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YUSHCHENKO WINS FIRST ROUND OF UKRAINE'S PRESIDENTIAL ELECTION

-Taras Kuzio

Challenger Viktor Yushchenko won the first round of the Ukrainian presidential elections on October 31 (Itar-Tass, November 2). According to official Central Election Commission (CEC) figures, Yushchenko won 16 oblasts and the city of Kyiv. Besides sweeping western Ukraine, Yushchenko won the whole of central Ukraine, a key region where then-incumbent Leonid Kravchuk lost to Leonid Kuchma in the 1994 presidential elections. Prime Minister Viktor Yanukovych only won in nine of Ukraine's 25 oblasts and in the city of Sevastopol.

With 97.67% of the results tallied by the end of Tuesday [November 2], the CEC reported that Yanukovych was leading by 39.88% to Yushchenko's 39.22%. However, many observers find it suspicious that the CEC has taken so long to collect results from key regions that are Yushchenko strongholds -- western Ukraine, including Lviv (3.5% of the votes still not submitted), Ivano-Frankivsk (12%), Ternopil (5%), Volyn (5%), and central Ukraine, including the city of Kyiv, (8%), Khmelnytsky (6.4%), Kirovohrad, and Vynnytsia (3%). These regions would give Yushchenko an additional 250,000 votes, eclipsing Yanukovych's lead of 182,000.

On election night five leading sociological organizations conducted Ukraine's largest exit poll. When plans for these surveys were revealed in August, the authorities organized their own exit poll, to be conducted by Gleb Pavlovsky, the "political technologist" who has led the way in dirty tricks against Yushchenko on behalf of presidential administration head Viktor Medvedchuk. In the exit poll organized by the Razumkov Center and the Kyiv International Institute of Sociology (KIIS), in which respondents could remain anonymous, Yushchenko obtained 44.4% to Yanukovych's 38% (exitpoll.org.ua).

As election day approached, the number of voters planning to vote for Yushchenko but who were afraid of stating their preferences to polling organizations increased. Upwards of 42% believed that whom they voted for would be found out and that a secret ballot was a myth. This explains why the anonymous methodology used by the Razumkov Center and KIIS obtained a better result for Yushchenko.

The exit poll conducted by Sotsis and Social Monitoring gave Yanukovych a lead of 42.67% over Yushchenko's 38.28%. This poll also reflects the fear of some voters to openly admit whom they voted for. According to the head of the Canadian observation mission, "skinhead" organized crime enforcers in eastern Ukraine used violence against polling station heads on election night if they did not produce 80% for Yanukovych (The Independent, November 1).

Parallel vote counting at Ukraine's 33,000 polling stations by the Yushchenko camp gave a different picture. With two-thirds of these ballots counted, the Yushchenko camp claimed that their candidate was squarely in the lead with 45% to Yanukovych's 33%. The CEC appears afraid to show the results of parallel vote counting. The fact that Yushchenko won in the majority of oblasts has led the Yushchenko camp to claim the

first round (www.razom.org.ua, November 2). According to an anonymous member of the Yanukovich camp, "There's shock among Yanukovich's team. The real results show Yushchenko probably got more than 54%" (The Independent, November 2).

Medvedchuk, President Kuchma, and CEC chairman Serhiy Kivalov are directly involved in falsification efforts to prevent either an outright victory by Yushchenko in round one or at least a large lead over Yanukovich (obkom.net.ua, November 2).

Medvedchuk ordered Kivalov to ensure that Yanukovich wins the first round by 0.5-0.9%. Alternatively, if this is impossible, he should "allow" Yushchenko to win by only 0.1-0.05% (obkom.net.ua, November 2). Kuchma promised to ensure that Kivalov was given "legal protection" in the likelihood of demands for a vote re-count. This strategy explains why the updating of the CEC's election results was suddenly, without adequate explanation, halted on election night. The authorities were stunned by the failure of the Yanukovich campaign and the large showing for Yushchenko.

Planned violations were difficult to undertake on the scale intended because of the huge mobilization of over 100,000 opposition and youth activists and the large presence of international observers. Serhei Tyhipko, head of the Yanukovich campaign, admitted that they had not expected such large-scale activity by voters in western Ukraine, because large numbers had migrated abroad in search of work (Ukrayinska pravda, November 1).

