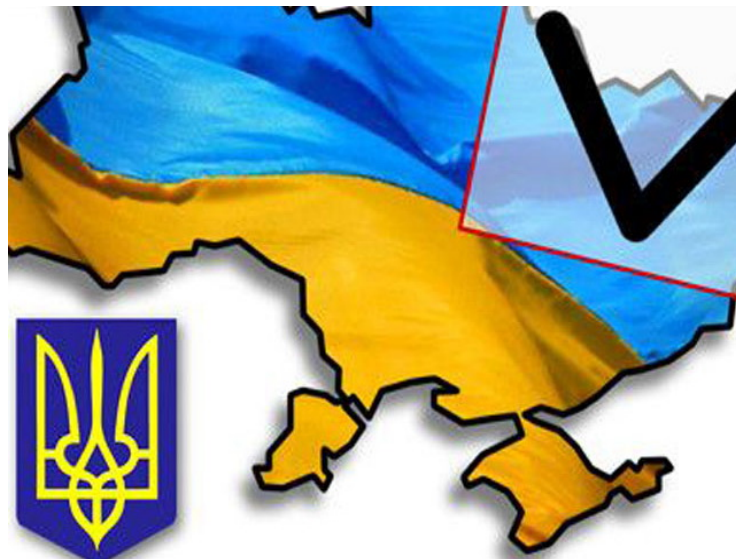




# Focus on Ukraine

October 22 – 28, 2012





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## *I. Overviews of political events of the week*

**October  
22**

**On October 19 a member of the Russian opposition Leonid Rozvozhayev, who sought political asylum in Ukraine, was abducted.** On October 21, the activist of the Left Front movement ended up in the Basmanny Court of Moscow, where he was arrested and jailed for 2 months allegedly for organizing mass unrest. International bodies reported to Russian and Ukrainian opposition members of the possible collaboration between the special services of both countries. Ukraine's Presidential Administration declined to comment on the abduction of the Russian oppositionist saying law enforcement bodies will give an explanation.

**October  
23**

**The United Nations organization is threatening Ukraine with sanctions for the abduction of Russian oppositionist Leonid Rozvozhayev in Kyiv** in an official statement on the website of the UN on refugee issues. The statement reads that a person seeking international protection has physical immunity guaranteed by the country in which they are staying.

**Nearly 4,000 international observers will monitor the course of the parliamentary elections in Ukraine.** The majority of them are representatives of international organizations, the Ministry of Foreign Affairs of Ukraine reported.

**October  
24**

**Officers of the SBU and border guards detained Mykola Melnychenko, the former secret service bodyguard of ex-president Leonid Kuchma, at Boryspil International Airport.**

A year ago a criminal case was filed against Melnychenko for abuse of power, disclosure of state secrets and falsification of documents. At the same time, experts presume that the return of Kuchma's former bodyguard is politically motivated and connected with participation in the court proceedings against Yulia Tymoshenko.

**The daughter of Yulia Tymoshenko filed a claim with the UN Human Rights Committee on Torture of Political Prisoners in Ukraine.** During the meeting of the committee in Geneva she urged the democratic world to not recognize the elections in Ukraine as the current ruling power neglects human rights and democratic values. Western politicians also once again expressed their concern regarding the situation in Ukraine.

**October  
25**

**The Economic Court of Kyiv rejected the petition of sociologists to close the court case filed upon a claim submitted by the leader of Natalia Korolevska's Ukraina-Vpered! party against the Democratic Initiatives Foundation and the Kyiv International Institute of Sociology (KIIS).** Korolevska is demanding that the ratings of her party based on the results of public opinion polls conducted by the two aforementioned organizations be refuted.

The court satisfied the claims submitted by the representative of the plaintiff requesting time so that the party's leader can familiarize herself with the



questionnaires on the basis of which the ratings were compiled and set the date of the next hearing for November 8.

**October  
26**

**Observers of the election watchdog OPORA registered 457 cases of application of administrative resources**, the movement's coordinator Olha Aivazovska reported. She said the most widespread violation in this year's election campaign was the use of administrative resources – namely illegal canvassing on the part of government functionaries exploiting their position as civil servants during working hours. The bribing of voters took second place in the rating and obstruction of canvassing took third place.

