



COMMITTEE OF VOTERS OF UKRAINE

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PLANS TO MOVE THOUSANDS OF ELECTION OBSERVERS FROM EASTERN TO WESTERN UKRAINE MAY PROVOKE CONFLICT

CHAOTIC PROCESS TO FORM PRECINCT ELECTION COMMISSIONS; THEIR COMPETENCE IS IN DOUBT

ILLEGAL STATE INTERFERENCE IN CAMPAIGN INTENSIFIES

The Committee of Voters of Ukraine (CVU), a non-partisan monitoring group, has information suggesting that plans exist to transfer a large number of people from Eastern to Western Ukraine to serve as observers on election day. "Normally, we welcome the participation of observers from political parties and candidates," says Ihor Popov, the CVU Chairman, "but most of the people being recruited are either tough young men or former police and military. We are concerned that their purpose will not be to observe the election process, but to disrupt it." CVU noted that such plans take place against a backdrop of increasingly strong rhetoric from some campaigns designed to stoke inter-regional conflict.

Ukraine will hold elections for president on October 31, 2004. The most important pre-election activities during the second half of September involved the formation of precinct election commissions. Unfortunately, this process was marred by significant violations of proper procedure. State and local government officials have interfered in this process in order to place their own representatives on the commissions. In some cases, people have been appointed commissioners without their knowledge. As of today, CVU believes that many of Ukraine's precinct commissions are not capable of administering the election adequately.

State and local government officials continue to interfere illegally in the election in other ways as well. In particular, they continue to use the power of their offices to support the campaign of Mr. Yanukovych and to impede the activities of some of his opponents, as well as those of the independent media. Recently, many of these activities have involved the production and distribution of slanderous information about opposition candidates. The National Railway has been especially active in this regard.

CVU also wishes to register its distress that the Verkhovna Rada (the Ukrainian Parliament) has failed to consider proposed amendments to the election law to allow domestic civic organizations formally to monitor the process on voting day. The absence of such provisions violates Ukraine's international commitments and is frequently cited by international organizations as a major shortcoming in the election process here.

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REPORT ON THE PRE-ELECTION ENVIRONMENT SEPTEMBER 16 to OCTOBER 3, 2004 (English-language version)

The Committee of Voters of Ukraine (CVU) is a national, non-governmental organization that has been monitoring election campaigns in Ukraine for over ten years. CVU observes the degree to which election processes conform to national legislation and international democratic standards.

Presidential elections in Ukraine are scheduled for October 31st, 2004. In the second half of September, CVU observed the activities of national and local governments, election commissions, political parties, candidates' headquarters, the courts and the mass media. CVU representatives are present in all 27 administrative regions of Ukraine.

Previous election reports as well as more information on the organization can be found at: www.cvu.org.ua. (Ukrainian/English)

Summary of Findings:

1. CVU has information suggesting that planning is underway to send thousands of observers to Western Ukraine where their presence may provoke conflict.
2. The process of forming precinct election commissions (PECs) took place with significant violations of proper procedure.
3. As of today, most PECs are incapable of administering the election in a satisfactory manner.
4. State and local government officials continue to interfere in the election process, to support the campaign of Mr. Yanukovych and to impede the work of his opponents. CVU is especially concerned about the systematic and widespread involvement of the State Pension Fund and the National Railway in the election campaign.
5. There has been a large increase in the number of slanderous campaign materials, which disseminate false information.

Recommendations

- Those campaigns and institutions who may be planning to disrupt the election process should cease these activities immediately. State officials should try to deter such plans. Observers to monitor the election in Western Ukraine should instead be recruited locally.
- The Central Election Commission (CEC) and 225 Territorial Election Commissions (TECs) should ensure that all precinct election commissioners are adequately trained. Local governments should ensure that PECs are given sufficient equipment and office space.

- State officials should refuse to campaign for political candidates and should refrain from using their power and resources for the benefit of any candidate. Law enforcement authorities should thoroughly investigate all reports of election violations and prosecute those believed to have broken the law.
- Candidates should campaign according to the law and refrain from publishing false and slanderous information about their opponents.

MAJOR FINDINGS

Formation of Observer Group to Travel to Western Ukraine

CVU has information that plans exist to bring election observers from Eastern to Western Ukraine. Since August, there have been many recruitment efforts in this regard. While we would normally welcome the presence of additional observers on election day, CVU is concerned that this activity could disrupt the election.

