

# Briefing :: Assessing Ukraine's Parliamentary Elections

Commission on Security & Cooperation in Europe: U.S. Helsinki Commission

Assessing Ukraine's Parliamentary Elections

Committee Members Present:

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Witnesses:

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Bureau of Democracy, Human Rights and Labor,  
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The Hearing Was Held From 10:00 a.m. To 11:30 a.m. in Room B-318 Rayburn House Office Building, Washington, D.C., Orest Deychakiwsky, Policy Adviser for Belarus, Bulgaria, Romania and Ukraine, CSCE, Moderating

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OREST DEYCHAKIWSKY: I think we can start the briefing.

My name's Orest Deychakiwsky. I'm a policy adviser here at the Helsinki Commission. On behalf of our chairman, Congressman Chris Smith, welcome to today's Helsinki Commission briefing assessing the October 28th parliamentary elections in Ukraine. We're pleased to have with us a very distinguished, knowledgeable panel of seasoned representatives of organizations with substantial, longtime on-the-ground election experience in Ukraine.

Before proceeding with our panel, let me say a few words from my perspective

as  
an OSCE observer at these elections. The OSCE, the U.S. government, the EU  
and  
others have all asserted that these elections represented a step backward  
compared to the four most recent national elections. According to the  
OSCE's  
post-election preliminary statement, there was a lack of level playing  
field,  
caused primarily by the abuse of administrative resources, the lack of  
transparency, of campaign and party financing and lack of balanced media  
coverage.

On the other hand, voters had a choice between distinct parties, and  
elections  
day voting and the counting were assessed quite positively by the vast  
majority  
of OSCE observers. Indeed, the voting - and more importantly, the count -  
that  
my partner, Italian member of parliament Matteo Mecacci, and I observed in a  
polling station in Kiev Oblast, for instance, was, I would say, very good,  
among the best I've ever seen and - on my election observing.

However, according to the OSCE-ODIHR election mission's post-election  
interim  
report, issued just a week ago, the tabulation process following elections  
day  
lacked transparency and was marred by serious problems, including outright  
falsifications in some of the single-mandate districts, and we'll hear more  
about that from OPORA in a little while.

So these elections, I think, with all their flaws, were far - were for the  
most  
part competitive and more or less free, if obviously far from being  
completely  
fair. Despite their shortcomings, they clearly were not the noncompetitive,  
farcical, rigged elections that we see all too often in former Soviet  
states,  
including those that I observed just two months ago in Belarus in late  
September.

But having said that, let me offer several points for your consideration.  
Number one, in contrast to elections in Belarus, Russia and elsewhere in the  
post-Soviet regime, a space where elections have not complied with OSCE  
standards for a long time, if ever, Ukraine's last four national elections  
were  
assessed positively by the OSCE. Unfortunately, these elections moved  
Ukraine  
in the wrong direction. So what we see is regression.

Number two, Ukraine aspires to European values and European integration, has  
actually undertaken some concrete measures to draw closer to Europe.  
Belarus  
and Russia, obviously, have not.

And number three, Ukraine soon will assume the leadership of the OSCE. An  
incoming chair in office should display exemplary conduct by adhering to

OSCE

commitments, especially in areas of human rights and fundamental freedoms, democracy and the rule of law. Instead, it appears as if Ukraine will take over the chairmanship under a cloud. Of course, the releasing of political opposition leaders, Yulia Tymoshenko and Yuri Lutsenko, and completing the election process in a fair, transparent way, as vice president urged President

Yanukovich to do earlier this week, would go a considerable way, I think, in helping to remove that cloud.

And now I'll introduce our panel in order of appearance. Olha Ajvazovska is board chair of the Ukraine citizens network OPORA with an education in journalism and philology. Olha has spent her career in the civic sector. She's been the chairman of the board since 2009 and worked with the organization since its founding in 2006. Prior to that Olha worked for PORA, the nongovernmental organization from which OPORA evolved, and other student and youth organizations.

Katie Fox is deputy director for Eurasia and the National Democratic Institute.

Prior to joining NDI 16 years ago, Katie was legislative director for a large labor union and served as an aide to U.S. senators and a congressman. In her current role, she oversees NDI election monitoring, civic organizing and political party development programs in Ukraine, Russia, Belarus and Moldova.

Stephen Nix, who's no stranger to this commission, is regional director for Eurasia at the International Republican Institute. He's been with IRI since 2000 and oversees programs in Belarus, Georgia, the Kirghiz Republic, Moldova, Russia and Ukraine. Prior to IRI, Steve served for two years as senior democracy specialist at the U.S. - USAID. And during the 1990s Steve worked among many other things either for three years, I believe it was, in Ukraine, part of that time if not all of it for IFES.

We're honored to have join us - and he just returned from Iraq last night - Thomas Melia, Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor, DRL. He's responsible for DRL's work in Europe, including Ukraine, Russia and the Caucasus, in the Middle East and North Africa and workers' rights issues worldwide. Prior to coming to DRL in 2010, Mr. Melia spent five years as deputy executive director of Freedom House and before that spent 12 years with NDI.

Now, if you haven't done so already, please pick up their full biographies. They're on the table outside, along with brief descriptions of their organizations.

At this juncture, before the panelists start, I'd like to introduce Dr. Paul Carter, who's our senior State Department adviser here at the Helsinki

Commission. Paul has a long and distinguished career in European and Eurasian affairs, including as the State Department's desk officer - political officer during the Orange Revolution, I would say a particularly interesting time to be there.

Before we turn it over to the other panelists, I'd like to ask Paul to say a brief word about an especially topical issue relating to election observation.  
Thank you.

PAUL CARTER: Thank you, Orest. It's an honor to appear here today with this distinguished panel. I look forward to hearing their views on the Ukrainian elections, their significance for democracy in Ukraine and the way forward.

I first would like to take this opportunity to say a few words on an election-related matter. As Orest mentioned, Ukraine will assume the OSCE chairmanship in office at the beginning of the new year. This will be an important opportunity for Ukraine to bolster its democratic credentials and to help strengthen respect for fundamental freedoms in the Euro-Atlantic and Eurasian regions. We have high hopes for Ukraine's chairmanship and look forward to assisting Ukraine in any way we can.

A few days ago Ukrainian Foreign Minister Gryshchenko told the press that during its 2013 chairmanship of the OSCE, Ukraine would offer what he called common standards for the activity of international election observers. We'll have to wait for the Ukrainian government to flesh out this proposal, but when their face - on its face, it has caused some concern.

For several years now the term "common standards" has been a shorthand way of referring to proposals by some participating states to weaken OSCE election activities by subjecting them to consensus agreement, including by the governments whose elections are being observed. We strongly oppose any efforts to undercut OSCE election observation activities and urge Ukraine to ensure that OSCE work on elections and OSCE human dimension work in general is protected from any efforts to weaken or undermine it.