The Committee of Voters of Ukraine (KVU) concluded that each oblast administration was ordered to produce a certain number of votes for Yanukovich (cvu.kiev.ua). Where they were unable to secure the desired result, violations were greater. The Yushchenko camp concluded, therefore, that in reality Yanukovich obtained only 26%, with the remainder of his votes secured through abuse of state-administrative resources.

The Yanukovich camp devised four fraud tactics.

First, protocols from election commissions in regions where Yushchenko leads were re-written after arriving at the CEC. These included 150,000 votes from Kyiv and Kirovohrad. On election night in Kirovohrad, skinhead enforcers stole protocols after threatening officials and shooting guns into the air. Similar violations are reported from Trans-Carpathia, a former Medvedchuk stronghold that has become a key battleground with Yushchenko.

Second, tens of thousands of absentee ballots were used by skinheads and Donetsk Shakhtiar football supporters who had specially arranged trains and coaches organized to transport them from eastern Ukraine to Kyiv and western Ukraine. These absentee votes aimed to secure a high vote for Yanukovich in areas where Yushchenko traditionally dominates.

The three regions where these absentee voters were from are Donetsk, Dnipropetrovsk and the Crimea. In all three 50,500 more people voted than obtained bulletins (www.obozrevatel.com.ua, November 2). These were used to swing votes in key areas for Yanukovich. Another 30,000 absentee votes were used in Cherkasy and Chernihiv, plus many more in Zhitomir, Ivano-Frankivsk, Lviv, Poltava and Kyiv; all are Yushchenko strongholds (Ukrayinska pravda, November 2).

The total number of absentee ballots in favor of Yanukovich is between 85,000 and 130,000, according to election monitoring groups. These groups suspect that absentee voters most likely voted twice, someone on their behalf in their home precinct and themselves at their current location. In Donetsk this was undertaken through the use of foreign passports (with the absentee voters taking their internal passports with them).

Third, an anonymous source from the Medvedchuk camp in the CEC also alleged that the Communist Party candidate, Petro Symonenko, "donated" upwards of 670,000 votes to Yanukovych in the Donbas oblasts of Donetsk and Luhansk. Whether these votes were voluntarily "donated" or not, others were clearly stolen. These came from Kyiv Mayor Oleksandr Omelchenko, Progressive Socialist Natalia Vitrenko, former Prime Minister Anatoliy Kinakh and, the highest number from Socialist leader Oleksandr Moroz (razom.org.ua, November 2).

Fourth, faulty voting lists were a major problem. Prior to election day "dead souls" were uncovered on numerous voting lists, including 17,000 in Kharkiv alone. The Yushchenko camp believes that these "dead souls" could total as much as 2 million throughout Ukraine (www.razom.org.ua, October 17).

Three weeks separate the first and second rounds of voting, and the Yanukovych camp is desperately courting left-wing votes. This may be difficult, as upwards of three-quarters of traditional Communist voters already supported Yanukovych in round one.

Symonenko has declined to support "representatives of big business," which he claims dominate both leading candidates, meaning the 5-6% he obtained in round one may not go to Yanukovych (UNIAN, November 1).

The Yanukovych camp is desperately courting these left-wing votes by seeking to railroad through parliament before round legislation making Russian a second state language, allowing dual citizenship, and supporting constitutional reform. These measures, though, are unlikely to be adopted, as even some within the presidential camp opposed such policies.

The Socialists will be the kingmakers as they defeated, for the first time, the Communists in an election. They, like Yushchenko's camp, believe that the first round was falsified and have stated their intention to not back a candidate from the authorities (Interfax-Ukraine, November 1).

Yushchenko is therefore set to gain the Socialist vote in round two, as well as negative votes against the authorities. Yanukovych meanwhile, has exhausted his election support in round one and has nothing to draw upon in round two.

UKRAINIAN TV JOURNALISTS PROTEST CENSORSHIP

Attempts by President Leonid Kuchma's administration to silence dissenting opinions on television ran into resistance at a decisive moment in the presidential election campaign. Journalists from most of Ukraine's nation-wide TV channels have vocally protested efforts to muzzle free expression just a few of days before the October 31 presidential poll. What is more, the main opposition contender for presidency, Viktor Yushchenko, managed to break the information blockade, appearing on mainstream televisions on the eve of the voting.