There appears to be no particular need for so many observers to be shifted from Eastern to Western Ukraine. This activity also takes place against a worrisome backdrop of increasingly strong rhetoric from some campaigns that is designed to stoke inter-regional conflict. The people being recruited are not typical election monitors but instead are tough young men and veterans of the police and military. The fact that local government bodies and military committees have been involved in this program is especially troubling, given their partisan interference in the election campaign already.

In one case, approximately 2,000 young men subject to the military draft we called to the local military committee in the town of Gorlivka (Donetsk region) on September 20th at 10 am. They were told that they were being recruited to be election observers in Lviv oblast and that their expenses would be paid by the Yanukovich campaign. In Luhansk, a senior Yanukovich representative, a Colonel Denysenko, has been confiscating essential personal documents from men recruited to be observers in Ivano-Frankivsk.

Significant Problems in Formation of Precincts and Precinct Election Commissions

Most TECs completed the process of forming election precincts and announced the results by the end of September, although very many missed the legal deadline of September 15th for doing so. Contrary to expectations, the number of precincts did not rise significantly when compared to 2002 even though the election law now requires that a polling site be established in every community with more than 20 eligible voters. Most TECs simply ignored the law, in large part because they had already submitted their budgets to the CEC by August 21st without taking into account the need for more precincts. As a result, a portion of the electorate in rural areas will have to travel some distance in order to vote.

In its last report, CVU described the then ongoing process of PEC formation and noted that it was marked by the illegal interference of state officials, who orchestrated the nomination of their own people to the commissions. A majority of these commissioners have been placed in order to defend the interests of Prime Minister Yanukovich. Many commissioners, from all the campaigns, have not been sufficiently trained to do their jobs on election day. The second half of September saw the completion of this process.

The involvement of local government officials in the process of forming PECs has led to chaos. In order to demonstrate to their superiors that they have been active in the nomination process, local officials have often forged nomination papers or even proposed the names of the dead. As a consequence, there have been quite a number of cases of a commissioner representing more than one candidate. A single constituency in Lviv (#127) saw 1008 cases of multiple nominations. One person was nominated by eight different candidates! In some circumstances, a prospective commissioner nominated by more two different candidates was left off the PEC altogether, while in other instances, the person was allowed to represent both. CVU found roughly 100 to 200 instances of double nomination in each of Ukraine's 27 administrative regions.

As of today, many PECs are functioning poorly or not functioning at all. CVU's estimate is that less than half of the commissions held their first meeting by the legal deadline. Many people have been included on PECs without their knowledge or consent, while others have resigned. This has made it very difficult for many PECs to begin working.

Sumy: Administrators at Sumy Hospital #4 held a staff meeting where they directed employees to join various PECs, saying that those who refused would be fired. The staff was told that they would be called to a second meeting where they would be given instructions on how to administer the election.

Sumy: The mayor of Kalchinsky (constituency #161) recommended that PEC #36 dismiss about 10 of its members.

Kharkiv: The principal of a music school ordered 20 teachers to staff PEC #40 of TEC #171, which is located in the school building. The teachers do not know which candidates they represent.

Khmelnitsky: During a roll call of PEC leadership in TEC #193 on September 28th, it turned out that several PEC leaders were dead, while another has been in jail for three years.

Khmelnitsky: The head of the Kamianets-Podilsky rayon state administration, V. Kovalchuk issued instructions to PEC staff on how to administer the election.

Ternopil: Not a single PEC in constituency #166 held its first meeting by the legal deadline.

Kyiv region: Kateryna Malchyn, a commissioner in PEC #94 representing candidate Rzhavsky, was ordered by her boss at the Rokytno sanitation center to leave the commission or be fired.

Rivne: A post office manager, V. Ivashchuk, who is also a member of TEC #156, forced an employee in Chudnytsia to join a PEC on behalf of candidate Zbitnev.

Rivne: Local officials forced M. Mykhalchuk to join a PEC on behalf of candidate Nechyporuk.

Poltava: Some PECs in constituency #149 deliberately held meetings earlier than planned in order to exclude representatives of the opposition.

Improvements in the Work of Territorial Election Commissions

The work of Territorial Election Commissions has improved. CVU representatives visited 189 of Ukraine's 225 TECs during the second half of September and found 85% of them to be functioning satisfactorily.

