

“Armenia after the Election”
Hearing before the Commission on Security and Cooperation in Europe
(U.S. Helsinki Commission)

April 17, 2008

Testimony by Arman Grigorian

Adviser to Levon Ter-Petrossian, Leader of the Armenian Opposition and
Candidate for President in Armenia’s Presidential Election 2008

U.S. Helsinki Commission Hearing on Armenia

The Crisis in Armenia: Its Causes and Consequences
Testimony by Arman Grigorian
Adviser to the leader of the opposition movement in Armenia and
candidate for the presidency, Mr. Levon Ter-Petrossian

Mr. Chairman, Members of the Commission, Ladies and Gentlemen:

First, allow me to express my gratitude for organizing these hearings. Their importance and urgency cannot be overestimated as the crisis in Armenia deepens with every passing day. Their urgency cannot be overestimated also given the relative indifference with which the strangulation of democracy in Armenia has been met in the West up to this point. That indifference and the readiness to tolerate the intolerable in the case of our country has been perhaps the most shocking and frustrating development for those of us, who until recently took the West's commitment to support democracy seriously. These hearings are a step in the right direction.

My remarks will be organized into four sections. First, I will address the question as to whether there is any uncertainty about what has happened in Armenia. The Kocharyan-Sargsyan regime has worked overtime to convince the world that the elections were free and fair, and that the opposition bears the responsibility for the violence of March 1. No amount of effort, however, will change what are simple and straightforward facts, as I will detail them below. Second, I will discuss the roots of the current political crisis. I believe that no progress toward diffusing the crisis and toward normalization of politics in Armenia can be made without understanding these roots. Third, I will talk about the implications of the current crisis for regional security, and particularly for the prospects of finding a peaceful settlement to the Karabagh conflict, which I am sure has been on the minds of many policy-makers in the US government and the West when they have tried to calibrate their responses to the situation in Armenia. Fourth, I will present the Armenian opposition's views on the way out of the crisis.

1. What Happened in Armenia?

On February 20, 2008, the Central Electoral Commission of Armenia released the preliminary results of the presidential elections, declaring Serzh Sargsyan the winner of the presidential race with 52.8% of the vote. The OSCE's election observer mission initially rubber-stamped this declaration by stating in its preliminary report that the election in Armenia was administered "mostly in line with [the country's] international commitments,"¹ which was then followed by congratulatory statements from EU's foreign policy High Representative, and the European Commissioner for External Relations. Such statements usually placate skeptical voters, since these institutions and the individuals working for them enjoy a reputation of impartiality, and commitment to the rule of law and democracy. The violations were so blatant and so wide-spread,

¹ OCSE/ODIHR, 20 February 2008. Available at www.osce.org/odihr/item_1_29779.html?print=1.

however, that people in Armenia concluded it is their view of these institutions and these individuals that need to be revised, and not their skepticism about the true popularity of the administration's candidate.² Albeit late, the position of the OSCE observer mission began to change and move much closer to the Armenian public's view, as well as closer to the reality of what had transpired on election day, February 19. Their interim report released on March 7 depicted a picture that was far less congratulatory, and which left no doubt about the scale of falsification that took place on the day of elections. The report documents large-scale intimidation of voters and opposition's representatives, violations of vote counting procedures, and ballot stuffing.³ The indirect evidence of fraud is even more interesting. We learn from the report, for example, that counting was observed in 111 precincts. 17 of them, which is more than 15%, was assessed to be "bad, or very bad." Even if this number has a 5% sampling error, and only 10% of the precincts in the country as a whole have had a similar quality of vote counting, it is hard to be confident in the Central Election Commission's announcement of a first round victory for Serzh Sarkissian, because the 50% barrier for the victory in the first round was cleared by no more than 48,000 votes.

