

PART I

BHHRG REPORTS

1st Round of Ukrainian Presidential Election

UKRAINE PRESIDENTIAL ELECTION 2004 – FIRST ROUND: PRELIMINARY STATEMENT

1st November 2004

www.oscewatch.org

The Group's observers found the conduct of the poll much improved compared with elections in the 1990s. Mutual allegations of fraud and intimidation marred the atmosphere. The Group's observers caution against presuming that only the authorities can cheat.

1st November 2004

The British Helsinki Human Rights Group (BHHRG) sent observers to monitor the first round of the presidential election held in Ukraine on 31st October 2004. BHHRG observed the election in the city and district of Kiev, Zhitomir, Odessa and surrounding villages, and attended the count in Borispol, near Kiev. In BHHRG's opinion, the conduct of the poll represented a vast improvement on previous elections and referendums monitored by the Group in 1994, 1995, 2000 and 2002.

Polling stations were orderly and well-equipped, commission workers were well informed about the law and procedures; turn-out was high. Neither voters nor candidates' observers complained to the observers about the inappropriate location of polling stations, or that their polling stations had failed to open at the proper time. The atmosphere on polling day was relaxed and enthusiastic.

In the pre-election period, the opposition as well as the international community and local NGOs raised concerns about the accuracy of the voting registers in Ukraine, indicating that thousands of people would be disenfranchised on polling day. BHHRG's observers took great care to investigate these claims in the polling stations visited. They concluded that considerable care had been taken to include all properly accredited voters with the right to vote. Local observers in polling stations visited by BHHRG's observers voiced no complaints – including representatives of the leading opposition candidate, Viktor Yushchenko – about the final status of the voter lists. It seems that one problem that had arisen in the pre-election period was over the linguistic form in which a voter's name was entered in the register – the requirement being that all names be written in Ukrainian. This meant that people's names were occasionally misspelled when transliterated or translated from Russian. In such cases, people might not be allowed to vote, although this seemed to depend on the discretion of each commission. The Ukrainian authorities had instituted an effective system for ensuring that voter registers were accurate and complete. For a period of one month prior to election day, voters were entitled to inspect the lists in their precincts to make sure their personal data was accurately entered. If changes had to be made, the voter's name, address and personal data were entered on a separate, hand-written list,

finalized by 8 p.m. on Saturday, 30th October. There was also a system in place by which voters could appeal to the territorial electoral commission on polling day itself.

However, BHHRG's observers did encounter a handful of disquieting incidents. In Odessa, local election officials showed members of the Group a letter accusing them of working on behalf of government structures and threatening them with “serious consequences”. In a polling station in central Kiev, a man had entered the voting room and threatened to attack a female commission member after a decision had been properly arrived at to exclude him from voting. In Zhitomir, the Group’s observers were told that there were numerous problems with the voters’ registers in the town and that the city hall was flooded with complainants. When BHHRG visited, they found that a large proportion of the complaints were insignificant – many of those present had failed to heed the call to correct the register in the month prior to polling day. However, decisions were being made speedily by the TEC and many of those present were given permission to vote during the day.

The observers concluded that it was impossible to say who was responsible for the incidents mentioned above and feel it inappropriate to automatically draw the conclusion that it was the authorities. For example, all members of the commission in Kiev (mentioned above) accepted that a provocation had taken place in the polling station.

The Group's observers concluded that the election held on 31st October in Ukraine was conducted to a very high standard, making a refreshing change from previous Ukrainian polls which they had witnessed.

Ukrainian Presidential Elections - 2nd Round Preliminary Report

www.oscewatch.org

24th November, 2004

This preliminary report of the BHHRG's observers on the controversial second round of the Ukrainian presidential elections challenges the widely-disseminated media image of government-sponsored fraud at the expense of an untainted opposition on the basis of first-hand reporting.

The British Helsinki Human Rights Group (BHHRG) sent observers to the second round of the presidential election in Ukraine on 21st November 2004. BHHRG monitored the election in the city and district of Kiev, Chernigov, and Transcarpathia. Counts were observed in central Kiev and Uzhgorod.

Contrary to the condemnations issued by the team of professional politicians and diplomats deployed by the OSCE mainly from NATO and EU states, the BHHRG observers did not see evidence of government-organized fraud nor of suppression of opposition media. Improbably high votes for Prime Minister, Viktor Yanukovich, have been reported from south-eastern Ukraine but less attention has been given to the 90% pro-Yushchenko results declared in western Ukraine.

