

# ARMENIA AFTER THE ELECTION

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## HEARING

BEFORE THE

### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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APRIL 17, 2008

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APRIL 17, 2008

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## ARMENIA AFTER THE ELECTION

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April 17, 2008

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 2 p.m. in room B-318 of the Rayburn House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe; and Hon. David J. Kramer, Executive Branch Commissioner, Department of State.

*Witnesses present:* Matthew Bryza, Deputy Assistant Secretary of State for European and Eurasian Affairs; Vigen Sargsyan, Assistant to the President of the Republic of Armenia; and Arman Grigorian, spokesman for former President Levon Ter-Petrossian.

### HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

[Joined in progress.]

Mr. HASTINGS [continuing]. A contest, which will be coming up soon.

Sorry, young lady.

As everyone here knows, the emergence last year into the political arena of former President Levon Petrossian energized what seemed like a quiet campaign with a predictable outcome. The unusual circumstances of his departure from office in 1998 undoubtedly help produce the heated rhetoric that followed his entry into the race.

Ultimately, according to official tallies, Prime Minister Serzh Sargsyan won the February 19th election with almost 53 percent of the vote. Levon Ter-Petrossian got about 21 percent, the two other leading politicians, who campaigned as opposition candidates, winning over 16 and 6 percent, respectively.

The Organization for Security and Cooperation in Europe's observation mission noted the need for further improvements, but concluded that the election had by and large met international standards.

Nevertheless, Mr. Petrossian and his supporters charged fraud and organized an ongoing demonstration in Yerevan. The protests continued for days, attracting considerable crowds, until March 1st,

and at that point, according to the authorities, some of the demonstrators sought to stage a coup d'etat, and law enforcement agencies had to restore order by force.

In the ensuing state of emergency, independent media were shut down, and rallies were banned. The demonstrators, for their part, reject official allegations of violent intentions or actions. They accuse the authorities of brutally attacking a peaceful assembly protesting the theft of the people's will.

Wherever the truth lies, the confrontation resulted in at least eight fatalities and many injuries. That was most regrettable.

I understand that in the last few days two more people have died. Allow me to express my condolences to all the victims' families.

The OSCE Chairman-in-Office condemned the violent crackdown. Other international organizations and foreign capitals followed suit, forcing Yerevan to defend itself to the skeptical international community.

Subsequently, two prominent opposition candidates reached agreement with Mr. Sargsyan to join forces. The four parties in this coalition represent, according to the figures provided by the central election commission, about 75 percent of the electorate.

Nevertheless, tensions remain high. The state of emergency was officially lifted on March 21st, but restrictions on freedom of assembly continue in effect, drawing criticism from the Council of Europe and the OSCE. And while Mr. Sargsyan has been sworn in, some opposition leaders refuse to recognize the election's outcome.

About 100 people imprisoned after March 1st are still in jail. Perhaps most important, Armenian society seems to be split into pro-government and fervently anti-government camps.

This chain of events has caused serious damage to Armenia's reputation. The purpose of our hearing is to examine the ramifications of these developments for Armenia and the United States.

What should we conclude about the credibility of the official election results? In that connection, what can we say about the state of democracy in Armenia? And how can we in Congress and the executive branch help Armenia overcome the obvious problems it is encountering on its path to democracy?

Of special interest are the implications for the ongoing OSCE negotiations on Nagorno-Karabakh and Armenia's qualifications for U.S. assistance from the millennium challenge account.

Our three witnesses today, representing the U.S. Government, the Armenian Government and the Armenian opposition, will give us critical perspectives on these issues.

But now, I'd like to turn to my colleagues for any remarks they may have, and I'll start with the Ranking Member, who just came in, my friend, Mr. Smith, from New Jersey.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Thanks very much, Mr. Chairman. Thank you for calling this very timely hearing, especially as things continue to unfold in Armenia.

As someone who has long been involved in Armenian issues and with the friendship that has built up over the years, especially in

working with the Congress and recognizing the Armenian genocide, I read about the recent events in Armenia with great sadness.

When OSCE monitors gave last year's parliamentary election an improved grade, we all hoped for the best from this year's Presidential election. Unfortunately, things took a turn for the worst after the election, and protest demonstrations have ended in violence.

Here, I want to extend my deep condolences along with you. I know Mr. Cardin and others on this Commission have said very similar things to the families of the eight people who died so tragically. Families have so much grief when one of their members dies under any circumstances, but I think the grief must be much sharper when the death comes through a conflict with the authorities of the country that you love.

As to the elections themselves, the OSCE did not register progress since the parliamentary elections, but said that the Presidential elections were, quote, "mostly in line with international standards, but that further improvements were necessary."

And then after the demonstrations ended in tragedy, the Armenian Government imposed restrictions on basic liberties. In his April 9th inaugural address, President Sargsyan said there must be limitations on fundamental rights of Armenian citizens, most notably on their freedom of assembly.

Armenian authorities shut down independent media and temporarily took Radio Free Europe and Radio Liberty off the air. At the same time, the president conceded that restrictions cannot be absolute and promised to revisit that soon.

Despite the President's words of qualification, the restrictions are alarming. The U.S. Government, the OSCE, the Council of Europe, and the European Union all voiced their concerns, just as the OSCE and many international organizations have been skeptical of the official justification for the attack on the demonstrators.

Mr. Chairman, much of my involvement in Armenia, as I said, has been in the fight against the denial of the Armenian genocide. On behalf of the Armenian people and truth, many of us in Congress have worked to move our government to acknowledge this horrific crime, this genocide committed against the Armenian people almost 90 years ago.

I remember that in September 2000 I had the privilege to chair a hearing on the Armenian genocide resolution. It was a 4-hour hearing, the first hearing this House ever held on the Armenian genocide. The testimony we heard that day and many accounts of the atrocities that I have read in articles and books over the years shocked me deeply.

But it is not only our own Government who must hold to a higher standard in respect to acknowledging the truth. Now, on behalf of the Armenian people, we must persuade the Armenian Government to adhere to the highest standards of human rights.

I call on our Government to energetically press the president of Armenia to restore full freedom of assembly and full freedom to publish and to broadcast. The violence following the Presidential election occurred in early March. It is high time things returned to normal.

Democracy is not built by stifling, but by exercising, and I hope that the President will pay close attention to the well-intended words of his many friends abroad. Whenever the Armenian Government has raised its standards in respect of human rights and democracy, it has empowered its friends abroad to support it more effectively. And I certainly count myself as one of Armenia's great friends.

Mr. Chairman, I must say a word about Nagorno-Karabakh. On March 4th Reuters reported cease-fire violations that may be the worst in over a decade. At the same time Azerbaijan is conducting a massive military buildup and escalating its verbal threats against Nagorno-Karabakh.

None of this bodes well for the Minsk process of negotiations. I look forward to learning from our witnesses how the United States can support Armenian democracy, especially through this dangerous period.

Again, I thank you for calling a timely hearing.

Mr. HASTINGS. Thank you very much, Commissioner Smith.

And we now turn to Commissioner Kramer for any remarks he may want to make.

But I'm sure that, Secretary Bryza, is that seeing you in this kind of position, that just proves, Matt, that there's hope for you. [Laughter.]

Commissioner Kramer?

**HON. DAVID J. KRAMER, EXECUTIVE BRANCH COMMISSIONER,  
DEPARTMENT OF STATE**

Sec. KRAMER. Mr. Chairman, my hope just died. [Laughter.]

Matt and I were colleagues for several years in the European region bureau, and it's a real pleasure to be here with him, and also with you, Mr. Chairman, and Congressman Smith, too.

I think in the interest of time, Mr. Chairman, I will forego any further comments and look forward to the testimony and questions.

Mr. HASTINGS. Thank you very much.

This hearing has elicited a great deal of interest, and the Commission has received inquiries from many organizations, especially from Armenian NGOs wishing to testify.

I'm sorry that the constraints of a hearing format made that impossible, but I understand that various groups have submitted testimony for the record. I welcome their submissions and assure you that they will be included in the hearing record and posted with any report that we go forward with.

Our first witness is Deputy Assistant Secretary of State for Europe and Eurasian Affairs Matthew Bryza. As usual, he's been in the thick of things, most recently dealing with the crisis in Armenia. I'm not going to read off Secretary Bryza's impressive curriculum vitae or resume. It's available on our Web site, as well as at the tables outside.

Secretary Bryza, we are very pleased to see you again, and the floor is yours.



**HON. MATTHEW BRYZA, DEPUTY ASSISTANT SECRETARY OF  
STATE FOR EUROPEAN AND EURASIAN AFFAIRS**

Sec. BRYZA. Thank you very much Mr. Chairman. It truly is an honor to be here before you, Chairman Hastings, Commissioner Smith, Commissioner Kramer, to have a chance to explain not only our view in the U.S. Government about what has transpired and where we need to go from here, but also I'd like to have a chance to put our views and the events in a broader context of U.S. interests in Armenia.

Should I wait maybe?

Mr. HASTINGS. I don't know if—

Sec. BRYZA. Because this is my first sentence, Mr. Commissioner, it's OK. So, well, that's OK.

Mr. HASTINGS. Well, we do take note for the record that the Co-Chairman of the Commission, Senator Cardin, has arrived.

And, Senator, if you do have any comments, you're certainly welcome to make them.

Mr. CARDIN. I'll defer until after your opening comments.

Sec. BRYZA. Thank you very much, Senator.

So I wanted to put what happened and where we're going in a broader context, perhaps. U.S.-Armenian relations matter primarily for the reason of shared values. People throw around that phrase loosely very often, but in the case of U.S.-Armenian relations, that really is what it's all about.

Of course, that has to do with the human beings, the people, the proud members of the Armenian American diaspora, who have contributed so much to our society. But of course, it also has to do with our support of the basic human rights, liberties, democratic values that the citizens of Armenia rightfully deserve and in fact have enjoyed. And fundamentally, this is a question of human dignity.

Irregularities in the recent election and the violent aftermath marked a significant setback for democracy in Armenia, and I just sense from my visits there both a week ago today—in fact, when I was last there for the inauguration, seven and 8 days ago, and a month before that—that there was a significant shock imposed upon Armenian society.

Unfortunately, tragically, the violence that ensued is unprecedented for the South Caucasus in a period after an election. And so, of course, it's completely appropriate to do just what the commissioners did, which was express condolences for the victims.

Two of them were police officers. Eight of them were civilians not associated with the security services. Obviously, every single one of those deaths pains all of us in this room, and there are so many friends. Everyone's a friend of Armenia in here today. And I also welcome my friend Vigan and also my fellow graduate of the Fletcher School of Law and Diplomacy here.

A special personal welcome to you, Vigan. Thank you for being here with us.

We simply deplore the killing. And we may never know, and probably will never know, who started it, how it began, how a peaceful protest devolved into this level of violence.

We do know, though, that generally in the international community, we, the international community, hold governments respon-

sible for the use of violence against civilians and for the use of violence under such political circumstances.

We are deeply disappointed that dialogue that was ensuing between the government and the opposition lost out—lost out in this case to force and to violence. So as I said, it's a tragedy for all of Armenia.

Our goal now is to work with the government of Armenia and President Sargsyan to help elicit dramatic steps that will restore a sense of democratic momentum in the control, not to please us, not to sustain our assistance, but because, well, we believe it when we hear the elected President of Armenia say this is what he wants to do.

And we believe it, and we know, that this is the ambition of the people of Armenia. I felt that overwhelmingly this time during this trip. So many people came up to me—be it the wives of detainees or common people on the street—urging us to be as clear and constructive as possible in eliciting those sorts of dramatic steps to restore democratic momentum.

As we think about looking ahead, first it's useful again to place our relationship with Armenia in a context, the context of our strategic interests with Armenia. We have security interests. We have regional economic interests and we have, of course, a deep interest in seeing democratic and market economic reform continue so that all citizens of Armenia have the freedom to exercise and enjoy their internationally recognized human rights.

On security, we are deeply grateful for Armenia's contributions in Iraq, where it has 46 soldiers on the ground, serving with our soldiers in the coalition, as well as in Kosovo, where Armenia has contributed 35 soldiers.

We would welcome even greater contributions. We've had discussions. We hope we can move forward in a way that only deepens our security partnership.

We have a positive record, a strong record of cooperation on counterterrorism and prevention of proliferation of weapons of mass destruction. We are working together on border security, with significant assistance from the United States.

We've responded positively to Armenia's request to work with us to prevent the flow of pandemics and other biological threats and we warmly welcome Armenia's participation in NATO's Individual Partnership Action Plan, IPAP, in the context of a foreign policy of complementarity, which President Sargsyan was instrumental in designing.

It essentially says that Armenia will strengthen its relations with the Euro-Atlantic community, including NATO, at the same time that it enjoys historically and traditionally strong relations with Russia.

So, in a nutshell, we want to do everything we can to deepen that security cooperation between the United States and the broader Euro-Atlantic community and Armenia.

The central question of security matters in Armenia is indeed, as Congressman Smith pointed out, the question of Nagorno-Karabakh. I speak in my capacity also as Ministry Co-Chair, and I have spent so much effort and love on this issue over the last couple of years.

I can say, following our meetings my fellow co-chairs and I had in Bucharest 2 weeks ago with Presidents Sargsyan and Aliyev, we hope that there will soon be a meeting between those two presidents to rejuvenate a negotiation process that has made, I would argue, a dramatic amount of progress in the last two and a half years toward finalizing a set of basic principles that would essentially become a framework agreement for the Nagorno-Karabakh settlement.

Again, this would be a framework agreement. It's not the final agreement. That would have to be negotiated in the form of a peace treaty that will take some time—hopefully, not too much time—but if and when these basic principles are agreed, Armenia and Azerbaijan together will have made a dramatic step forward—in fact, changed the political, diplomatic and economic map in the Caucasus and in Europe in a profound way.

Officially, our policy is to support the territorial integrity of Azerbaijan, but to hold that a peaceful settlement of the Nagorno-Karabakh conflict requires a negotiated compromise on the issue of Nagorno-Karabakh's future status.

In a broader strategic sense, Armenia is obviously at a crucial crossroads, situated as it is between Russia in the north, Iran in the south, and then between Azerbaijan and Turkey to the east and west, where Armenia suffers from closed borders.

So in our second set of interests, regional economic cooperation and integration of Armenia into regional economic structures, I emphasize how much we look forward to and work toward full normalization of Armenia's relations with Turkey, and of course, then with Azerbaijan.

We're focusing a lot on the Turkey-Armenia relationship now. We hope there will soon be restoration of full diplomatic relations, opening of borders, restoration of electricity and transportation links, and greater access to regional markets that that will bring for Armenia.

There are questions about the possibility of commissions to take another look at the tragic, horrible historical questions of 1915, which I know we'll get into in the question and answer session.

In summary, we know that all of these issues are interrelated and are of profound importance to Armenians and all of their friends around the world, whether we're talking about history or about the current plight and current conditions of our Armenian friends in Armenia today.

Eventually, and hopefully quickly, we will see normalization of Armenia's relations with Azerbaijan, and as that happens, or when that happens, we hope that that will provide Armenia an impetus to scale back its energy cooperation with Iran.

Armenia finds itself in a very difficult situation when it comes to energy. It is cutoff from the energy flows from the Caspian region, beginning in Azerbaijan. It is largely dependent on flows of natural gas from Russia and has expanded its natural gas flows to include Iran.

And we understand the difficult situation that Armenia finds itself in due to these restrictions—energy imports and general trade—that it suffers from the East and West.

At the same time, though, we hope Armenia will continue to work with us to fulfill the international community's demands that Iran abide by U.N. Security Council resolutions demanding that Iran cease its nuclear enrichment programs.

Finally, the third area that is clearly the most germane to today's discussion and really is at the foundation of everything we do with Armenia is our effort and our assistance and our commitment to helping Armenia advance its democratic and market economic reform to strengthen individual rights, human rights, and political and economic freedoms.

Our assistance programs, working with the government of Armenia, have made some important progress over the years. And we are grateful to the U.S. Congress for always being so generous and encouraging us and helping us and facilitating our work with Armenia that has produced some significant results.

For example, there has been strong reduction in rural poverty. We have now seen again, Armenia restore double-digit economic growth, which it enjoyed back in the late 1990s. We have worked very actively with civil society to promote democracy and protect fundamental rights.

And maybe garnering the most attention in the last few years has been Armenia's successful completion of an agreement with the Millennium Challenge Corporation to launch a compact that should come to a total of \$235 million over the next few years.

In President Bush's administration, I think it's fair to argue that when a country enters into the Millennium Challenge program, it has received in many ways the ultimate seal of approval or commendation from our government that the country is on the right track, because the program aims to reward commitment to reform and is sustained if that commitment to reform is sustained and demonstrated through progress.

So let's go back, then, for a little while, then, to the elections, now that I've painted a broader picture in the context for our relations with Armenia.

In the lead-up to the February 19th Presidential election, we did see some initial positive signs. We encouraged then Prime Minister Sargsyan to invite observers from the Office of Democratic Institutions and Human Rights of the OSCE to come to Armenia to observe the election. And he did that. And they came.

We also encouraged the Parliament and the government to advance electoral reforms, and some of those were passed. And we welcome those.

At the same time, already in the pre-election period, our concerns began to increase about the overall electoral environment. We observed that the media environment was definitely not free from bias, to put it gently. We sensed that independent media outlets faced intimidation and harassment in many cases, unfortunately.

Examples of that include Radio Free Europe/Radio Liberty and Gala TV. And there were widespread allegations of misuse of administrative resources, a problem that is not unique by any means to Armenia. In fact, none of these problems are unique to Armenia in an election context. But they were there and began to raise our concerns.

As you noted, Mr. Chairman, the Office of Democratic Institutions and Human Rights of OSCE initially assessed that the February 19th election was conducted mostly in line with OSCE standards. Those were initial reports based on initial flows of information.