Most of the problems that CVU did witness involve a lack of transparency on the part of some TECs. Some commissions restrict access to their proceedings by candidates' representatives [TECs #7 (Crimea), #39 (Dnipropetrovsk), #91 (Kyiv region), #127 (Lviv), #162 (Sumy)] or the media [#22 (Volyn), #114 (Luhansk), #138 (Odessa), #220 and #221 (Kyiv city)]. The leadership of other commissions limits access to information, such as draft resolutions and lists of PEC nominees, by some of their own members [#112 (Luhansk), #136, #139, #140 and #143 (Odessa), and #179 (Kharkiv)].

TEC leaders in constituency #185 in Kherson held an unusual press conference where they spoke of an "attempt" by a proxy of Yushchenko to replace key documents. They also issued a press release even though the full TEC has not taken a formal decision on the matter.

Illegal Government Interference in the Election Campaign

State officials increased their illegal interference in the election process, either to support the candidacy of Prime Minister Yanukovich or to thwart the activity of his competitors. Many state employees are working for Yanukovich during regular business hours and state resources (money, premises and equipment) are used for his benefit. Higher-ranking state officials abuse their positions to coerce lower-level employees to take part in the Prime Minister's campaign.

CVU is especially concerned about the activity of the State Pension Fund and the National Railway. The Pension Fund recently sent all Ukrainian pensioners a letter saying that the "government of Yanukovich" had increased their pensions. The usual official phrase is "Cabinet of Ministers". Other language in the letter appears to mirror very closely some Yanukovich campaign materials. Various posters and leaflets slandering Viktor Yushchenko have appeared on many suburban and long-distance trains. Police and railway officials prohibit the public from removing them while some conductors have been observed passing out Yanukovich leaflets.

I. In support of Viktor Yanukovich

Donetsk: Students at Donetsk National University were forced to attend a rally to support Yanukovich and denounce "radicalism". They were also promised money and sports tickets.

Donetsk: Classes in public schools in Gorlivka were cancelled on September 23rd so that over 1,500 students and teachers could attend a Yanukovich campaign rally. Local government officials also played a formal role in the event. At the end of the rally, participants were given free tickets to a cultural event.

Dnipropetrovsk: Kryviy Rih Technical University forces students to wear Yanukovich campaign symbols and to campaign for him.

Dnipropetrovsk: Local officials in Pavlohrad are responsible for identifying and organizing Yanukovich campaigners. 70% of them are public school teachers.

Dnipropetrovsk: Transportation authorities have allowed the Yanukovich campaign to place campaign posters on public buses but denied the same opportunity to the Yushchenko campaign.

Zaporizhzhya: Students of local colleges and the teachers of public schools #28 and #72 were forced to attend a public rally on September 25th to denounce those who threw an egg at the Prime Minister in Ivano-Frankivsk. On September 27th, about 80 students were forced to attend a similar event in Vassylivka.

Zaporizhzhya: The deputy head of the Zaporizhzhya state administration, G. Kovalenko, instructed all Yanukovich campaign headquarters in the region on how to work more effectively.

Kherson: The deputy head of the Kherson department of education, Maksym Kukharuk, visited nearly all the schools in Nova Kakhovka where he openly campaigned for Yanukovich. His main argument was that since schools belong to the state, teachers are required to vote for the representative of state power.

Kyiv region: Yanukovich campaign headquarters in Myronivka is located in a state music school. According to the territorial election commission, the campaign is charged no rent. In Rokytno, the Yanukovich office has been given free office space in a state-owned facility.

Rivne: College and secondary school students, some in school uniforms, were forced to attend a pro-Yanukovich rally on September 21st. Once there, their teachers took a roll call. Teachers later confirmed that they were obliged to organize the event by their supervisors.

Kharkiv: Oleksiy Yakunin, the head of the education department of Chuhuivksy city, addressed all local schools to organize meetings in support of “the sole candidate”.

Khmelnitsky: The vice-rector of Kamianets-Podilsky State University asked professors to have their students sign petitions titled “We support Yanukovich”.

Chernivtsi: College administrators forced students to attend a pro-Yanukovich rock concert. Some were paid around \$4 US to hold campaign posters or placards.

II. To discredit or obstruct the activities of other candidates and of civic organizations

Kherson: Students at the Kherson Agrarian University and the Kherson State University were called to an urgent meeting where they were falsely informed that supporters of Yushchenko had attacked Yanukovich in Ivano-Frankivsk. They were asked to vote to denounce the attack.