Although Western media widely claimed that in Ukraine the opposition was, in effect, excluded from the broadcast media, particularly in western Ukraine the opposite was the case. On the eve of the poll – in flagrant violation of the law banning propaganda for candidates – a series of so-called “social information” advertisements showing well-known pop stars like Eurovision winner Ruslana wearing the orange symbols of Mr Yushchenko’s candidacy and urging people to vote appeared on state television!

Although BHHRG did not encounter blatant violations in either the first or second rounds, the Group’s observers were alarmed by a palpable change in the atmosphere inside the polling stations in central Ukraine in particular. In Round 1, a relaxed and orderly mood prevailed throughout the day. In Round 2 the situation had become slightly tense and chaotic. In BHHRG’s observation the change in Round 2 was attributable primarily to an overabundance of local observers, who exercised undue influence over the process and in some instances were an intimidating factor. The vast majority of observers in the polling stations visited were representatives of Viktor Yushchenko.

Transparent ballot boxes meant that these observers could frequently see how people had voted. This OSCE-approved innovation made intimidation of voters for the more unpopular candidate in any district easier since few supporters of the minority would wish it to be seen how they had voted.

Ukraine’s election law allows only candidates and political parties, not non-governmental organizations, to deploy observers. However, observers can be deployed in the guise of journalists. For example, the Western-sponsored Committee

of Voters of Ukraine (KVU) – clearly sympathetic to the opposition – deployed observers throughout Ukraine as “correspondents” for the organization’s newspaper, *Tochka Zora*. On 31st October, BHHRG did not encounter any representatives of this newspaper anywhere, but on 21st November such journalist-observers were highly visible in central Ukraine. In Chernigov 11/208, for example, all 6 journalist-observers represented opposition newspapers and one, for *Tochka Zora*, stood very close to the ballot boxes and closely inspected how votes were cast. Because ballot papers in Round 2 were much smaller than in Round 1 and were not placed in envelopes before insertion into the transparent ballot boxes, secrecy of the ballot was compromised. In this case, the immediate impression was that a young *Tochka Zora* correspondent exercised more control over the process than the election commission chairman himself.

In Chernigov (7/208), all 7 journalist-observers represented opposition newspapers, in some cases simply temporary campaign publications such as the pro-Yushchenko propaganda paper *Tak* – his election slogan “Yes.” In a scene exemplary of the mood of voting on 21st November, BHHRG watched a nervous looking old woman emerge from a voting booth, approach the three opposition observers sitting directly behind the ballot boxes, and ask: “Have I filled out the ballot correctly?” An observer inspected the ballot, saw it was filled in for Viktor Yushchenko, and replied: “Yes.” The woman’s unfolded ballot was plainly visible in the transparent ballot box.

Such groups of opposition journalist/observers were not in evidence in the Transcarpathian region visited by BHHRG’s observers. Exit pollsters in Mukachevo admitted to being Yushchenko supporters and were carrying out their poll in a simplistic manner – asking every twentieth voter for their choice without categorizing by age, class, etc. 40% of voters refused to say how they had voted, but 80% of the remainder said that they had backed Yushchenko. The exit polls were clearly not scientific – less so even than the ones predicting Kerry trouncing George W. Bush in Florida and Ohio!

In a polling station attached to Uzhgorod’s university a group of young, male Yushchenko observers hung around the entrance to the polling room and next to the ballot box. OSCE guidelines condemn the presence of such un-authorized personnel. The commission chairman in this polling station stated that four members of the election commission had prevented observers for Mr. Yushchenko from fulfilling their tasks leading to the intervention of lawyers. When this accusation was put to other members of the commission they appeared dumb-founded and said no such incident had taken place. The chairman appeared shocked that the BHHRG observers sought to confirm his detailed account of the misbehaviour of some of his colleagues by asking other witnesses, but no proper observation should accept allegations unquestioningly.

Conclusion:

Whatever may have been the case in south-eastern Ukraine, it was clear to this Group’s observers in central Ukraine and western Ukraine that the opposition exercised near complete control. The broadcast media showed bias towards Mr. Yushchenko in these areas, particularly in western Ukraine where Mr Yanukovich was invisible – not even being shown voting on polling day. It is naïve to think only

the government had the facilities to exercise improper influence over the polls. From what BHHRG observed, the opposition exercised disproportionate control over the electoral process in many places, giving rise to concerns that the opposition – not only the authorities – may have committed violations and may have even falsified the vote in opposition-controlled areas. So-called “administrative resources” in places visited by BHHRG appeared to be in the hands of the opposition, not the government, and this may have frightened voters. After all since Sunday, police and security personnel in some western towns have declared their loyalty to “president” Yushchenko.