Unfortunately, as more information came in over ensuing days, we saw there were credible claims of ballot stuffing and intimidation, some reports of beatings of poll workers and proxies, and significant reports of vote buying and other irregularities.

Again, these are not problems that are unique to Armenia by any means. Many friends here of Armenia in the room have helped me remember how similar things have happened elsewhere in South Caucasus countries in recent elections. But nonetheless, we're talking about Armenia today.

Speaking of which, there were recounts in Armenia, in which, as the OSCE observed, there were discrepancies and mistakes, which raised questions over the impartiality of the electoral commissions. And OSCE observers reported there was harassment against them.

In the wake of these sorts of concerns, we saw mass protests for 10 days in Armenia in Yerevan. As I noted in the beginning, we in the U.S. Government and others in the international community and in Europe pressed the Government of Armenia to maintain the negotiations, refrain from violence, allow the protest to continue on Opera Square.

On March 1st, however, the police and military forces entered the square. We, again, will never know what exactly happened, but the police entered the square, as then President Kocharian told me, to collect weapons that the Government of Armenia had believed were being gathered in some of the tents there on the square.

Clashes broke out—some, perhaps, there on the square, it appears, although many in the Government of Armenia will deny that any clashes took place on the square. I don't know. We weren't there. We did not have witnesses there on the square.

But we do know that later in the day near the French Embassy in the environs, there was a truly tragic clash, as we said, that left 10 dead, 2 of them police and 8 of them civilians. Again, we express our deepest condolences.

Former President and opposition leader Levon Ter-Petrossian appeared to be under conditions of de facto house arrest, although that's disputed by the government. I myself visited Mr. Ter-Petrossian at his residence.

When we drove the security—it was heavy security—there was no way to tell whether or not Mr. Ter-Petrossian was free to leave or not, but there was very heavy security. And I did talk to then Prime Minister Sargsyan about the appearance of such heavy security outside Mr. Ter-Petrossian's residence, and I understand that that level of security was subsequently reduced.

And finally, there was a state of emergency imposed that was the most serious step—suspended freedom of assembly, suspended freedom of the media—and in that vacuum the Government of Armenia filled that vacuum with all sorts of news reports that, well, attacked the opposition.

There afterward, there were large numbers of arrests, mass arrests of opposition activists and demonstration organizers. Well,

there are 100 to 110 people or so still in prison. Many people went into hiding and fled. And many people were imprisoned on charges that seemed to have a political tint.

We don't know exactly why all the people were arrested, but the point to keep in mind is under such circumstances, such political tension and allegations of irregularities in the election, the standard is very, very high, when people are arrested, to make clear that the arrests were committed for non-political reasons, for truly criminal reasons.

In response, our charge was very actively engaged with all of the political leaders. I myself made a couple of trips to Yerevan, spent several days initially in March, meeting with everyone I could find, with the then President, with the President-Elect, and with all of the opposition leaders.

The goal was to stimulate a dialogue that would restore of speech and freedom of assembly and secure the opposition's pledge that their protests would remain lawful and peaceful.

We remain clearly sharply critical of the steps the Government of Armenia took in restricting freedoms and suspending freedoms. And we then, and we do now, call for the immediate release of all those people detained for any political charges.

Also, Ambassador Danilovich, the CEO of the MCC, issued a public letter to then President Kocharian, warning that absent the resumption of democratic momentum and democratic reforms, Armenia was putting it in a position that called into question the ability to sustain the Millennium Challenge program in Armenia.

That's a decision, obviously, that the board of MCC will take, which is chaired by the Secretary of State. I'm not here to issue empty threats or to sound threatening, but the reality is MCC is a performance-based program. The indicators that are not compiled by the U.S. Government reflect performance.

And so the best point to make is that we hope to see Armenia and President Sargsyan take dramatic steps that restore the democratic momentum so that the Millennium Challenge program can continue.

We saw some progress in that the state of emergency was expired 20 days after it was imposed, in accordance with Armenian law. And we saw the re-establishment of most media freedoms in the lead-up to the inauguration of President Sargsyan.

At the same time, however, we still see that the law on demonstrations and parades and protests is restrictive. It has prompted an outcry from the Venice Commission and from the OSCE ODIHR.

We, unfortunately, have seen tax authorities of Armenia conducting investigations of four opposition newspapers that those newspapers find intimidating.

And we have seen some very surreal scenes on Yerevan streets in recent weeks, large numbers of people gathering, not doing anything, talking to each other in a silent protest, and then subsequently getting arrested by the police.

The good news is the military presence has reduced. The bad news, though, is that some arrests have continued of opposition activists.

So, finally, in this context how do we move forward? No. 1, I think it should be clear how sharply the U.S. Government has condemned the March violence, by whoever committed that violence. It's difficult to tell, as I said before, who started it. And we would roundly criticize and condemn anybody who would use violence for political gain.

But at the same time, the burden of responsibility in such situations rests on the shoulders of elected governments.

Therefore, it's important that there be an impartial investigation and prosecution of anyone who used violence on March 1st, on either side, whether they're in the opposition or whether they're in the government.

Now, we hope to see full restoration of all basic freedoms, both in law and in practice. We hope there will be further investigations and prosecutions of those people who violated election law.

And we very much hope to see a national dialogue between the government, opposition, and civil society, that pursues some sort of an agreement or a contract for democracy, again, that allows and ensures full freedom of assembly in exchange for a pledge that all protests will be lawful and non-violent.

We call on our friends in the Government of Armenia to release all of those people, as I've said, who have been incarcerated for political reasons. And we urge the government to restore those democratic reforms that President Sargsyan has talked so eloquently about in the past and even during his inaugural address, despite those comments about the possible need for restrictions on some freedoms.

To wrap it all up, we observe that banning demonstrations will not quell the anger of the aggrieved people in Armenia. Silencing the votes of dissent will not achieve unity of opinion. And undermining the institutions of democracy will not achieve lasting stability.

And in the long run, stability comes from legitimacy, which can only derive from democracy and democratic freedom.

Of course, we've reiterated these fundamental truths to President Sargsyan. I've done it myself. Our charge in Yerevan has done it. Ambassador Danilovich has done it. Other senior officials have done it as well.

I did attend President Sargsyan's inauguration in a spirit of our shared values and commitment to doing everything we can with all of Armenia to help it get through this difficult period and get back on the track of democratic reform.

We hope Armenia's new President will hear and address the grievances of his citizens. He has said many of the right things in the past, and again at his inauguration, so we look forward to working with him and all the people of Armenia to make sure that the democratic foundation of the country is solid and therefore provide the only real foundation for long-term stability.

Thank you again. I apologize for going on so long. It's a very complex question, and I look forward to your questions.

Mr. HASTINGS. Well, not only complex. I feel that you've been comprehensive, Mr. Secretary, and it's deeply appreciated. I note that you indicated that you attended the inauguration. Did President Bush send a letter of congratulations to Mr. Sargsyan?

Sec. BRYZA. No, Mr. Chairman. President Bush did not send a letter of congratulations, no.

Mr. HASTINGS. Does he plan to? Or do you know?

Sec. BRYZA. That's actually a question for President Bush. I don't know what he plans to do. I do sense from my colleagues at the White House that we all share the desire to see dramatic steps to restore democratic momentum in Armenia.

And we are committed to do everything we can both to elicit and support such steps, but beyond that, I do not know what the President is considering.

Mr. HASTINGS. I'm not trying to parse your words, but your exact comment was that we will never know what happened on March 1st. Many in the international community have called for an investigation. Has the United States supported?

I heard you in your comments indicating very strong condemnation, and you went on in that regard. But have we joined the international community, those who have called out for an investigation?

Sec. BRYZA. We have, Mr. Chairman. You'll see that in my written testimony. I passed over that point very quickly. And I hereby absolutely, explicitly reiterate that, yes, we call on the Government of Armenia to work with the international community to conduct an impartial investigation into the events of March 1st.

I want to make clear when I said we'll never know what happened on March 1st, what I mean is we will never know who initiated the violence. But in any case, when it comes to an investigation in all of these steps I outlined, we have been working in lock-step with our European allies.

And Peter Semneby, the Special Representative of the European Commission for the South Caucasus, and I actually do a lot of traveling together. We were together twice, and in fact, every time I've been to Armenia in recent months, we've been there together, and we've thought through these steps together.

Mr. HASTINGS. I deeply appreciate it.

I hope Commissioners Smith and Kramer won't mind. I'll go from my final question to Senator Cardin for any opening and/or questions that he may have.

But before doing so, I'd like to place into the record, and I'll do so orally and in writing, just so as how it's clearly understood by some very occasionally the efforts of the United States monetarily are not clearly understood by all.

In this case the sources that I cite are the Armenian Assembly of America and the U.S. Department of State for those funds that have been allocated over a period of time.

You, Mr. Secretary, rightly pointed to the Millennium Compact, and starting in '06, I believe, for a 5-year period, it's \$235.6 million. Overall assistance to Armenia since 1992 through '02 is \$1,493,760,000, and actual moneys on the commission sheet of foreign aid of total yearly assistance in '06, \$74.5 million; in '07, \$56 million; in '07, \$63.6 million; and in '08 the request for \$38.9 million.

I do that for the reason that many—particularly, those of us in the legislative body, as well as the executive branch—often are ac-



cused of not doing enough, and not just in the case of Armenia, but in lots of places around the world.

And I'd just like folks to take cognizance that a substantial effort is and will, I believe, continue to be made to assist in democracy development, as well as full economic development for the Armenia Government.

The final question in this round is you, Mr. Secretary, are Co-Chair of the Minsk Group. In your testimony you cited to some positives, particularly with reference to negotiating the settlement of Nagorno-Karabakh.

I serve on a working group in the Parliamentary Assembly of the OSCE, and we, until the now president, continued to refer to that as a frozen conflict. But you also cited to the hope that the two Presidents would get together—Armenia and Azerbaijan.

But my recollection is that Baku roundly refused to support the resolution in the United Nations that supported Azerbaijan's territorial integrity. And since they reacted so strongly, some people are hinting that maybe the Minsk Group has outlived its usefulness.

I'm not in that category of people, largely for the reason that you are there on a regular basis. But I have confidence that it will make substantial progress. And I also am not one to believe that we should continue to push and not expect that others will push back in certain arenas.

So how do you react to the statements about whether or not the Minsk Group has outlived its usefulness?

Sec. BRYZA. Well, first of all, I think, if you look at the press and at the statements of the Government of Armenia in recent days, weeks, that sort of line of argument is gone. And I know that our friends and colleagues in Azerbaijan, as well as in Armenia, realize that the Minsk Group has played more than a catalytic role. It has guided the parties to the verge of a framework agreement.

So it has great value. In general, international regimes have value. The world is a better place, usually, if there's an international regime in place that fosters cooperation than when those regimes go away, although there are some international regimes that aren't so useful.

The Minsk Group is a very useful one. And so I think you're going to see very soon the two Presidents come together, and the foreign ministers before that will come together.

We have spent a lot of time and effort explaining our vote on that resolution, and I'd like to just take one moment to clarify that. It was not a vote against Azerbaijan's territorial integrity at all. We do support Azerbaijan's territorial integrity, but as I said in my statement, we also hold that a compromise solution to the Nagorno-Karabakh conflict has to be a compromise.

And that means there has to be a compromise on the future status of Karabakh. I can't outline what that compromise will be, and as the Minsk Group Co-Chair, that's not my job. My job is to help the two parties formulate what that compromise might be.

And so in the case of this resolution that was in the General Assembly, we the Co-Chair countries voted no, so voted against that resolution, rather than simply abstaining, because we felt that resolution was so one-sided that we would have been sending the wrong single.

And one-sided—by that I mean that it identified principles, or elements of our basic principles, that are the subject of such intensive negotiations, but only the ones that were favorable to the Azerbaijani side, and didn't mention the ones that are favorable to the Armenian side.

So to maintain our status as an honest broker, we felt—and I felt—we had to send a very clear signal that we don't want to see the negotiations bent to either side's favor in any place other than at the negotiating table. It's fair game to do that at the negotiating table. It's not so fair to bend the negotiations outside of the negotiating arena.

Mr. HASTINGS. Thank you very much.

Could I ask the staff and those persons that are seated near those temperature gauges—it's a little warm here, and I don't know whether we have the capacity to make it cooler—but if someone would just check to see can they be placed down, it would be deeply appreciated.

Senator Cardin?

**HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Thank you very much, Mr. Chairman. And let me thank you for, first, conducting this hearing. I think it's critically important that the Helsinki Commission hold a hearing on the extreme conditions in Armenia.

Our focus has been on many aspects of the Helsinki commitments, but human rights has clearly been our trademark, and the circumstances today are extremely serious, and I thank you for holding this hearing.

Secretary Kramer, it's wonderful to have you here. I thank you very much. We look forward to your active participation on this commission.

Listening to the testimony today reinforces an observation that many of us make that in the work of this Commission there is rarely a sharp difference between the executive and legislative branches. We usually work very closely together, and rarely is there a difference on a party line.

This is one of the entities that I think reflects the strength of America and the commitments of America to the OSCE principles. So it's wonderful to have you with us today.

And, Mr. Secretary, I appreciate very much your testimony. I'm in complete agreement with what you said. Armenia is a close friend of the United States. We have very close ties with the Armenian community here in the United States and in my State of Maryland. And it's been real, it's been genuine, and the relationship between our countries is extremely important.

I think it's for that reason that we are so concerned about the recent developments in Armenia. And I just want to put a sense of urgency on this.

I was glad to hear you clarify that we are seeking an independent review of what happened. There have been many rumors about coups and other things that, quiet frankly, there's no indication of any basis behind those rumors.

I think it's important that we know exactly what happened. And for those who are looking—the citizens of Armenia that are looking—at their government providing a fair administration of justice, I think this is a major test, that we find out what happened, and those that are accountable are held accountable for their acts.

So I think this is not only calling for an independent investigation, but one in which I hope the United States will lead international efforts to make sure that we find out what happened that day in Armenia.

Moving forward, first of all, the results of the elections are very troublesome. Second, the restrictions of basic rights cannot be tolerated. There's no indication that the response of the government was at all commensurate with the problems in the country.

And I think we've got to be clear about that. As friends, we've got to be clear when we see things that we believe are wrong. And we need to express ourselves in the strongest possible way to restore the basic rights to people of Armenia. And I think we can be very helpful in that regard.

I'd just like to add one more dimension to it. During February, in a pro-government TV station, there were anti-Semitic comments that were made. I have not heard it condemned by the leaders of Armenia. There aren't many Jews that live in Armenia today, but it's an area that I think we also need to see leadership in dealing with that type of irresponsible conduct.

So I just really wanted to encourage you to continue to point out the urgency of Armenia getting back on the right track. It certainly affects their relationship as it relates to the credibility of their government.

And I just look forward to developing a strategy, working with the administration and Congress, so that we can effectively bring about the type of action in Armenia that is really fitting with the tradition of that country.

And with that, Mr. Chairman, I will yield back the balance of my time. I do apologize. I've been informed the Senate will start voting soon, so I'm going to have to leave to get back. And as you know, it's not always safe for Senate Members to spend a lot of time at this time.

Mr. HASTINGS. We got lucky. We finished early. Thank you very much, Senator.

I turn now to Congressman Smith.

And I thank whoever helped us to get the air conditioner working. I hope it doesn't offend those who like heat better than air.

Mr. SMITH. Thank you, Mr. Chairman.

And thank you, Mr. President, Secretary, for your testimony and for your very extensive knowledge and hands-on in this entire process. It's deeply appreciated.

You mentioned a moment ago that the two Presidents were likely to meet very soon, and hopefully there might be some progress in resolving the Nagorno-Karabakh ongoing dilemma.

But I would just note, and I would appreciate your response to this, 16 months ago, January '07, Radio Free Europe/Radio Liberty reported President Aliyev saying, and I quote him, "We are at talks, but the enemy should know that Azerbaijan can liberate na-

tive lands by any means at any time, and we shall liberate it," he said.

On October 22nd, just a few months ago, '07, Reuters reports that Azerbaijan is increasing its defense budget by nearly 30 percent and that Aliyev vows, and I quote, "Azerbaijan must be ready to liberate its lands by any means."

On January 4th of this year, a very similar statement, almost identical, "We are reinforcing our army because we must be ready to free our lands at any moment and by any means."

And then there was the Reuters piece. And it looks like the Kosovo crisis, or the liberation or the naming of Kosovo as an independent state, gave additional credence to Aliyev's concerns about individuals—in this case, the Armenian separatists, as Reuters reported sound, that he linked his comments to the newly declared independence that he was ready to take the break-away republic—this is the Reuters writing—Nagorno-Karabakh by force, if needed be, and was buying military equipment and arms in preparation.

My question is, while talk can be helpful and may lead to a non-violent solution, I for one, and I'm sure you do, too, because you're there on the ground, dealing with this every day, take those statements, and they've been month after month after month. There's also a statement by the Azerbaijani Defense Minister, where he said the chance of war was close to 100 percent, and that was on November 27th, 2007.

The war drums are beating, and there's now some chaos on the ground in Armenia. The situation in Kosovo has left a very, very bitter taste in the minds of some, especially because territorial integrity, if you look at it in a purist form, was not respected.

I felt, when Rambouillet occurred, myself—and I actually held a hearing on it at the time—it seemed to me that it was inevitable that independence, not autonomy, would occur there. It was a matter of when and not if.

And frankly, I had real criticisms about it, because at some point it was the Kosovar Albanians who were subjected to human rights abuse of the highest order, and at times it was the Serbs in Kosovo, who also would get to retaliation, like in Mitrovica and other places.

So the concern is, from my point view, that you get Azerbaijan looking at this and saying, "Hmm. We've got Kosovo now." And he has talked war over and over again.

I guess the question is how seriously are we taking those threats of war? And what are we doing to mitigate that as a country? What's the Minsk doing? Our allies? What's the U.N. doing? NATO? Any responsible partner in this?

