

## Special Opinion

Based on the evident violations, deficiencies and fraud that occurred at the elections and during finalization of election results, I would like to present a special opinion on the below described facts.

A voter who came to the electoral precinct and introduced himself as the chairman of the “Republican Union of Armenia’s Employers”, was not allowed to participate in the elections despite the fact that he specially arrived from abroad to vote. After inconveniencing the voter for a long time some members of the Election Committee members invited the authorized representative of this organization to the precinct. In respect of this fact not only there was “abuse of authority” by the Election Committee, but also the results of the previous discussions of the Election Committee were ignored, by which allowing only the authorized representative to vote was considered illegitimate given the chairperson of an organization is, by default, the legal representative of the organization /this is defined by the organization charter and is further validated by the fact that the power of attorney is given by the same competent person, i.e. the legal representative /. What is really appalling is that the Committee reached a unified position on this issue, but it was never recorded by the secretary of the Election Committee, thus manifesting itself as “election violation-inaction”.

It should be noted that the basis for this recommendation was the position of the MCA-Armenia Chief Executive Officer stating that the Election Committee has the authority to interpret the provision of the Procedure without deflecting from the meaning and the general content of the Procedure. Thus, the Committee had approved the idea of considering the legal representative as a representative in addition to the authorized representative.

During the discussion of draft agenda developed at the May 18, 2010 EC meeting the EC member Lilit Kamalyan proposed to include the issue of Procedure interpretations and changes on the agenda, which became part of the first item. However, the issue related to the representative was never put to vote by the EC chairman /it could not have been done by anyone else as it is the chairman’s prerogative / and thus, due to the chairman’s inaction not only the procedural requirement but also the agenda was not complied with.

2. Being in disagreement with some fraudulent and inaccurate data included in the ballot paper and the lists, we, the below signing EC member, have refused to sign the ballot paper, but have dutifully reported to the precinct and were present there during the entire election process and during the finalization of election results. Furthermore, we, the below signatories, have supported the organization of the elections by meeting the voters, registering their passport data, giving out ballot papers and operating the ballot box. Evidence to this can be provided by the MCA-Armenia representatives, by independent observers as well as by the photos taken on the election site.

In this respect open threats were uttered by the EC chairperson and secretary targeted to us and aiming to force us to sign and endorse the election results against our will.

Furthermore, the EC chairperson has deprived L. Qamalyan of a right to vote claiming that she was not present at the EC meeting.

Furthermore, the EC chairperson refused to accept the power of attorney presented by the EC member A. Balabekyan, which was not examined by the EC chairperson and members, who considered that such power of attorney did non-existent.

3. The Election Committee did not give a prior notice to those applicants whose applications were considered invalid, so as they did not waste time to be present at elections.

4. The count and the finalization of election results was done without ensuring a quorum, since the below signing members did not participate in voting.

*(Signed by the EC members Vahagn Asryan, Lilit Qamalyan, Tatev Avagyan and Amalya Balabekyan).*