



COMMITTEE OF VOTERS OF UKRAINE

01135, Kyiv-135, a/c 5

phone/fax: (044) 490-61-34

E- mail: cvu@cvu.kiev.ua

CVU REPORT ON PRE-ELECTION PERIOD, APRIL-MAY 2004

The Committee of Voters of Ukraine (CVU) is a national non-governmental organization that has been observing election campaigns in Ukraine since 1994. CVU monitors compliance with Ukrainian legislation and international standards for democratic elections. It is monitoring the activities of both national and local government, political party representatives, headquarters of the potential candidates and mass media in advance of the October 31, 2004 presidential election. This report covers April and May 2004.

Summary of CVU Findings:

1. Administrative resources, consisting of government pressure on the opposition, have been mobilized to support Prime Minister Victor Yanukovich's candidacy.
2. Mass media are far from objective and unbiased in coverage of political processes in Ukraine. The state and private media publicize too much information about Victor Yanukovich.
3. The number of criminal, often violent, incidents increased considerably. If this continues it will jeopardize voters' ability to express their preferences through the ballot box.
4. Recent by-elections in Donetsk oblast as well as Mukacheve and Odessa cities were not steps forward towards holding transparent and democratic elections. If the key problem in Donetsk oblast was administrative resource abuse, in Odessa it was poor administration of the election process. In the Mukacheve elections all conceivable standards for free elections were violated and the results were certainly falsified.

Background: Summary of the status of campaigning before the pre-election campaign officially begins

In April and May candidates and parties began campaigning actively. The Our Ukraine bloc worked most actively and systematically, with headquarters of potential candidate Victor Yushenko now in existence in every region. In most cases these headquarters are not formed on the basis of parties that are part of the Our Ukraine bloc, but are structurally separate. Local chapters of the Communist and Socialist Parties of Ukraine also became more active.

After announcing Victor Yanukovich as its candidate, the pro-presidential forces have begun actively campaigning. These forces have not set up a campaign headquarters. Most of their events were not even organized through the network of the Party of Regions, but through the structures of the oblast and rayon state administrations. In April a number of events were held to support the government and Prime Minister Victor Yanukovich personally.

On April 18 through 22, NGO and political party forums were held in all regions of Ukraine. In the course of the forums, participants discussed support for the Cabinet of Ministers' program, the need to complete the constitutional reform process and amend the Constitution of Ukraine, and the importance of supporting a single candidate from the parties forming the parliamentary majority, i.e. Yanukovich. The number of forum participants ranged from 200 to 600, representing pro-governmental political parties and NGOs, local officials, and state budget institutions' employees. Forums were held during work hours, and local administrations and other governmental institutions used organizational and financial resources to organize them.

In April and May there were no material personnel rotations in the regional administrations of national government and local government leadership. The top oblast leadership is dominated by the Social Democratic

Party of Ukraine United (SDPU (u)) and the Party of Regions, with fewer representatives of the Agrarian Party, National Democratic Party, Labor Ukraine and the Ukrainian Union of the Industrialists and Entrepreneurs. Oblast administration chairs, their deputies and department heads continue to represent pro-governmental parties.

Media Coverage of the Candidates:

Victor Yanukovich's presence in the regional media vastly exceeds that of all other candidates. Materials about the Prime Minister's activities exclusively dominate all the state and communal and most of the private media. Information about Victor Yanukovich falls into two categories:

- Information about the activities and successes of the government he has been chairing. A special column, "Government's Program in Action," was created in the governmental papers to highlight this information.
- "Image-making" articles, in which Victor Yanukovich's positive features are described.

Most of these materials are absolutely identical in content (though they are often signed by different authors) and are evidently prepared centrally and sent out to regional media. In the pro-governmental papers there are more and more materials with harsh criticism of Victor Yushenko and Yulia Tymoshenko.

Victor Yushenko is second in terms of presence in the media. Besides the media founded by Our Ukraine bloc parties, Victor Yushenko's materials are published in some private papers as advertisements. Serhiy Tyhytko, Volodymyr Lytvyn, Oleksandr Moroz and Petro Symonenko also increased their presence in the media.

Detail on CVU Findings - Administrative Pressure on Candidates and Supporters

Tax inspection, sanitation and health regulators and law-enforcement bodies carried out a number of audits at enterprises owned by businessmen supporting the oppositionist political forces, primarily "Our Ukraine." These efforts appeared to be part of a systematic administrative pressure campaign, and as a result, big and successful enterprises with many employees were often reduced to bare survival. The peak of law-enforcement bodies' activism was in late February and early March, though some of these processes are still going on.

There were also many cases of detention of opposition activists during campaign events. Internal Affairs Minister Bilokon spoke to the local militia leadership in Donetsk about the militia's role in the elections. He said, "*We are told that the militia should be beyond politics. Let me tell you this - we are the governmental body, the armed governmental body. From this very definition it is understandable that we should support the government... We will win in the first round of the elections - and we will drink for three days then!*"

Such words are alarming. CVU would like to emphasize that the intrusion of the law-enforcement bodies in the election process is especially dangerous, as it not only violates the principle of an equal playing field for candidates and parties; it also leads, as in recent elections in Mukachevo, to large-scale uncontrollable criminality that threaten any chance that the elections will be the expression of the voters' will.

