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DIRTY ELECTION TACTICS IN UKRAINE

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Early next week, on May 10, Ukraine's Security Service and Interior Ministry are to report to President Leonid Kuchma regarding responsibility for large scale infringements of election and other laws that occurred on April 18, during the repeat elections for mayor of the Trans-Carpathian town of Mukachevo. Predictably, however, Kuchma has himself already fudged the issue of responsibility, raising speculation that he himself condoned the election violations.

The reaction to these events, both domestically and internationally, has been highly critical. The United States, the EU, the Council of Europe and the OSCE have all issued strongly worded condemnations stating their unwillingness to recognize the falsified election results. Domestically, the opposition has demanded the banning of the "party of power," the Social Democratic Party united (SDPU-o) led by Viktor Medvedchuk. An opposition-backed parliamentary motion demanding that President Leonid Kuchma remove Medvedchuk from his position as presidential administration chief fell short by only two votes.

Some background is in order. After relatively free and fair elections in 1994 and 1998, some election infringements were registered in the 1999 presidential elections. There was little doubt though, that incumbent Leonid Kuchma would defeat Communist Party leader Petro Symonenko.

During Kuchma's second term in office the enormity and brazenness of election fraud has grown. In the 2002 parliamentary elections, 219 candidates were de-registered, of whom only ten were re-instated.

Forty of these 219 candidates were de-registered in the week prior to the election. As the OSCE stated in its final report, "These late decisions made an appeal to the courts problematic, if not impossible".

These, and other anti-democratic tactics, were increasingly used and perfected against the opposition in eastern Ukraine during the course of 2003-2004. With Mukachevo, they have now spread to western Ukraine, where the opposition is stronger and usually able to prevent election infringements.

In eastern Ukraine, Viktor Yushchenko's Our Ukraine and Yulia Tymoshenko's blocs are relatively weak. The Socialists have some support but it is the Communists who are the main "opposition force." In eastern Ukraine the authorities aim to block the advance of the opposition dead in its tracks by using blatant methods to prevent its representatives from winning election victories. They are assisted in these tactics by virulent Communist hostility to the "nationalist" Our Ukraine.

In western-central Ukraine the political situation is reversed as national democrats are dominant. The only oligarch party in this region is Presidential Administration head Viktor Medvedchuk's Social Democratic Party united (SDPU-o).

Medvedchuk has turned the SDPU-o into the main oligarch and pro-presidential party used against the opposition. Its tactics have included the annulling and falsification of elections and bribery of deputies to switch factions from the opposition. The Tax Administration has also been used against Our Ukraine's business supporters and Our Ukraine-controlled city councils.

The background to the April-May events in Mukachevo lies in mayoral elections held last year in the eastern Ukrainian cities of Sumy, Chernihiv and Zaporizhzhya, which also proceeded among multiple voting infringements. Serhiy Klochko, the joint opposition candidate in Sumy, was de-registered for allegedly minor financial infringements only two days before the election, leaving the way open for a pro-presidential candidate to win.

In Zaporizhzhya and Chernihiv, opposition candidates Petro Sabachuk and Dmytro Ivanov were also unable to conduct free and fair election campaigns. They also lost to pro-presidential candidates.

Few attempts were made to disguise blatant election rigging in the March 7 election in Donetsk. Oleksandr Vasyliev, head of the Donetsk Tax Administration, stood for election after his brother, Hennadiy, had resigned his seat when he was appointed Prosecutor General. Oleksandr Vasylev obtained an astounding 78.7 percent of the vote, with the Communist candidate, Ihor Mohylevsky, coming in a distant second with only 8.6 percent.

The Committee of Voters NGO, funded by the NDI, recorded numerous infringements in these elections. These included abuse of state "administrative resources," dissemination of materials discrediting other candidates and bribing voters with 20 hryvni (US\$3-4) for their votes.

In Mukachevo the conflict between Our Ukraine-SDPU-o has raged since Our Ukraine candidate Vasyl Petyovka defeated SDPU-o candidate Ernest Nuser in a hotly contested election in July 2003. The SDPU-o regarded this as a slap in the face as Trans-Carpathia is seen as the SDPU-o's main western Ukrainian base. The SDPU-o refused to accept that they could lose an election to Our Ukraine and the aim was to ensure Nuser was elected, by hook or crook.

After months of legal wrangling a presidential decree issued in December removed Petyovka. He was replaced with SDPU-o member Myroslav Opachka as acting mayor.

The city's Election Committee, which was controlled by the SDPU-o, initially refused to register Our Ukraine candidates Petyovka, Viktor Baloha and Zoltan Lendyel. The city court, which had recognized the 2003 victory of Our Ukraine mayoral candidate Petyovka, ordered the Election Committee to register them.

Kuchma's response was to amalgamate the city court with the rayon court. This cancelled the court's decision to register opposition candidates.

Despite numerous infringements of election and many other laws Our Ukraine candidate Baloha nevertheless won the election on April 18. The response of the local authorities, controlled by Medvedchuk's SDPU-o, was to organize violent attacks and threats by organized crime "brothers" (Bratstvo), commonly referred to as "skinheads." They then blatantly falsified the election outcome in favor of their 2003 candidate, Nuser.

Election tactics against the opposition honed between 2003 and 2004 are practice runs for the October presidential elections. Based on current polls, the elections will pit Yushchenko against Kuchma's chosen successor, Prime Minister Viktor Yanukovych, the head of the Donbas "party of power" Party of Regions.