The open bias of Western governments and their nominated observers in the OSCE delegation, some of whom have appeared on opposition platforms, makes it unreasonable to rely on its report.

In spite of concerns, BHHRG finds no reason to believe that the final result of the 2004 presidential election in Ukraine was not generally representative of genuine popular will. The election featured a genuine choice of candidates, active pre-election campaigns, and high voter participation. It is clear that Ukrainian opinion was highly polarized. That meant many people backing a losing candidate would find it difficult to accept a defeat. Foreigners should not encourage civil conflict because the candidate on whom they have lavished expensive support turned out to be a loser.

UKRAINE PRESIDENTIAL ELECTION 2004 – THIRD ROUND: PRELIMINARY STATEMENT

www.oscewatch.org

28th December 2004

On 26th December 2004, the British Helsinki Human Rights Group (BHHRG) observed the repeat run-off of the Ukrainian presidential election, increasingly labeled the ‘third round’ by supporters of both candidates. BHHRG monitored the election in towns and villages in Chernovtsy, Khmelnytsky, Ternopol and Ivano-Frankovsk districts.

BHHRG concluded that the first round was conducted in an orderly, relaxed atmosphere that was unprecedented for post-Soviet Ukraine, and that gave little immediate reason to suspect procedural foul play. During the second round, in the opinion of BHHRG’s observers, the process had deteriorated, primarily because of the activities and undue influence of opposition observers and “observer-journalists” inside polling stations. In the third round, the situation had worsened even further, so that serious doubts arose as to the integrity of the process and the veracity of the results. The following, disturbing developments had occurred since the previous round on 21st November:

- On 7th December, as part of a “package of reforms,” the Ukrainian parliament changed the election law to limit access to the mobile ballot box only to “Group 1” invalids. “Group 1” is a bureaucratic classification that includes people rendered immobile due to injury or illness but not those who are *de facto* immobile simply due to age. Thus, perhaps millions of elderly Ukrainians were disenfranchised. At midday on 25th December, Ukraine’s constitutional court reversed the legislation, and supposedly every territorial election commission (TEC) in Ukraine had been informed by no later than 3:30 p.m. Saturday that other categories of citizens would be eligible to vote at home as well. Evidently, however, some TECs were either not informed or did not transmit the information to the precinct election commissions in a timely manner. Consequently, voters believed they had to complete the application procedure for obtaining home-voting rights before 8 p.m. Saturday. In almost all polling stations visited, the number of those entitled to vote by the mobile box was half the number in Round 2. When taken together for all Ukraine, this may have meant the difference between victory and loss. It is estimated that anywhere from 3-4 million of the c.11 million pensioners in Ukraine are essentially home-bound. Reports emerged on election day that elderly voters had dropped dead inside their polling places after exerting the effort required to get there from their homes.
- There were also inconsistencies in application of the above-mentioned law’s restrictions on absentee voting. Some commission chairmen said that all voting by absentee ballot had to be done at the TEC. Others apparently believed that one polling station was designated for this purpose. In Kamenets-Podolsky 16/193, for example, the chairwoman told BHHRG that the 880 extra ballot papers at her polling station were for absentee voters, and that her polling station was the only one in the district where people could vote absentee. In a sparsely inhabited area of Ukraine, where the official size of the electorate may be inflated, it is disquieting to

see so many extra ballots floating around amid confusion over how the law is applied.

- In the areas visited by BHHRG, pro-Viktor Yushchenko forces tightly controlled TV and media, and local and national TV channels were awash with orange right up to and during election day, when campaigning was supposed to be prohibited. The orange “bombardment” was done in such a way as to avoid mention of Yushchenko or the election, but was totally beyond the pale of any acceptable pre-election broadcasting. For example, on 25th December, BHHRG watched a programme on a nationwide channel about homemade Christmas ornaments, the star attraction of which was a mini-Christmas tree composed mostly of tangerines.
- On polling day, BHHRG observed what amounted to “political agitation” on behalf of Yushchenko inside polling stations. This ranged from little orange flowers adorning the voting booths in one village to local observers wearing bright orange scarves. The scarf-wearing Yushchenko observers argued that this was allowed because the scarves had nothing printed on them. In fact, the scarves – all identical – were the distinct ‘day-glow’ variety now sold for \$10-15 at orange-tented stalls in central Kiev, minus the ‘Tak!’ slogan and horseshoe logo. The message they conveyed was clear – and possibly intimidating – since their wearers were usually men in their twenties’. Observers for Viktor Yanukovich complained to BHHRG about this and other manifestations of pro-Yushchenko agitation, including an orange Yushchenko flag which was flying on top of the local administration building in the town of Snyatin in Ivano-Frankovsk district. In Snyatin 122/87, the chairwoman and an obviously drunk Yushchenko observer insulted a Yanukovich observer directly in front of BHHRG.
- BHHRG examined several voter lists and noticed several signatures that were practically identical, usually in pairs for a couple of people with identical surnames. It is very likely that there were many cases of people voting for relatives in western Ukraine, from which area many people have gone abroad to live and work. These migrant workers often travel abroad with their international passports, vote in a foreign country, and leave their internal ID documents with family members to use for effective double voting.
- In a couple of polling stations, only Yushchenko observers sat next to the ballot boxes. It must be repeated that these transparent receptacles compromise secrecy of the ballot, especially when a polling station is located in a small, remote village. In every polling station visited, BHHRG was told that Yanukovich observers were present, but in the case of small villages commission members would say that the Yanukovich observers had either “gone off somewhere” temporarily or had retired for the day, making it almost impossible to verify whether, in fact, any observers for Yanukovich were working there at all.