The OSCE Office for Democratic Initiatives and Human Rights already has a handbook and code of conduct for election observers that has been the basis of OSCE observations for the last 15 years. We support the existing handbook and code of conduct and encourage the Ukrainian chairmanship to assist in the implementation and strengthening of the existing OSCE documents.

I would welcome any comments that our panelists might have on this matter.  
And

now I would like to turn it over to them. Thank you very much.

MR. DEYCHAKIWSKY: Thanks, Paul.

At this point too, I would like to recognize Ukraine's ambassador to the United States, the honorable Olexander Motsyk, who, in the question-and-answer session after the panelists are done, will have the opportunity for the first question and comments, any comments he might have. Welcome, Ambassador Motsyk.

Thanks a lot, Paul. Now we turn to our first panelist. Reading Ms. Ajvazovska's statement will be her colleague, Iurii Lisovskij, coordinator of OPORA's observer network. And then Ms. Ajvasovska will give a brief PowerPoint presentation in Ukrainian - with English translation, of course. So please proceed.

IURI LISOVSSKIJ (Coordinator, OPORA's Observer Network): OPORA notes setback of Ukraine in holding democratic elections. The 2012 parliamentary campaign was characterized by an artificial restriction of competition within the electoral process and by flagrant violations of the principle of equal opportunities for political parties and candidates.

The mixed electoral system, as well as the use of the illegal practice of abusing administrative resources and bribing votes had a decision influence on the course of the campaign, which generally did not contribute to the integrity of its results. These violations were systematic and had no legal consequences for the electoral subjects that resorted to them.

Taking into consideration pre-election and election day factors, OPORA considers that the election process does not meet basic democratic standards due to the lack of equal conditions for conducting campaigning for - by candidates and parties, unrepresented large number of technical electoral subjects, unbalanced election commissions and media.

However, observers recorded the most grievous violations at the stage of vote count and vote tabulation. OPORA counted 16 districts, in which direct and unconcealed fraud took place at the level of district election commissions, namely: Changes were made to the protocols of vote at polling stations; ballots were destroyed and spoiled; false data of vote count was transferred to the CEC website. The judiciary and enforcement bodies were unable to properly perform its functions and to promote establishment of the election results. Unfortunately, the above-mentioned violations remained out of attention by

the  
law enforcement bodies.

The return of Ukraine to a mixed electoral system previously applied in 1998 and 2002 with a majoritarian component provided incentives for electoral subjects to massively use unfair methods of campaigning in single-mandate constituencies. In countries with no rooted democratic traditions and societies not critical of corruption, the majoritarian component also corrupts the electoral process.

The state authorities failed to provide impartial treatment of all participants to the election process. Taking advantage of Ukraine ambitious electoral law, which does not clearly distinguish between campaign activities and the performance of official duties, officials systematically used their power and state resources available to them for campaigning.

The most common abuse of this type was observed within budget administrative resources. Candidates or parties close to authorities received substantial indirect investment from municipal or state budgets for the needs of their campaigns, which put electoral subjects in unequal conditions and misled the voters, who were unable to distinguish between manipulation and the real achievements of candidates.

The indirect bribery of votes, which was conducted by candidates and parties in the form of charity, was the main technology used to impact the vote. Candidates' charitable foundations turned out to be a complementary tool of campaign financing that directly contradicted the norms of the law on exclusive financing of campaign activities of the electoral subjects from the official election funds. Thus, the issue of the lack of transparency in financing election activities become even more acute in the 2012 parliamentary campaign. The indirect votes bribery carried out by candidates was massive and systematic and conducted by illegally providing products, services, jobs or benefits to voters with the purpose of campaigning.

The use of controversial procedure for drawing the members of district and precinct election commissions resulted in an unbalanced representation of key electoral actors in election commissions and the dominance of the so-called "technical parties" in the commissions. As a result, the work of the election commissions before and during election day was marked by constant conflict and a lack of public confidence in the commissions as the institutions responsible for the administering election process on the ground.

In the process of tabulation and transmission of protocols of the district election commissions, observers recorded procedural violations, including

taking stamps outside polling stations, which is prohibited by law; precinct election commissions delaying the signing of the vote count protocols; and the frequent return of protocols by DEC's to PEC's for further information check.

Observers also noted that the procedure to consider complaints from electoral subjects and citizens was quite formally fulfilled. At a quarter of polling stations, where complaints and claims were registered during the voting day, commissioners spent a total of no more than half an hour their consideration.

(Note: Ms. Ajvazovska's remarks are provided through an interpreter.)

OLHA AJVAZOVSKA: Thank you. Let me take over. Just a few slides in my presentation to illustrate the points that Iurii just made.

First of all, speaking of systematic irregularities that we observed even before the election, there would be use of administrative resources by the party of power. Specifically, government resources were used to give unfair advantages to the specific candidates. Four hundred fifty-seven such violations were registered by our observers. Such use - such unfair use and unfair advantages provided by use of these state resources precluded fair competition in these elections.

Secondly, I would like to emphasize the bribery of the voters. That these violations - that these - more specific to Ukraine, and it's the - it's the attempt to bribe the voters.

The third type of irregularities was the hindering of political activities and creating artificial difficulties for the candidates. That would include obstruction or denying access to the media. Then even to - up to using of law enforcement type activities and creating artificial barriers.

I just mentioned these three most common types of violation and irregularities, though investigated many more.

Unfortunately, those irregularities and violations were of a systemic nature and were observed throughout the territory Ukraine.

The violations and the irregularities that we observed after the election day, they did - we did not consider them systemic, as they were more prevalent in some regions than in other regions. Nevertheless, they were material, as they affected the outcome of the elections.

Additionally, OPORA provided voting tabulations that gave us the gauge of the outcome. The results for the districts were - there were many (mandates ?) of - our predictions are closely aligned with preliminary results that we received

from Central Electoral Committee.

We encountered, as it was predicted, the most problematic outcome in those districts where we had a single candidate, which we believe was a result of legislative type of manipulation by the electoral committee. Unfortunately, these elections were unprecedented they - that they used the dummy candidates or placeholder candidates, or what they call technical candidates. Among 81 entities that took part in polling - in selecting the electoral committee, only 22 political parties considered true or real participants in election process. Sixty of these political parties considered dummies or placeholders, or technical parties, as they called - that they were created on purpose to skew the composition of the electoral system.

This chart highlights distribution of different parties through electoral committee. Blue bars indicates representations of various political parties in these commissions - district electoral commissions. The yellow bars represent number of - a true number of candidates registered by those political parties that would clearly indicate that those political parties that would be expected to be most popular with electorate in Ukraine as Party Svoboda and Party UDAR, they did not receive a single place in these electoral committees.