And what do you really expect? You said, "Very soon." How do you define "very soon?" Is that talks are imminent? And how do we get this threat of war to be mitigated and hopefully pulled off the table for the community?

Mr. HASTINGS. Would the gentleman yield?

Just as a followup to what he's saying, despite the cease-fire agreement in 1994, there has been an increase in the hostilities in that area, or at least there have always been situations where firing has taken place, but it seems to have increased recently. And

I guess that goes into the same question that the Congressman has just asked.

And that is, is there that possibility of renewed hostility on a higher level?

Sec. BRYZA. Thank you very much, Mr. Chairman, Commissioner Smith.

It's a complex question, but it shouldn't be a very complex answer. There's no military solution, we believe, for the Karabakh problem. God forbid, if military conflict ensued again——

Mr. SMITH. Does Azerbaijan know that, do you think?

Sec. BRYZA. Well, I hope so. I spend a lot of time in my capacity as a mediator having that very discussion with President Aliyev and others, as well as with Minister of Defense Abiyev and Foreign Minister Mammadyarov and the whole team, Deputy Minister Azimov as well.

But we truly believe there is no possible military solution for the following reason. It's even a question of logic.

God forbid, if military conflict ensued, there would just be another group of several hundred thousand displaced persons, who would in the same way be dreaming about, demanding, lamenting the loss of, and getting ready to return to the territories that they have lost.

It would just be another cycle of conflict, loss, retaliation. So that will never end.

The only way out of both the conflict, and the only way to reduce the risk of war, is to finalize these basic principles that are on the table that have been negotiated. They're not imposed upon anybody.

They're negotiated by the parties with our help, as Minsk Group, so that the conflict in Karabakh will transform itself from one in which resumption of military hostilities is a significant risk to one in which—it's still politically difficult, as they negotiate the peace treaty, but it's clear that military forces are separating, internally displaced persons are returning, and the fundamental needs of the population are taken care of.

I very much share your level of concern about the possible resumption of hostilities. I was on the line of contact in January, and it's a powerful experience, traveling through areas that have been devastated by war, that are completely flattened. People talk about it like Hiroshima in the Caucasus. Perhaps it's not exactly that bad, but it's dramatic how much destruction was wrought.

And when you get to the line of contact, the other side is 100 meters away in some places. They're visible. The soldiers look at each other. They're watching each other, observing.

Tragically, there are over 30 people that were killed in sniper events even before the terrible exchange of fire that occurred in early March. That was a very serious exchange of fire, the most serious loss of life along the line of contact since the cease-fire, as far as I could remember.

I happened to be in Baku that day and met with the Defense Minister immediately and met with the President as well that day, and the Foreign Minister, and expressed how tragic it would be if this cycle of violence didn't end.

I was on the phone as well with their Armenian counterparts. And the good news is that the Defense Minister has established contact—or the generals did, at least. The military commanders established contact and were able to bring the tension down.

What that shows is that not knowing how it all began, in that one case things got very heated, and fortunately the sides were able to de-escalate. But you can't just bank on the de-escalation working every time. We need a settlement.

Now, let's get to the question that you first asked about the rhetoric. I myself have a couple of times, in my capacity as the coach here, raised this issue with President Aliyev. One time, in fact, even Congressman Knollenberg asked us to do it, and I happened to be meeting with President Aliyev that very day and was able to deliver Congressman Knollenberg's points. In fact, twice I was able to do that.

Leverage bargaining is a part of the negotiation. Belligerent military threats are something nobody wants to hear. We complain about them. We urge President Aliyev to reduce tension to make it easier for there to be a solution.

His statements reflect politics in Azerbaijan. There are a large number of Azerbaijani citizens who favor potentially armed conflict to regain Nagorno-Karabakh. Whether we like that or not, people think that way. And many of the statements of President Aliyev reflect that sentiment.

We are committed to doing everything possible publicly to counter any belief that there's a military solution and privately to make sure that we do all we can to negotiate a peaceful settlement of the Karabakh conflict.

Mr. SMITH. Let me just ask the following. What clear and totally broadcast in advance penalty would Azerbaijan suffer, if it initiated hostilities?

And second, when Kosovo declared its independence, and our government and other governments very quickly embraced that, was it a subject of active review and scrutiny within your department and other departments as to what—everyone knew that this would have an impact on Srpska.

It would have an impact on Serbia itself, in Belgrade, in Bosnia. And Russia, obviously, would become very deeply distressed over it. So there are other consequences in other places.

But was the Nagorno-Karabakh situation on the table discussed as to what might happen there, especially as it relates to Azerbaijan's now seemingly enhanced belligerency, or state of potential belligerency? And again, the penalty issue.

And you didn't say when. Or is that just not set up yet?

Sec. BRYZA. Oh, sorry. Sorry. Yes, I'm sorry. I forgot about that.

In terms of when, let me go back to that one, because you asked that in the last round. It could be a matter of months, if the two presidents decide that they are ready to make some tough political compromises, compromises that carry political risk for them at home.

As in any negotiation like this, you go a long way down the road, you work out the easier issues, you get to the harder ones, and then there's a very, very tough one at the very end. And that's where we are right now.

So there's no way to predict. If the two Presidents were ready—let's say their Foreign Ministers meet, who knows, in a month or so, and they got together, and they decided we feel trusting toward each other, we're ready to take a political risk and reach an agreement—it would be very quick.

In a matter of weeks, months, they could work out the final details. I hope they do, but I don't know. It depends on them. We can only facilitate the communication.

In terms of penalty, I wouldn't want to speculate on that, because all the various scenarios are so unpredictable. What I can say is I think it's clear that any resumption of armed hostility in and around Nagorno-Karabakh would be tragic, tragic for everybody, absolute disaster.

I don't know who the heck knows what the outcome would be of the fighting, but as I said before, I think any fighting would lead to a perpetuation of the current situation.

Mr. SMITH. If I could just interrupt for 1 second, my sense was—and all of us who were Members of the Congress, and Ben was a member of it, and Steny Hoyer—and when hostilities were initiated against Slovenia at first, and then followed up by Croatia and then Bosnia, the feckless response by the European Union and the countries of Europe, the United States, was appalling.

Sec. BRYZA. Yes.

Mr. SMITH. You do it. You do it. Everybody was pointing. And I undertook—as did the Chairman, as did Steny and I and many of us—multiple trips and kept coming to the conclusion that Milosevic keeps probing with bayonets, and everyone says, “Now, you can do better. It's going to be chaos if you continue this.”

And then an arms embargo under Bush-1 was put into effect that was, I think, a colossal failure, because it, as you know, froze an inability of Bosnia and Croatia to defend themselves.

I think a predictable penalty at least needs to be on the drawing board if hostilities are instigated by Azerbaijan. And I think the early March killing of eight soldiers—I believe it was—was another shot across the bow.

There seems to be a lot of tinder in this tinderbox. He's making these statements. And if somebody says they're going to hit me, I get ready and get into a more defensive mode, because they're not going to sucker punch me.

And I'm very worried about what's going on here, and I know you are too.

Sec. BRYZA. Yes.

Mr. SMITH. But I don't think the idea that there will be all-out chaos and bloodshed—maybe that's not as meaningful to Azerbaijan at this point. They look at Kosovo again and say, “Hmm. We don't like what happened there.”

So I'm very, very concerned about this. In the end, was it discussed? I weighed in when the Kosovo deal was being considered and wanted ramifications really looked at more carefully, and I'm not sure this one was.

Sec. BRYZA. OK. It was actually. At least I was thinking it through with my team, the Caucasus team, and the fact of the matter, as you were leading to, is that actually their territorial integ-

ity is an international legal principle. It is a legal principle. So there is—

Mr. HASTINGS. To whom?

Sec. BRYZA. Yes, yes, no, right, exactly. But what I'm getting at is we very much understood and appreciate why Azerbaijan has reacted as negatively as it has to Kosovo.

Yes, we anticipated it. We didn't know exactly how that reaction would manifest itself. But what we're looking for in the case of Nagorno-Karabakh is not a legal agreement. It has to be a political agreement. There's a legal principle of territorial integrity of states. There is a political principle of self-determination of peoples.

Both of these principles are enshrined in the Helsinki Final Act, along with non-use of force, and what we've been trying to do as mediators is to help the parties come up with a compromise between that legal right of territorial integrity and that political right or principle of self-determination of states.

So we thought about Kosovo in that light, but our ultimate decisionmakers nonetheless decided to proceed with Kosovo as we did, understanding that it will create difficult for us in the case of Nagorno-Karabakh, but also Abkhazia and South Ossetia conflicts in Georgia, for which I also carry some mediating authority.

Life has gotten more complicated as a result of the Kosovo outcome. I very much agree with you.

One more point I'd like to make about military force and maybe time or intentions. It's impossible to know exactly what the intentions are of all these leaders—impossible. But what is clear is that time really is not on either country's side.

If you are in Armenia, you might express the concerns that you raised about a large-scale military buildup in Azerbaijan and statements about the possible use of force. You wonder could that ever happen. So I would hope that the leaders of Armenia realize, "OK. We need to move forward expeditiously toward a settlement."

The same goes for Azerbaijan, though. As we've seen all of this concern manifested about territorial integrity, following up Kosovo, in Azerbaijan people are very anxious, impatient. They want to make sure that they're able to influence the negotiations in a way that does as much as it can to preserve Azerbaijan's territorial integrity.

And unless the parties get together and reach that political compromise as quickly as possible, then the dangers of these large-scale exchanges of fire, and the danger of a larger exchange will simply smolder out there until potentially something terrible happens.

So we have to move forward.

Sec. KRAMER. Mr. Chairman, I would just note—first of all, I'd like to associate myself with my friend and colleague Matt Bryza's comments in his testimony here today.

It is my hope to reinforce the principles of the OSCE that all three countries in the Caucasus signed on to, to make a trip there—Matt and I talked about this—over the next few months to all three countries to certainly address concerns that Matt and each of you have identified in light of the latest developments in Armenia, also to engage in further discussions with Azerbaijan, but



also to go to Georgia after the elections that will take place, I think, on May 21st there.

So I certainly look forward to going to build on the excellent work Matt has already done and to certainly carry out the Commission's mandate and stress the importance of abiding by democratic principles, respect for human rights, free and fair elections, free media. And certainly I look forward to reporting back to each of you on that.

Mr. HASTINGS. Thank you very much, and also—I'm sorry.

Mr. CARDIN. Mr. Chairman, my apologies. I know we have two more witnesses coming. I have to go back to a meeting at 3:30, so I don't want to indicate any disrespect to our other witnesses, but I have to walk out.

Mr. HASTINGS. All right. Thank you very much.

I also am hopeful of being able to visit the region. It's interesting that these matters continue to be on the table. I'm 13 years now in the OSCE, as my colleague, Congressman Smith. And it seems that we've been talking about these issues all that period of time, including as recently as Monday in Copenhagen, where I was at the bureau meeting and had this same discussion with two of my colleagues.

But I won't persist in asking additional questions. You've been generous with your time, Mr. Secretary. I do hope, just as an aside, that the Ambassador to Kyrgyzstan, Ms. Jovanovich, who has been nominated by the President—I didn't get a chance to say to Senator Cardin, but I hope that nomination will be taken up soon, because I do believe that it is important, when we have as complicated situations as exist in this region, that we do have an Ambassador on the ground.

I don't know Ms. Jovanovich, but if she has survived Kyrgyzstan, she probably will do extremely well in Armenia, and it would be my hope that the Senate would recognize the need to expedite it. That's not your prerogative, of course. I will say what I have said here to Senator Cardin at the appropriate time.

But thank you, Secretary Bryza. I will have maybe a one or two followup on matters, particularly interested in the implications on the Millennium Challenge. And we can either discuss that, or I can do so in writing and have you respond.

Yes, Congressman Smith says he may have a few questions to put in writing as well.

Thank you so very much.

Our next witnesses are, one—if they would come forward at this time—Mr. Sargsyan and Mr. Grigorian.

I was told that both you gentlemen may very well choose to use videography of some kind. I would like to get through your testimony, and if we have the time, and if you are desirous, maybe we can try to hook up the equipment. This is not our hearing room, as it were, but anyway.

Our next witness represents the Government of Armenia, and as is our custom, we invited Armenia's Ambassador, offering him the option of selecting someone else. Arman has chosen Mr. Vigen Sargsyan, who was an adviser on foreign policy and national security to President Kocharian, and he continues to fulfill those re-

sponsibilities under President Sargsyan, as well as teaching at the American University in Armenia.

We also invited former President Levon Ter-Petrossian to testify. He chose to designate as his spokesperson Arman Grigorian, who is a sitting lecturer in government at the College of William and Mary. And Mr. Grigorian waited tables at the Duke of Gloucester at Chow-Ling's tavern many, many moons before he got to William and Mary.

He's also a Ph.D. candidate in political science at Columbia University. He previously was an analyst for President Ter-Petrossian during his tenure in office and was a member of his team during the recent election campaign, working on foreign policy and national security matters.

I'll start with you.

**VIGEN SARGSYAN, ASSISTANT TO THE PRESIDENT OF THE  
REPUBLIC OF ARMENIA**

Mr. SARGSYAN. Thank you, Mr. Chairman. First of all, with regard just for the record, we didn't have further information that will be available to be distributed, so we don't have material. That's why we haven't provided any. But obviously, because it is important, we'll forward some to your office tomorrow, because there are some videotapes which are very relevant and could share some light on this.

Mr. HASTINGS. I don't mean to quarrel with you, but we did make it known that we would try, but go ahead.

Mr. SARGSYAN. OK. Thank you, Mr. Chairman. I recall with great warmth and respect my first meeting with you some 11 years ago in my capacity as a secretary to the Serbian national delegation to the OSCE Parliamentary Assembly when you challenged the OSCE to assume a greater role in advancing democracies in the new independent states.

As you referred, the topic is still actually on today, and you were referring to it a few days ago again.

I am happy to be here with you, Chairman. I thank you and Co-Chairman Cardin on behalf of the President and the people of the Republic of Armenia for offering this hearing, because for us in the Armenian government who on a daily basis work toward establishing and advancing democracy in our country, it's important to know that we're not alone and that we have friends internationally who care about the status and state of democracy in our country.

I am pleased to be joined here by Secretary Matthew Bryza, a long-time friend, who has distinguished himself as a thoughtful and constructive partner in the development of deeper bilateral cooperation between our two countries.

And I am pleased to be here with Arman Grigorian, who reflects a deeply held set of views, and he can speak eloquently on behalf of his party's views and perspectives.

I'm here, Mr. Chairman, because the people of Armenia believe that this great nation across the Atlantic is a friend. And Armenians around the world keep very warm memories of the assistance and support of U.S. Congress and American people from times of the genocide, which was referred to today, and all the way through the new days of reverse of our independence.

That friendship, as Secretary Bryza mentioned, is based on a solid foundation of shared values and interests. And it was obvious from the context in which this discussion started today that this incident, and this very important development that took place in Armenia, are watched in a much wider context of U.S.-Armenian relations bilaterally and multilaterally within OSCE.

The heart of the challenges we are confronted with today, Mr. Chairman, have less to do with the conduct, or even the outcome, of the February 19th election in our view, which, while imperfect, reflected the will of the Armenian electorate, and more to do with efforts by an element of the opposition that, having lost at the ballot box, sought to challenge this outcome through illegal and ultimately extra-constitutional means.

The Armenian Government holds a solemn responsibility to safeguard the full range of democratic rights of each of our nation's citizens and in equal measure bears the burden of scrupulously protecting minority rights, which are the cornerstone of any democracy.

But votes count, and it is a fundamental right of an electoral majority to have its vote respected. Our constitution does provide for legal challenges to electoral outcomes when one of the parties disagrees with the result of the elections. But once they are exhausted, they must give way to the work of governance.

Now that the election has ended, our President is, as he should be, the President of all his fellow citizens. It was a highly charged environment following the February 19th vote, so use of force by the police, a decision taken as a last resort, resulted in outcomes that all sides deeply regret.

A state of emergency, despite its justification, obviously cannot be watched in an OSCE membership state as business as usual, and we will recognize that and understand that.

In my remarks today, I will seek to, first of all, place recent events in the context of wider democratic advancement of Armenians in the last period; second, to assure you that reconciliation efforts are under way; and third, that the Government of Armenia is committed to move forward in constructive participation and in an inclusive manner.

There are some key steps, Mr. Chairman, that are already taken. We are notably addressing the law of rallies, as was mentioned by Secretary Bryza. In his inaugural address, President Sargsyan devoted a great deal of attention to this issue, and as a matter of fact, as recently as yesterday, consultations were completed with the Venice Commission of the Council of Europe in reviewing the law of rallies of the Republic of Armenia.

Experts, on their review, recommend that by these amendments the law falls short of Armenia's international treaty obligations under OSCE or Council of Europe instruments. It goes without doubt that the law will be reviewed very quickly and will be restored in the way that would allow free assembly of citizens and expression of all.

Mr. Chairman, the Prosecutor General of the Republic of Armenia, when he learned that I was leaving for this hearing, asked me to assure the distinguished Commission that he takes extremely se-

riously his responsibility and duty in this highly sensitive situation.

Armenia is a member of the Council of Europe, and as such is under jurisdiction of the European Court of Human Rights. We very well understand Mr. Chairman, that most of the cases in this very sensitive matter will end up in the European Court of Human Rights.

And the Prosecutor General told me he will do everything in his power not to become one who would be recognized by such a distinguished court as someone who was anything less than scrupulously fair in defending the right of his compatriots to express their political views.

He also knows that there have been looting, riots, private and public vehicles, including ambulances that were set on fire, and it seems the evidence points to the fact that these actions were orchestrated.