Following are oblast-by-oblast examples of administrative pressure on candidates, parties and their supporters:

Cherkassy

The numerous audits of the company "Cherkassy Bus" that used to be part of "Ukrprominvest" concern and is affiliated with Member of Parliament (MP) Poroshenko (Our Ukraine) seem to be political. Although these audits are ongoing, their details are thoroughly concealed from the public. A printshop publishing the "Free Thinker" newspaper was audited after the paper published an interview with a resident of Smila (Cherkassy oblast), who served his term in prison together with Yanukovich.

Dnipropetrovsk

Member of Parliament Bychkov from Dnipropetrovsk has come into conflict with the leadership of the Dnipropetrovsk state administration. Bychkov was the only Dnipropetrovsk MP who abstained from voting on

constitutional reform. Following the vote on constitutional reform, Bychkov's assistants were asked to vacate the premises in the oblast administration building that Bychkov rents as his constituency office. The assistants were referred to the resolution of a "special commission" on this issue. It is still not clear who ordered creation of this commission, who is on it, and whether it even exists. Nobody has seen the resolution. Bychkov's office's phone lines were cut off and the name plates were taken off the doors. The premises were sealed.

Donetsk

As a result of a tax inspection, the bank account of the newspaper "Ostriv" (The Island) was frozen. The editor-in-chief of the newspaper, Yevhen Talyshev, was the candidate supported by Our Ukraine in a parliamentary by-election in Donetsk on March 7. Before the by-election, the paper also published a number of critical articles about the activities of Prosecutor General Vassiliyev, the former MP and brother of Talyshev's opponent.

Ivano-Frankivsk

In February and March 2004, a group of more than 60 tax inspectors headed by Serhiy Medvedchuk came to the oblast. One of the audit objects was an enterprise whose honorary Chair is MP Kruts from the Our Ukraine faction.

Kharkiv

On May 1 the leaders of the oblast organizations "For Truth!" and "Reforms and Order," Yevhen Zolotariov and Ivan Varchenko, presented their "last shirt" to Prime Minister Victor Yanukovich. This symbolic shirt was brought to the building of the oblast administration and left near the entrance. Within three days Zolotariov and Varchenko were detained by the Ministry of Internal Affairs, prosecuted and sentenced to 10 and 15 days of imprisonment for an "unsanctioned march." After oblast administration head Kushnariov appealed to the oblast prosecutor, the sentences were reduced.

On May 23, Oleksandr Pomytkin, a journalist with "Criminal Ukraine," an electronic newspaper, was detained and accused of theft. The newspaper's editors believe that these events are related to Pomytkin's investigation into the government's criminal connections. Problems began after Pomytkin published a book on the mafia in Ukraine. An international journalist human rights NGO "Reporters Without Borders" issued a statement in this case expressing alarm at the actions of the Ukrainian militia.

Kherson

On May 13, the Kherson Rukh oblast organization picketed the Kherson city executive committee with critical slogans about some city council deputies and distributed Our Ukraine campaign materials. Soon after the start of the picket two men stopped by, picked up a package of campaign materials prepared for distribution and left. A little later a militiaman ordered the picketers to disperse. At the same time, representatives of the Party of the Regions started an anti-Our Ukraine protest a few meters away. (The oblast branch of the Party of Regions is chaired by the city mayor Mr.Saldo). The law-enforcement representatives had no objections regarding the second protest. (Information was taken from the official statement of Kherson oblast Rukh organization made on May 14, 2004).

Lviv

Political harassment in Lviv oblast became systematic long before campaigning for the presidential elections began. Pressure from tax inspectors and others on the deputies-entrepreneurs of the oblast and city councils affiliated with Our Ukraine, including unsanctioned audits, have almost become "traditional" in the region. Among the Lviv city council deputies who were politically pressured are Lev Rushynets, head of the Lviv city communal enterprise "Iceberg," Roman Shlapa, director of the supermarkets network "Inetmarket," and Oleg Kanivets, the chair of the Our Ukraine faction in the Lviv oblast council.

Mykolayiv

A Mykolayiv oblast print shop broke a pre-existing agreement and refused to publish the Mykolayiv Rukh's newspaper. It said a small print run of 5,000 copies is not profitable, although it does, in fact print much smaller

circulations. An attempt to publish the newspaper in a second print shop failed after the oblast government interfered, and some copies of the paper were destroyed. Rukh representatives believe the cause is the particular materials prepared for printing: a story about a Yushenko forum in Simferopol and critical information about the head of the oblast administration, Oleksiy Garkusha.

Ternopil

A simmering conflict related to the audits of enterprises affiliated with Our Ukraine MPs Yaroslav Dzhordzhyk and Oleg Gumeniuk accelerated in February and March 2004. To protest the actions of the tax inspectors, Our Ukraine picketed the tax administration and blocked the railroad. Also, despite a Constitutional Court decision that local government bodies should not pay the value added tax for land, criminal proceedings were instigated against selected Ternopil deputies on the grounds that they did not pay the tax.