Unfortunately, this type of skewing and manipulation resulted in violations also after the day of elections. The - (inaudible) - was affected through denying or through the lack of political representations in the commissions that were in charge of counting the votes or tabulating the votes after the elections. For example, out of the 18 members of the Central Electoral Committee, only two represented the opposition parties, so 16 were pro-government.

Here let me underline the scope of the observers that we provided. Two hundred twenty-five long-term observers - they worked throughout the - before, during and after the elections. Additionally, we had 3,500 short-term observers working specifically on the election day. That allows us with confidence to state that most of the violations - systemic violations took place before the election day. We also noted the number of irregularities that are - that should be classified as falsifications after the election days. So the regional election districts participated in these manipulations.

Regardless of the - (inaudible) - and scheduling of secondary election in five districts - (inaudible) - electoral districts, we do not believe that these second elections would be any more fair than the original ones unless laws that were responsible for violation in the first place would be duly prosecuted.

Thank you.

MR. DEYCHAKIWSKY: Thank you very much, Olha and Iurii. And now we'll turn to Katie Fox.

KATIE FOX: Thank you, Orest. And also, thank you, Olha, for an interesting presentation on the problems plaguing this election. NDI's observations similarly point to an election that is not democratic and constitutes a setback for Ukrainians' Euro-Atlantic aspirations.

I'm going to use my time here today, however, to place this election in the context of Ukraine's longer-term democratic development. Democracy is about more than elections, of course, as Ukrainian President Viktor Yanukovich has himself implied in describing Ukraine's aspirations to meet European Union democratic, not only electoral, standards.

Is that better? Thank you. Sorry.

On one key measure of democracy, political pluralism, Ukraine did reasonably well in these elections. Even though they did not compete on a level playing field, opposition parties are likely to be well-represented in the new parliament. In addition, because of what seems to be a protest vote against established groups, new political parties like Svoboda and UDAR will have seats in the parliament. It appears that despite the voter bribery and misuse of government resources in the campaign, which OPORA has told us about, many citizens simply decided to vote their consciences. And this is a healthy sign.

A second positive: Parties and candidates appear to have campaigned to a greater extent than previously on the issues, giving voters real choices. Poll after poll has shown that Ukrainians are frustrated with their leaders. They are yearning for new policy proposals as well as new leaders. So this election was a tentative indication that parties are beginning to respond, and that's positive.

Turning to the election's clearly negative effects on Ukraine's democratic progress, as Orest and Paul have said, there is a consensus among credible domestic and international observer groups that the elections were, quote, a step backwards. I am not going to try to expand on the very good job OPORA has done of describing what happened in the elections themselves, except to add one general point.

NDI fielded a pre-election delegation, which issued a statement on the campaign environment. And in that, we pointed to a deep lack of confidence in

Ukrainian

leaders, political parties and other political institutions. That lack of confidence appears to have worsened dramatically since our group left Ukraine

in September. And we see that, for example, in the lack of confidence and apparently outright bias on some of the election - district election commissions that OPORA is describing. NDI and other groups recommended changes

to the way these election commissions were selected, which unfortunately were not heeded.

But I would like to return to Ukraine's progress on democracy overall. In testimony before the Helsinki Commission last May, NDI listed threats to democracy in Ukraine. And today that list is substantially unchanged. At that

time we noted a significant decline in the protection of democratic rights. More fundamental, we talked about the danger of consolidation of political party within the executive branch - excuse me, political power within the executive branch and, indeed, within a single political party. In this context, we referred to legislation that was passed in 2010 to strengthen the

presidency, we referred to flawed local elections in 2010 that were won overwhelming by the governing party of regions, and we referred to the politicization of the judiciary.

Today there is one more potential red flag. Critics of the Ukrainian government have long speculated that the Yanukovich administration would seek

constitutional changes to enhance the power of the presidency. But until last week, amending the constitution required the support of two-thirds of the Rada,

a supermajority, which the governing party did not achieve in these elections.

But on November 6th, the Rada passed, with just 10 minutes of debate, legislation that changes the constitutional amendment process to introduce a national referendum and, more important, eliminate the need for a two-thirds majority. Now the president may put a proposed change to a national - put a proposed constitutional change to a national referendum with the support of a

simple parliamentary majority.

I am not - we are not here to debate the merits of national referenda per se,

but nevertheless, it is reasonable to wonder about the circumstances under which this constitutional amendment procedure was so quickly changed. The opposition parties have indeed cried foul, and the burden is now on Ukraine's

leaders to regain their confidence by demonstrating that there is a legitimate

reason for the sudden change. What else can Ukraine's leaders do going forward

to reassure and reunite Ukrainians as well as reassure the international community of their democratic intentions?

In the short term, as Olha has said, the election authority's police and prosecutor's office should investigate all credible claims of electoral fraud and fully prosecute all violations, or there is no reason to believe that the next elections will be any better than the last ones. And that includes the districts that are to be rerun.

Second, over the next few weeks Rada factions will be forming. Nonaligned deputies will declare their allegiances. A certain amount of bargaining is part of parliamentary faction formation. However, we hope all parties will refrain from using corrupt or unethical methods, bribes or threats, to induce members of parliament to join factions. Such behavior has historically been used in Ukraine to distort election results, and it is guaranteed to trigger suspicions in Ukraine and the international community.

Third, in the short term, Rada leaders should examine the rules of procedure and try to ensure that some leadership positions, such as substantive committee chairmanships, are reserved for opposition MPs. More substantial opposition involvement will promote more trust and confidence in the deliberations of the Rada.

And then turning to our recommendations for the longer term, legislative or constitutional changes affecting the structure of power, the rights of the opposition or electoral conditions should be the subject of full, transparent and inclusive debate. Opposition parties and civic groups - civic experts should be included. This may, in the near future, for example, apply to administrative reform, changes to the presidential election law or to the electoral calendar.

Second, the government should put an immediate stop to politically motivated prosecutions. NDI here joins the widespread call for the release of former Prime Minister Yulia Tymoshenko and Interior Minister Yuri Lutsenko. As long as they are in jail, neither Ukrainians nor the international community will have full confidence in Ukrainian leaders' democratic credentials.

Third, as a result of the reintroduction of single-mandate districts, for the first time in several years Ukraine will have members of parliament representing defined geographic areas. This offers a new opportunity to strengthen ties between elected leaders and voters. We hope that across the political spectrum, these members of parliament will strive to learn and respond to the needs of their constituents.