It is his duty to make sure that justice is done and that those who were involved in criminal activities are held accountable. Otherwise, this precedent of political violence can repeat itself not only in Armenia and not only now.

We do think, however, that the legal investigations alone are not sufficient because the questions that concern our society are much deeper and wider. They have to do with the wider context of our democratic tradition.

Our people want to know how we might have responded more constructively, differently, to the challenge that we faced. To answer that question we plan to hold a nonpartisan political inquiry into the situation parallel to the legal one. It probably will take the form of a natal parliamentary commission to look into the circumstances of the tragic events.

However, because President Ter-Petrossian's constituency is not represented in parliament, we think of doing it in a wider format, so that they can also participate and contribute to this investigation.

As a matter of fact, the Government of Armenia has already formally asked the OSCE and United Nations to provide experts, ballistic experts, and those who are other experts, who would be able to help us identify the visual materials that exist and the causes of deaths of people who died in this tragic event.

We would also want to ask for a wider expertise assistance on the modus operandi of the police in similar situations in general and in future, if they occur.

Unfortunately, I was informed today that OSCE and U.N. put down these requests, saying that it is out of their mandate. I would like to repeat that request now here, and we want to also raise this in Council of Europe, because we do think that international expertise can assist a lot such an independent investigation. And it's a must to raise the level of trust toward this process.

Now, to do all this effectively, there is a need for a dialogue in the society, and we very well recognize that. And that is what the newly elected President is seeking to bring about.

Since February 26th in his public remarks and through internal political channels, he has many times signaled the message of a sincere dialogue to the opposition. And we are happy to witness

that most of opposition groups have responded responsibly to this offer.

Four out of five parliamentary factions in the Republic of Armenia have now joined in a wide coalition to move Armenia forward and to make it a better place for everyone.

Now, sadly, part of the opposition, which is mobilized by Ter-Petrossian, rejects this offer. Someone, who unfortunately in his Presidential tenure labeled his own opposition "fascists," which is recorded in the report of this very commission after the 1996 Presidential elections, and in whose term in office banned the country's most traditional and historic political party, who closed most of the opposition media, held 3-year protracted trials on his key political opponents, that same person is now rejecting an offer of a dialogue.

He, whose election has been by far worse than that of the most recent elections, is today challenging the legitimacy of President Sargsyan. He first claims that he has won before the voting day. Two weeks before elections, he has announced that he has already been elected, and the voting is a formality. And if the result in the votes is different, he said, it means the elections were rigged.

Before the voting even started, he announced a post-election victory or protest rally, which was held the next day after the elections. And at that rally he claims that he had 65 percent of votes and said he will not leave the Opera Square until he is taken by people to the Presidential palace.

He started to promulgate Presidential orders and tried to draw up the military forces, the army, into political battle.

Mr. Chairman, an ex-Commander-in-Chief, ex-President of the country, stood up in a public rally and said that the army is with us. He said two Deputy Ministers of Defense have joined our ranks, and army is with us.

We felt it was very dangerous, and we felt that it was very much affecting internal political process in Armenia. When the OSCE international observation mission, as Secretary Bryza mentioned, said the elections were mostly in line with the standard, he said, "They are naive."

When these observers, having carefully studied the irregularities, reaffirmed their findings and said they are not naive, he said then, "Well, you are bribed." He went so far as to claim that he had seen copies of paychecks, and the head of OSCE mission was given 20,000 euros to give a positive assessment of elections in Armenia, which was an absolutely unacceptable attitude toward this international observation team.

Then he said that if the Constitutional Court does not rule in his favor, it means the court is corrupt. Your Excellencies, 7 out of 9 judges of the Constitutional Court of Armenia have been appointed in his tenure of presidency.

And when, in the beginning of the campaign, former President Ter-Petrossian was asked, "Do you think you have won '96 Presidential elections?" he said, "Of course, because the Constitutional Court has said I have won, so I have won." It was the same Constitutional Court with almost the same composition of justices.

Sir, Armenia needs, and the Armenian Government encourages, a strong opposition. We need an opposition which will hold our gov-

ernment accountable and represent a true and constructive alternative to Armenian voters.

We need an opposition that will make us work 24 hours a day, 7 days a week, not one that polarizes for the sake of polarization or that resorts to threats, violence and extra-constitutional means.

While we realize that heavy burdens rest on the government, our opposition, too, must realize that it is irresponsible to provoke domestic crisis in the float and unrealistic hope that the international community will simply and automatically side up with it because Armenia is a transitional country, where by default it is accepted to believe that in such countries opposition is usually democratic and positive, as the government is authoritative and repressive, which is a fallacy.

It was after President Ter-Petrosian's resignation in 1998 that Armenia met the Council of Europe standards and got accession, dramatically increasing its role with NATO, contributing its share to the international peace and security, signed a very ambitious action plan with the European neighborhood policy with the European Union.

We are today ranked by the World Heritage Foundation and the Wall Street Journal as the 28th most liberal economy in the world among all nations of the world. It was after his rule that banned political parties were re-opened and political prisoners released.

It was after his that local self-administration was empowered and schools were put under elected governing councils, which we believe is a very important element of grass root democracy.

Mr. Chairman, as opposite to parliamentary elections, in Presidential ones the winner takes it all. That is the political tradition.

Ter-Petrosian has opted not to participate in the parliamentary elections in May 2007 and lost the Presidential ones. And still the new President, President Sargsyan, is ready to work with the political constituents mobilized by Ter-Petrosian.

But to be effective, this work has to begin with out pre-conditions, without blackmail and without personal attacks. It should above all be an effort of two statesmen concerned about the future of their nation.

Thank you very much.

**ARMAN GRIGORIAN, SPOKESMAN FOR FORMER PRESIDENT  
LEVON TER-PETROSSIAN**

Mr. GRIGORIAN. 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 over estimated. The crisis in Armenia deepens with every passing day.

The urgency cannot be over estimated also, given the relative indifference with which the strangulation of democracy in Armenia has been met in the West, and particularly in European institutions up to recently.

That indifference and the readiness to tolerate the intolerable in the case of our country has been perhaps the most frustrating development for those of us who until recently had few doubts about the West's commitment to democracy.

Things seem to be changing somewhat, evidenced by the draft resolution of the monitoring commission of the Parliamentary Assembly of the Council of Europe. These hearings are also a step in the right direction.

I deal with the larger number of issues in my written statement, but for the sake of brevity, I'm going to concentrate on only two issues in my oral presentation. First, exactly what has happened in Armenia? And second, how do we resolve the current crisis?

I'm sure I will have an opportunity to comment on the other issues raised in my written statement during the question and answer period.

So what happened in Armenia? On February 20th, 2008, the central electoral commission of Armenia released the preliminary results of the Presidential elections, declaring Serzh Sargsyan the winner with 52.8 percent of the vote.

The OSCE 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, 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 for impartiality and commitment to the rule of law and democracy.

The obviousness and the sheer volume of the violations, however, convinced the people of Armenia that it is their view of their institutions that needs to be revised, and not their skepticism about the claim of victory by the administration's candidate.

Albeit late, the position of the OSCE observer mission began to change and move closer to the Armenian public's view, as well as closer to the reality of what had transpired on election day. The interim report released on March 7th depicted a picture which was far less congratulatory and which left no doubt about the scale of falsifications.

The report documents large-scale intimidation of voters and opposition's representatives, violations of vote counting procedures and ballot stuffing. The indirect evidence of fraud is even more interesting in this report.

We learn from it, for example, that counting was observed in 111 precincts. Seventeen of them, which is more than 15 percent, were assessed to be bad or very bad.

Even if this number has a 5-percent sampling error, and only 10 percent 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 electoral commission's announcement of a first-round victory for Serzh Sargsyan, because the 50 percent barrier between 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 that 95 precincts had a voter turnout exceeding 90 percent. But 44 out of these 95 had a voter turnout exceeding 95 percent, and higher turnouts were perfectly correlated with higher numbers for Serzh Sargsyan.

In one precinct 100.36 percent of the eligible voters turned out to vote. One only wishes that Jon Stewart would be commenting on Armenian elections as well.

What we should also remember is that the falsification of the elections did not start on February 19th, 2008. It had started much earlier when the Kocharian-Sargsyan regime decided to turn the Armenian television into a propaganda tool of Soviet vintage and to make it impossible for the opposition to get access to it.

We should remember in addition that Serzh Sargsyan chose not to resign from the post of Prime Minister during the campaign, which is a violation of the Constitution, unless the Prime Minister is also the acting President.

We should remember finally that the Constitutional Courts held hearings to consider the appeals of two opposition candidates during the state of emergency, which severely undermines the authority of that ruling.

Now let us consider the events of March 1st, when the regime attacked the peaceful protesters without even issuing a warning. I will not recount the whole story, since it has been done extensively elsewhere. What I will do instead is pose a few questions in response to the regime's claim that it prevented a coup d'etat and that it only used force in response to violence initiated by the protesters.

Why have the police arrested so few of those who participated in the looting and rioting? Why has no investigation been launched into the killings of the protesters on March 1st? Indeed, why did Kocharian, the outgoing president, promise that there would be no investigation into the actions of the police that day?

Why was the police so intent on confiscating old video and photo equipment from journalists or anybody who happened to be documenting what was happening on that day? How can one explain the footage of men dressed in civilian clothes, receiving weapons from officers of the Armenian army?

Many other 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 matter. What we do insist on is an independent international investigation of the events of March 1st. Establishing the fact is critical, and if the regime is as confident in its interpretation of the event as we are in ours, then it has no reason to oppose the idea.

Let me turn now to the Armenian opposition's views on how to get out of this impasse.

In its otherwise very good recent report, 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, for the deadlock.

The regime also blames the situation on our radicalism and intransigence, trying very hard at the same time to convince the international community that it is seeking negotiations, reconciliation, reduction of tensions and other good things.

Let us look at the record. The regime declared the end of the state of emergency 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, as Mr. Bryza has pointed out.

The regime claims to seek dialogue, but it has arrested over 145 people, most of them on trumped-up charges. It claims to have lifted the restrictions on free speech, but it orders the tax police to check the books of oppositional newspapers.

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.

Now, we understand that we 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. We will begin negotiating after that.

That would be a good start, but any further dialogue will be doomed if the regime refuses to allow an international investigation into the events of March 1st and if it refuses to repeal the newly adopted constitutional amendment to the law on conducting meetings, assemblies, rallies and demonstrations.

I am happy to hear that it is being reconsidered now.

We also cannot tolerate any longer the Orwellian state of our information market. The regime will have to grant a broadcasting license to the independent A1+ channel and stop harassing the independent Gala station. In fact, speaking of ongoing compromises and good gestures, I found out that the Gala has been shut down recently—yesterday, I believe. A1+ has been shut down for several years now.

Only after these steps are taken, a process of negotiations to get the country out of the current crisis can begin in earnest. I would like to emphasize, 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, which has been the central theme of our campaign, will have to be the purpose of these negotiations in one way or another, or the negotiations will have no purpose.

Unfortunately, we're 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 a lawful and peaceful political struggle bear fruit? 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 United States 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. Thank you very much.

Mr. HASTINGS. Gentlemen, I very much appreciate both your testimonies. Congressman Smith was late for an appointment, and that's the reason that he left. And he wished to extend to you that he would like very much to have been able to ask some questions.

Because of the delicacy of the matter, my inclination is to submit to both of you and to your respective alliances questions in writing, for fear of exacerbating the very obviously complicated and protracted situation.

It may not sound relevant, nor was it in preparation for this hearing, that I read two books that interested me about Armenia and Azerbaijan and Turkey. One was *Middlesex* and the other *The Bastard of Istanbul*. If anyone has not read them, then I suggest to you they are good reading, and notwithstanding ideological beliefs.

Let me just pose to you the awesomeness of the responsibilities of those of us here in Congress have and how it is that sometimes well-intentioned people in countries on both sides, or on all sides, find it difficult when we do not take sides. And when you take sides, it seems that you agitate and aggravate the situation a great deal more.

And as one who has visited Yerevan and Baku, as a person that has worked now for 9 years on the subject of Nagorno-Karabakh, I personally find it frustrating that the citizens in both countries and the leaders of both countries expect—and I'm speaking for myself, no one else—each time I meet with the leadership.

And I have in my capacity as President of the Parliamentary Assembly, I was the lead election observer for the OSCE in Azerbaijan, and I have been in that region in the Caucasus with the greatest hope that the people will lift themselves up.

I use sometimes in this forum the fact that in America I grew up, having been born in 1936, in the halcyon days of segregation in this country. And little would it have it been expected that a child that had hand-me-down books, rode a school bus 30 miles each way, did not have libraries or cafeterias, past three White high schools on my way to school, would have an opportunity to eventually become a judge and a congressperson and to go on and become the only American to serve as the President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe.

That took a lot of patience. And that took a lot of give and take. And somewhere along the line, people of reason, people of enlightenment, people who—and I suggest both of you that are in this room—all love Armenia, all want to see success.

This institution that I serve in bases itself on the art of compromise. By and large, it becomes more and more difficult when the pressures are brought to bear by each side on issues that we really do not have clarity about.

Let me just cite without asking a question. What would be hard questions for both of you?

As you well know, Mr. Sargsyan, on April 9th the European Union called for the full restoration of political rights in Armenia and noted, as you pointed out in your testimony, that the Venice Commission and ODHIR concluded that the amendments adopted on March 17th to the law on conducting meetings, assemblies, rallies and demonstrations unacceptably restrict further the right of assembly in a significant fashion.

In President Sargsyan's inaugural address, he spoke of the need for limitations. I'm not clear, and as a lawyer, I wonder what limitations of fundamental rights did he have in mind? And how, then, do you proceed to have overall liberal democracy, if you're going to restrict a democracy?

And in all fairness to Armenia, the debate is going on in America, centered around yet another kind of law dealing with the intervention of the government into fundamental rights of citizens as it pertains to gathering information to fight terrorism.

So we are kind of constrained by our own circumstances as to openness and the balance that's needed between the executive and the people.

Now, if I were to turn to you, Mr. Grigorian, and leave you with hard questions that I'm not asking you to answer today, I followed pretty carefully, as did the outstanding staff here at the Helsinki Commission, as I know you know that Matt Bryza and others at the State Department did, the aftermath of the elections, particularly the events of March 1st and the run-up to the election.

All of us note that Mr. Ter-Petrossian and his followers complained bitterly about Mr. Kocharian and Sargsyan and accused them of rigging elections and authoritarianism and corruption.

Now, one need not live but just a little while to remember the 1996 election, and the acknowledgement of the then internal minister that the election results were rigged, which by any logic would question the moral authority of Mr. Petrossian to raise questions about rigged elections.

I don't want to be critical of my own government. I said humorously, but meaningfully, that I come from Florida. And it's very difficult to accept election results that took place. All of the things that most of you saw and heard—the hanging chads and the butterfly ballots—that was in the constituency that I represent.

But to turn again to you, if you have proof that people are political prisoners, then that proof needs to be put forward. And if you would but just tell Mr. Petrossian for me, when he accuses people of murder, you full well ought to be able to back up what you are saying.

And then, if I turn to you, Mr. Sargsyan, and you tell me there are no political prisoners, then I will tell you that you're out of your ever-loving mind—because there are. And Matt Bryza only in diplomatic terms brought it to bear in calling for the release.

A good starting point for any kind of relief for everybody is to release anybody that was put in jail because they protested. You're looking at one that went to jail 13 times in his life protesting. And I know what it means to be behind bars and being wrongfully held because my rights were denied.

Now, all of you all need to get grown up and make Armenia whole. That's what needs to happen. It doesn't need American

intervention or European intervention. What it needs is Armenian citizens to come to terms with their own reality and to move your nation forward.

And then it makes it much easier, then, for me and others who will argue for appropriations for infrastructure and for economic development and for all of those things, if we know that human rights are protected, if we know that civil liberties are protected, if we know that media rights are protected.

We'll leave with that in the hopes that one of the things that I'm fond of saying at the conclusion of speeches—and I didn't mean to come here this way, but I listened to the two of you, and I know that you have supporters in each of you and others, all who I believe genuinely love their country, and I thought it best that I not try to get into gamesmanship with you or got you or permit either of you to go the route of gotcha.

And how I conclude many of my speeches that are very forthright—and a lot of people don't like it in my constituency and among those that are in my race and whatever when I tell them the truth—what I've said to you I mean heartfelt.

I will work hard, as I have, to try to help Armenia. But I'm not so sure that I will do it from either of your vantage points. I will do it from an Armenian vantage point, not from the vantage point of one side against another side. All of you have good points, and all of you have bad points. So if I've offended you, it's deliberate.

The hearing is concluded. [Applause.]

[Whereupon, at 3:52 p.m., the hearing was adjourned.]

## APPENDICES

### **PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Ladies and gentlemen, welcome to this hearing on "Armenia after the Election." 2008 has already gone down as a memorable year in the Caucasus. Some of you may have attended our February hearing on the Georgian election, which was also controversial. We will see in the fall how Azerbaijan's presidential contest turns out.

As everyone here knows, the reemergence last year into the political arena of former President Levon Ter-Petrossian energized what seemed like a quiet campaign with a predictable outcome. The unusual circumstances of his departure from office in 1998 undoubtedly helped produce the heated rhetoric that followed his entry into the race.

Ultimately, according to official tallies, Prime Minister Serzh Sarkissian won the February 19 election with almost 53 per cent of the vote. Levon Ter-Petrossian got about 21 per cent, with two other leading politicians who campaigned as opposition candidates winning over 16 and six per cent, respectively. The OSCE observation mission noted the need for further improvements but concluded that the election had by and large met international standards.

Nevertheless, Levon Ter-Petrossian and his supporters charged fraud and organized an ongoing demonstration in Yerevan's central square. The protests continued for days, attracting considerable crowds, until March 1. At that point, according to the authorities, some of the demonstrators sought to stage a coup d'etat and law enforcement agencies had to restore order by force. In the ensuing state of emergency, independent media were shut down and rallies banned.

