the Kremlin to create an appearance of pluralism, and Natalya Vitrenko, who was used by the former Kuchma government in Ukraine to the same end for many years.

⁸⁹ Crisis Group interview, Yerevan, February 2008.

⁹⁰ See, for example, “Election Observation Mission Presidential Election, 2008 Republic of Armenia, Post-election interim report 20 February-3 March”, OSCE/ODIHR; and “Armenian Opposition Cries Foul Amid Reports of Violence, Fraud”, Armenia Liberty, 19 February 2008.

⁹¹ “Violence at Polling Stations Mars Elections”, Human Rights Watch, 22 February 2008, at www.hrw.org/english/docs/2008/02/21/armeni18128.htm.

⁹² OSCE/ODIHR press conference, Yerevan, 20 February 2008.

⁹³ “Statement of Preliminary findings and conclusions”, op. cit.

with.⁹⁴ The report further concluded that contrary to their legal obligations, precinct electoral commissions in many cases refused to register complaints. The central elections commission, it said, also failed to handle complaints adequately, calling into doubt its commitment to protect voters' rights.⁹⁵

Ter-Petrosian filed two appeals with the Constitutional Court. In the first, during the campaign, he argued that the election should be postponed due to "insurmountable obstacles" to fairness, including media bias and several attempts by local officials to force him to cancel campaign events by withdrawing permission for them. The Constitutional Court denied the appeal. In the second, Ter-Petrosian asked it to annul the election because of irregularities during voting and vote counting and because Sarkisian had not resigned as prime minister before the campaign began, as required in the electoral law. On 8 March 2008, the Constitutional Court rejected the appeal, ruling that while there had indeed been some irregularities, they could not have affected the outcome.

Some Ter-Petrosian supporters said that while the latter ruling was another example of the subservience of the judiciary to the authorities, the justices were under enormous pressure because army units had been placed around the court while the case was being heard. Some Ter-Petrosian campaign officials have said they may take their case to the European Court for Human Rights.

V. CHALLENGES AHEAD

The new president faces a legitimacy crisis. Even before the flawed February election, there had been a lack of public trust in the political system, with its weak institutions and lack of transparency. This has now been exacerbated by the lethal crackdown, subsequent mass arrests and restriction of civil liberties. The section below describes the underlying problems with democratic reform efforts in Armenia and the challenges the incoming administration faces. Sarkisian needs to act resolutely to strengthen public faith in the political process, if he is to have sufficient legitimacy to push through institutional reforms and make progress on resolving the Nagorno-Karabakh conflict.

A. WEAK DEMOCRATIC STANDARDS

The executive branch continues to dominate the judicial system, and courts rarely rule against the governing

authorities or the prosecution. "Government-appointed counsels", Freedom House stresses, "are notorious for secretly collaborating with prosecutors. The Office of the Prosecutor-General is tightly controlled by the president, which is why politically motivated trials are not uncommon in Armenia".⁹⁶

In theory constitutional reforms should have watered down the powers of the president over the judiciary in 2005, when the chief executive was removed from the Council of Justice, the oversight board that appoints judges and can remove them for disciplinary reasons. Parliament was given two seats on the board, but since it is controlled overwhelmingly by pro-government parties, the change to date has been very limited.⁹⁷ A recent test case of a judge dismissed after ordering two defendants released who had raised allegations of government corruption, showed the the government's continuing influence.⁹⁸

Courts are frequently said to protect property rights inadequately. Freedom House asserts that the right to own private property and establish businesses is hindered by "an inefficient and often corrupt court system and unfair business competition".⁹⁹ A blatant example has been the government-ordered demolition of hundreds of homes over the past few years as part of the makeover of the centre of Yerevan. Homeowners, citing market values, claimed they were given only a small fraction of what their homes were worth as compensation. The courts refused redress in all known cases, and many property owners have appealed to the European Court for Human Rights in Strasbourg.¹⁰⁰ A long-time foreign businessman and political observer in Yerevan commented: "The last place Armenians expect to get a fair hearing from is the courts. It's just accepted that they are not impartial and are a tool of the authorities".¹⁰¹ Armenians accept as a fact of life, he added, the need to bribe court officials to obtain favourable judgements, whether in criminal or civil cases.¹⁰²

The 2007 U.S. State Department country report, which characterised the human rights record as "poor", concluded:

⁹⁶ "Countries at the Crossroads", op. cit.

⁹⁷ Haroutiun Khachatrian, "Armenia: Little Noticed Judicial Reforms Could Have Role in Election", EurasiaNet.org, 8 February 2008.