**The Ministry of Internal Affairs informed that during the election campaign the police filed 75 criminal cases for violation of electoral legislation, Deputy Minister of Internal Affairs Viktor Ratushnyak reported.** He said the police registered nearly 4,000 violations since the start of the parliamentary election race, including illegal canvassing, bribery of voters, threats and larceny.

**The Shevchenko District Court of Kyiv released ex-president Leonid Kuchma's former bodyguard Mykola Melnychenko on condition that he will not flee the country and for a bail of UAH 76,500. The court's ruling was motivated by the absence of facts that Melnychenko intends to evade investigation.** In an interview with journalists the former major said he was forced to return to his native country as his life was in danger in the U.S., where somebody was planning his assassination. Besides that, Melnychenko denied that the aim of his return to Ukraine was to participate in the court proceedings against Yulia Tymoshenko.

**October  
28**

**Elections to Verkhovna Rada has taken place.** For the first time since 2002, parliamentary election was conducted according to mixed electoral system: 225 deputies were elected on the basis of closed party lists, 225 – in single-mandate districts. According to the data of the National exit poll (conducted by Democratic Initiatives Foundation, Kyiv International Institute of Sociology, and Razumkov Centre), five parties will enter next parliament: Party of Regions – 28,1%, All-Ukrainian Union "Batkivshchyna" – 24,6%, Party "Vitalii Klychko's UDAR" – 15,4%, All-Ukrainian Union "Svoboda" – 12,2%, Communist Party of Ukraine – 11,6%.

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## II. Analytical Reference

### ✓ *Democratic processes*

#### ELECTIONS-2012: UNFAIR A PRIORI

On October 28 elections to the Verkhovna Rada will be held. The significance of these elections for the further political course of Ukraine is difficult to overestimate. Moreover, what its results will be and the nature of voting will influence not only the internal political trajectory of Ukraine over the next several years, but also its place on the international arena.

Foreign observers will pay particular attention to the level of correspondence of the will of the people to democratic standards, which to a large degree will determine the future strategy of the major players on the global arena towards Ukraine. However, leading up to the day of elections there are already enough grounds to call these elections unfair and non-democratic.

*What points to the non-democratic nature of 2012 election campaign?*

It is glaringly obvious that a comprehensive assessment of any elections is impossible based on observations on election day alone. An analysis of the entire –pre-election campaign and in many cases the positioning of political forces prior to the official start of the election race should be no less significant factors in this process. Such an analysis of pre-election trends in Ukraine, which will have a serious impact on the course and results of voting, gives grounds to assert that even in conditions of absolutely free and fair voting and a transparent vote count one cannot say that the elections fully complied with democratic standards. Below we offer the main arguments in support of such an assertion.

***Instrumental electoral law.*** The law “On the Election of People’s Deputies of Ukraine” passed on November 17, 2011 was the first logical step of the ruling power on the path towards victory in the future parliamentary elections. Despite the pre-election promises of President

Viktor Yanukovich to introduce a proportional electoral system with open lists, the new election law that established a mixed system combining the elements of two electoral systems – the proportional system with closed lists and the single-round first-past-the-post system – was his personal initiative that was rushed through parliament.

The rationale behind this was quite clear: the first-past-the-post system in Ukraine is more ductile to application of the administrative resource and political corruption and in the majority of cases gives candidates that take advantage of financial and political support of the government an edge. Other novelties of the law – specifically, the ban on political blocs running in the elections and the raising of the passing threshold to 5% – were also targeted against opposition parties, which seriously complicated their process of preparation to the elections.



**Blocking opposition leaders from running in the elections.** The cleansing of the political field of the main rivals to the ruling power became a no less important element in the strategy of achieving the desired results in the elections. The conviction and imprisonment of two of the most radical opponents of the ruling power Yulia Tymoshenko and Yuriy Lutsenko on October 11, 2011 and February 27, 2012 respectively was aimed at preventing them from running in the future parliamentary elections with the help of politically motivated judicial proceedings.