It is also worth noting that, while final results in some eastern Ukrainian districts were pointed to as evidence of fraud (*e.g.*, 96% in Donetsk region), the third round produced even more such results but none of the Yushchenko cheerleaders in Ukraine or the West seemed to notice (*e.g.*, 96% in Ivano-Frankovsk and Ternopol regions, 93% in Lvov region, 91% in Volhina, etc.). BHHRG received the strong impression that pro-Yushchenko forces controlled western Ukraine to a near-totalitarian degree, and this did

not create an atmosphere conducive to a truly democratic election respectful of the will of individual citizens. As such, a presidential election that began on a hopeful note ended much like any other fraudulent exercise in electoral democracy officially approved by the West.

UKRAINE'S CLOCKWORK ORANGE REVOLUTION:

AN OVERVIEW

www.oscewatch.org

10th January 2005

"I am very grateful to our Ukrainian friends. I would like to say that in just four, five or six months - the entire world knows it - Viktor Yushchenko will be the next president of Ukraine and we will have a very close friend in Ukraine, in the government,"

Mikhael Saakashvili, 12th December 2003¹

On 23rd January 2005, Viktor Yushchenko was finally inaugurated as the third president of Ukraine since the country gained independence in 1991. Yushchenko won the presidential election after beating his adversary, Viktor Yanukovich, in an unprecedented third round of voting which was held on 26th December, 2004. Allegations that the second round held on 23rd November 2004 had been flawed were upheld by the country's supreme court. Viktor Yanukovich had been declared the winner of both the first and second rounds.

Yushchenko was the candidate favoured by voters in the west of Ukraine as well as in the capital Kiev and surrounding regions. He was also seen by Western governments and institutions as a reformer who would bring the country closer to – and likely membership of – both NATO and the EU. Yanukovich, on the other hand, was overwhelmingly popular in the industrialized east of Ukraine as well as in the southern autonomous region of Crimea.

The election and the events that surrounded it became known as the 'orange revolution' named after the trademark colour of Yushchenko's party, Our Ukraine. Thousands of people rallied in central Kiev under orange banners to bring about Yushchenko's victory. Behind the scenes, large sums of money had been donated to local NGOs, think tanks and polling organizations by foreign governments, in particular by the United States, to bring Mr. Yushchenko to power. At the same time, allegations were made that the Russian Federation had overstepped the mark by overtly supporting Mr. Yanukovich's candidacy.

Representatives of the British Helsinki Human Rights Group monitored all three rounds of the Ukrainian election, observing voting in Kiev, Crimea, and regions and towns in the west of the country. Their reports are published on the Groups web page.² Simultaneously, a BHHRG representative travelled to the eastern region,

¹ Saakashvili visits Ukraine, *Civil Georgia*, 12th December 2003 <http://207.218.249.154/cgi-bin/eng/detail.pl?id=5806>

² Ukraine: BHHRG's observations, 1st, 2nd and 3rd Rounds of Voting www.oscewatch.org

notably the cities of Kharkov, Donetsk and Lugansk, after the disputed second round of voting. He was also present in Kiev to observe the demonstrations that followed the 21st November poll. Articles covering this period and other aspects of the election period are also available on BHHRG's web site.³ This report will seek to expand upon the material now in print and examine the prospects for both democracy and human rights under a Yushchenko presidency.