⁹⁸ Ibid.

⁹⁹ "Map of Freedom in the World", op. cit.

¹⁰⁰ Crisis Group interviews, political analysts, Yerevan, February 2008.

¹⁰¹ Ibid.

¹⁰² Crisis Group interview, independent expert, Yerevan, February 2008.

⁹⁴ "Election Observation Mission", op. cit., pp. 2-3.

⁹⁵ Ibid.

Citizens were not able to freely change their government; authorities beat pretrial detainees; the National Security Service (NSS) and the national police force acted with impunity; authorities engaged in arbitrary arrest and detention; prison conditions were cramped and unhealthy, although slowly improving; authorities imposed restrictions on citizens' privacy, freedom of press, and freedom of assembly...¹⁰³

Similarly, in 2006 and 2007 Human Rights Watch cited serious instances of state violence and intimidation, torture and ill-treatment in police custody, religious discrimination, forced evictions and other abuses.¹⁰⁴ Torture and ill-treatment in police custody, prisons, psychiatric institutions and the military remain widespread.¹⁰⁵ Abuse is particularly common in the army and is suspected as the cause of many unexplained deaths.¹⁰⁶ For example, in February 2006 a young army conscript reported that he had been repeatedly raped and beaten by superiors and other conscripts over nine months at a Yerevan military post. After making these accusations public, he said, he was again beaten by his superiors in retaliation.¹⁰⁷

As Armenia's official ombudsperson, Armen Harutunyan, explained in a March 2008 report, the poor human rights situation helped prepare the ground for much of the trouble around the presidential election:

We think that the present situation is conditioned by [a] rough governing system, over-centralisation of power, [an] artificial ... system of checks and balances, social and economic polarisation, combination of business and authorities, absence of public control over authorities, deficiency of civil liberties....All these result in the fact that one big part of our society feels apart from the administration, has a total distrust towards public institutes, electoral mechanisms, justice and mass media.¹⁰⁸

President Kocharian lashed out at Harutunyan in response: "One should have a feeling of responsibility and realise he

is a citizen of Armenia, not an official from Strasbourg, after all".¹⁰⁹

Corruption is also a serious issue. The 2007 rankings by Transparency International listed Armenia as the 99th least corrupt county out of 179 surveyed, with an overall score of three on a scale of zero to ten (ten being least corrupt), just behind Algeria and also behind former Soviet countries such as Lithuania, Latvia, Estonia and Georgia, though ahead of Ukraine, Russia and Turkmenistan.¹¹⁰ Citizens continue to complain of officials demanding bribes to perform simple bureaucratic tasks and of petty, Soviet-style shakedowns by traffic police.¹¹¹ A January 2007 survey by Transparency International's Armenian affiliate, the Center for Regional Development (CRD), found two in three Armenians felt corruption had increased in recent years, despite several pledges by the government to tackle the problem. It also found that a majority felt corruption would continue to increase.

B. MEDIA FREEDOMS

Under the Kocharian administration, media freedoms have become ever more constricted.¹¹² "Since the year 2000, the situation has been getting worse and worse", said Boris Navasardian, president of the Yerevan Press Club. On the face of it, there is a plethora of television choices: four networks with a national reach and 60 regional ones. But the government largely controls the medium from which most Armenians get the overwhelming share of their information. H1, the national broadcaster and perhaps the most influential, has been criticised for often seeming to simply repeat the line of the Kocharian administration and the Republican Party.

Most stations are privately owned but focus overwhelmingly on entertainment programs and broadcast news items which avoid criticism of the president and top officials. The National Commission for Television and Radio, which is responsible for licensing, is stacked with appointees loyal to the administration or to business interests tied to the ruling elite. Almost all outlets practice self-censorship in order to stay on the air. The last TV station that was frequently critical of the

¹⁰³ "Armenia: Country Reports on Human Rights Practices – 2007", U.S. Department of State, March 2008, at www.state.gov/g/drl/rls/hrrpt/2007/100546.htm.

¹⁰⁴ "Country Summary Armenia", Human Rights Watch, 2007, at <http://hrw.org/wr2k7/pdfs/armenia.pdf>.

¹⁰⁵ Ibid.

¹⁰⁶ "World Reports: Armenia", Human Rights Watch, 2006, at <http://hrw.org/englishwr2k7/docs/2007/01/11/armeni14726.htm>.

¹⁰⁷ Ibid.

¹⁰⁸ "Official Report by Republic of Armenia Ombudsman (Human Rights Defender)", 4 March 2008.