The demonstrators, for their part, reject official allegations of violent intentions or actions. They accuse the authorities of brutally attacking a peaceful assembly protesting the theft of the people's will.

Wherever the truth lies, the confrontation resulted in at least eight fatalities and many injuries. That was most regrettable. I understand that in the last few days, two more people have died. Allow me to express my condolences to all the victims' families.

The OSCE Chairman in Office condemned the violent crackdown. Other international organizations and foreign capitals followed suit, forcing Yerevan to defend itself to a skeptical international community.

Subsequently, two prominent opposition candidates reached agreement with Serzh Sarkissian to join forces. The four parties in this coalition represent, according to the figures provided by the Central Election Commission, about 75 per cent of the electorate.

Nevertheless, tensions remain high. The state of emergency was officially lifted on March 21 but restrictions on freedom of assembly continue in effect, drawing criticism from the Council of Europe

and the OSCE. And while Serzh Sarkissian has been sworn in, some opposition leaders refuse to recognize the election's outcome. About 100 people imprisoned after March 1 are still in jail. Perhaps most important, Armenian society seems to be split into pro-government and fervently anti-government camps.

This chain of events has caused serious damage to Armenia's reputation. The purpose of our hearing is to examine the ramifications of these developments for Armenia and the United States. What should we conclude about the credibility of the official election results? In that connection, what can we say about the state of democracy in Armenia? And how can we in Congress and the Executive Branch help Armenia overcome the obvious problems it is encountering on its path to democracy?

Of special interest are the implications for the ongoing OSCE negotiations on Nagorno-Karabakh and Armenia's qualifications for U.S. assistance from the Millennium Challenge Account.

Our three witnesses, representing the U.S. Government, the Armenian Government and the Armenian opposition, will give us critical perspectives on these issues. For now, I would like to turn to my colleagues, for any remarks they may have.

**PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. Chairman, thank you for convening this very important hearing. Having followed Armenia for years, having had close relations with the Armenian community in Maryland, and having enjoyed its support, I am deeply dismayed by the developments of the last two months. I am especially saddened by the death of eight people in Yerevan on March 1—I extend my sympathies to the victims' families and friends.

It seems indisputable that the post-election violence, as well as the embittered tenor of the campaign, reflect deep divisions in Armenian society. As elsewhere in the former Soviet Union, opposition parties accuse the authorities of rigging elections and using their control of law enforcement agencies and the judiciary to retain power. The authorities, for their part, claim that opposition parties too unpopular to win at the ballot box are prepared to use street rallies to come to power by unlawful means.

It sometimes seems to me that the gap between these perspectives and their adherents is unbridgeable. Nevertheless, that is clearly the first priority of Armenia's new President, Serzh Sarkissian, who said in his inauguration address that reconciliation is essential.

That is certainly the case. I wish Armenia every success in overcoming this difficult moment. We in the United States have an important stake in that success and I hope our witnesses will give us guidance on how best to promote the reforms that are necessary for the country to realize its great promise.

Before concluding my opening statement, I would like to take note of something that happened during the campaign that was deeply disturbing to me personally. I have received reports that on February 14, H2, a pro-government TV station, broadcast a "documentary" that accused former President Ter-Petrosian—whose wife is Jewish—of being a Zionist agent in a crude attempt to discredit the protesters by intimating that they were involved in some sort of Jewish-Israeli plot against Armenia.

Apparently, someone in a position of influence decided that blaming the Jews for political controversies in Armenia would be helpful—despite the fact that there are only a few hundred Jews in the entire country.

Let me say to the representatives of Armenia's government present here today that I never thought I would see this sort of anti-Semitic hate in Armenia. I intend to be in further contact with the Armenian Embassy, and with the State Department, to inquire more deeply into who in Yerevan might have been responsible for this reprehensible action.

Mr. Chairman, I look forward to the testimony of our witnesses.

**PREPARED STATEMENT OF HON. MATTHEW BRYZA, DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND EURASIAN AFFAIRS**

Thank you, Chairman Hastings and Members of the Commission, for organizing today's hearing. I am honored to be with you today. We respect and appreciate the Commission's sustained commitment to human rights and democracy across Europe, and are grateful to you, Mr. Chairman and other members of the Commission, for your leadership and collaboration in support of democracy in Armenia. We welcome this opportunity to discuss with you the recent elections in Armenia and their ramifications for Armenia and U.S.-Armenian relations.

The U.S.-Armenian relationship is firmly rooted in our shared values: a belief in basic human rights and liberties, in human dignity and in the importance of democracy as both a guarantor and product of freedom. Throughout history, the Armenian people have shown their resilience and determination to weather great adversity. They have always managed to find strength in their community; through democracy, they have found a powerful vehicle to shape their future. Armenia was the first republic in the Soviet Union to stand up for independence, in massive public protests, in a movement that spread throughout many of the other Soviet republics.

Given the values that we and Armenia share, it is with great concern for all the people of Armenia that we have followed the unfortunate events of the past few months. We see the serious irregularities in the recent Armenian presidential election and the election's violent aftermath as a significant setback for Armenian democracy. We deplore the killing of at least eight Armenian civilians and two Armenian policemen on that tragic day. Although we may never know who was ultimately responsible for triggering the violence in Yerevan on March 1, we condemn the devolution of a peaceful protest into violence. It is the responsibility of the government to avoid the use of lethal force even when peaceful protests descend into violent clashes.

We are disappointed Armenia found itself in such a tense situation, in which civilized dialogue did not prevail, and which resulted in a post-election tragedy unprecedented in the South Caucasus. Restoring democratic momentum requires the government of Armenia to ensure that all Armenians enjoy the right to express peaceful dissent in line with international standards; democracy also requires all Armenians to exercise that right in accordance with the rule of law.

Even as we lament this loss of life and the troubled election, we must also look ahead. What happens in Armenia matters to the United States. We have vested interests in Armenia's security, regional economic integration with key partners, and above all, in the freedom of the Armenian people to exercise their internationally recognized human rights to shape their own future.

On security, our partnership with Armenia has been fruitful on many fronts. Armenia has sent troops to Iraq and Kosovo; the Armenians have been partners in counterterrorism and in preventing the proliferation of weapons of mass-destruction; working together, we have helped Armenia improve its border security. Armenia has



approached us to partner on the prevention of pandemics and other biological threats. Armenia has excelled in implementing its Individual Partnership Action Plan with NATO, in the context of a policy of “complementarity” that allows Armenia to deepen its ties to the Euro-Atlantic community and maintain its historically close relations with Russia.

Speaking as a Minsk Group Co-Chair nation, the single most important step toward bolstering peace and prosperity in Armenia as well as Azerbaijan would be a peaceful, just and lasting settlement of the Nagorno-Karabakh conflict. During the past two years, the parties have moved closer than ever to a framework agreement based on a set of Basic Principles developed through intensive negotiations. The Minsk Group Co-Chairs remain fully committed to helping Armenia and Azerbaijan finalize these Basic Principles, and hope to see a meeting in coming months between Presidents Sargsian and Aliyev. The Co-Chairs support the territorial integrity of Azerbaijan and hold that a peaceful settlement requires a negotiated compromise on the issue of Nagorno-Karabakh’s future status.

Armenia lies at a crucial geographic crossroads, with Russia and Georgia to the north, Iran to the south, and closed borders with Turkey and Azerbaijan to the west and east. We would like to see a normalization of Armenia’s diplomatic and economic relations with Turkey. That would mean a resumption of trade, the expansion of electricity and transportation ties, and greater access to regional markets. Normalization of Armenia’s relations with Azerbaijan would also provide impetus for Armenia to scale back its energy cooperation with Iran. We call on Armenia to reinforce the international community’s demands that Iran abide by UN Security Council Resolutions demanding that Iran cease its nuclear enrichment and weapons development programs.

Finally, and perhaps most germane to today’s hearing, we should note the vast amount of work and resources we have invested in helping Armenia achieve internal reform to advance democratic and economic freedom. There have been successes. We have helped Armenia reduce rural poverty and achieve double-digit rates of economic growth. We will continue to work with a flourishing civil society to promote democracy and protect fundamental rights. Armenia’s receipt of a Compact from the Millennium Challenge Corporation (MCC) was a powerful signal of our conviction that Armenia was moving in the right direction on democratic and market economic reform. We are disappointed that the results of that reform effort have been mixed—and in the wake of the tragic violence that followed the February election—below the MCC criteria.

There were some positive signs before the election, such as the invitation of a robust election observation mission from OSCE’s Office of Democratic Institutions and Human Rights (ODIHR), and certain electoral reforms. However, our worries began during the lead-up to the Armenia’s February 19th poll, when we noted that the media environment appeared biased, with the state media vilifying controversial former President Levon Ter-Petrosian and other key opposition candidates. Media outlets that provided balanced or favorable coverage to opposition candidates faced intimidation and harassment. This was the case with our own Radio Lib-

erty broadcasts. Opposition-supporting Gala TV continues to be investigated, ostensibly for tax reasons, in what was widely seen as a government move to silence coverage viewed as unfavorable to the ruling party. Furthermore, international observers alleged misuse of “administrative resources” before and during the campaign and subsequent election.

The elections themselves, while originally deemed by ODIHR to be “mostly in line” with OSCE standards, were later seen to be marred by credible claims of ballot stuffing, intimidation (and even beatings) of poll workers and proxies, vote buying, and other irregularities. Recounts were requested, but ODIHR observers noted “shortcomings in the recount process, including discrepancies and mistakes, some of which raise questions over the impartiality of the [electoral commissions] concerned.” OSCE observers were also harassed in the period following the election.

Mass protests followed the disputed vote. For ten days, crowds of up to 100,000 people gathered in Yerevan’s main square day and night. The United States and others pressed continuously during the demonstrations for the Government of Armenia to refrain from violence, and for more than a week the authorities allowed the protests to continue. However, within hours of formal assurances by the Armenian Ministry of Foreign Affairs that the Government would avoid a confrontation, police and military entered Freedom Square on March 1, ostensibly to investigate rumors of hidden weapons caches. At some point, clashes erupted between demonstrators and security personnel and continued throughout the day and evening, leading to at least ten deaths and hundreds of injuries. Mr. Ter-Petrossian was taken to his residence by security forces, where he appeared to remain under de facto house arrest for weeks. A State of Emergency (SOE) was declared in Yerevan. Freedom of assembly and basic media freedoms were revoked. Opposition newspapers were forced to stop publishing and news websites were blocked, including Radio Liberty. The government then filled the information void with numerous articles and broadcasts disseminating the government version of events and attacking the opposition.

This was followed by mass arrests of opposition activists, especially demonstration organizers. Other people are in hiding; some have fled the country. Numerous activists have been imprisoned on questionable charges, inviting the assumption that the arrests were politically motivated. Of the cases that have come to court, several defendants have been given harsh sentences for seemingly small offenses.

Shortly after March 1, I spent several days in Yerevan, meeting with all sides, including many hours with then-President Kocharian, President-elect Sargsian and Mr. Ter-Petrossian. Since then, we have sought to foster dialogue between the parties with the aim of restoring full freedom of speech and assembly, and securing the opposition’s pledge to ensure protests will remain peaceful. We have sharply criticized the government’s crackdown and call for the immediate release of all those who have been detained for political reasons. The CEO of the Millennium Challenge Corporation, Ambassador Danilovich, sent a public letter to President Kocharian warning that the March 1 events threatened Armenia’s

eligibility for MCC funding absent a demonstrated commitment to democratic practices.

The past month has seen some signs of progress. The Armenian government allowed the SOE to expire after 20 days, which allowed re-establishment of most media freedoms. However, many of the SOE's restrictions were hastily written into law before the SOE expired, giving the government vast latitude to prohibit and prevent gatherings and protests. The Venice Commission and the OSCE/ODIHR Expert Panel on Freedom of Assembly deem these legislative developments as unacceptable and excessive restrictions on the right of assembly contrary to the European Convention on Human Rights. Furthermore, Armenia's tax authorities have recently begun intimidating investigations of four opposition newspapers.

As recently as late March, surreal scenes played out in Yerevan's streets, as protesters, intently engaged literally in nothing, reading newspapers, or just standing along downtown Yerevan sidewalks in a form of quiet protest against the new laws, were randomly snapped up by police and taken in for questioning.

While the military presence on the street has significantly diminished, the police presence remains heavy, and reports of intimidation and arrests of opposition activists continue, and have spread to the provinces.

How do we move forward? We condemn the March violence and anyone who would seek to use violence for political gain. We call for the impartial investigation and prosecution of anyone who used violence, on either side. We seek full restoration of all basic freedoms in both law and practice. We seek a national dialogue between the government, opposition, and civil society leaders to chart new electoral reforms and perhaps conclude a "contract for democracy" that will ensure freedom of assembly in exchange for a pledge to protest lawfully and peacefully. Those who have been arrested for political reasons must be released. And we seek renewed and dramatic steps by the Government of Armenia to resurrect democratic reforms that the past two months demonstrate are so vitally needed.

Banning demonstrations will not quell the anger of the aggrieved. Silencing the voices of dissent will not achieve unity of opinion. Crippling the institutions of democracy will not achieve lasting stability. We have reiterated these truths to President Sargsian, we believe he has heard them, and we hope the leadership of his government will bear this out.

I attended President Sargsian's inauguration last week in the spirit of our commitment to working with the Armenians through this difficult period. President Sargsian outlined a hopeful vision in his inaugural address of renewed reforms and pursuit of a national climate of tolerance. We hope Armenia's new President will indeed hear and address the grievances of the Armenian people and exert his leadership to restore Armenia's democratic momentum. We look forward to working with him and many others to create a lasting foundation for democracy in Armenia and peace and stability in the region. Thank you for the opportunity to appear before you today; I look forward to your questions.

**PREPARED STATEMENT OF ARMAN GRIGORIAN, SPOKESMAN  
FOR FORMER PRESIDENT 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,"<sup>1</sup> 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, 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 can-

<sup>1</sup> OCSE/ODIHR, 20 February 2008. Available at [www.osce.org/odihr/item\\_1\\_29779.html?print=1](http://www.osce.org/odihr/item_1_29779.html?print=1).

didate.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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!<sup>5</sup>

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 published by the government of the Repub-

<sup>2</sup> Ter-Petrossian'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.

<sup>3</sup> The report is available at [http://osce.mobi/documents/odihr/2008/03/30090\\_en.pdf](http://osce.mobi/documents/odihr/2008/03/30090_en.pdf).

<sup>4</sup> *Ibid.*, p. 7.

<sup>5</sup> *Ibid.*

lic 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 Alplus 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?<sup>6</sup> 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

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<sup>6</sup>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."

what they claim is consistent with reality. That is not how the Armenian police behaved.

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 KocharyanSargsyan pyramid.<sup>7</sup> 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 speak of democracy, pluralism, the rule of law, economic progress, "second generation reforms," and other pleas-

<sup>7</sup>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.

antries Western diplomats and journalists so like to hear. What 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."<sup>8</sup> 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.

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<sup>8</sup>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 Alplus, 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.

**WRITTEN MATERIAL SUBMITTED FOR THE RECORD BY THE  
GOVERNMENT OF THE REPUBLIC OF ARMENIA**

**I. INTRODUCTION**

The Government of the Republic of Armenia recognizes that violent clashes between demonstrators and the police during riots, introduction of a state of emergency and imposition of even temporary limitations on rights and freedoms of citizens in an OSCE member state cannot be perceived as “business as usual”. It is not a normal state of affairs for Armenia either.

The decisions taken by President Kocharyan during the difficult days following March 1st were painful ones, motivated by the need to restore order and prevent a further escalation of violence and even more casualties, while also seeking, to the extent possible during these tense times, to put in place a durable foundation for constructive post-election political dialogue among all the key stakeholders in Armenia’s democracy.

The use of force was considered only as a last resort, as the only tool left to us to prevent civil unrest that would shake the pillars of new and growing democracy. The loss of life that resulted from this decision represents a source of profound regret and remains a deep wound that will take time and care to heal. This was a tragedy for all Armenians.

The scope and effectiveness of use of force by the police during those events are being fully assessed through a comprehensive investigation by the law enforcement agencies of the Republic of Armenia. Armenia would also welcome a further more-inclusive independent inquiry of events, through the use of existing political institutions and mechanisms in Armenia, which may include international participation. We hope that such in-depth investigations and inquiries will address numerous questions which remain outstanding among the greater public with regards to those events. We are committed, based on the conclusions of this examination, to putting in place safeguards to prevent similar situations in the future.

The Government of Armenia welcomes this effort by the US Commission on Security and Cooperation in Europe to explore the circumstances of the post-electoral developments and their implications for Armenia-US relations. Armenia greatly values its longstanding and extensive cooperation with the Government of the United States of America, and is genuinely interested in sharing with all interested parties in the United States its view regarding the events that occurred in Yerevan after the Presidential elections, as well as possible resolutions, intended to returning the country to its ongoing process of democratic progress, wherein Armenia has registered significant strides in the last decade.

This hearing provides yet another opportunity to extend a hand of cooperation to a faction of the political opposition mobilized by one of the contestants of the Presidential ballot, the former President, Levon Ter-Petrossyan. Unfortunately all such attempts in the past, including public offerings of cooperation and dialogue initi-

ated by the President Serzh Sargsyan<sup>1</sup> have been rejected by Levon Ter-Petrossyan and his associates.

## II. ASSESSMENT OF THE ELECTIONS

Notwithstanding shortcomings in Armenia's developing electoral process, the 2008 Presidential Elections in Armenia were a legitimate expression of the will of the people.