The numbers actually become more suspect, the more of that report we read. We learn from the report that 95 precincts had a voter turnout exceeding 90%, that 44 out of these 95 had a voter turnout exceeding 95%, and that higher turnouts were perfectly correlated with higher numbers for Serzh Sargsyan.⁴ The cronies of the regime tried so hard to please their bosses that in one precinct 100.36% of the eligible voters turned out to vote!⁵

Even more unflattering is the picture depicted in an interesting study, the results of which have been reported in the underground newspaper *Payqar* (Struggle) on March 17. Here is the summary of that study. According to the official demographic data published by the government of the Republic of Armenia, a total of 3,228,300 individuals hold Armenian citizenship. However, according to the 2006 CIA World Factbook, the total number of individuals holding Armenian citizenship is 2,976,372. Of these Armenian citizens approximately 750,000 live in Russia and Europe. This means that on February 19, 2008, between 2,226,372 and 2,478,300 citizens of all ages were living in Armenia. Official records show that a total of 600,300 citizens in the Republic of Armenia were under the age of 15 on February 19, 2008. While there are no official statistics to establish the total number of all citizens under the age of 18 in Armenia, based on the birth rates for the years 1991 and 1992, of 75,000 and 70,000 respectively, approximately 745,300 citizens in the Republic are under the age of 18. These facts suggest that on February 19, 2008 there were between 1,481,072 and 1,733,000 eligible voters in the Republic. According to the Central Election Committee of Armenia, 1,671,027 citizens voted. If we assume that the CIA World Factbook is our basis of analysis, there were 189,955 more votes than eligible voters in the Republic. If one accepts the demographics

² Ter-Petrosian's campaign headquarters has received approximately 400 reports about their proxies being denied access to precincts. Half of those cases have involved physical violence against them. What our proxies also reported was that Precinct Election Commissions flatly refused to register their complaints, which then made it impossible to appeal the results in courts.

³ The report is available at http://osce.mobi/documents/odihr/2008/03/30090_en.pdf.

⁴ Ibid., p. 7.

⁵ Ibid.

published by the government of the Republic of Armenia as the basis of analysis, 96.4 percent of eligible voters participated in the elections – a number that would be credible for elections in North Korea, but not elsewhere.

What we should also remember is that the falsification of the elections did not start on February 19, 2008. It had started much earlier, when the Kocharyan-Sargsyan regime decided to turn the public television into a propaganda machine of Soviet vintage. As for the private channels, they have had two options over the last ten years. They could comply with the regime's preferences and stay in business, or refuse to do so, which would lead to the loss of a broadcasting license (as in the case of the A1plus channel) or provoke vicious harassment (as in the case of the heroic local channel Gala, which operated in Armenia's second largest city, Gyumri). The severely rigged marketplace for information and ideas in Armenia provides another reason why the results of elections on February 19 were doomed to be considered illegitimate long before the elections and should be considered illegitimate now.

And what happened after the elections? Even after having their most basic right so blatantly and shamelessly violated, the citizens of Armenia chose the path of peaceful and lawful protest against the official, and obviously rigged results. They held rallies and marches for 10 days, they danced together, they read poetry, and they made sure that no one was harmed and no laws were broken. The regime's response was to send the riot police to attack them on the morning of March 1 without even a warning, and to put Levon Ter-Petrossian under *de facto* house arrest, although there is no such measure sanctioned by the Armenian Constitution or law. Protesters later gathered at another site demanding to see their leader only to encounter the riot police and units of the Armenian army. The situation predictably escalated despite the best efforts of the remaining leaders to keep the situation under control, leading to the deaths of 10 people, and the declaration of a state of emergency, then the arrests of over 145 people. The regime claims that its initial action was a response to reports the police had received about an impending *coup d'état*, and that the use of force later during the day was a response to violence and looting initiated by the protesters.

All I can do in response to this claim is pose a few questions. Why has the police not charged any of the arrested opposition members with using firearms, although the use of firearms by the protesters on March 1 has been a constant theme in regime's list of accusations against the opposition? Why has the police arrested so few of those who participated in the looting and rioting?⁶ Why has no investigation been launched into the murders of the protesters on March 1? Indeed, why did Kocharyan promise that there will be no investigation into the actions of the police that day? Why was the police so intent on confiscating all video and photo equipment on March 1 from journalists or anybody who happened to be documenting what was happening? I imagine that documenting the illegal actions of the protesters would be in their best interests if what they claim is consistent with reality. That is not how the Armenian police behaved.

⁶ Only two or three people among those, who have been arrested in connection to the events of March 1 have been charged with committing those violent acts. The rest are the "organizers."