¹⁰⁹ "Armenia: Criticism of Kocharian administration bubbles to the surface", EurasiaNet.org, 6 March 2008.

¹¹⁰ "Corruption Perceptions Index", Transparency International, 2007, at www.transparency.org/policy_research/surveys_indices/cpi

¹¹¹ Traffic police in Armenia, unlike counterparts in countries like Ukraine or Georgia, are wholly unreformed. They routinely demand bribes of 2000 dram (\$7) to expedite crossing the border to Georgia, or simply pull over drivers and demand small payments, sometimes even without alleging any violation of traffic rules.

¹¹² Crisis Group interview, Boris Navasardian, president of Yerevan Press Club, Yerevan, 6 February 2008.

government – A1+ TV – lost its licence in 2003 and has failed in several subsequent efforts to obtain a new frequency. It now relies on the internet to disseminate information, but after the 2008 presidential election its website was repeatedly interfered with or, as happened for the first days of the state of emergency, blocked entirely.

Armenia Liberty, the Armenian-language service of Radio Free Europe/Radio Liberty used to be rebroadcast for several hours a day and nationally by Government Radio, but since the government complained about its alleged lack of objectivity, the U.S.-funded program has been forced to use a private station to reach only a regional – mostly Yerevan – audience. Listeners have complained about poor quality transmissions. On 5 April, Kocharian criticised Armenia Liberty directly, saying he would not answer questions from its correspondent because it “aimed at shattering the bases of Armenian statehood”.¹¹³

Newspapers have been a small bright spot on the news landscape. There are more than 100 publications, and printing restrictions have been eliminated. Circulation is pitifully low, however, and newspapers, though displaying a broad spectrum of opinion, have no more than a miniscule impact on public opinion. Newsprint costs are said to be kept high by tariffs, so publications are relatively expensive. Many print outlets are deeply partisan, so serve tiny readerships that are pre-determined by their political orientation.

Major efforts are required if there is to be democratic reform. The government has to understand that merit-based not clan-inspired appointments are needed to institutionalise reforms and ultimately to produce significant improvements in all the above-described problematic areas. The authorities must first and foremost promote the independence of the judiciary, starting by ending official impunity. Prosecutions for abuse and impartial investigation should be the first steps to improve the human rights record. Freedom and pluralism of the media should be strengthened. Even if they are so inclined, Sarkisian’s challenged legitimacy will make it difficult for him and his government to credibly advance such reforms and attack the vested interests that keep the rule of law weak and corruption high.

C. THE NAGORNO-KARABAKH CONFLICT

With presidential elections at the top of the agenda in both Armenia and Azerbaijan, 2008 has always seemed unpromising for the Nagorno-Karabakh peace process, as

¹¹³ “Kocharian: Activities of Radio Liberty Aimed at Shattering Statehood”, *Noyan Tapan*, 5 April 2008.

political leaders are unlikely to risk unpopular compromises. The situation on the ground has been deteriorating. The largest armed clashes since the 1994 ceasefire took place on 4-5 March, producing multiple casualties. By some accounts, the scale was comparable to that of the war period. Armenia and Azerbaijan blamed each other for triggering the fighting and presented different casualty figures. Yerevan claimed Azerbaijan sought to take advantage of its post-election turmoil but was rebuffed. Baku insisted the incident had been an Armenian provocation to divert attention from the political crisis.

Diplomatic tensions followed adoption on 14 March 2008 by the UN General Assembly of a non-binding resolution, which demanded “immediate, complete and unconditional” withdrawal of Armenian forces from the occupied territories of Azerbaijan. The resolution was approved by a vote of 39 in favour and seven against, but more than 100 countries abstained and all three co-chairs of the Minsk Group process, which seeks a negotiated settlement¹¹⁴ – the U.S., Russia and France – voted in opposition, arguing the text was one-sided and did not reflect the complexity of the current negotiations.

Baku, which had drafted the resolution, hailed it as a diplomatic success. The foreign ministry expressed “surprise” and “deep resentment” at the co-chairs’ opposition, which it took as a sign of pro-Armenian bias.¹¹⁵ Deputy Foreign Minister Araz Azimov accused them of trying to monopolise the peace process,¹¹⁶ and President Ilham Aliyev said, “the issue of Nagorno-Karabakh breaking away from Azerbaijan in five, ten or 100 years, either through a plebiscite, or some popular vote or in any other way, has never existed and will not exist”.¹¹⁷

On 19 March the co-chairs reiterated their support for Azerbaijan’s territorial integrity but noted that “any peaceful and equitable solution of the conflict will require unavoidable compromises among the parties”.¹¹⁸ On the same day, Armenia’s foreign minister, Vardan Oskanian, accused Azerbaijan of working to dissolve the Minsk Group. On 20 March, a day before the state of emergency was lifted, President Kocharian threatened that Armenia

¹¹⁴ Not all Minsk Group countries, however, were against. The Minsk Group is a conflict resolution initiative of the OSCE.