Domestically the results of the elections were duly published by the authorized body—the Central Electoral Commission of the Republic of Armenia on February 24, 2008. The Constitutional Court, after examining the complaint filed by two Presidential candidates—Mr. Tigran Karapetyan and Mr. Levon Ter-Petrossyan—on March 8th issued a verdict to validate the decision of the Central Electoral Commission, and according to the Constitution of the Republic of Armenia, the said decision of the Constitutional Court is final and binding. 7 out of 9 justices of the Constitutional Court of the Republic of Armenia were appointed by Ter-Petrossyan and his parliamentary majority in years of his Presidential tenure.

Internationally, elections were monitored by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) the International Observation Missions (IOM) of which included observer groups from the Parliamentary Assemblies of OSCE and Council of Europe, as well as of the European Parliament. The IOM was present on ground with over 350 observers, who monitored all Territorial Electoral Commissions (TECs). The IOM concluded that the elections “mostly met international standards”. Most of the shortcomings reported by the observers mirrored those identified by the CEC and the Office of the Prosecutor General.

### *1. The electoral tradition in the Republic of Armenia has been progressively improving.*

#### a. Legislation:

Since 1995 international institutions, including the Council of Europe (COE), and since 1996 the OSCE/ODIHR, have been in close cooperation with the Government of the Republic of Armenia with the common mission of improving the electoral legislation and practices. A number of effective programs have been implemented through funding provided by the Government of the United States, in cooperation with the CEC, and with the involvement of International Foundation for Election Systems (IFES) and other election-focused organizations. After the 2003 Presidential and Parliamentary elections, a major review of the Electoral Code was undertaken. The amended Code incorporated virtually every recommendation of the COE Venice Commission and OSCE/ODIHR, which were communicated to the Government of the Republic of Armenia in a joint opinion of those two institutions. The amended Code is considered by these institutions as “creating a sound basis for the conduct of democratic elections.”<sup>2</sup>

<sup>1</sup> See public speech on February 26th, Inaugural Address and Remarks at the Inaugural Reception on April 9th enclosed under Annexes 1, 2, and 3.

<sup>2</sup> See Final Joint Opinion on Amendments to the Electoral Code of the Republic of Armenia by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) adopted by the Venice Commission at its 70th plenary session (Venice, 16–17

The Government of the Republic of Armenia intends to continue its efforts aimed at further improvement of the Electoral legislation and in that it will be seeking contribution and support of all interested international partners.

b. Practices:

Proper implementation of the electoral legislation is the key to conducting free and fair elections. The 2007 Parliamentary elections marked a serious departure from previous track record, and the elections received a positive assessment of the international community as 'largely meeting international standards'. Between the 2007 Parliamentary and 2008 Presidential elections the Government of the Republic of Armenia has undertaken some major steps in improving the electoral practices, many noted by the OSCE/ODIHR reports.

- A major breakthrough has been achieved on the quality of voters' lists, which traditionally is a weak point in the elections held in most emerging democracies.
- Extensive training programs covered ALL members of ALL commissions across the country. This resulted in a major improvement in the speed of counting, quality of tabulation and posting of the results in the relevant PECs.
- In a significant step toward greater accountability, following the 2007 Parliamentary, and particularly during the last Presidential elections, numerous criminal cases were instigated against those members of the Precinct and Territorial Electoral Commissions, whose actions constituted breaches of the Electoral Code. A special working group, established by the Prosecutor General's office, has been tasked to examine and actively pursue any information dealing with election violations, whether directed to the office, or made public through other means, including the mass media. 38 criminal cases have been instigated. On ten of them courts have delivered conviction sentences. Three cases are still pending court verdicts. In three cases criminal charges were dropped and in seven cases have been suspended by the office of the Prosecutor General. On fifteen cases investigation is underway.
- Voter education was significantly improved. Public service announcements, commissioned by the CEC, were widely broadcast by all electronic outlets, informing voters of the election date, their rights, as well as about moral and legal consequences of seeking to manipulate the elections. The high voter turnout (70%) can clearly be attributed to such proactive and targeted voter education programs, as well as a highly competitive campaign, precipitated by the proper implementation of administrative and electoral legislation.
- Throughout the pre-election campaign period there have been no cases of interference by the police in numerous public rallies, which were organized by the presidential candidates
- Media has been one of the key issues. While the situation with media coverage of the campaign attracted different views and opin-

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March 2007), Final Report on Parliamentary Elections in the Republic of Armenia, May 2007; Needs Assessment Mission and 1st Preliminary Report on Presidential Elections in the Republic of Armenia, February 2008, all available at [www.osce.org/odihr/](http://www.osce.org/odihr/).

ions, it is obvious that there has been a major progress in coverage compared to all previous elections. An overall positive evaluation of the media coverage was given by the media analysis report prepared for the European Foundation for Democracy by Brussels-based Echo Research.<sup>3</sup>

The Government of Armenia fully realizes that the administration of free and fair elections is a process, measured against internationally (OSCE) adopted benchmarks. We are committed to this process, and as demonstrated by the recent findings of the international observers, Armenia has considerably progressed along this process. We, however, also appreciate that much work lies ahead, and we are committed to the institutionalization of recommendations on election administration, empowerment of all stakeholders, strengthening of the civil society, as well as the engagement of every Armenian citizen in ensuring further progress in meeting our international obligations. In light of this, the Government of Armenia wishes to thank the United States' government for assistance rendered through USAID to the electoral administration and intends to continue its consultations and close cooperation with all international partners interested in advancing democratic elections in Armenia.

In that regard, in order to foster a constructive environment for Armenia's efforts in becoming a full-fledged democracy, it is also essential that our partners focus on the progress made along this arduous process, despite and along with the shortcomings, which we also appreciate. Focusing only on the negatives, and voicing condemnations, without duly recognizing the strides made, detracts from the process and poses a disincentive for the Armenian people. For instance, if counting was evaluated as 'bad' in 16 percent of precincts observed (17 precincts from 104 observed), we must also recognize, acknowledge and appreciate that in 84 percent of precincts observed, no violations were registered.<sup>4</sup> There have been marked improvements since the 1996 Presidential elections<sup>5</sup> when OSCE/ODIHR and this very Commission concluded that the shortcomings and violations registered during observations could have impacted the final outcome; while after the 2008 Presidential elections, the same institutions qualified the elections as 'mostly in line' with international standards. Armenia's efforts towards democracy would benefit more from such recognition by our partners of positive strides, backed by an on-going expert dialogue aimed at a further improvement, rather than the trumpeting of the shortcomings,

<sup>3</sup>The report concluded that the Media were independent of improper government influence in terms of the spread of coverage of all candidates, the airtime and page space given to the front-runners, the platform given to opposition candidates in press articles—more than broadcast items—either, directly communicating that candidate's stance to readers or through the journalist's arguments. The full version of the report is attached to this written testimony.

<sup>4</sup>Despite numerous requests by the Government of the Republic of Armenia the OSCE/ODIHR IOM failed to name the 17 PECs where counting was evaluated as 'bad' or very bad or to cite the exact reason for such an evaluation. Instead the Government was given, as example, 4 such precinct details. A working group established by the Armenian authorities confirmed that in one out of the 4 mentioned PECs there have been no observers present.

<sup>5</sup>In September 1996, the then incumbent President Ter-Petrosyan, was declared a winner, prior to the closing of the polling stations, with a narrow margin of 1 percent over the 50% threshold, as well as in a close tie with the runner-up Vazgen Manukyan, who obtained 41% of the votes, based on the official figures of the CEC. See the Helsinki Commission report on Presidential Elections in Armenia (September 1996).

creating the false impression that instead of progress there has only been regress.

2. *Supporters of Levon Ter-Petrossyan have exhausted legal remedies available to dispute the outcome of the elections, fail to accept the final judgment rendered by the Constitutional Court, and continue to reject dialogue as the path toward national reconciliation.*

In any election, even in the most established democracies, there is a portion of the society which will remain dissatisfied with the election results. However, in those democracies, the recognition and respect afforded by the minority to the majority's will is the catalyst which allows democracies to function properly. Without such acceptance of the results by the minority, every election in every country would turn into an ongoing battle of the political wills. In a small country such as Armenia, where politics is more personal, and where such sentiments can be more easily exploited, candidates, winning or losing, bear a greater responsibility in ensuring that such discontent is not utilized for their personal political ambitions.

#### a. Recount

The Electoral Code of the Republic of Armenia allows for recount procedures per the request of any candidate, his proxy, or a member of the corresponding PEC.<sup>6</sup> Recounts were requested in 158 PECs, of which, within the time limit prescribed by law, 135 PECs (85%) were recounted. This includes 86 recounts in PECs requested by Levon Ter-Petrossyan and "Orinats Yerkir" party (2nd and 3rd runner-up candidates respectively), which is 65% of the total recounts. Only two recounts revealed cases of intended counting and tabulation manipulations. The Chairman of one PEC (9/31) has been convicted by the Court of law to two years prison sentence. With regards to the second case, the Chairman of TEC 13 has been detained, and the court proceedings are pending. In general, the recounts did not reveal any widespread and/or systemic irregularities that would have impacted the outcome of the elections

#### b. Administrative courts

The Electoral Code grants to the administrative courts the authority to adjudicate all disputes arising from the electoral process, in which a participant contests the actions or omissions of the electoral commissions. Not one such complaint has been filed against any PEC or TEC, and there have been no disputes filed with the administrative courts dealing with the conduct of the PECs and TECs. A few applications have been filed dealing with the omissions by the Central Electoral Commission; however those applications were dismissed after a careful examination of the facts.

OSCE/ODIHR observers have noted that the administrative courts they visited before and after the elections appeared well-equipped and prepared to address electoral complaints.

<sup>6</sup> Article 40.2.1 of the Electoral Code.

### c. The Constitutional Court

The Constitutional Court of the Republic of Armenia received applications from two candidates in the 2008 Presidential Elections: Mr. Tigran Karapetyan and Mr. Levon Ter-Petrosyan. Pursuant to the legislation of the Republic of Armenia, the deadline for the publication of the Constitutional Court's verdict was by March 10, 2008. The Court issued its verdict on March 8th, whereby it confirmed the results of the elections. The said verdict, again pursuant to Armenian legislation, is final and binding upon the parties.

With the Constitutional Court's decision, the candidates had exhausted all legal remedies for contesting the elections. The results of the elections were confirmed by the highest court, and the legitimacy of the elected president established. Nevertheless, Mr. Ter-Petrosyan, who declared himself the winner even two weeks prior to the elections, rejects the Constitutional Court's verdict, and continues to try to cast a shadow on the legitimacy of the newly-elected President. Such an unconstructive approach cannot be the basis for any dialogue; in fact it only reinforces the current political impasse.

We continue to seek political dialogue with all parties in Armenia, but continue to face special challenges in finding common ground with a candidate and constituency that, having exhausted all available legal remedies refuses to recognize the legal outcome of the elections and the legitimacy of the elected government. It would represent a disservice to Armenia's electorate to enter into a negotiation based on the factually unsupportable and patently undemocratic premise that, by virtue of assembling street protests, this element of the opposition has earned for itself the right to govern that it so demonstrably failed to win at the ballot box. This would set a dangerous precedent, for Armenia and many other countries in the region.

#### *3. Levon Ter-Petrosyan's Response to Electoral Processes and Results.*

As stated earlier, even two weeks before the elections, Mr. Ter-Petrosyan had declared himself the winner, noting that if the official results did not support such claim, then the elections were rigged. On the voting day Mr. Ter-Petrosyan announced his expectation of to receive 99 percent of votes cast and during a post-electoral rally on the day following the elections, he claimed that his 'real' votes were above 65 percent.

As has been noted in the OSCE/ODIHR report:

Already prior to voting day Mr. Ter-Petrosyan called upon supporters to gather in Yerevan on 20 February for a "victory" or a "protest" rally. From 21 February to early morning on 1 March, protesters maintained assembly in Freedom Square in front of the Opera House. They also held numerous processions. On 21 February 2008, speakers announced that their intention was to reach annulment and repetition of the election. The authorities overall accommodated the protest actions.<sup>7</sup>

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<sup>7</sup>See OSCE/ODIHR post-election interim report, at page 2.



#### a. Illegal nature of rallies

According to Armenian legislation, organizers of a public rally are required to notify the municipality of their intention to conduct a rally. If no restrictions and/or rejections are issued by the municipality within 24 hours from the date of the submission of the notification, the rally is considered as “authorized”. During the last four years (prior to March 1, 2008), the City Hall of Yerevan has not rejected ANY applications for the organization of rallies. Nevertheless, Mr. Ter-Petrosyan refused to submit the legally required notification regarding any of the rallies he conducted, despite numerous attempts by the municipal authorities to alert them to the provisions of law and advise of the representatives of the international community.

When approached by police, organizers of the rallies would claim it was a ‘spontaneous’ gathering (which under relevant legal regulations does not require a notification’), while in their print media they advertised the rallies on a daily basis, every day between February 20th and March 1st through announcements placed in the most visible section of the front-page of newspapers and in fliers and posters.

#### b. Non-peaceful character of rallies

Rallies held by the supporters of Levon Ter-Petrosyan are widely referred to by international observers as ‘peaceful’. The Government of the Republic of Armenia holds a position that there is a major difference between concepts of ‘peaceful’ and ‘non-violent’ rallies. It is true that rallies held by Levon Ter-Petrosyan supporters were ‘non-violent’, i.e., there were no attacks on police, use of force, or any rioting. However, those rallies were extremely aggressive in nature, and definitely not peaceful.

On February 23, 2008, President Ter-Petrosyan announced in a rally that two of the Deputy Ministers of Defense had joined his movement: “the army is with us.” This sounded especially threatening when announced by a former Commander-in-Chief who in 1996 had himself brought army units to the streets of Yerevan (without announcing a State of Emergency) to validate the disputed presidential elections. There were numerous attempts to persuade the “Yerkrapah” Union of Veterans of the Karabagh War to get involved and take a stand in that political confrontation as well. The paramilitary character of that NGO as well as the possibility of possession of illegal arms by veterans of a recent war of self-defense raised serious concerns of public order and security.

Levon Ter-Petrosyan declared the square in front of the Opera House to be his “residence”, and even used the mailing address of that square as his ‘home address’ in his application to the Constitutional Court. His supporters declared him an elected President. He ‘signed’ and ‘promulgated’ a number of ‘Presidential Decrees’ during the public rallies. Levon Ter-Petrosyan announced that he would not leave the square until he was taken from there by the people to the Presidential office on Bagramyan Ave.

Police and the National Security Service officers conducted numerous authorized searches of vehicles and residences of some of Ter-Petrosyan’s key supporters and confiscated significant

amounts of illegal arms and weapons. These facts were reported through and by the mass media in a timely manner.

The rally methodology employed and rhetoric used was extremely aggressive. For example, on January 28 (22 days before Election Day), Levon Ter-Petrosyan and his supporters organized an auto-rally throughout the city of Yerevan. About 100 cars in a single procession violated all traffic rules, attempted to run over a traffic-policeman, and only by chance escaped hitting the Presidential cortege when President Kocharyan was leaving his official residence to participate in the Army Day celebrations.

The non-stop rallies between February 20 and March 1 were held in the very heart of the city, at the square in front of the Opera House. While the political debate usually took place between 3 pm and midnight, the rest of the time the organizers played loud music and organized dancing floors. This disturbed public order in the highly populated center of the city and raised numerous complaints of inhabitants of the nearby buildings.

Meanwhile police showed restraint and while continuing to notify the participants of the rallies of the actions' illegal nature, did not interfere in the conduct of the rallies, and even facilitated the processions.

### III. VIOLENCE AND THE STATE OF EMERGENCY

#### *1. March 1st events signaled a major change in the character and nature of the rallies held by the supporters of Levon Ter-Petrosyan.*

Precipitated by a number of political developments and contrary to Mr. Ter-Petrosyan's expectations Orinats Yerkir Party candidate and 3rd highest vote getter Arthur Baghdasaryan's congratulatory statement to President-elect Serzh Sargsyan and his agreement to join a potential political coalition on the eve of March 1st struck a major blow to Mr. Ter-Petrosyan's activities.

#### a. Search for Weapons in Opera Square

The police and the National Security Service of the Republic of Armenia had received actionable and credible information about the existence of firearms and explosives in the tents at the Opera Square, where the on-going rally was taking place. At approximately 7:00 a.m. on March 1, 2008, when there were about 900 people at the Opera Square, unarmed police officers, without shields and helmets, approached the demonstrators in order to verify the intelligence by conducting a search of the tents. They requested the assistance of the rally organizers in order to organize the said search. The police officers did not intend to remove any demonstrators from the square.

The demand to conduct the search was swiftly followed by an assault by the sit-in participants against the police. The demonstrators started to throw stones, pieces of wood, iron rods, Molotov cocktails, and pre-fabricated "Hedgehogs" made of iron rods. Due to the unpredictability and the nature of the offensive, a decision was made to support the unprotected policemen, as prescribed by law, and to deploy police forces armed with rubber batons, shields and helmets in the vicinity of the Opera in order to contain the un-

wieldy crowds. Police employed only rubber batons. No other special means were used during the action. As a result, the participants of the action were forced out of the square. A search was conducted, which confirmed the intelligence data about weapons and ammunition.

As a result of these events 25 civilians and 6 police servicemen asked for medical assistance. Only 10 of them needed a temporary hospitalization with minor injuries to their health, and were soon released from the hospitals.

#### b. Public Rally Near the French Embassy: Call to Violence

As rally participants fled the scene, they regrouped at the intersection anchored by the French Embassy, and Yerevan City Hall the afternoon of March 1st. National Assembly deputies, the Human Rights Ombudsman, and representatives of city authorities met with the organizers offering them different, more secure locations for a rally, particularly the plaza at the “Matenadaran” area,<sup>8</sup> the “Dynamo” stadium, or, alternatively, the square at the Railroad Station. Some other venues were also offered. However, after initial consent, when the police retreated, the organizers, particularly, Mr. David Shahnazarian and Nikol Pashinian, after contacting Mr. Ter-Petrosyan, received instructions from him to stay at the spot.

