

**A Report on**

**Ukraine's Presidential Election Process**

**By The Delegation of**  
**Former Members of the U.S. Congress and**  
**The European Parliament**

**17 – 23 October 2004**

The Hon. Richard Balfe  
The Hon. Sam Coppersmith  
The Hon. Robert McEwen

The Hon. James Bilbray  
The Hon. Marjorie Margolies-Mezvinsky  
The Hon. James Slattery

**Program sponsored by the  
U.S. Association of Former Members of Congress  
In partnership with the U.S.-Ukraine Foundation  
With funding from the  
United States Agency for International Development**

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## **I. Program Overview**

From October 17 — 23, 2004, a delegation of five former Members of the U.S. Congress and a former Member of the European Parliament observed the Ukrainian presidential campaign and election preparations with a mission to report on the country's adherence to international election standards.

As officially registered election observers, the former Members do not support any candidate, party, or election block. Observers support Ukraine's commitment to OSCE standards for free and fair elections that accurately reflect the will of the Ukrainian people. The new president of Ukraine must be recognized throughout the world as the legitimate leader of the Ukrainian people, freely and fairly chosen in a democratic process. Anything less will only serve to isolate Ukraine economically and politically and further postpone the day when Ukraine becomes a full partner in the community of free and democratic societies.

This was the fourth delegation of former Members sponsored by the U.S. Association of Former Members of Congress (USAFMC) in partnership with the U.S.-Ukraine Foundation (USUF). Funding is provided by the United States Agency for International Development (USAID).

## **II. October Delegation**

The delegation consisted of the following former Members:

Richard Balfe (European Parliament/United Kingdom)  
James Bilbray (D-NV)  
Sam Coppersmith (D-AZ)  
Marjorie Margolies-Mezvinsky (D-PA)  
Robert McEwen (R-OH)  
James Slattery (D-KS)

The delegation was based in Kyiv and traveled in teams of two to various locations in Kyiv and Chernihiv oblasts. The teams met with local and oblast officials, election officials, nongovernmental organizations (NGOs) and political party representatives, mass media and local citizens. The delegation met with representatives of opposition parties as well as parties supporting the government candidate.

The delegation visited the communities of:

Pryluky, Chernihiv Oblast  
Nizhyn, Chernihiv Oblast  
Ichnia, Chernihiv Oblast  
Oster, Chernihiv Oblast  
Tarashcha, Kyiv Oblast

Brovary, Kyiv Oblast  
Kotsubynsk, Kyiv Oblast  
Bucha, Kyiv Oblast  
Slavutych, Kyiv Oblast

As with past delegations, the October delegation met with representatives of Mr. Yanukovych's campaign and Mr. Yushchenko's campaign as well as with one presidential candidate, Anatoliy Kinakh, President of the Ukrainian League of Industrialists and Entrepreneurs. Meetings were also held with the U.S. Embassy, the Organization for Security and Cooperation in Europe (OSCE), an organization that grew out of the Helsinki Process and is comprised of 54 countries seeking to build, consolidate and strengthen democracy, and the Deputy Foreign Minister of Ukraine.

### **III. Findings**

One observer remarked to us that democracy appears to be more established as one approaches Kyiv. People in close proximity to Kyiv demonstrated to the observers more openness and less fear of retaliation by government officials. Nonetheless, even in and around Kyiv, there was a general apprehension about the election and what the results will mean for Ukraine and for people's living standards.

The delegation first stressed the importance of every citizen going to the polls and expressing their will freely and without fear. It is essential that every citizen, particularly in Ukraine's new and fragile democracy, rise up and speak out at the polls.

The delegation's second message was to local government officials and election officials, that it is imperative to Ukraine's future that these elections be free and fair and that the people of Ukraine and the rest of the world perceive them to be free and fair. Ukraine's future depends upon that. Moreover, the delegation stressed to the officials that they had a special obligation to the people to obey the law and to ensure that those under their authority strictly adhere to the law of Ukraine.

We found, as have previous delegations, that generally too many people believe that the election outcome has been predetermined by the party in power and their oligarchic supporters. This sentiment was heard over and over again throughout the delegation's visit. After years of experience during the Soviet era and through 13 years of independence, the citizens of Ukraine will likely need to witness many free and fair elections before that belief turns into confidence in a democratic system. The mere fact that it still exists gives rise to deep concern and does not encourage the free and unfettered expression of the people's opinion. Some suggest that this feeling benefits the party in power and is, therefore, encouraged by them through skillful use of the mass media.