¹¹⁵ “Statement of the MFA of Azerbaijan”, Baku, 14 March 2008.

¹¹⁶ “Azerbaijan Criticizes France, Russia, U.S. over Karabakh Resolution”, RFE/RL, 15 March 2008.

¹¹⁷ “President Aliyev’s interview with the Interfax Press Agency”, 20 March 2008, in Russian, posted at day.az, 21 March 2008, at www.day.az/news/politics/112187.html.

¹¹⁸ RFE/RL Newswire, 20 March 2008.

could recognise Nagorno-Karabakh's independence if Azerbaijan abandoned the negotiation process.¹¹⁹

Baku seems at least to be on the way to rejecting the existing negotiations framework for settlement of the conflict, what is known as the Prague Process Basic Principles. While these principles have not been formally agreed, both sides have expressed overall concurrence with their spirit and repeatedly claimed that only minor differences remain between them. Baku's apparent shift, just months before its own presidential election, reflects a growing confidence, boosted by the windfall of rising oil and gas revenues. A senior Azerbaijani official told Crisis Group Baku's resources have allowed it to massively out-spend Armenia, and the military balance has changed significantly in its favour. Azerbaijan, he suggested, was becoming a regional power, enjoying equally good relations with the West, Russia and the Muslim world.¹²⁰

Azerbaijan's new oil wealth and self-confidence, combined with election preoccupations, do not bode well for a Nagorno-Karabakh settlement in the near term. This situation is particularly dangerous in view of the militarisation that is occurring on both sides, with over \$1 billion per annum spent on armaments by Azerbaijan and about one quarter of that sum by Armenia.¹²¹

Yerevan and Baku need to rigorously observe the existing ceasefire; and Yerevan should use all its influence on the de facto Nagorno-Karabakh defence forces to ensure there are no violations. Armenia and Azerbaijan alike should express readiness to return speedily to negotiation of the Basic Principles and should constructively engage on their substance.

VI. CONCLUSION

There had been some optimism that Armenia could make a break with its past of questionable elections and come closer to meeting democratic norms in the February 2008 presidential contest. There was progress on some organisational aspects of the pre-election process, though a number of changes appear to have been largely cosmetic. However, the election overall was marred by fraud and irregularities sufficient to call President-elect Sarkisian's legitimacy into question.

Worse still, the authorities used indiscriminate force to break up the multi-day rally at Liberty Square on 1 March. Conspiracy was given as the justification for the mass arrest of more than 100 opposition activists, but there is little evidence that the protesters were preparing to resort to violence. It was also described as the basis for President Kocharian's declaration of a twenty-day state of emergency, with subsequent ban on political rallies and meetings and virtual suppression of all criticism through curbs on the media. It was further employed to justify adoption of a new law providing a mechanism to severely restrict political gatherings in the future.

The international community has sent mixed messages about this conduct. Russia, the government's strongest ally, has congratulated Sarkisian on his victory and signalled that business will go on as usual. The U.S. and EU, in the days after the election, displayed a lukewarm attitude towards the electoral process despite the widespread reported irregularities. Their line hardened after the 1 March violence, however, to include a demand that arrests of opposition activists cease and a suggestion that there should be an impartial investigation into the crackdown.

The Kocharian-Sarkisian team has shown that it is sensitive to serious foreign criticism. European governments and institutions, the U.S. and other actors with leverage over it need to say unmistakably that cooperation with Armenia will become significantly more difficult unless an independent investigation into the post-election violence is conducted and meaningful measures are taken to reconcile the resulting divisions in society and return the country to the path of democratic reform. The Armenian government needs to address the root causes of the current political instability – namely, the over-concentration of power in the hands of the ruling elite, whether it be the president or what is in effect a rubber-stamp parliament. The creation of a judicial system free from government interference, which can address citizens' grievances about electoral and other abuses, is also of the utmost importance.