It must be pointed out that BHHRG's representatives who did monitor the Ukrainian poll have been taken aback by some of the hostile reactions that have greeted their findings (although many others expressed their gratitude that a different perspective on the events in Ukraine was available). Many journalists and other commentators in the media were also unwilling to examine anything other than the official version of the Orange Revolution making it not only a test for Ukraine's democratic development but also a litmus for the Western media's commitment to cover all points of view.

Origins of the Orange Revolution

Since the collapse of the USSR in 1991, Western governments and their related institutions have been repeatedly active in promoting regime change in the successor republics. A national election has often been the occasion for attempts to bring to power people or parties favoured by Western governments. Until 2003, these policies had mixed results. For example, despite its best efforts, the West failed to prevent the election of presidents Robert Kocharian (Armenia, 1998), Haider Aliiev (Azerbaijan, 1998) and Alexander Lukashenko (Belarus, 2001). But, an election-sponsored coup d'état following Serbia's disputed presidential poll in 2000 was successful. Many of the tactics brought into play then by Western advisors have been used effectively elsewhere. The central theme behind the 'Serbian model' is that 'people power' on the streets rather than electoral politics is the real engine of regime change.

By 2003, the urge for regime change had grown. Western governments seemed to have lost patience with the old Communist Party holdovers who were running many ex-Soviet republics and whom they had supported against genuine local dissidents – those leaders who had made their careers in the former Communist Party structures and who came to power after the collapse of the USSR. There was a suspicion that such people still had lingering connections with Moscow, and, by now, the West had turned against the Putin regime. A rearguard action was about to be launched against Russia's neighbouring republics in order to install new blood as a trial run before going for the jugular and changing the regime in Moscow.

The first victim of the new explosion of 'people power' was Georgia's president, Eduard Shevardnadze, who was forced to resign in November 2003 after what became known as the 'rose revolution' – a supposedly spontaneous popular uprising that followed the, allegedly, fraudulent parliamentary elections held earlier that month.⁴

³ See, for example, Chad Nagle "Something rotten in the state of Ukraine" www.oscewatch.org 9th December, 2004

⁴ See BHHRG's report: "Revolution of Guns not Roses", www.oscewatch.org, December 2003

By early 2004, the 'export' of the rose revolution seemed to be a foregone conclusion. It was predicted that the next target would be Ukraine which had a presidential election scheduled for later in the year.⁵ So, when a similar scenario, got underway in November 2004, this time following another allegedly fraudulent poll, commentators were quick to compare it with events in Georgia, dubbing it this time, the 'orange revolution'. Yet again, the indignation of the people had been aroused; they had risen up spontaneously to demand an end to the rule of corrupt politicians and to usher in a new era where fresher, less tainted people would rule.

But were these 'revolutions' as spontaneous as their organizers claimed? After attending President Yushchenko's inauguration on 23rd January, 2005, former US Secretary of State Collin Powell said that he was "proud to have been associated with both events"! And were the 'rose' and 'orange' replacements a real breath of fresh air. Both presidents Saakashvili and Yushchenko had served in the governments of their predecessors as had their assorted colleagues – Nino Burjanadze and Zurab Zhvania (in Georgia); Alexander Moroz and Yulia Tymoshenko (in Ukraine).

Their mentors, Eduard Shevardnadze and Ukraine's president, Leonid Kuchma, had been the West's chosen candidates as presidents of their respective countries. While Kuchma never achieved Shevardnadze's status as a secular saint, he was regarded as a 'reformer' for many years by economic gurus, like the Carnegie Institute's Anders Aslund. Both men had supported policies to bring their countries closer to the West, joining NATO's Partnership for Peace and sending troops to Kosovo. Kuchma also provided the third largest number of troops for the coalition in Iraq while Shevardnadze was negotiating to dispatch a Georgian contingent before his downfall – Georgian troops soon went to Iraq when Saakashvili became president.

However, by 2001 presidents Shevardnadze and Kuchma were feeling the heat with criticism mounting from foreign-sponsored institutes and NGOs. They were accused of stifling the press, involvement in unsolved murders and corruption.