The journalists of Channel 5, the only nation-wide TV outlet openly backing Yushchenko, were the first to launch a counter-offensive to defend freedom of speech. It must be admitted, though, that Channel 5 probably had no other choice. In August, the authorities switched Channel 5 off in the country's densely populated Donetsk and Dnipropetrovsk regions, which are strongholds of Prime Minister Viktor Yanukovych, Yushchenko's main rival in the election. Throughout September and October, several

towns across Ukraine switched it off one by one, citing "technical reasons," if any explanation was even given.

In early October, rumors started to spread saying that the National TV and Radio Broadcasting Council, the state media regulating body, was planning to strip Channel 5 of its license to broadcast in Kyiv, as some other well-connected channel reportedly had laid claim to the same frequency. Eventually, a court in Kyiv froze Channel 5's account in Raiffeisenbank Ukraine, but under a different pretext. A lawsuit by parliamentarian Volodymyr Sivkovych, a former KGB officer and a former media manager himself, was used against the journalists. Sivkovych had demanded that the founder of Channel 5, opposition parliamentarian Petro Poroshenko, apologize for libeling him. On October 13 Channel 5 had the misfortune to broadcast Poroshenko's accusations, namely that Sivkovych had lied when he reported on Yushchenko's mysterious illness to parliament on October 12. (Sivkovych, who chaired the ad hoc parliamentary commission looking into Yushchenko's alleged poisoning in September, told parliament that his commission had not found proof that Yushchenko had been deliberately poisoned.).

On October 20, Channel 5 held a live news conference denouncing what it described as the government's attempt "to shut down the only independent TV channel" in Ukraine. "They are trying to destroy our channel, the only media outlet that does not take orders from the government," news editor Roman Skrypin said. Channel 5 personnel warned that they would launch a hunger strike. On October 24, more than 100 journalists representing several TV channels, including, quite unexpectedly, the notoriously pro-government 1 + 1, ICTV, and Inter TV, rallied to express their support for Channel 5's struggle. They even took brooms onto Kyiv's main street, saying that they would rather sweep streets than lie on television.

Channel 5 staff went on a hunger strike on October 25, demanding: (1) unfreezing the channel's bank account; (2) confirming that Channel 5 broadcasts on Channel 48 in Kyiv legally; (3) resuming Channel 5's broadcasts in regions; and (4) a public apology from Sivkovych. On October 27, the bank account was unfrozen, but the journalists continued their hunger strike until November 2, when the court of appeals in Kyiv overruled the original verdict on freezing the account and Sivkovych apologized.

Channel 5 set an example to other journalists. On October 28, journalists from several TV channels, including the fiercely pro-government Inter TV, signed a statement protesting censorship and pledging to adhere to standards of impartial coverage. "Contrary to professional journalism principles, the government and certain owners and managers of TV channels are trying to ignore important events and are twisting facts," the statement said. The journalists demanded that the television channels employing them should represent different points of view in news coverage -- something that is notoriously absent from news programs of Inter TV and 1 + 1, which are linked to Kuchma's chief aide Viktor Medvedchuk, and UT1, which is state-owned.

Though still a far cry from Western standards of impartiality, the coverage of the election noticeably changed on several channels in the final days before the actual vote. On October 29, Era TV, which broadcasts at night and early in the morning using UT1's frequencies, dared to air a lengthy interview with Yushchenko. This was quite unexpected from a TV channel controlled by Andry Derkach, a wealthy businessman from Dnipropetrovsk, whose godfather happens to be none other than Kuchma. And on polling day, October 31, Inter was among the first channels to show Yushchenko casting

his ballot. It is also interesting that several leading journalists of pro-Yanukovich channels appeared on TV screens on October 30 and October 31 dressed in orange, which is the color of Yushchenko's campaign. Some of them had been among those who signed the October 28 anti-censorship statement.

The loyalty of nationwide TV channels -- with the only exception of Channel 5 -- has been one of Yanukovich's main advantages over Yushchenko. If the mood of dissent continues to spread among the television community in Kyiv, Yanukovich may lose this edge in the run-up to the November 21 run-off.

(Channel 5, October 20, 25, 26, November 2; ICTV, October 24; Telekritika web site, October 28; Era, October 29; Inter, October 31.)

--Oleg Varfolomeyev