And finally, I would like to second the call from Dr. Carter on - in regard to electoral standards. NDI has been at the forefront of a worldwide movement, along with the U.N. and other credible observation organizations, to promulgate standards for international observation. These are very similar to the standards that Mr. Carter discussed - Dr. Carter discussed from the OSCE,

and

we fully agree that the best way to improve election observation is to strengthen those standards and not to start with new ones.

In the next few weeks, NDI is going to issue more detailed recommendations on how to improve the electoral process itself, and these will be based on our pre-election delegation and also a team of electoral experts that NDI has had in Ukraine throughout the electoral process. We will offer those recommendations, and I offer this statement today in the spirit of strengthening and supporting democratic institutions and processes in Ukraine.

Ultimately, it will be the people of Ukraine who will determine the credibility of their elections and the country's democratic development. And NDI looks forward to working with them and with Ukraine's friends and allies in the U.S. and Europe, including those who are here today.

Thank you.

MR. DEYCHAKIWSKY: Thank you very much, Katie.

We're joined by Congressman Commissioner Aderholt. But we'll proceed now to Steve Nix. Please, Steve.

STEPHEN NIX: Can you hear me?

Thank you very much, Orest for scheduling this important briefing. It's an honor to be here once again. Ukraine remains of great strategic importance to the United States, and developments there, particularly in the area of democracy, remain of keen interest. And for this reason, a careful analysis of the democratic backsliding in Ukraine and how the United States and Europe should react is of utmost importance at this time.

I'd like to focus my remarks today in four distinct categories: first, the parliamentary election campaign period; second, the actual events on election day; third, official results; and then finally, the repercussions of these elections for Ukraine and its self-expressed interest in further integration into Euro-Atlantic structures.

Regardless of all the analysis and technical aspects of the elections which took place in Ukraine on October 28th, the specter that hung over the entire process was that election day marked the 450th day of imprisonment for Yulia Tymoshenko, the 671st day of imprisonment of Yuri Lutsenko. Both faced what has been described as the - by the U.S. government as selective prosecution, which kept them off the ballot and denied millions of Ukrainians who had previously voted for them in previous elections from doing so in this particular election. It's from this starting point which the fairness of these elections must be judged to be a step backwards for Ukrainian democracy.

IRI fielded an official international observation delegation with observers visiting more than 160 polling stations on election day. IRI's assessment was that during the campaign period, significant problems combined to create a very uneven playing field that made it difficult for the parties and candidates to compete fairly. These include the following: First, as was stated previously, the law on parliamentary elections which was adopted in November 2011 was a return to the system last utilized by Ukraine in its 2002 parliamentary elections, when observers reported significant fraud. The Venice commission strongly criticized the absence of political consensus and the lack of transparency around the drafting of the law, which was done by the presidential administration and which provided little substantive input from Ukrainian political parties or civil society.

Secondly, the government increased pressure on independent media. The independent TV station ATN was closed in September 2011, and in April 2012 the tax authorities, increasingly used as a tool of government and formerly headed by the current prime minister, exerted pressure on the media and began to target TVi this past summer and opened a politically motivated criminal case against the station's owner.

Third, the Ukrainian government has also started to move to more closely monitor and regulate the activities of domestic civil society organizations. Again, tax authorities have targeted independent civil society organizations with criminal cases, and in one case, the Association of Ukrainian Banks came under pressure from the tax authorities to cease its work. The largest network of civic organizations in Ukraine, which operates under the Civil Initiative Support Center, reported that many individuals who attempted to simply exercise their legal right to check their names on the voter registry during the pre-election period were contacted by representatives of the government inquiring why they were asking to verify that their names were on the voter list.

Sixth, political parties and candidates suffered intimidation and investigation by tax authorities and other governmental bodies that reduced their ability to compete in the election. Composition of election commissions was uneven, as was noted in the presentation you just saw. And major parties were at times completely excluded from membership in polling station commissions. IRI observers noted what appeared to be pseudo-parties that were created with the sole purpose of allowing the ruling party to dominate membership on commissions. As a result, the composition of precinct election commissions suffered from a lack of representation of legitimate political parties competing in these elections.

All of these factors as well, as many credible reports on the use of administrative resources, again which you heard about previously, resulted in a pre-election period which simply did not allow for a fair and competitive process.

As was noted earlier, the overall conduct of the electoral process from a technical standpoint on election day was assessed as a regression of democracy by most international election observers.

Here's what others had to say about these elections: Quote, one should not have to visit a prison in order to hear from leading political figures in the country. These are the powerful words of Walburga Habsburg Douglas, the special coordinator who led the OSCE short-term election observation mission in Ukraine. Just recently, Catherine Ashton put out a statement saying that she expressed her concern about the conduct of the post-electoral process, which was marred by irregularities, delays in the vote count and a lack of transparency in the - in electoral commissions. This comes in addition to the lack of response to the shortcomings and problems already identified earlier by the OSCE/ODIHR interim reports.

Taken together, this represents deterioration in several areas compared to standards previously achieved. It was noted that Ukraine had made some progress in the administration of elections, but ensuring a level playing field was the dominant factor here. The problems in the campaign period and election day are particularly troubling, as they indicate that Ukraine has not progressed in the way that it should and has not advanced as far as other former republics, including Georgia, which just saw its first peaceful transfer of power from one democratic elected government to another.

While some reported that technical aspects - the administration of election was done in an orderly manner, i.e., there was no proof of nationwide systemic networks of fraud, Ukraine continues to fall short in ensuring voters a campaign in which candidates have equal opportunity to be heard and that they can be confident that their individual votes count. Despite the efforts of polling officials and voters who turned out to cast their ballots, Ukraine still faces significant obstacles to its democratic development.

With regard to the official results, I'd just like to go back to what was said previously about the election system. Ukraine returned to a system last utilized in 2002. And I'm going to depart from my former remarks here just to make the point that Ukraine has had several systems of elections since its

independence. It started out with a single-mandate system. A few years later, it changed to a mixed system. It then went to a hundred percent proportional system. Now it's back to a mixed system.

So Ukraine is now on its fourth system of parliamentary elections since its independence. You know, we strongly suggest that Ukraine adhere to common practice and not change its system of voting on a regular basis. It impacted the strategy; it was the driving force in this campaign. Many people drew parallels, this campaign, to the 2002 one in which Viktor Andriyovych Yushchenko and Nasha Ukraina won a plurality of the seats in the party list system but did not fare well in the single-mandate system.