While Shevardnadze's downfall crept up almost unnoticed by the outside world, Leonid Kuchma underwent a more high profile assault from his critics. In 2001 he was accused of involvement in the disappearance and murder of a little-known internet journalist, Georgy Gongadze. Then, a former member of the Ukrainian security service, Mykola Melnychenko, fled to the US and released a series of damaging tape recordings which purportedly showed Kuchma discussing how to get rid of Gongadze. A movement built up called 'Ukraine Without Kuchma' led by Yulia Tymoshenko, Alexander Moroz and Viktor Yushchenko, the future leaders of the Orange Revolution, which attracted thousands onto the streets of Kiev, largely through the (surprising) support of the Communist Party whose activists swelled its ranks. However, the movement petered out and Kuchma held on to office. In parliamentary elections held in 2002 the Communists lost seats – analysts blamed its participation in the opposition demonstrations for its loss of popularity.⁶

In many ways, bringing a new breed of Western-style reformers to power in Ukraine was a more difficult task than it had been in Georgia where a sense of national

⁵ "Political Crisis Develops in Ukraine" <http://www.rosbaltnews.com/2004/01/16/65333.html>, 15th January, 2004

⁶ See BHHRG's reports on Ukraine, 2001, 2002 www.oscewatch.org

identity had survived the Soviet Union. Ukraine, on the other hand, was a complex mixture of a pro-Russian east and the west of the country which only became part of the Soviet Union after 1945.

In Georgia, it also helped that Shevardnadze was universally unpopular - it was unlikely that people would leap to his defence if he was removed from power. However, unlike Shevardnadze and, despite his reputation as a Western-style 'reformer', Kuchma had not overseen the complete destruction of the country's economy and welfare system. There is a thriving industrial sector in eastern Ukraine and a functioning agriculture means that the country still produces much of its own foodstuffs. After Viktor Yanukovich was appointed prime minister in 2002 the economy started to expand - even critics had to accept economic growth of c.11% in the year leading up to the 2004 poll.

But, the west of the country is stagnant. Although the propaganda has it that this part of Ukraine is more 'Western-orientated' and 'reform-minded' it has been an economic basket case since independence. There is also severe depopulation as millions of its inhabitants have left to work in Western Europe.

However, although economic conditions have improved, there is a widespread belief that corruption is rampant and that all governments and businessmen associated with them are compromised. It isn't difficult to see why - Ukraine, like Russia, introduced a policy of mass privatisation according to the IMF model in the early 1990s. Most ordinary people lost out at this time and a cycle of envy and alienation of the elites resulted, in many ways similar to the resentments of the 'bosses' and their privileges that bubbled away under the surface during Communist times.

The opposition exploited these sentiments, so much so, that people told BHHRG that recent economic improvements in Ukraine were not brought about by Mr. Yanukovich's 'corrupt' government but by the opposition Our Ukraine party in parliament! In doing so, they managed very effectively to conceal many of their members own dubious business activities. This was achieved by playing on another characteristic of post-Soviet man: the yearning for someone - something - who would effortlessly provide them with money, jobs and security. For many people, Mr. Yushchenko's good connections with the affluent West was a good enough reason to vote for him for there was an ample trough from which the hungriest could feed.

Western Ukraine: The west of the country was focused on by those seeking change as it is the centre of Ukrainian nationalism - in particular, in and around the cities of Lviv and Ivano Frankivsk where the symbols of Ukraine's brief, pre-Soviet nationhood are held in respect and the Ukrainian language is spoken on a day-to-day basis.

It is also home to thousands of Ukrainian exiles who fled the country in 1944 as the Nazi occupation collapsed. Large numbers of these people settled in the United States, Canada and Australia where they re-created an almost fairy-tale version of Ukrainian nationhood. In the United States, in particular, the Ukrainian diaspora played a leading part in organizations that fought to bring about the collapse of Communism during Ronald Reagan's presidency. A leading figure in one of these organizations, the National Captive Nations Committee, Katherine Chumachenko, was to become the second Mrs. Yushchenko.

Unfortunately, some, though, of course, not all members of these communities had collaborated with the Nazis and were tainted with anti-Semitism something that reared its head rather uncomfortably during the 2004 Ukrainian presidential campaign. Although a few commentators (BHHRG included) pointed out the Ukrainian opposition's involvement with anti-Semitic groups and politicians, for once, the international community seemed undisturbed by such revelations.⁷

The influence of the diaspora, ongoing poverty and an innate dislike of Russia meant that the kinds of policies pursued by the EU and IMF were more easily propagandised in western Ukraine. However, in the east of the country, family and economic ties were still entwined with Moscow. Here, there was less enthusiasm for the economic policies which people knew had brought about collapse in Russia in 1998. They had also been recipients of the same medicine themselves, especially during Viktor Yushchenko's period as prime minister (1999-2002) when their standard of living fell and pensions and salaries were not paid.

The Office of President

Ukraine has a modified presidential system of government – the president being elected by popular franchise. The president nominates the prime minister who must then be confirmed by the 450-seat parliament, the *Verkhovna Rada*. The President (on advice and consent of the Prime Minister) appoints members of the Cabinet of Ministers as well as heads of all central agencies and regional and district administrations.