This delegation cannot confirm that the persistence of this sentiment is a part of the ruling party's strategy, but the fact that it is so widespread is of great alarm. Whether this

widely-held and often-expressed belief arises from a deliberate strategy or is a residual of Soviet rule, this discouraging view is far too pervasive to be ignored, and its existence impairs citizen involvement and participation in the political process — and the fairness of the election itself.

That important concern aside, the delegation heard from dozens of citizens and organizations in the communities visited that:

- Employees of factories, schools and other public and private institutions reported that they were threatened with the loss of their jobs if they failed to sign a petition for Mr. Yanukovich.
- Moreover, once they signed the petitions, citizens reported that they or others they knew were told that it is against the law for voters not to vote for the candidate whose petition they signed. We were told by people that this statement may seem farfetched to Westerners, and may in fact not work with Ukrainians in cities, but that it could work with Ukrainians in rural areas who are unsophisticated about the laws of Ukraine and who have a history of responding to those kinds of pressures.
- Employees of public and private institutions were forced to attend rallies and other political events for Mr. Yanukovich's campaign.
- Even more alarming is that we heard in local communities that teachers were told that they had to bring a certain number of students to a rally. In this reported situation, each had to produce 30 students.
- Many people stated that there are very significant problems with the accuracy of voter lists. Names are misspelled, omitted or people who have long since died are still listed on the voting rolls. As it is the responsibility of local government officials to prepare the voting lists, many people see this lack of preparation as another way officials may deny citizens the right to vote.
- Many citizens and organizations expressed concern with voting abroad, especially in Russia where government officials may be actively involved in Ukraine's presidential election.
- In most locations, citizens were confident that they could observe and protect the accurate counting of the votes at their own polling places, but they expressed concern that the results could be tampered with at the national level. These citizens want the results to be announced from each polling place as soon as each count is completed.
- The delegation heard from people who said that they had first-hand knowledge of people who had received 50 hryvnya for their passports. Photocopies of these

passports were made so that another person could cast a vote using the name of the on original passport.

- We heard reports from opposition officials that airports had been closed moments before Mr. Yushchenko was going to land to attend rallies or other events. In addition, roads and bridges were all of a sudden closed for unscheduled and unannounced repairs, causing his events to be cancelled or delayed.
- We heard reports from opposition officials that buses transporting students to Kyiv to participate in Yushchenko rallies were stopped and turned back and that students were threatened with dismissal from university if they attended opposition rallies.
- People expressed concern and alarm to us that a military parade was being held in Kyiv just days before the first round of voting in order to send a signal to the people that the government was still in control. They also pointed out that it was announced that a special anti-terrorist unit was being deployed in Kyiv from the Crimea.
- Of particular concern to this delegation is the overt involvement of Russian interests in the campaign. President Putin's and the Russian Ambassador to Ukraine, Victor Chernomyrdyn's, open endorsement of Prime Minister Yanukovich is without precedent and a clear example of meddling by a foreign nation in the internal affairs of a neighboring sovereign state.
- The delegation was also alarmed to learn of the venom directed at the United States by the leftist forces. According to many, the government encourages anti-American statements or actions by others as a tactical campaign maneuver. The mass media, reportedly at the direction of the government, is quick to cover anti-American diatribes by the leftists, especially the Communists and Progressive Socialists. It is unhealthy to involve another country in domestic political campaigns. Opposition representatives showed the delegation anti-American posters that were seized from a government warehouse in Kyiv and stated that these posters were ordered and produced by the Yanukovich campaign. Again, the delegation cannot judge the truthfulness of these statements, but is alarmed at these numerous allegations.
- Local citizens frequently reported that the mass media is biased against the opposition candidates and hardly ever gives fair and balanced coverage. This is a problem at the national and local level. Almost all the local newspapers must be subsidized by city or regional councils. Sometimes they are owned by the councils. The same is true of broadcast media. Often times we even found them housed in the city or regional building. Media ownership and subsidies from local and regional administrations casts great doubt on the objectivity of the local press.