And the results are very, very similar when you look at them. Our polling predicted that the combined opposition - that would be Batkivshchyna, Front Zmin, UDAR and Svoboda - would win in a combined total of 120 seats, and that's exactly the allocation they received under the party list system. Because it's difficult to do polling on a single-mandate basis, it was unknown how they would do. But it's very clear that the ruling party knew that their numbers were falling, and they focused their strategy primarily in the single-mandate seats. If one would merely double the number of votes, the number of seats that the opposition gained, if there were a reversion back to the old system of a party list, then one could surmise that the opposition may have won as many as 240 seats, thus ensuring a majority in parliament, an altogether different story than what we have today in Ukraine.

So again, the change in system I think had tremendous repercussions. I'm going to shorten my remarks just to go to next steps. The 2012 parliamentary elections were a step backwards in Ukraine's democratic development. Although Ukraine has shown that it can improve upon its administration of election day activities, the uneven playing field again demonstrated the opposition did not have equitable access to media and the massive use of government resources by pro-government candidates and the intimidation of opposition candidates.

Secondly, it should be noted that there have been numerous calls for banning visas in the U.S., Canada and the European Union for those individuals involved in selective prosecution of political figures. After this election, I think the calls for such measures will only be increased.

In terms of future democracy assistance in Ukraine, I have several recommendations. Against the backdrop, again, of another changed election system, I think the international community missed an opportunity to fully

support the advancement of Ukrainian democracy. In an election being conducted under new rules, those participating were not able to realize their full potential as actors in the electoral process.

IRI regularly receives requests from all major political parties, candidates, poll workers, commission members, party observers for additional technical assistance in order to prepare them to fulfill their roles and responsibilities in elections. IRI strongly believes that in order to contribute to a level playing field in future elections in Ukraine, appropriate attention must be given to strong political party development. Without strong, national, representative political parties in the opposition as well as the government, further steps backward in Ukraine's democratic process can be expected.

That's the conclusion of my remarks. I look forward to any questions you have later.

MR. DEYCHAKIWSKY: Thank you very much, Steve, and now Deputy Assistant Secretary of State Tom Melia.

THOMAS MELIA: Thank you, Orest, and thank you for joining us this morning, Congressman Aderholt. It's a reflection of the importance of this briefing and the importance that Ukraine has for American policymakers in the Congress and in the executive branch. I also want to bring greetings on behalf of my boss, Assistant Secretary Michael Posner, who is one of the three executive branch commissioners of the Helsinki Commission. He is, unfortunately, traveling outside the Helsinki region today. Otherwise he probably would have wanted to join us as well.

I'm also pleased to share the stage today with my colleagues from NDI and good friends from IRI and especially with the inspiring leader of the civil network OPORA, Olga Ajvazovska. It's good to see you again, and thank you for coming to Washington to share your analysis with us.

Much has already happened since the voting ended three weeks ago on October 28th. And although the final results as reported by the Central Election Commission were published this week, the election process is still not yet completed. As we know, five single-mandate districts will hold new elections because the CEC could not establish a winner. Those elections will take place early next year.

The three opposition parties, the United Opposition, UDAR, and Svoboda, have stated now that they will not recognize the CEC's results until the

opposition

candidates who ran in the five disputed districts have been declared winners.

The opposition has also threatened to boycott the start of parliament's new session next month and to file complaints with Ukrainian courts and with the European Court of Human Rights regarding the illegitimacy of the CEC's actions,

asserting that the elections did not meet international standards and that the

results, quote, do not reflect the real will of the Ukrainian people.

The prosecutor general's office has also announced that it has opened nine criminal case of alleged illegal actions that took place during the election,

including cases of vote-buying. The prosecutor will also investigate the circumstances of the disputed five single-mandate districts to determine if there was fraud during the vote count.

All this suggest that Ukraine's grass-roots democracy remains vibrant and contentious and unlike in some countries, the October 28 election was, in many

ways, outwardly competitive, and to some extent, offered space for campaigning

and for voters to learn of their political choices. Interestingly, in pondering what Ukrainians think of their choices and building on some remarks

that Steve made and just using the officially reported results to date, both of

the major political formations saw a loss in popular support in October's elections.

Both the United Opposition and the Party of Regions lost about 5 percent over

their performance five years earlier. Together, the two main parties, the two

main political formations, have dropped in public support from 65 percent to 55

percent as other formations have emerged and taken a larger share of the vote,

which again suggests that there is pluralism in political life in Ukraine, and

also it tells us that there is some disappointment in the governance and the leadership demonstrated by the long-standing political leaders on both sides.

At the same time, the election process was in many respects not fair. While the actual voting and counting in many places, as Orest personally reported, was rated positively by international and local observers, there were clearly

structural problems, as outlined in both the OSCE and the State Department statements afterwards, noting that this overall constituted a step backward for

Ukrainian democracy. By that we mean a step backward from the conduct of the

2006 and 2007 parliamentary elections and the 2010 presidential election that

brought Viktor Yanukovich into office.

Our concerns, cited in a collective assessment of the observation missions sent by ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly,

I think except for most Americans who were - American legislators who were campaigning that week, I think all other legislators from Europe and North America were in Ukraine on October 28. They all noted the abuse of government resources to favor ruling party candidates, interference with media organizations and access to media, harassment of some opposition candidates and manipulation of election commissions as well as the exclusion, obviously - and Katie talked very well to this - as well as the exclusion of major opposition political leaders due to their incarceration following what we have consistently described as politically motivated prosecutions.

We've also been troubled by allegations of fraud and falsification in the voting - vote-counting process, by lack of transparency in some key aspects of the vote count as well as the current controversy about the - counting the five disputed electoral districts.

When I was in Yalta in September, my fifth visit to Ukraine in this job since November 2010 - I think, in fact, it was exactly this week two years ago that I went there for the first session of the working group under the bilateral strategic partnership commission entitled "The Rule of Law in Political Dialogue," which has been an ongoing, very active discussion between American and Ukrainian officials. When I was in Yalta in September, I said then that if local and international monitors were to give a grade on the pre-election environment up to that point, mid-September, and whether it was going to mark a step toward Europe and the West, it would have failed the test at that point.

Regrettably, as the post-election monitoring reports have indicated, Ukraine's government failed thereafter to demonstrate adequate democratic bona fides, using President Yanukovich's often-repeated phrase. As Secretary Clinton said two days after the October 28 vote, quote, like the rest of Europe, the people of Ukraine deserve so much better. They deserve to live in a country with strong democratic institutions that respects the rule of law. However, the parliamentary elections did not advance those goals.

It's against that backdrop that Ukraine prepares to assume the chairmanship

and  
office of the OSCE in January. Now, Ukraine still has the chance to restore  
a  
measure of its democratic reputation by leading by example in the OSCE  
context  
to investigate and resolve at least some of the problems that arose with the  
election and ensure that similar problems do not occur in future elections  
by  
implementing election reforms in line with the European standards and  
demonstrating its commitment to the Helsinki principles on democracy and  
good  
governance.