In an effort to mediate and to prevent any further development of the violence, the Catholicos of All Armenians, His Holiness Garegin II, and as well as Mr. Paruyr Hayrikyan, a well-known political official and one-time Soviet dissident, offered to meet with Mr. Levon Ter-Petrosyan, however, Mr. Ter-Petrosyan categorically refused to meet with them, and turned them away from his residence.

Organizers ordered the protesters to get stones, iron rods, wooden clubs, and Molotov cocktails. They also recruited their cohorts who possessed firearms and ammunition in order to attack the police forces and to spread the turmoil over the other sections of the capital.

The crowd around the Yerevan City Hall in the afternoon of March 1 was gradually getting uncontrollable. There are video-taps evidencing numerous organized attacks on police and incidents of group assaults on unarmed police officers.

In the evening riots started. The mob attacked the police forces equipped exclusively with rubber batons, shields and helmets with gun fire, Molotov cocktails, iron rods, iron “hedgehogs”, improvised fragmentation explosive devices and hand grenades. The clashes with the police took place 400-1000 meters away from the venue of the rally. The police did not intend to use force or disperse the rally, but rather was at the site in order to maintain public order and to prevent the spreading of the turmoil by the rioters over the other parts of the capital.

In a few hours, small gangs burnt over two dozen private, police and ambulance vehicles, public transportation buses, devastated and looted public and private buildings within the vicinity.

<sup>8</sup>Which is traditionally one of the most popular spots for political rallies, and Ter-Petrosyan supporters have many times used it as their preferred venue.

*2. The State of Emergency Order Imposed the Minimal Limitations on the Rights and Freedoms of the Citizens.*

At 9pm the President of the Republic was briefed about 8 police servicemen wounded with firearms and explosives. One police officer was killed. To prevent further uncontrollable developments and fatalities, the President, pursuant to Article 55, paragraph 14 of the Constitution, after consulting with the Prime Minister and the Speaker of the National Assembly, at 10:30 p.m. declared a 20-day State of Emergency in the city of Yerevan on March 1, which was then duly approved by the National Assembly.

When it became clear that there will be a need to impose State of Emergency, the President instructed that only the absolute minimum limitations should be imposed, which would allow the restoration of public order without affecting the regular life of the city and citizens. The possibility of introduction of a curfew was dismissed immediately.

The declaration of a State of Emergency in Armenia is regulated by the Constitution. In preparation of the State of Emergency order, the Legal Department of the Administration fully considered the limitations prescribed by Armenia's national legislation as well as its international commitments within the OSCE and under the European Convention on Human Rights.

The Presidential decree on the State of Emergency imposed a number of temporary limitations on the rights and freedoms of citizens. Those particularly included:

1. Banning meetings, rallies, demonstrations, marches and other mass events;
2. Banning strikes and other actions that could stop or suspend the activities of organizations;
3. Limiting the movement of individuals and the means for transportation and carrying out inspections by the law-enforcement bodies, as necessary;
4. Mass media outlets can provide information on state and internal affairs exclusively within the parameters of official information provided by state bodies;
5. Banning political propaganda through leaflets or other means without due permission from relevant state bodies;
6. Temporary suspension of the activity of political parties and other public organizations that impede the elimination of the circumstances that served as the grounds for declaring a state of emergency;
7. Removing from a given area those who violate the legal state of emergency regime and do not reside there.

No action was taken under points 6 and 7 of the Order. Within 20 days the President incorporated two sets of revisions into the State of Emergency Order, in order to curtail, as much as possible, any negative impact on the regular life of the population. On the 10th day points 6 and 7 enumerated above were eliminated. On the 13th day the President eased the limitations placed on mass media through a separate decree. While some hold a position that such revisions were ineffective, many media outlets (including Radio Liberty) decided to re-start their broadcast and publication after that.

Attached in Annex 5 are examples of information that would be banned from publication under the revised Presidential Decree.

#### IV. ARMENIA'S COMMITMENT TO A WAY FORWARD

The Government of Armenia is committed to move forward in a constructive, participatory and inclusive manner.

In light of this, we reiterate that no one has been detained or arrested for his/her political views. All charges were brought on specific facts and instances of legal violations. The Republic of Armenia does not hold political prisoners. The preliminary investigation is being carried out by the Special Investigative Unit. All the charges are prescribed by articles 225, 300, 301, 316 of the Criminal Code of the Republic of Armenia. We are committed to seeing a fair, legal, and comprehensive solution to all of the pending cases in the courts of Armenia.

##### a. Law on Rallies

In an attempt to prevent a possible derogation of the situation after the end of the State of Emergency, the ruling party drafted and adopted through the National Assembly amendments to the Law of the Republic of Armenia on rallies and demonstrations. The amendments were drafted upon close examination of similar laws of a number of European states.

Due to the time pressure the amendments were adopted without a prior consultation with the Venice Commission of the Council of Europe, which is usually consulted by the Armenian parliament before adoption of legal texts that can be sensitive in terms of human rights issues. However, immediately after adoption of the text it was forwarded to the Commission by the Chairman of the National Assembly for a further review.

In his Inaugural speech on April 9, 2008 President Sargsyan stated:

Limitations of fundamental rights, however, cannot be absolute, as they would simply render the fundamental right meaningless. Limitations should not undermine the essence of fundamental rights enshrined in the Constitution.

For any limitation of rights and freedoms, including the right to peaceful assembly, we must strike a fair balance between the public order and respect for the rights and freedoms of others, on the one hand, and the right to peaceful assembly, on the other.

Over a short period of time, along with dozens of other laws, we should revisit the legislation regulating the right to peaceful assembly with a view to safeguarding everyone's right to peaceful assembly in accordance with European standards and precluding any public event that is either not peaceful or does not pursue a legitimate aim".<sup>9</sup>

On April 15–16 consultations are scheduled in Yerevan between the Commission and the National Assembly experts to address issues of concern. All recommendations of the experts will be care-

<sup>9</sup>Attached in Annexes 2 and 3 please find the full text of the President's Inaugural Address and remarks at the Inaugural reception.

fully studied in full detail against Armenia's treaty obligations, as well as similar legislation of other COE member-states.

#### a. Independent investigation

A motion has been made in the National Assembly for the creation of an ad hoc parliamentary committee to examine the wider context of events related to the elections and the post-electoral developments. Currently, discussions are underway with various political forces with regards to the modalities.

Last but not least—the timetable for the inquiry. There are opposing opinions that such inquiry can contribute to the improvement or further damage the situation, depending on the speed with which it is launched. Some believe that the inquiry has to follow (chronologically) the legal investigation not to create political pressure on a legal process, while others think that the two should be conducted in parallel.

The authorities of the Republic of Armenia will request the support of internationally recognized experts who would be able to contribute to study of the methodological aspects of application of force by the riot police in similar situations.

#### b. Political Dialogue

The Armenian Government is ready to devote its full energies to promote dialogue, establish public confidence, and foster the growth of a pluralist and open political system. On February 26, days before the unfortunate developments of March 1 President Sargsyan, speaking at a public rally, offered cooperation to all opposition groups, particularly stressing supporters of Levon Ter-Petrosyan.

Later, on April 9th, in his inaugural address President Sargsyan stated:

Although the election campaign was intense and did not do without insults, I wish to thank my opponents for the struggle, with a special thank you to those who accepted their defeat with dignity, those who reciprocated the extended hand of cooperation and accepted the offer to come together to develop the Republic of Armenia. I shall remain committed to all of my campaign promises, and we shall join our efforts in fulfilling them. I am ready to contribute all my strength for an atmosphere of confidence to prevail in our society, for us to overcome any polarization, rough confrontation, and discredit. Alone, no one can turn Armenia into a country of dreams. All structures, various political and non-governmental forces, and civil society need to unite. This is where the President should act as the key actor in uniting the nation, a man who must use all the tools and mechanisms of power available to him in order to promote the best ideas and to preserve, develop, and put to the best use our country's most precious capital, our human resources.

I shall seek means of cooperation with all the political forces. My efforts will focus on achieving the national objectives, strengthening the link between generations, combining the interests of different social groups, ensuring respect for ethnic

minorities, and preserving the Armenian identity. Today, I urge to look forward, together to seek and find the path of reconciliation, that of development for the Armenia of future”.

The President of the Republic of Armenia is willing to engage in dialogue on those issues of concern (including those raised by the opposition) to promote and implement an agenda of political and economic reforms, including those of media and electoral systems, and to find sustainable solutions on those critical issues.

As a symbolic sign of readiness for a dialogue all 8 candidates have been invited to take part in the inauguration ceremony. Unfortunately, Levon Ter-Petrosyan failed to accept that invitation only to circulate a statement, saying: “April 9 is not the end but the beginning of the sacred struggle the political expression of which will be visible to our society soon . . .”<sup>10</sup>

President Serzh Sargsyan’s dialogue with Armenia’s civil society has begun and has already resulted in a signing of a coalition agreement, by which a wide political coalition was established by four out of five parliamentary factions. Those efforts will continue in the coming months and years, and the Government of Armenia believes that only through constructive dialogue, inclusion and tolerance of a variety of constructive ideas and solutions, will we be able to shed light on past events, and learn to make better choices and policies both domestically and internationally.

The Government of the Republic of Armenia stands ready to make good on its commitment in collaboration with all of its allies and sincere partners inside and outside of the Republic of Armenia.

## V. POSSIBLE IMPLICATIONS

### 1. *US-Armenia*

Relations between the Armenian and American people have flourished in the framework of mutual respect and support, and the collaborative partnership of our two countries has seen palpable progress since Armenia declared independence.

Armenia has actively participated in numerous bilateral and multilateral initiatives with the United States, and has enjoyed the continuous support of the United States in strengthening of its statehood. From security and military to military cooperation and from dynamically increasing exchanges in the fields of arts, culture, education and science this has been an exemplary relationship.

Through its foreign policy of complementarity, Armenia has been attempting to accommodate its own national interests with all legitimate interests of other countries in the South Caucasus and beyond. Armenia has been attempting and continues to attempt to bring its own contribution to easing all existing and potential tensions in and around this historically volatile region.

The Government of the Republic of Armenia is a true believer of the idea of regional cooperation and has many times declared that is ready for a full cooperation with all of its regional neighbors without any preconditions.

<sup>10</sup>See attached the whole statement, annex 3.

Armenia looks forward to further its ties with the European Union through the European Neighborhood Policy and highly values its participation in the Euro-Atlantic security system through its involvement in EAPC, dynamically increasing participation in the PfP, obligations, undertaken through IPAP with NATO. Armenia is a proud contributor towards international security efforts in Kosovo and Iraq.

Post-electoral events in Armenia, while very regrettable, do not represent a departure from Armenia's fundamental commitment to democratic development. The Government of Armenia will explore the ways to extend its cooperation with all of its international partners, including the US government, to address the challenges presented by those developments and to work out proper exit strategies for them.

## *2. OSCE MG*

The Government of the Republic of Armenia highly values the political format in which the Minsk Group is designed and believes that it has developed an unsurpassed expert base allowing it to facilitate the ongoing process of negotiations.

The Government of the Republic of Armenia strongly regrets that authorities of Azerbaijan have attempted to take advantage of the post-electoral tension in Armenia to harm the existing negotiations form and content. It also strongly condemns the violation of the fragile cease-fire regime in what Armenia believes to be an inappropriate military probe at the time of an internal instability. We believe, that the post-electoral developments in Armenia do not affect the ongoing negotiations process and calls on all parties involved to continue the discussion on the basis of the document prepared by the co-chairs and transmitted to the parties before the OSCE Madrid ministerial.

The problem of Karabagh is a case of a fight for self-determination. Any solution to the problem shall be based on the principle of allowing the people of Karabagh to decide on the final status of their Homeland. Post-electoral developments in Armenia shall affect neither the format of dealing with that conflict, nor and especially the substance of the negotiations underway.

## *3. MCC*

The Government of the Republic of Armenia has been very scrupulous in selection of its priorities for the Millennium Challenge Corporation program. It has identified and included in the program the poorest, the most vulnerable communities in the country to benefit from projects from water supply to road construction and alike. Moreover, it has placed the MCC projects in a wider context of its political programming. The choices for MCC have been identified on the basis of the Poverty Reduction Strategy Paper, and a wider Rural Development Program implemented by the Republic of Armenia.

The Government of Armenia realizes that events in the post-electoral period have placed Armenia and its socio-political process at the center of attention of its international partners and will do everything to restore country's reputation as a proactively advancing



democracy. To this end, the President has identified a special contact point in the Cabinet, who is responsible for regular consultations with MCC office on the eligibility indicators.

The character of the socially-oriented programs of MCC Armenia creates serious concerns over possible implications in case of withdrawal of MCC support: from possible negative environmental impact, to psychological harm that can be done to the prospective beneficiaries in the neediest communities. Interruption of construction projects will result in serious financial wasting of public funds. The Government of Armenia will do its best to assure its continuous eligibility for the program and its uninterrupted implementation.

## ANNEXES

### ANNEX 1—SERZH SARGSYAN’S SPEECH AT THE FEBRUARY 26TH RALLY

Dear compatriots,

I welcome all of you and congratulate you with the successful conduct of the elections for the President of the Republic of Armenia. Rest assured that we are living through historic times. For the first time in the history of the newly independent Armenia we have succeeded in organizing two consecutive elections, and received positive appraisals in both cases. We enjoy a brilliant opportunity today to resolve issues that loom large before us, we have all the necessary foundations today to look ahead in confidence and wage an unyielding war against all the disgraceful phenomena that exist amongst us.

We are bound together today not only by the elation of victory but also by our concern for the future of our country.

As I speak these words, our soldiers entrenched along the country’s borders are defending their homeland schoolteachers are educating a whole generation in our schools and right at this moment our doctors are healing the wounds of our brothers and sisters.

Today we have come together to heal another wound, a wound inflicted upon our nation’s body by these elections. We have to prevail over this test and we must do everything for this wound to heal as soon as possible. I am saying this with pain in my heart. With pain, because I am weary of seeing only scars on our nation’s body, with pain, since the time is long overdue for our country and our nation to move ahead. With pain, because some people have failed to thoroughly grasp the value of our accomplishment.

The value of democracy.

The value of forming the authorities through elections.

The value of the opinion of the majority.

Dear citizens of the Republic of Armenia, I am grateful to you for the high trust you have placed in me. I swear to do everything to justify your trust with a clean breast.

I assure you that you will never have to regret casting your vote for Serzh Sargsyan in these elections.

I also thank all those who have voted for other candidates. We respect the opinion of our citizens and do not divide the society into “our people” and “theirs” or, as some woeful democrats put it today,

into “us and the scum of the nation.” Fascism and revanchism are alien to us.

Do not doubt that every piece of criticism voiced by the candidates in the course of the campaign will be analyzed in detail. Sound criticism shall be differentiated from spite and shall be factored into our policies. I am certain that this electoral process we have gone through together shall only make us stronger and shall contribute to our country’s further rise and the rooting of true democracy.

From this podium I call on the former candidates and the political forces that support them to let us cooperate. Up to and after the formation of a coalition government. It is my purpose, amongst others, to incorporate all constructive and productive forces to the benefit of Armenia’s development.

Today I want to speak to you about the future of democracy in our country, about the dignity of a person, of every citizen in the Republic of Armenia. Dignity that may only exist in a country where government is formed through elections. Dignity we cannot afford to waste.

You came to own this dignity by participating in the elections. And I address my words of gratitude today to you, all citizens of the Republic of Armenia. I thank you for becoming a part of the vehicle for the development of democracy in our country.

Every victory signifies the end of a quest. For me this victory of all of us is just a beginning. The beginning of triumphs to come, victories of our state, of our entire nation. Through our joint efforts we turn the history of the Armenian people into a story of triumphs that our coming generations shall take pride in. These pages of our history, which we are writing together, shall bear witness only to victories.

I have promised you victories and we have won. I promise yet newer victories and we shall win! We shall defeat poverty, we shall defeat meanness and we shall defeat apathy. Humaneness, compassion, and optimism shall triumph in our country.

Today, however, we witness a different scene. We see the society divided and broken apart. We see an aggressive cluster sparing no means to attain its goal, “to defile,” as they have termed it themselves. We witness a development unprecedented in its danger. Today I do not see a problem of “our people” and “theirs,” no issue of incumbents and opposition. The issue at stake today is that of Armenia, the permanence of our statehood, protection of our values, an issue we have come together here to resolve. And this is why I appeal to all of you, regardless of your political views and your ideological approaches: to overcome this artificial divide introduced into our nation!

Together we shall overcome this divide!

We, each and every citizen of the Republic of Armenia, shall win as will the entire Armenian nation!

I ask you not to succumb to meanness, because it is our sisters and brothers in the other square over there. I am certain that they were driven to the square by a desire to have a better Armenia but alas, they are no longer allowed to notice how they have been turned into an instrument of vengeful and power-hungry aspirations of a handful of people. I am aware how upset you have be-

come these days watching everything that occurs. I know that there are many people today who are ready to go out in the street to defend their vote. I know all this very well. But I ask you to curb your temper and, if you have something to say, let it only be pleas for seeing reality and if you want to revert to action let it be by steps of tolerance and goodness. Please, always remember that it is our sisters and brothers that are out there in the other square.

Dear friends, these elections have demonstrated that we have indeed succeeded in resolving many issues on the way to organizing good elections. These elections have demonstrated that we still have to travel further. First and foremost to increase our trust towards the electoral process.

These elections demonstrated that we have succeeded in establishing the institution of “dignified victory” among us. But these elections also demonstrated that we still have a long way to go towards the formation of the institution of “dignified defeat.”