This delegation experienced an event that cast a dark shadow over our whole mission and gave credence to the many allegations made by opposition activists in the local communities. On the last day of our mission and on our way back to our hotel, we were alerted to a raid of ZNAYU! (I KNOW!), a nonpartisan educational NGO that informs voters about the importance of voting, how to defend one's vote, and how to vote abroad. Znayyu! strives to make the Ukrainian presidential elections fair and unbiased, so that they reflect the will of the people of Ukraine. Znayyu! does not support any political party or presidential candidate.

We immediately set out for the Znayyu! office. Upon arrival, we saw that several of the office staff were in the hallway and unable to enter the office. Two young men with bur haircuts and black leather coats guarded the front door and denied entrance to the office. They refused to identify themselves. Former Members Coppersmith, Slattery and Margolies-Mezvinsky identified themselves to the "guards" and showed them their credentials as registered election observers. Access was still denied, however, Mr. Coppersmith was successful in forcing his way into the office. Continued efforts to identify the occupiers of the office were unsuccessful. In the meantime, Znayyu! staff called the police, who arrived soon after to investigate the situation. The occupiers identified themselves to the police as the State Security Forces of Ukraine, or SBU.

While Mr. Coppersmith was detained in the Znayyu! office, the rest of the delegation left to attend a previously scheduled meeting with Mr. Stephan Havrysh, Majority Coordinator of the Verkhovna Rada (Parliament) and Mr. Yanukovych's representative on the Central Election Commission.

Mr. Slattery and other delegation members raised the matter of Mr. Coppersmith's detention with Havrysh. Mr. Richard Balfe, former Member of the European Parliament, voiced his strong concern and objections to the actions of the SBU.

With urging from the delegation, Mr. Havrysh called the SBU for information on the Znayyu! Search. According to Mr. Havrysh, the SBU searched Znayyu! because an earlier search of "Pora," a student NGO mobilized for change in Ukraine, had yielded documents, which allegedly showed links between the two organizations. The SBU had also stated that they found explosives in Pora's office. Many believe that those explosives were placed in the office, however, by those seeking to silence the youth movement.

The delegation wishes to state that Mr. Coppersmith was treated well and respectfully during his confinement and in no way was harmed. Moreover, none of the staff of Znayyu! were harmed. Mr. Havrysh promptly worked to discover the facts and to affect Mr. Coppersmith's release. However, we find it very alarming that a raid of this type in such a highly charged political environment could take place in such a cavalier manner. We have seen no evidence before or since that would cast doubt on the peaceful and lawful nature of Znayyu!. The delegation can only conclude that this police action was conducted for one reason and one reason only, and that is for political intimidation of those working to increase voter participation in the political process. The action of the police authorities

only serves to validate the unproven allegations made by opposition representatives and ordinary citizens concerning misuse of police powers to harass and intimidate voters.

In wake of this unfortunate incident, this delegation views with skepticism the repeated assurances of the government that the elections will be free and fair and that the authorities will ensure that international standards for elections are met.

#### **IV. Summary**

Mr. Coppersmith, a valued member of our delegation, observed in an op-ed column for the East Valley Tribune of Mesa, Arizona (October 31, 2004) as follows:

*While the ruling party ran a savvy campaign that even Karl Rove could admire and the opposition made several tactical errors, the playing field has not been level. Regions of Ukraine might have eroded Yushchenko's leads in all independent polls without cheating, but did not. The government selectively enforced tax laws against the opposition, and unleashed both alarming and petty intimidation, including suddenly mandatory Saturday university classes or perfectly timed street or railway closures to hinder opposition rallies.*

Indeed, this delegation heard far too many allegations of selective enforcement of the law and of outright intimidation by government authorities to believe that the election for Ukraine's new president will be free and fair and meet international standards. That is a sad fact that we must report. However, the situation is not irreversible, and the authorities still can improve the prospects for a creditable fair election in several ways. First, the government immediately should insist that the media under the government's control, both directly stated owned and otherwise affiliated with the government, can provide fair and balanced coverage through the duration of the campaign, including leading up to a possible runoff election in November. Media fairness would go a long way toward giving international acceptability to whoever is elected as Ukraine's third president.

*It is important to Ukraine's future that its new leadership be accepted internationally as the legitimately —elected president of Ukraine, freely and fairly chosen by the people of Ukraine. Falling short will result in Ukraine's economic and political isolation from the West and its relegation to a place of little respect or influence in Europe and the wider world.*