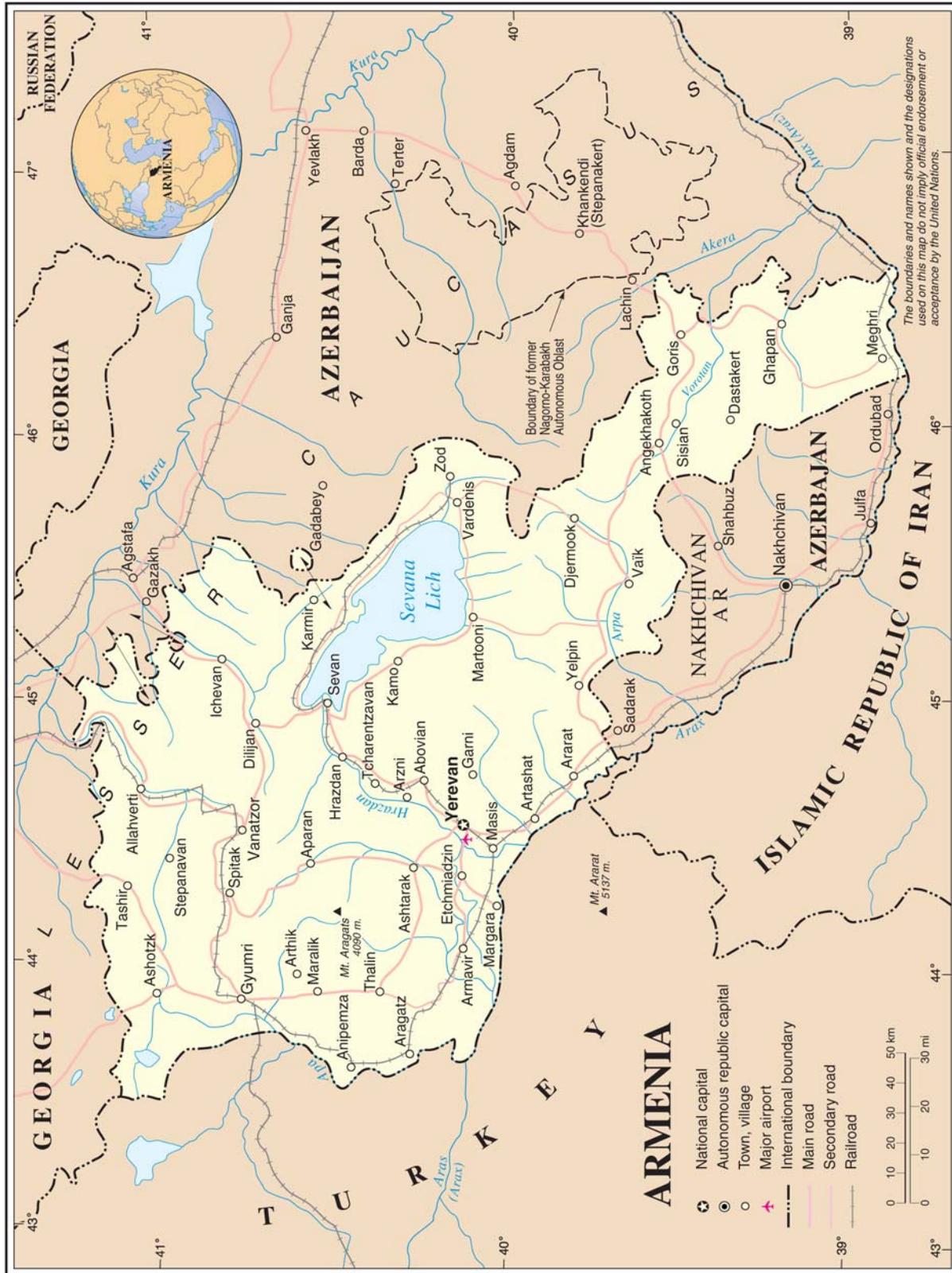
Yerevan/Tbilisi/Brussels, 8 April 2008

¹¹⁹ Baku later clarified that it does not seek to replace the Minsk Group but has formally queried the OSCE on the process for replacing the three co-chair countries' representatives. In the normal course of things, it is likely that before the end of 2008, all three co-chair countries will change their representatives to the Minsk Group.

¹²⁰ Crisis Group interview, high-level Azerbaijan government official, Baku, March 2008.

¹²¹ Military expenditure is the biggest item in Azerbaijan's state budget. In 2007, it rose to \$1.1 billion and Aliyev pledged to make it equal to Armenia's entire budget. Armenia has also increased military spending, to a record \$280 million. See Crisis Group Report, *Risking War*, op. cit., pp. 12-13.

APPENDIX A
MAP OF ARMENIA



Department of Peacekeeping Operations
 Cartographic Section
 Map No. 3762 Rev. 3 UNITED NATIONS
 January 2004