These elections have shown us that the time has come for “Ahead, Armenia!” The time for tireless work and struggle against disgraceful practices that muddy our life. This has been very well perceived by several individuals, buried in filth up to their eyes, who hurried to trumpet their adherence to ambiguous ideas and the launch of the so-called struggle. Today many describe these people as turncoats, defectors in the camp. I, for one, have a good understanding of their rationale: they know me well, they know that I am not the kind of person to keep tolerating the conduct they have grown to consider acceptable, who will turn a blind eye to the shady aspects of our reality. They know that I shall wipe out brazen behavior, non-payment of taxes, arm-twisting and gun slinging attitudes. For those who could only envision their lives in murky nooks there was no choices left but to flee and start verbalizing off the podium about democracy, something they are as far away from as from the worries and concerns of our people.

What is most unacceptable for me in all this, dear compatriots, is the ignoble stance of a few of my friends in combat, whom the devil succeeded in tempting with promises and foul language. Hypocrisy, groundless aspirations, unrealistic cravings, unfounded demands, these are all unacceptable to me. I have always done this and shall continue, with pain in my heart, but unwaveringly nonetheless, to restrain those who cross the line, lose the sense of reality, regardless of their merit in combat, rank and decorations. Armenia’s interest supersedes everything else.

The presidential elections of 2008 are now history. Positive appraisals have been published of our presidential elections by observers and officials from all European institutions, The Commonwealth of Independent States, and the US State Department. Our pre-election, election and post-election processes were conducted on quite a high level. I assure you that all this was really very important for Armenia.

I am also content that people in our country enjoyed every possibility to freely express their ideas and opinions, hold rallies in the period following the elections. Unfortunately people once again failed to take adequate advantage of their freedoms and once again exceeded all boundaries of correctness, losing the sense of measure.

Nevertheless I shall continue to duly protect the rights of our citizens.

I shall protect the right to freedom of speech. Though free speech does not license slander and foul language.

I shall protect the right of free assembly. Though the freedom to hold rallies does not imply that the metropolis has to grind to a standstill.

I shall protect the right to protest but the right to protest shall not mean that constitutional and other rights of our citizens have to be trampled upon. It does not mean that the right of the majority to form a government must be overridden.

Dear compatriots, sisters and brothers, our presidential elections became pivotal in the history of our newly independent state. As a result of the elections an exceptional opportunity has presented itself in our country to strengthen true democracy. I believe that this seriously contributes to the implementation of our goal of having strong authorities and a powerful constructive opposition.

We are not afraid of strong opposition. On the contrary, we maintain that we may succeed in assuring our country's progressive development only upon the existence of powerful constructive opposition.

I highly value the stability that our nation has acquired at the cost of great suffering. I consider it a historic feat that we have accomplished this through persistent hard work.

Admittedly, economic growth does not immediately translate into improved standard of living for the people, however we may wish it. And yes, overcoming poverty takes time. We have an issue in this country with competitiveness, having to shed for good the oligarchic system that inevitably straddles economies in the post-soviet period. But we are also much stronger today to properly address these issues.

I make a call for co-operation to all political forces and public associations in the country. I reiterate over and over that the authorities are ready to work with all opposition forces in the name of Armenia's development and for the prosperity of the people of the Republic of Armenia.

At the same time, however, I declare with full responsibility that most decisive measures will be taken in the direction of strengthening the existing political stability in this country, maintaining public law and order and assuring the normal functioning of society.

Dear compatriots, we are destined to live in difficult but also interesting times. The dilemmas we are facing mostly have imposed outcomes, for example the choice we had between war and peace. As a result we went to war and came out victorious in the name of peace and progress.

Today we are facing the dilemma of unity versus fragmentation. We are facing the choice between democracy and a takeover of power through force.

We are the defenders of this democracy today.

I assure you that the arsenal of democracy is not exhausted in our country. It is there since very few have had the courage to use it. It is not exhausted because democracy means being able to confidently look straight into the people's eyes. It is not exhausted, be-

cause democracy tolerates no lies or falsehood it is not exhausted because in a democracy one may not re-emerge without asking one's own people for forgiveness.

Democracy means that the rights of our citizens shall be protected. And the right to form government through elections, first and foremost among them. Today we are defending this right. I pledge to protect fundamental human rights. I shall protect them throughout my life.

Today, a week after the elections, I claim that the time for electoral slogans is gone as is the time for campaigning and the time for blame. We are facing different challenges now. We have to translate the expectations of our compatriots into reality, address their grievances and continue to work and create.

The Holy Scripture says: "There is time for everything."

Today is not the time to gather stones. Today is the time to let the stone drop from our lap.

Today is not the time for spite and jaundice. Today is the time for peace.

Today is not the time to draw new watersheds. Today is the time for unity.

Today is the time for work.

Today is the time for new victories.

The time for dignity and democracy.

Today is the time to overcome our disagreements and today is the time for the entire nation to say:

"We are able to withstand any ordeal," and we shall!

"We can move ahead fast," and we shall!

"We can have the Armenia of our dreams," and I give you my word: we shall have it!

So let us move ahead,

Ahead, towards Armenia of new triumphs!

Ahead, Armenia!

ANNEX 2—INAUGURAL ADDRESS BY THE PRESIDENT OF THE  
REPUBLIC OF ARMENIA HIS EXCELLENCY SERZH SARGSYAN

APRIL 9, 2008

Distinguished President Kocharyan,

Your Holiness,

Fellow Citizens of the Republic of Armenia,

Dear Friends,

Today is an extremely responsible day for me. A few minutes ago, I swore an oath to our people to unconditionally follow the provisions of our Constitution. On this historic day, we all swear an oath: I do it aloud, and ask you to do it silently. I am confident that each of you has an oath of your own to serve our fatherland and people.

We all swear this oath for a brighter future of our country, for development, for democracy, for the rule of law, for a stronger and more prosperous Armenia.

May the Lord give me strength to not disappoint anyone of my supporters! May the Lord give us all strength to overcome difficulties, to find the cure for all the problems that worry the dis-

appointed or disillusioned ones, the ones who today need hope, faith, and optimism.

Dear compatriots, dear guests;

I recognize the enormous responsibility I have assumed. I know that I will be the one whom you will consider responsible for everything. I pledge not to avoid the responsibility, the magnitude of which I realized when joining the Republican Party and declaring that I would agree to be nominated for the presidential elections only in case the Republican Party won the largest number of votes in the parliamentary elections. I realize the magnitude of the responsibility now, and I shall recognize it every day for the next five years. I shall bear with honor the responsibility of being the President of all citizens of the Republic of Armenia.

On this day, I wish to thank my supporters, all the individuals that have voted for my program. I am grateful for the confidence. I assure you that together we can improve life in our country. Today, I call for a change. Once again, we are proclaiming a new beginning for change. Everyone must be ready to start change from one's own self.

A part of our people supported other candidates, and I now appeal to them: it was your right to vote for someone other than me, but I do not have the right not to be your president. We should not part, should not create division between various parts of our people, should not disregard each other's concerns and pain, and should not go beyond each other's reach. Even if a wall of misunderstanding stands between us, I urge you to join us in eliminating that wall.

I express my gratitude to President Robert Kocharyan, a man who will have a solid place in the Armenian history, as the decade of his presidency were years of significant achievements for our country, achievements based on which we have set ambitious targets for the future. President Kocharyan has performed an invaluable role in the establishment, advancement, and protection of the Republic of Mountainous Karabagh. I am confident that generations will duly appreciate his service and contribution to the development and strengthening of our statehood.

Dear Friends:

Although the election campaign was intense and did not do without insults, I wish to thank my opponents for the struggle, with a special thank you to those who admitted their defeat with dignity, those who reciprocated the extended hand of cooperation and accepted the offer to come together to develop the Republic of Armenia.

I shall remain committed to all of my pre-election promises, and we shall join our efforts in fulfilling them.

We shall build the Armenia that brings together all Armenians, one that will be the fatherland of any Armenian.

We shall build the Armenia where mutual respect, love, and tolerance will prevail.

We shall build the Armenia where our citizens and families will live and realize their potential in security and dignity.

We shall carry out a proactive foreign policy, and do everything to find a just, peaceful, and favorable solution to the Artsakh issue.

We shall build a strong, proud, and democratic state of Armenia, where everyone shall be equal before the law.

I am confident that you, our fellow Armenians and friends, also hold the key to the success of all of our initiatives. To accomplish this historic mission, I once again urge us to unite. Unity will be the platform for fundamental value creation and progress along the path of democracy and freedoms.

I shall do all of this, because I wish to be a president who will fully implement his program, bring peace and stable development to Armenia, enhance the reputation and image of our country, overcome all of the major problems we currently face, and be capable of foreseeing and responding to all of the potential challenges. This is the type of President I can and shall be.

I am ready to contribute all my strength for an atmosphere of confidence to prevail in our society, for us to overcome any polarization, rough confrontation, and discredit. Alone, no one can turn Armenia into a country of dreams. All structures, various political and non-governmental forces, and civil society need to unite. This is where the President should act as the key actor in uniting the nation, a man who must use all the tools and mechanisms of power available to him in order to promote the best ideas and to preserve, develop, and put to the best use our country's most precious capital, our human resources.

I shall seek ways of cooperating with all the political forces. My efforts will focus on achieving the nation-wide objectives, strengthening the link between generations, combining the interests of different social groups, ensuring respect for ethnic minorities, and preserving the Armenian identity.

I shall encourage a change of attitude towards the intelligentsia in our country. It is long time for the state to treat seriously our culture, scientific and educational potential, and every individual engaged in intellectual and creative work.

I shall make my humble contribution to the strengthening of the Armenian Apostolic Church, which will continue to remain a pillar of the Armenian soul and national identity.

Dear Friends:

This ceremony takes place about a month after painful events, which inflicted wounds that are still fresh. These wounds caused pain and bitterness to all of us. Today, I urge to look forward, together to seek and find the path of reconciliation, that of development for the Armenia of future. I am confident that we cannot have real and tangible success, unless we learn lessons from the past. What happened should teach all of us a lesson of vigilance and sobriety, compelling us to work with greater vigor and devotion.

Unchecked freedom can result in conflict with the public interests and the rights of others. To prevent such conflicts and to reconcile various rights and interests, the state may interfere with the exercise of certain fundamental rights.

Limitations of fundamental rights, however, cannot be absolute, as they would simply render the fundamental right meaningless. Limitations should not undermine the essence of fundamental rights enshrined in the Constitution.

For any limitation of rights and freedoms, including the right to peaceful assembly, we must strike a fair balance between the public order and respect for the rights and freedoms of others, on the one hand, and the right to peaceful assembly, on the other.

Over a short period of time, along with dozens of other laws, we should revisit the legislation regulating the right to peaceful assembly with a view to safeguarding everyone's right to peaceful assembly in accordance with European standards and precluding any public event that is either not peaceful or does not pursue a legitimate aim.

Dear friends:

Our people have given me their vote of confidence, and I must implement my program during the next five years. Our people have confided in me to overcome the challenges faced by our country and to meet everyone's expectations. Five years is a rather short period to do all of this, hence it will be a period of everyday hard work. During this time, we shall manage to do what is possible and beyond, to address the development challenges faced by our country. That is why I consider this ceremonial day a working day for me and my political team.

So thank you, and let us get to work!

Let us get to work, and forward, Armenia!

ANNEX 3—REMARKS BY THE PRESIDENT OF THE REPUBLIC OF ARMENIA, HIS EXCELLENCY SERZH SARGSYAN AT THE INAUGURAL RECEPTION (APRIL 9, 2008)

Distinguished President Kocharyan,

Your Holiness,

Dear Guests:

Perhaps, what I say now will not sound like a toast, but, on this festive day, I wish to speak about the importance of words.

In the pre-election period, we all spoke; much was spoken about the problems our people face, the solutions to these problems, division and unity, and our dream of Armenia.

We have instilled hope in our fellow Armenians, and they now have serious expectations of us.

We have given promises and stated that, unlike some, our promises will not be hollow.

Today, I wish to reiterate everything I have said during the election campaign. For me, the value of words does not change, regardless of whether they are pronounced in a campaign rally or in a friendly circle.

I thank you for supporting me; more than thanking you, I wish to urge you to be persistent and committed to your work in this new period of our partnership, so that all of us together, each one of us in his place, can take this country forward.

The time for making promises is over; it is time to act. Today's slogan is "let us get to work!"

We constantly solve problems, but the number of problems does not decline; their number may never decline, but their quality may change. We still face many problems. We must solve these problems today, tomorrow, and every day, simply because we know what our people expect from us. Their desire is clear: to live in a just society, a fair society in which no one will feel alienated.



Several months ago, when I spoke about the Armenia of which I dream, many found it surprising. When I promised not to spare efforts to achieve this dream, many were skeptical. However, we defeated this skepticism with our arsenal of persistent hard work.

Today, I say: we are going to defeat poverty, malice, and apathy. Our country will see the victory of philanthropy, compassion, and optimism.

We live in a historic period, when integration and globalization are becoming especially important. No country in the world can live as a self-supporting island; no country can develop in isolation. We want the near future to become a period of active and proactive foreign policy for our country, a policy aimed at strengthening Armenia's unique place, role, and significance in the world family of nations. I am confident that we can not only take from, but also give to the world.

I would now like to address our foreign partners present here: thank you for the relationship with and support to developing our country. We see and appreciate all of it. I hope to further strengthen relations with our friendly and partner states in the years ahead. We will deepen our cooperation with countries that for years have supported the progress of and consider themselves true friends of Armenia.

In conclusion, I wish to toast to our fatherland, to the Armenian people, to the future of our country, and to the Armenia we dream of.

ANNEX 4—EXAMPLES OF INFORMATION THAT WOULD BE BANNED FROM PUBLICATION IN THE NEWSPAPERS UNDER THE REVISED VERSION OF THE STATE OF EMERGENCY ORDER (WITH REVISION OF MARCH 13, 2008)

Please find below extracts from the newspapers presented for printing on March 14, 2008: the “Haykakan Zhamanak,” the “Chorod Ishkhanutun,” the “Zhamanak Yerevan,” the “Hayk,” and the “Taregir”. The printing of these newspapers in the print-run specified for each newspaper was suspended by the RA National Security Service for the breach of the RA President's Decree of March 13 2008. Thus various articles on the domestic political situation contained obviously false statements.

*The “Hayk”:*

“. . . Most detainees were subjected to battery and violence at police precincts.”

“. . . persecutions of the proxies and supporters of RA presidential candidate Levon Ter-Petrosyan continue.”

*The “Zhamanak Yerevan”*

From an interview with Ohan Durian: “They are afraid to tell the number of casualties, they are afraid of uttering condolences.”

From an interview with Arkady Vardanian: “Savagery committed by violation of constitutional norms. It was done willfully . . . It was the authorities' provocation. It was committed by a special group of provocateurs. He (Robert Kocharyan) is a big state criminal.”

“The destiny of tens of nameless victims is still unknown.”

The pictures of the detainees apprehended for criminal charges are presented as the pictures of political prisoners.

*the “Taregir”* “. . . There was only one crime: there was a RA presidential candidate, the first RA President Levon Ter-Petrosyan’s proxies or cohorts who most frequently appeared on the platform on the Freedom Square.”

*The “Haikakan Zhamanak”* (04.03.2008 and 14.03.2008) Nearly all the materials in this issue either contain obviously false information or are based on such information. For that very reason we will confine ourselves to just few examples and present the rest in the form of the original material.

“. . . an illegal decree on the state of emergency.”

“. . . the police attacked as soon as they arrived.”

“the police jeep rammed into the crowd at a high speed inflicting heavy injuries to numerous people.”

“. . . the servicemen also fired live ammunition.” “a few hundred thousand people have gathered in 1-2 hours.”

In addition, an interview with Nikol Pashinyan, containing numerous willful calls for destabilization and incitements, is presented.

Also, all the newspapers as well as the “Chorod Ishkhanutun,” printed the extract from the interview given by Levon Ter-Petrosyan to foreign mass media correspondents which contained blatant lies: “. . . the elections were held very savagely. The OSCE has already condemned them in its third report. All the reports ranging from 1995 to 2007 taken together were not as harsh and strict.”

The suggestion of the RA National Security Service to omit the extracts that were in breach of the Order was rejected by the representatives of these newspapers.

#### ANNEX 5—(FRIDAY, 11 APRIL, 2008) TER-PETROSSYAN URGED TO STOP HUNGER STRIKE

On April 10 Levon Ter-Petrosyan made an appeal to those in prison and at large to stop their hunger strike. “On April 9, with the blessing of the “civilized” world, the chief of the bandit regime established in Armenia was replaced by another. He replaced through total election fraud, unprecedented violence, and persecution and petrifying slaughter of peaceful demonstrators. The West made some seemingly decisive but in reality void and irresponsible statements, intentionally or unintentionally fostering the reproduction of the criminal government. Out of political intentions and using double standards, the European organizations took to the side of the illegitimate regime rather than the new civil society of Armenia upholding democracy, freedom, and legal state. Pretending to be interested in stability but secretly aiming to weaken the position of Armenia in the settlement of the conflict over Karabagh, the West preferred a tyranny with shaky legitimacy rather than a government enjoying the confidence of people. However, despite this infuriating behavior of the West, it is obvious that the Armenian people are committed to freedom and democracy, and have never and will never accept this violation of their will. It is not accidental that the inauguration of the new usurper

took place under the bayonets of the police and army battalions on the one hand, and mass popular protests and fury on the other hand. Among those actions of protest was the hunger strike of innumerable political activists and azatamartiks in prison and at large. Acknowledging the importance of this extreme form of political struggle and appreciating the heroism of those on hunger strike, I nevertheless urged them to stop the hunger strike immediately. Your health, strong will and determination is necessary for more effective participation in the future havens of the popular struggle. April 9 is not the end but the beginning of the sacred struggle the political ways of expression of which will be visible to our society soon. I have no doubt that the continuity of the popular movement will make the international community change its opinion on our state.

Levon Ter-Petrossyan  
April 10, 2008



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