Now, the fact that on November 6th, a week after the Party of Regions failed  
to  
secure a constitutional majority, the Rada adopted the change in  
constitutional  
amendment procedures that Katie Fox described is not a good sign about  
whether,  
in the aftermath of this election, the government of Ukraine is moving  
toward  
European standards on democratic consolidation.

As we have for more than 20 years, the United States government remains  
committed to the people of Ukraine and to working with the government of  
Ukraine bilaterally and in the OSCE and in other multilateral contexts to  
improve its democratic institutions, strengthen the rule of law and advance  
essential reforms, including reform of the criminal justice system, which  
has  
been a major priority. We reiterate our call on the leadership of Ukraine  
to  
reverse democratic backsliding, and we offer our assurances that we will  
stand  
with Ukraine as it moves forward.

A case in point - this is one of those cases where the United States - where  
Washington puts its money where its views are. As our allocation of  
approximately \$5 million this year to support the election monitoring and  
election administration efforts in Ukraine, we supported the presence of 260  
Ukrainian and international long-term observers, 3,500 short-term observers,  
as  
well as other activities to strengthen democratic processes during the  
course  
of this election campaign.

Over the last 20 years, U.S. assistance to Ukraine has totaled more than  
\$4.7  
billion, making us the largest bilateral contributor of assistance to  
Ukraine  
and Ukraine one of the top recipients of American assistance. USAID has  
been  
the lead U.S. agency in this regard in Ukraine, working with us in DRL in  
the  
State Department and the embassy very closely, informally coordinating with  
the  
National Endowment for Democracy and other private foundations. In addition

to  
Phil Gordon, our assistant secretary, who has made this a major priority of  
his  
tenure, the assistant administrator at USAID, Paige Alexander, I know has  
been  
very focused on this. She also visited Ukraine just before the elections to  
make clear to Ukraine how important an election with integrity will be for  
our  
continued bilateral cooperation. And our vice president, as you know, has  
maintained an ongoing dialogue with President Yanukovich, including in a  
phone  
call since the election.

So we remain committed to engagement with Ukraine. We want to continue to  
help  
Ukraine move towards its democratic future. And I remain optimistic about  
Ukraine's potential and prospective for change. Ukraine's civil society,  
visible here today, remains quite strong, and its citizens are dedicated to  
building a modern democratic future. This commitment was clearly shown by  
the  
millions of voters who participated last month and the many thousands of  
dedicated poll workers and volunteers who toiled long hours on election day  
and  
beyond, and in those many districts where Ukrainian citizens pushed back  
against efforts to manipulate the election process.

The same holds true for relations with Europe and the United States.  
Ukraine's  
relations with the West do not have to stagnate or deteriorate. To quote EU  
Commissioner Stefan Fule, the steps the Ukrainian government should take for  
closer integration with Euro-Atlantic structures are not rocket science. We  
know Ukraine is capable of taking the right steps. We just haven't seen the  
present government in Kiev make the policy decisions to do so.

As we and many other friends of Ukraine have said to government officials at  
every level - I have this conversation with Ambassador Motsyk from time to  
time; we have a very friendly, cordial and effective diplomatic engagement -  
we  
say this publicly and privately: The best guarantor of Ukraine's future  
stability and prosperity is the pursuit and enactment of political,  
economic,  
democratic and social reforms. Backsliding on democracy and selective  
prosecutions interfere with the full development of the relationship many of  
us  
would like to have with Ukraine.

Ukraine can be proud of many of its achievements, and young generations of  
Ukrainians are now growing up with new freedoms, opportunities and a new  
outlook. But there's still much more work to be done. Our best  
partnerships  
are always with like-minded countries who share our values, which include  
commitment to democracy and rule of law, free speech, open markets and  
protection of human rights. We will continue to offer our active support,  
but  
Ukraine's success will ultimately depend, as it always does, on the choices  
and

actions of the Ukrainian people. Thank you for your attention.

MR. DEYCHAKIWSKY: Thank you very much, Tom, and thanks again to all our panelists. And now we'll move on to the question and answer part of the briefing. And as I had mentioned earlier, I wanted to give the opportunity for Ambassador Motsyk to offer the first question on this, whatever he'd like to say. Unfortunately, we don't have a standing mike, but if you could come up to this mike over here, sit down if you want to, and please proceed. Make sure you push the button on it.

AMBASSADOR OLEXANDER MOTSYK: Thank you very much, Mr. Chairman. Mr. Chairman, Congressman Aderholt, first of all, I would like to express my appreciation to Helsinki Commission for organizing this briefing. Ukraine was open to dialogue before and during the elections, and we are open for dialogue now. I would like also to express my appreciation to panelists for their valuable contribution and remarks.

Talking about elections, I would like to say that we just witnessed the seventh parliamentary election in modern Ukrainian history. Ukraine government made significant effort to guarantee its integrity, fairness and consistency with the Ukrainian law and international standards. However, no one is claiming that the elections were 100 percent perfect. But it would also be incorrect to characterize them only in a negative way. All observers or all observer reports on election day activities have complimented Ukraine for the professional manner in which the election was conducted.

The OSCE interim statement says that - and I quote - voting process was assessed positively in 96 percent of polling stations and that international observers reported only isolated instances of serious violations.

Most of the criticism of the elections focuses on pre-election period. However, there are many positive findings that are being lost in criticism. These findings do present a more democratic election that has been cited by critics. Here are some of the important things that I would like to point out.

The new election law, with all its positive and negative aspects, was passed with the strong support of all parties, including opposition ones. The vote registry reached almost 100 percent accuracy, which is a very important step forward if we compare with the previous situation. New regulations were passed to prevent voting multiple times, so-called carousel voting -and this is also very important forward.

The campaign was highly competitive, and voters had real opportunity to choose.

The level of competition was evident in every aspect of the campaign and the

election. Weekly national monitoring showed equal media coverage of all major political forces. Web cameras were installed at all 34,000 polling stations to prevent falsifications.

Three hundred and seventy - 371,000 domestic - and I would like to repeat the figure - 371,000 domestic - according to the Central Election Commission, and almost 4,000 international observers had broad and comprehensive rights. We sent early invitations to every institution in the world which wanted to observe Ukrainian elections. Almost 900 journalists were accredited by Central Election Commission and freely observed the election.

There were also some problems. District election commissions created by a lottery system did not always include major parties, but I would like to point out: created by lottery system. Fraud in ballot counting did not allow the Central Election Commission to establish results in five of 225 single-mandate districts. This is just a bit more than 1 percent of seats in parliament. Now prosecutor's office is conducting criminal investigations in these cases.