As a result, the opposition parties they represented lost considerable leverage in terms of organizational potential and the support of its electorate. This became clear after Tymoshenko and Lutsenko were stricken from the lists of the renewed opposition party Batkivshchyna, which resulted in a sharp decline in its ratings.

**Cutting up the pie or gerrymandering of electoral constituencies.** Although the process of forming first-past-the-post electoral constituencies was less noticeable to the public, it did contribute to an unfair elections campaign. Many constituencies were formed especially for specific candidates from the ruling power in order to guarantee them the most favorable conditions for rivalry with their future opponents. Such gerrymandering was particularly widespread in the eastern regions, though it did affect other regions of the country. For example, certain constituencies in Kyiv were deliberately deformed and even split into two parts that were not associated with each other (Constituency 221, which was slated for a candidate from the ruling power Alla Shlapak). Clearly, the Central

Election Commission did not present such “gratuities” to prospective candidates from the opposition forces.

**Control of the mass media.** The active work with national and regional media the majority of which are already loyal to the ruling power is yet another mean of gaining the desired results in the elections that was cemented well before this year’s election campaign. During the election race the control of the ruling power over the mass media was intensified and the latter was exploited for the purpose of poorly hidden canvassing in favor of political forces of the pro-government team, namely the Party of Regions, the Communist Party of Ukraine and Ukraina-Vpered!

The results of monitoring research conducted by the non-government organizations, such as Institute of Mass Information (IMI), the Ukrainian Press Academy and Telekritika, which registered the dominance of the Party of Regions and its satellites in the information space of the majority of national television channels, radio stations and printed publications, showed a clear imbalance.

**Staffing of election commissions.** The holding of draws for members of district and precinct election commissions from August to October of this year was clear testimony to the control over the electoral process by the central ruling power. The result of the first stage was provision of an disproportionately large number of spots (in some places the maximum permissible 225) to technical and fictitious parties some of which are not even running in the elections based on proportional lists, for example, Youth to Power, United Rus, The Peoples’ Labor Union, Rus Bloc, Rus Unity and others.



At the same time, two powerful parties that are vying for seats in the parliament – UDAR of Vitaliy Klitschko and Svoboda – did not receive a single candidate. The further process of substitution of elected members of district commissions only confirmed that the draw was conducted upon a directive “from the top” in order to guarantee the Party of Regions the possibility to gain control over the absolute majority of members of district commissions. The same method of drawing was applied at the level of precinct commissions with all the pursuant consequences.

**Pre-election violations.** In view of all the aforementioned measures of the ruling power, the course of the election campaign was not surprising. Based on the results of election monitoring conducted by the civil network OPORA, in the first month of the pre-election campaign (August) the Party of Regions became the undisputed leader in terms of the number of registered election violations – 188. The closest behind

the PoR were the Communist Party of Ukraine with 6 violations, Batikivshchyna – 4, the Peoples’ Party, UDAR, Svoboda and United Center – 2. While the nature of such violations varied, the use of administrative resources and the bribing of voters took first places. The situation did not change much in September – the violations were the same and their number saw a slight increase.

The situation was further complicated by the novelty of this year’s first-past-the-post campaign characterized by many candidates fooling their voters. For instance, many self-nominated candidates that are supported by the ruling power position themselves as either independent candidates or even representatives of the opposition forces, while many official candidates running for the Party of Regions are ashamed to admit to their voters the party that nominated them. Clearly, such maneuvers by candidates for first-past-the-post seats only completed the overall picture of the unfair election campaign in 2012.

## **Conclusions**

*Accordingly, even the afore mentioned signs of deliberate distortion of the elections process to the benefit of the ruling party and its allies are sufficient to understand that the participants in the election process were put in unequal conditions from the very start and the right of citizens to choose was significantly narrowed even before the voting day.*

*For this very reason, this year’s parliamentary elections already cannot be called fair or democratic. The fact that the logical fulfillment of the strategy of the ruling power of gaining the desired results through direct falsification of votes poses a no less serious threat in this situation.*

*In any case, an analysis of not only the voting process and vote counting, but also of all the important factors in Ukrainian politics that had a direct impact on these processes, are required to make an adequate assessment of the 2012 elections.*



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