Although Mr. Kuchma was slated to retire in 2004, on 30th December 2003, the Constitutional Court stated that he could run for a third term as he had come to power in 1994 before the constitution itself passed into law. In fact, he chose not to take up the option. BHHRG was told by several voters in Western Ukraine that they would have voted for Mr. Kuchma had he stood again as he represented some kind of stability. In the circumstances, it is likely that the president was prevailed upon (leaned upon?) not to seek a third term. Attempts have also been made by the Verkhovna Rada to change the rules so that the president is elected by MPs rather than in a popular vote. In early 2004, the opposition led by the Yushchenko-Tymoshenko-Moroz bloc refused to accept the change.

However, the president's powers were reduced on 8th December, 2004 during the crisis following the disputed 21st November election. Parliament met and passed a raft of measures giving them more power over presidential appointments.⁸ Mr. Yushchenko had to put a brave face on this decision - which didn't entirely fit in with his ambitions - but the more outspoken Mrs. Tymoshenko described it as "illegal". She didn't have to worry. Oleg Ribachuk, Yushchenko's chief of staff, pointed out that the changes would only come into effect in January 2006, after the next parliamentary elections. In other words, if these elections mimic Georgia's March 2004 parliamentary poll, there are unlikely to be many (if any) of President Yushchenko's opponents in the next parliament to query his appointments.

The Candidates, 31st October, 2004

⁷ "Shadow of Anti-Semitism over Ukraine's Disputed election" www.oscewatch.org 24th November, 2004

⁸ Nick Paton Walsh "Ukraine's Parliament approves vote reforms, *The Guardian* www.guardian.co.uk " 9th December, 2004

In the first round, 24 candidates ran for president although it was generally agreed that only two of them, Prime Minister Viktor Yanukovich and Viktor Yushchenko leader of Our Ukraine had any chance of success. BHHRG's observers were told that many, if not all, the other names on the ballot were simply dummy candidates for one or the other of the two main contenders. For example, former prime minister, Anatoly Kinakh, Yabluko Party leader, Mikhail Brodsky and Praveks Bank Chairman, Leonid Chernovetsky were allies of Yushchenko who they intended to support in a second round of voting. Socialist Party leader, Alexander Moroz, was assumed to be a Yushchenko supporter while Progressive Socialist Party leader, Natalya Vitrenko, would likely advise her voters to chose Yanukovich.

Results after the first round of voting:

Yanukovich 40.12 %; Yushchenko39.16%

Contest between the Two Viktors: Second Round, 21st November, 2004

Viktor Yanukovich

Viktor Yanukovich Ukraine's prime minister at the time of the 2004 election came from humble origins. Orphaned and unable to complete secondary school, he attended technical college in the small mining town of Yenakiyevo. In 1969, he worked in the gas workshop of the Yenakiyevo Metallurgical Plant, and in 1973 graduated from Yenakiyevo's technical school. The next year, he enrolled at Donetsk Polytechnic Institute, and at 26 became manager of the motor depot at the Ordzhonikidze Coal Production Association, where he developed an interest in racing cars. By 1992, he was director of the Donbas Transport Repair Group of Enterprises, and by 1996 head of the Donetsk Territorial Motor Transport Production Association and a member of the Donetsk Regional Administration.

In May 1997, Yanukovich became governor of Donetsk district. The coal-rich Donbas region of south eastern Ukraine witnessed rapid economic growth while other areas of Ukraine were becoming destitute wastelands. But, he received little credit for this. The problem for Ukraine and many post-Communist countries that underwent dubious and rushed privatisation of their industrial sectors in the early nineties is the suspicion that all governments are somehow corrupt and all opposition parties represent a new beginning. Of course, this factor is played upon by opposition parties so, the media in Ukraine was full of reports about a corrupt mafia in eastern Ukraine (i.e. Mr. Yanukovich's financial base) before the election. It meant that many voters were not prepared to give Mr. Yanukovich any credit for improvements in their standard of living while supporters of Mr. Yushchenko in Kiev and western Ukraine (who admitted that the economy had improved) put this down to the policies of the parliamentary opposition rather than the government.