Kherson: The local State University invited students to an “educational event” on September 24th, which turned out to be a rally to denounce Yushchenko. Later, students who did not attend were threatened with punishment should they miss future such events.

Kherson: The director of the House of Culture in Novooleksiivka, M. Mustafaev, was fired, he was told because of his too friendly meeting with Viktor Yushchenko during the candidate’s visit to the village in August.

Kherson: The state land resource administration has closed the farmers' organization "Horyzont" after an audit. "Horyzont" had earlier refused the request of the Kherson department of land resources, Y. Yaremko, to donate money to the Yanukovych campaign.

Mykolaiv: Police detained three teams of campaigners for Oleksandar Moroz on September 22nd and held them for five hours. The head of the internal affairs division of Leninsky rayon admitted that he has been ordered to hamper opposition campaigning.

Odessa: Police detained O. Barataeva, a Moroz activist, while she was distributing leaflets on September 16th. She was photographed, fingerprinted and interrogated and her materials confiscated. The following day, police detained a second Moroz campaigner, P. Savastru, and treated him in a similar manner.

Odessa: Local authorities forcibly removed campaigners for Petro Symonenko from a market square in Kominternivske.

Sumy: Rayon officials in have threatened S. Horishnyi, the head of the Kardashivska village council and a Yushchenko supporter, with unspecified criminal prosecution unless he stops his political activity.

Sumy: The Sumy National Agrarian University expelled a student, O. Bychenko, for "speaking out too much" in favor of Yushchenko.

Luhansk: A deputy of the Pervomajsky city council, O. Horovyj, entered the private apartment of T. Orlovska and demanded she remove a Yushchenko poster from her balcony. She complied only when he threatened to call the police.

Dissemination of False and Slanderous Information; Dirty Campaigning

Slanderous leaflets and publications continue to appear in different areas of the country. On October 2nd, at the Novyi Druk print shop in Kyiv, a group of MPs discovered large number of slanderous anti-Yushchenko materials, along with pro-Yanukovych leaflets. The mandatory publishing information printed on many of these leaflets was clearly false.

National TV has been broadcasting an advertisement by presidential Roman Kozak, which clearly aimed to discredit Yushchenko. In the ad, Kozak, who claims to support Yushchenko, says that he and Yushchenko will work together to oust the Russian language from Ukraine. Kozak also calls on Western states to support Ukrainian nationalists.

Criminal Violence against Political Activists and Property

After some improvement in early September, incidents of criminal violence appear to be increasing again. CVU noted a sharp increase in the number of cases in Donetsk and in Lviv. Law enforcement authorities continue to take virtually no action to investigate attacks nor to prevent new ones.

Donetsk: Unknown men in an unmarked car kidnapped Tatiana Batrak and her brother Oleksandr on October 4th. The two are leaders of a pro-Yushchenko NGO, "Student's Wave". They were held for several hours – Oleksandr with a hood on his head – and threatened that

Tatiana would be raped unless they divulged any plans that “Student’s Wave” might have in the event of election fraud.

Donetsk: Unknown persons tried to set fire to Yanukovich headquarters in Makiyivka. The slogan “Pora for Yushchenko” was sprayed on the walls.

Donetsk: Burglars stole all the campaigning material from Yushchenko headquarters in Donetsk on September 23rd.

Lviv: The car of Serhiy Koval, head of the Social Democratic Party of Ukraine (united) in Jidachiv, was set on fire on September 29th.

Lviv: The head of Yushchenko headquarters in Horodok, Yaroslav Korjynsky, was brutally beaten on the night of September 29th.

Lviv: Unknown persons twice tried to set fire to property of the MIST television station.

Luhansk: On September 24th in Severodonetsk, two public campaign stations of the Yushchenko campaign were attacked and campaign’s office had its windows broken.

Mykolaiv: Yushchenko activists putting up posters were physically attacked on September 24th.

Odessa: Svetlana Kovalyova, deputy head of the Yushchenko office in Kylii was severely injured in an attack on September 23rd.

Dispute Resolution

CVU lodged several formal complaints to courts during the second half of September. Most of these involved the inactivity TECs, incidents of illegal campaigning or the interference of state officials in the election process. In general, the legal system is proving to be incapable of dealing with election disputes in a consistent, fair and timely way. One persistent problem is that judges mistakenly base their decisions solely on Ukraine’s Civil and Procedural Codes, without taking into account the presidential election law.