Two days ago President Viktor Yanukovich spoke with Vice President Joe Biden and assured him that the Ukrainian government will do everything necessary to complete the election process in a fair and transparent way. Let me stress last election was legitimate and reflected the will of the people. Almost 60 percent of the voting population exercised its right to cast ballots.

Election results are consistent with every exit poll and parallel vote counts - parallel vote count. The new parliament will be widely represented, with five national parties, and will include 225 members elected directly from their districts. The composition of the new parliament will include strong opposition, will be vibrant and will represent all people of Ukraine, which is really a step forward. Future election legislation and elections in general will incorporate the lessons learned.

And last but not least, Ukraine has been continuing implementing systemic reforms indicated by - initiated by current government in order to transform my country into democratic, prosperous European state. We confirm that European integration is number one priority of foreign policy of Ukraine, and Ukraine will continue to do its best to be reliable partner of the United States.

Thank you very much.

MR. DEYCHAKIWSKY: Thank you very much, Ambassador Motsyk.

We'll start out - does anybody on the panel, perhaps the congressman, want to ask each other questions or comment on the other's presentation?

OK. Right. If not, then we'll proceed with our question-and-answer. Please come up to this microphone, please state your name and affiliation, and please try to keep - you're welcome to give a comment, but try to keep the comments concise and the questions concise. Thank you very much.

Q: Good morning, everyone. My name is). I'm Olena Tregub - journalist and entrepreneur as well. I am Ukrainian, and I spent this election period actually in Ukraine, so I have a lot of my impressions.

But my question to the panel is not about the election itself but about the future of Ukraine because we understand that Ukraine today is a presidential republic, because parliament lost its legitimacy and its power, to a large extent, and this election was actually part of the gaining - about securing power in the future, securing power of Yanukovych and people around him. And

as you say, many of you pointed out that there was political competition in Ukraine. There is even political competition inside the party of the power, inside the people who surround Yanukovych. But given the results of this election, my impression is that they fit very well into the future strategy, future plan that Yanukovych is building for himself in 2015 to be re-elected.

I would like to hear your commentary about that. And how do you think the future parliament will contribute to maintaining the power of Yanukovych in the future? Thank you.

MR. DEYCHAKIWSKY: Anybody want to take that on?

MS. AJVAZOVSKA: (Through interpreter.) I'm not sure if I can comment on such an extended future plans. But with your permission, I would like to have a brief comment responding to the comments of Mr. Ambassador.

Unfortunately, our constitutional majority of the members of Ukrainian Parliament were 360 of them that voted for the new electoral law. It was a result of political blackmailing and hand-twisting. A billion of Ukrainian - 1

billion of Ukrainian - (inaudible) - a significant amount equal to a total of

all other expenses related to equipment for the election were expended specifically for these video cameras. These video cameras for some reason were

not used during the tabulation and counting of the votes. Additionally, president directed state attorney or general prosecutor to investigate irregularities during the elections. These investigations should take - before the 12th of November. Nevertheless, we do not have that expected report

of the general prosecutor. A lottery that was implemented in order to select electoral committee nevertheless included three-quarters of these - (inaudible) - parties or the parties with the - (inaudible) - of placeholders. You would not expect any level of fairness or efficiency from such a lottery.

Commenting back to the second question about the future of Ukraine perspective, we expect discussion, a truly encompassing discussion for any future changes into electoral law. And as soon as the seventh Verkhovna Rada, or the parliament of Ukraine, starts to work on December 17, we should start preparing - (inaudible) - for the next parliamentary elections.

Secondly, Ukraine should fulfill the obligation and promise that they give to OSCE and the European Union, these promises in regard to the accepting the electoral codes that would ensure the competitiveness of the elections. We have the political will.

There is - there is a chance that the current - or the new Ukraine parliament, seventh parliament, seventh Rada of Ukraine, does have a chance to be more pluralistic and representative than the previous Rada. But it will be seen by the first actions, the first step that they're going to undertake, specifically, on the technical - (inaudible) - that's scheduled in the regular parliament. That unfortunately has the possibility to legitimate an impersonal vote in parliament.

MS. FOX: Thank you. I just want to add briefly to Olha's remarks on both counts in regard to - response to Ambassador Motsyk. I did - I want to point out that there have been elections in Ukraine that were better in the judgment of domestic and international observers, including the ones that brought Yanukovich to power. So we know that Ukraine has the capacity to do this. (Chuckles.)

Second, in regard to what the next couple of years will bring and whether this is part of a plan to secure greater power for the presidency and lead up to the next presidential election, I want to reiterate to everybody in this room that it is very important to continue watching what happens in Ukraine, as perhaps the election law is changed; I mentioned the changes on how the constitution may be amended. I don't know what will happen, but I know that it's very important that everyone who cares about Ukraine continues to follow this. And I know, for example, that OPORA will be monitoring the new parliament. I

think  
other civil society groups may be as well and issuing reports, and I hope  
that  
we will all be following that. Thank you.

MR. NIX: Well, in response to the comments - here's what we do know about  
the  
parliament in the immediate future.

Number one, not only did the party in power fail to attain a constitutional  
majority - it failed to get a majority. It has a plurality. It has to  
coalesce with other parties. So that means the party in power has to  
coalesce  
with the 32 communist party seats; at least that's what we predict will  
happen.

But even if they get each and every one of those deputies, they will have  
to  
gain an additional 12 - I guess now 16, since there are going to be reruns  
in  
some single-mandate constituencies - but an additional 16 independently  
elected  
candidates from single-mandate constituencies. So that is or could be a  
very  
difficult coalition to maintain, as Ukraine takes up some very major  
difficult  
votes on economic reforms that have been put off because of the election.  
So  
it remains to be seen how this coalition will be built and how effective it  
will be in terms of unifying in the long term.

Secondly, we do know that because of the number of MPs elected from  
opposition  
forces, there will be a strong pro-Western in this particular parliament  
that  
will be advocating for a continued progression towards Euro-Atlantic  
institutions. And in the famous Ukrainian quote, you know, ni slovo a dia -  
not words, but deeds. We have heard that Ukraine aspires to be part of the  
EU  
and other Euro-Atlantic structures. It's time for concrete deeds to back  
that  
up. So that remains to be seen.

And the final point I'd like to make is again, back to the election law, one  
can make the argument that had this law not been amended, Ukraine maintained  
its old system, that the opposition could have maintained a majority in this  
parliament. Under the current system, had the opposition forces united on a  
single list of candidates in the single-mandate constituencies, by our  
calculations, they would have won at least another 20 seats. So that would  
put  
them in a - in a far stronger strategic position than they are now.