Vinnitsia

Early in the year a tax audit was conducted of the Vinitysya confectionary plant which is affiliated with Our Ukraine MP Poroshenko.

Volyn

The Lutsk tax administration actively audited and fined the Lutsk Automobile Plant, which is part of "Bogdan" group controlled by P.Poroshenko. The slogan "Tax inspectors, hold on! This is not 1937!" is still on the wall in the plant's administrative building. Also, the militia in Lutsk, Kiverets and Liubeshov have tried to prevent opposition representatives from distributing posters and detained civic activists.

Zakarpattya

On March 11, on the eve of the Mukacheve elections, a judge ordered transmitters for the region's most popular TV company, M-Studio, shut off. The station was allegedly forced off the air for unpaid debts, although the studio had paid all debts. Moreover, transmitters of (state) TV companies UT-1 and UT-2, which have owed millions, have not been cut off.

Zaporizhzhya

The local government in Zaporizhzhya did not allow Our Ukraine to hold two large public events, citing the threat of terrorist attacks. The organizers had to hold the events in the format of voters' meeting with MPs. On May 14, MP Tomenko (Our Ukraine) was barred from meeting with students in Zaporizhzhya State University.

Violence Against Candidates and Supporters

CVU registered numerous cases of using violent criminal methods in the political race. The most widespread cases involved destroying campaign materials and beating political party activists. In the recent by-election in Mukacheve, party activists and MPs were beaten up, candidates and voters were openly threatened, polling stations were smashed up and cars set on fire, and elections documents with the results were stolen. Mukacheve mayor Ernest Nusser eventually resigned, saying that he and his family were threatened. The law-enforcement bodies in this situation demonstrated that they are totally helpless and unwilling to fight the criminals.

As the following oblast-by-oblast situation shows, the violence is not confined to Mukachevo, and criminal methods are most often used against the opposition. The escalating violence and criminality threatens to make it impossible to hold free and democratic elections in Ukraine.

Chernivtsi

On May 28, the editor of the oppositionist Bukovyna paper "Chas," Petro Kobevko, was beaten near his office. The same night someone poured paint on at least 5 out of 14 Our Ukraine billboards. In the morning of May 28, at least 35,000 copies of the Yushenko newspaper "Tak!" were stolen from one of the back rooms in the hotel "Bukovyna," where Our Ukraine headquarters is located.

Crimea

Before Prime Minister Victor Yanukovich's visit to Crimea, Our Ukraine billboards disappeared from the Crimean roads. According to the information given by a Our Ukraine bloc representative in Crimea, advertising companies had previously agreed to keep the materials up until November 2004.

Donetsk

On February 3, 2004, Our Ukraine representatives MP Vlasov, MP's assistant Oliynyk, and campaigner Ms. Kondrakova were attacked in the village of Kurahovo, which is located in the district where a parliamentary by-election was held on March 7. On February 3, Our Ukraine oblast council candidate Zykeyev also suffered threats and physical harassment from Shahtarsk mayor Naumovich (information from the website www.ostro.org). On February 5, an independent candidate to the Shahtarsk oblast council Mr. Korniyenko disappeared (information taken from the website www.ostro.org).

On April 9, in a court room in the Kalininsky rayon of Donetsk, the militia beat V. Boyko, a journalist with the "Freedom" newspaper. On April 29, Our Ukraine bloc representatives distributing campaigning materials were attacked. The activists were injured and the campaign materials were destroyed. On June 1, the Chair of the local SDPU(u) branch Anatoliy Fiskidynov was found murdered in his house in Gorlivka.

Ivano-Frankivsk

On March 31, the chair of the local CVU branch Myron Dmytryk was attacked. The attack may have been politically motivated.

Lviv

On May 8, 2004, after giving a speech at a meeting dedicated to the anniversary of composer Igor Bilozir's death, a famous civic activist, historian and a long-term political prisoner Professor Valentyn Moroz was attacked. At night on May 15, a workshop of the "Prosvita" print house burned following an explosion. This print house is famous for publishing "Narcissus," a book about the Chief of the Presidential Administration in Ukraine, Victor Medvedchuk.

Volyn

The Volyn government tried unsuccessfully to persuade a court to bar Our Ukraine from holding a public event on May 20. However, during the event hooligans poured foul-smelling liquid on an Our Ukraine activists' tent.

Zaporizhzhya

In Melitopol on May 9th, on the eve of a visit by Prime Minister Victor Yanukovich, anonymous people destroyed five Our Ukraine billboards. According to information provided by the Our Ukraine press service in Zaporizhzhya oblast, the local government is pressuring the owners of the billboards to refuse to cooperate with the opposition. On May 21, at the direction of the university rector, Zaporizhzhya Medical University guards shot rubber bullets at an activist from a youth coalition affiliated with Our Ukraine. The student was distributing leaflets. The bullet hit the student's belt, preventing serious injury. (Information given by Our Ukraine press service).