If the regime was intent on preventing violence on March 1, it should have been interested in allowing Levon Ter-Petrossian address the protesters, when they gathered later during the day on March 1, and negotiating in good faith a way out of the dangerous confrontation. Why did it not allow Ter-Petrossian to go address the protesters? How can one explain the footage of men dressed in civilian cloths receiving weapons from officers of the Armenian army? Many more questions like this can be asked, but I think even these hitherto unanswered ones make the regime's claims look suspect, to put it mildly. But we do not insist on being the final arbiter on the issue. What we do insist on is an independent international investigation of the events of March 1. Establishing the facts is critical, and if the regime is equally confident in the veracity of its claims, then it has no reason to oppose the idea.

2. The Roots of the Crisis.

It is tempting to think of the current crisis as a straightforward consequence of a disputed election, where the government has declared victory, and the political opposition has refused to accept it. It is certainly that, but it is also much more. The degree of polarization and the depth of the rift between the current regime and society – and it *is* a rift between the regime and society, not simply between the regime and the opposition – have their roots in the decade long policies of the Kocharyan-Sargsyan regime, which had the creation of a tightly centralized pyramid of power as its main goal. They tried hard and succeeded in destroying anything that would resemble a check or a balance on their unlimited power.

The Armenian Parliament has ceased to be a check on the executive, having instead become an institution providing the necessary legislative cover for whatever the executive wants to do. The judiciary has become a mere extension of the executive branch. Any judge, who dares to go against the wishes of Armenia's kleptocratic rulers, will suffer the fate of Judge Pargev Ohanian, who was dismissed from the bench by a single order of Kocharyan after the good judge had ruled against the government on one single occasion. And perhaps the most centralized establishment is big business in Armenia. No businessman or business enterprise in Armenia, can break certain ceilings in volume of transactions, unless they are somehow subordinated to the Kocharyan-Sargsyan pyramid.⁷ And, of course, the pyramid could not tolerate an independent critic, especially one on television, which is why the one truly independent channel - A1plus – was shut down in 2002 with bogus and spurious justifications.

The Kocharyan-Sargsyan regime is quite successful in creating appearances. They speaks of democracy, pluralism, the rule of law, economic progress, “second generation reforms,” and other pleasantries Western diplomats and journalists so like to hear. What

⁷ The centralization of economic power is only matched by the extraordinary concentration of wealth in Armenia. Hrant Bagratyan, who served as Armenia's prime minister in 1993-96, estimates that 44 families control 55% of Armenia's GDP. This number helps put in perspective the reason why despite the impressive sounding growth rates over the last decade Armenia ranks 98th among 192 countries in terms of per capita GNP at purchasing power parity, Albania being 99th. See “The World Factbook,” the US Central Intelligence Agency, January 2008.

the rulers of the country did in reality, however, was create an extraordinarily centralized regime, which is accountable to no one and to no institution. It was a matter of time before the people of Armenia reacted to this creeping return to this new form of feudalism.

This is not simply a matter of academic interest. Anybody, who wants to look for ways to overcome the current crisis between the regime and Armenian society has to understand with utmost clarity what this crisis is about. Cosmetic changes, tactical compromises, and placating this or that particular constituency are not going to work. No compromise will be meaningful, if serious steps are not taken toward dismantling this pyramid. This is not because Levon Ter-Petrossian and the popular movement that grew around him are too intransigent. This is because even if they do go for cosmetic, tactical compromises, people will reject them.

3. Armenia's Domestic Politics and the Karabagh Conflict.

What are the key implications of the current crisis in Armenia for the prospects of settling the conflict over Nagorno-Karabagh? There is one theory, according to which a weaker Armenian government may be more susceptible to external pressure, and hence more likely to strike compromises. We in the opposition believe that this theory at least partially explains the West's otherwise puzzling position. Levon Ter-Petrossian himself made this argument in his April 9 appeal to his supporters in an effort to explain the sources of that position to our public. He has also argued in a recent article, however, that this approach is profoundly misguided. "Any leader who must make consequential and difficult choices must have the trust of his people," he wrote. "Sarkissian does not have that trust. After what he and Kocharyan did on March 1, he will not be able to govern here, let alone make difficult choices."⁸ Ter-Petrossian is not the first person to make such an observation. As any student of bargaining knows domestic weakness and vulnerability turn into such powerful obstacles to making compromises that leaders sometimes intentionally weaken themselves domestically when they do not want to compromise.