But I think it provides some viable lessons for the future as we look  
towards  
the 2015 presidential elections. As was pointed out, Ukraine is very much a  
presidential republic. This election will be critical for Ukraine. And I  
think the opposition may have learned some lessons in terms of unity. And

you  
may see a unified candidate in those presidential elections. It will be interesting to see how this develops.

MR. DEYCHAKIWSKY: Indeed it will be interesting to see how it develops. Are there any more questions? Please - Laura.

Q: I'm Laura Jewett from National Democratic Institute. I work with Katie Fox on the Eurasia team. And I have a comment in response to the earlier question about what the next few years will bring with the - with the parliament. And it's more of a theoretical response than a response directly about Ukraine.

But the point is that the strength of any legislature anywhere in the world derives from the support of the voters that it has and the independence from the government or the executive branch of the government that it has. To the extent that fraud has brought MPs into office, that means that they lack support of voters and are accountable not to voters but to whoever perpetrated the fraud. And to the extent that that fraud was perpetrated by the government or representatives of the government, it means they are accountable to the government and less independent.

So election fraud inherently weakens the parliament regardless of the official or constitutional or legal standing that the parliament may have. And I think that's one of the tragedies of fraud in this election, is that it - that it harms the parliament and the strength that it may otherwise have had.

MR. DEYCHAKIWSKY: Anybody want to comment on the comment? Thank you very much.

Q: Hello?

MR. DEYCHAKIWSKY: Please.

Q: (Inaudible) - translation.

MR. DEYCHAKIWSKY: Sure.

MR. : (Off mic) - from here, and -

Q: (Through interpreter.) Hello. I would like to have a brief comment. I was - I participated in election. I was a candidate from opposition from 132nd majoritarian district. I am very thankful and grateful for such - (inaudible) - disciplinary approach in the study and analysis of our elections.

(Inaudible) - and what I've experienced during the election. (Inaudible) -

had

a statement - I have to state very responsible - (inaudible) - that we encountered not just few hundreds of irregularities - (inaudible) - that's not

what we call irregularities - (inaudible) - some old lady, she did not understand the ban on the kind of - (inaudible) - election - (inaudible) - the

campaigning is not allowed and regardless of the prohibition on campaigning, she would complain. That would be an example of irregularity. However it was

done, what would happen in reality and what we used to call an improper use of

administrative resources, they in fact were raised to a level of criminal activities that should be prosecuted, the crimes, and I would call them crimes.

And I can count thousands of such crimes committed by the government officials.

There are one or two criminal cases that were started by the office of the prosecutor for the regional electoral offices. (Inaudible) - level of criminal

activities, of the nature of the widespread of these activities, crimes. I know more than five of the candidates from majoritarian districts that - (inaudible) - protocols from - that would prove it. But so it is not difficult to establish the results of the elections, but government does not

- as a matter of principle, they do not want the true count to be made public.

And it's not the a matter of potential five additional members of parliament

- (inaudible) - reruns. (Inaudible) - government would prove by running these legal reruns is the - (inaudible) - of the oppositions. So they would bury any effort to attempt to gain a majority in the Parliament.

So calling these elections just one step backward would not be fair, in my view. I would call them a step forward toward legitimization of an authoritarian, dictatorial system of government that de facto already exists in

Ukraine and would only become stronger - (inaudible). (Inaudible) - constitutional amendments there would be helped by the newly created Parliament, and that's exactly the goal of the current government.

That's generally what I wanted to comment. Thank you.

MR. DEYCHAKIWSKY: Thank you very much, Mr. Kornatsky for your insights.

And

indeed what happened to you in your district was truly egregious.

I wonder if the panelists want to comment on that. And I know then Paul has a

question. So does anybody wish to comment on Mr. Kornatsky's -

MR. MELIA: Well, we've met with Mr. Kornatsky and heard about his case, and we've made careful notation about that. And yes, we appreciate the fact that

he's come forward today too.

MR. CARTER: OK. I would like to ask if any of our panelists could comment on the impact of the incarceration of Yulia Tymoshenko as what could be considered under international standards as a political prisoner in Ukraine. What was the impact of her exclusion from the election?

MS. AJVAZOVSKA: (Through interpreter.) I would offer some statistical data as a response to this that were conducted by some sociological companies, well, it was demonstrated that if the united opposition had Tymoshenko's name on the ballot, they would have won more votes, significantly more, from 5 (percent) to 7 percent of votes - that would enjoy an increase of 5 (percent) to 7 percent. And the absence of Tymoshenko's name on the ballot decreased the attractiveness of voting for the united opposition. So all this just really proves the point that the absence of Tymoshenko and her nonparticipation in this campaign - election campaign certainly significantly impacted the results of the election.

Yes, once again it has impacted the results of the election.

MR. NIX: I would say - yes, I would agree, statistically, our survey research indicated that Batkivshchina would have received a bump, within the margin of error of what you just heard. So yes, we feel that statistically, there would have been an increase in support and votes for the opposition.

From a political standpoint, again, I think the fact that she was not present impacted on what I alluded to earlier in terms of the unity of the opposition. She clearly and strongly came out in favor of a unified opposition in the single-mandate seats, urged those who were part of that process to unify and agree on one single candidate in every constituency. And this is just a prediction on our part, but I think we can safely say that had she be present - had she been present as part of the negotiations process, perhaps the opposition would have made greater headway in agreeing on a single list of candidates. So there are several effects that her presence would have had on the ticket, I think.

MR. MELIA: I won't speak to the political professionals' analysis of the likely effect on voting, but Tymoshenko's prosecution and imprisonment clearly has affected the international community's approach to these elections. The European Union, the United States have made very clear that the politically

motivated prosecutions that have led to the imprisonment of Tymoshenko and Lutsenko are big problems in our relationship. It may be - all of the other kinds of real, systemic shortcomings in the political and electoral process that have been discussed here are important, but that is probably the most visible flag over these elections. And it was clear in the joint op-ed that Catherine Ashton and Hillary Clinton published a week or 10 days before election day, and it remains true in our statements today. This coming Monday,

I believe the Foreign Affairs Council of the EU will be meeting, as they do every month or so, and what to do about Ukraine is on the agenda for Monday in

Brussels. And this will be part of that discussion, no doubt. So -

MR. DEYCHAKIWSKY: OK, thank you. We have time, perhaps, for one very quick question. Going once. Going twice. OK, if not, I'd like to once again thank

all of our panelists for their knowledge, their insights, their hard work, the

invaluable work each of you do. I want to thank all of our participants, our

questioners, our commentators, and all of you for your attendance. And I just

want to let you know that the written statements will be up on our website shortly, the ones that were submitted, and an unofficial transcript of this briefing will also be up on our website probably by close of business Monday.

Our website is [www.csce.gov](http://www.csce.gov).

Thank you very much.

(END)