Another reason we suspect the West has sometimes chosen to look away when Armenia's current regime has behaved less than democratically is the argument that Sargsyan, like Kocharyan, has the unique credibility to settle the Karabagh conflict, because he is a native of Karabagh himself and because he has an image of a hardliner. This was the logic that welcomed Kocharyan in 1998 when he managed the soft coup against Ter-Petrossian. It has been 10 years since and we are still waiting for that logic to prove itself. The Kocharyan administration missed every opportunity to resolve that conflict and created none. Let us not forget that Serzh Sarkissian was a full partner in the decision making process of the Kocharyan administration.

⁸ Levon Ter-Petrossian, "Silence on Armenia," *Washington Post*, March 5, 2008.

4. Ways Out of the Impasse.

In its otherwise very good recent report, the International Crisis Group urges the Armenian opposition to engage in negotiations with the government without any preliminary conditions, implying that we bear at least some responsibility for the current state of affairs. The regime also blames the situation on our radicalism and intransigence, trying very hard in the meantime to convince the international community that it is seeking negotiations, reconciliation, reduction of tensions, and other good things. Let us look at the record, however. The regime declared the end of emergency rule on March 20th, but the streets are still full of riot police, and people are being arrested for not more than taking a stroll down Northern Avenue. The regime claims to seek dialogue, but it has arrested over 145 people, most of them on trumped-up charges. It still cannot explain with any degree of coherence why, for instance, Alexander Arzoumanian, Karapet Roubinian, Aram Karapetyan, and many others like them are in prison. The regime claims to be shocked and saddened by the level of public discontent and promises sweeping measures to reduce it, but its cronies fire Laura Gasparyan, who faithfully carried out her duty as a doctor treating the wounded on March 1. It claims to have lifted the restrictions on free speech, but orders the tax police to check the books of oppositional papers, as it recently did with the newspapers *Aravot* (Morning), *Haykakan Zhamanak* (Armenian Times), and *Chorrord Ishkhanutyun* (Fourth Estate). It speaks of removing the wall of mistrust, but the outgoing president promises that there will be no investigation into the actions of the police, which is not only a violation of elementary norms of due process, but also a sadistic attempt to humiliate an entire nation.

We understand that we will have to negotiate with the regime, even if we do not and will not accept its legitimacy. Negotiating while the regime is behaving in this manner, however, will not be negotiations, but surrender to brutality. And that we are not going to do. If the regime is sincerely interested in negotiating, it has to meet our minimum and more than reasonable demand that all political prisoners be released and the riot police returned to their barracks. That would be a start, but any further dialogue will be doomed if the regime refuses to allow an international investigation into the events of March 1, and if the regime refuses to repeal the newly adopted and unconstitutional amendment on the Law on Conducting Meetings, Assemblies, Rallies, and Demonstrations. We also cannot tolerate any longer the Orwellian state of our information market. The regime will have to grant a broadcasting license to A1plus, and stop harassing the Gala station in Gyumri.

Only after these steps are taken, a process of negotiations to get the country out of the current crisis can begin in earnest. It bears repeating, however, that we, and the large army of ordinary Armenians supporting us, will not engage in negotiations only to get tactical concessions from the regime. They must come to terms with the idea that dismantling of the current kleptocratic system in one way or another will have to be the purpose of these negotiations, or the negotiations will have no purpose.

Unfortunately, we are not optimistic about the regime's willingness to engage in such a dialogue. The regime, in our view, has a different goal. It intends to break the will of our

citizenry and turn it into a scared, amorphous mass that would never be able to call its rulers to account. The question then is can our lawful and peaceful political struggle bear fruit in Armenia? The ultimate responsibility in answering this question lies with the people of Armenia and the regime that currently governs it. We believe, however, that the US and other Western democracies have their share of responsibility in helping Armenia answer that question affirmatively. At the very least they should be cognizant of the weight of their assessments and words. At the very best, they should unequivocally side with freedom against tyranny, and these are precisely the two sides in Armenia's struggle.