The incumbent Prime Minister was subjected to remorseless attacks for his "criminal past." Aged 17, Yanukovich had been sentenced to a short term in a juvenile correctional institution for knocking a passer by's hat off . Two years later, he received a two year sentence for what appears to have been another outburst of 'hooliganism'. Eventually, both convictions were overturned and Yanukovich's criminal record was legally erased. Early in 2004, President Kuchma pointed out that,

otherwise, he would not have been able to join the Communist Party. Journalists wrote in the Western press that anyone who supported Yanukovich (including children!) deserved to be isolated by their peers: “To quote my seven-year-old neighbour, ‘in our class, Irkar alone stands for Yanukovich, and no one wants to play with her’ ” chillingly gloated Oksana Zabuzhko, a ‘novelist’, in the *Wall Street Journal*.⁹

Of course, the opposition played heavily on this, to considerable effect. For example, ICTV (regularly described as a pro-Yanukovich media outlet) nevertheless reported that the prime minister had been convicted of manslaughter and theft of state property. On the eve of BHHRG’s arrival in Kiev (28th October) solidly pro-Yushchenko Channel 5 reported that Mr. Yanukovich had also been convicted of rape. During their stay in the country, the Group’s observers heard many ordinary Ukrainians say they were “shocked” by their prime minister’s past and that they “couldn’t vote for a criminal”.

Had Mr. Yanukovich been the West’s favourite, his jail time would have been described as the heroic sacrifice of a dissident imprisoned by the tyrannical Soviet regime. In the circumstances, with a whole battery of enemies at the gate, Mr. Yanukovich was probably an unwise choice to be Mr. Kuchma’s successor. This was echoed by Russian observers and, this, reportedly, was Mr. Putin’s view despite his supposedly overwhelming support for Yanukovich’s candidature.

Behind this and the other accusations - of corruption and shady connections with business oligarchs from eastern Ukraine - Mr. Yanukovich seemed a modest person. His election manifesto (a booklet printed on cheap paper) mainly showed him visiting farms and factories. Mr. Yushchenko’s election manual was a far superior product, with glossy pictures, particularly of the candidate in the company of a slew of world leaders.

Although BHHRG was told that Mr Yanukovich was fully aware and prepared for the inevitable trouble that was going to greet his anticipated victory, he always appeared rather perplexed and taken aback by the revolutionary winds that were to blow around him. BHHRG’s observers were not over-impressed either by the feebleness of his representatives in Kiev and the regions who seemed keener to show that they had behaved according to the rules rather than project their candidate’s interests. The truth is that Mr. Yanukovich had no power or influence whatsoever where it mattered – namely, with the police, security services and foreign governments. Mr. Putin’s vast support network, working feverishly to bring Mr. Yanukovich to power, was a piece of disinformation that is still disseminated even though there is no evidence for it whatsoever.¹⁰

Viktor Yushchenko:

Yushchenko was born in Ukraine’s Sumy oblast in 1954 on the border between Russia and Ukraine. Apparently, his father was deported to Auschwitz as a Soviet

⁹ Oksana Zabuzhko, “Ukraine’s Solidarity” *Wall Street Journal*, 22nd November, 2004

¹⁰ In an interview conducted in Davos with Becky Anderson on CNN (29th January, 2005) Yushchenko claimed that he had ‘ticked off’ Mr. Putin for interfering in Ukraine’s election during his 24th January visit to Moscow.

POW, something that Mr. Yushchenko was keen to capitalize on during the Holocaust memorial ceremonies in January, 2005, presumably, to deflect attention from accusations that there are anti-Semites among some of his supporters, an allegation that lurked in the background during the election campaign.¹¹ Yushchenko progressed through the Komsomol and, later, became a Soviet border guard, something that never attracts comment from Western observers even though Alexander Lukashenko's similar service is always greeted by his critics as a signal of continuing KGB connections and Communist leanings.

BHHRG has detailed Yushchenko's career in the Soviet centralized banking apparatus, Gosbank and how he became one of Ukraine's first oligarchs, even prior to the collapse of the USSR when the bank's Ukrainian structures fell into the hands of local apparatchiks.¹² After independence, Yushchenko worked for the newly independent National Bank becoming its head in 1997. In December 1999, President Kuchma appointed him prime minister a post he held until he was voted out of office by a parliamentary majority in 2001. In 2002 he became leader of the main opposition faction, Our Ukraine.

Whether by accident or design, there are no details about his first marriage to Svetlana Kolesnyk which ended in divorce. Kolesnyk is alleged to have committed suicide by shooting herself. Her Godfather, Vadym Hetman who, reputedly, steered Yushchenko into politics also met an untimely end having been assassinated in 1998. Mr. Yushchenko was free to marry again which he did in 1996 to an American Ukrainian, Kathy Chumachenko who had been a diaspora activist and, more significantly, a Reagan White House employee at an early age. This marriage between the 'neo-con' and the 'neo-com' set the stage for their eventual assumption of power in Kiev on 23rd January 2005.

Despite Yushchenko's classic pedigree as a Party hack, he has morphed himself into an almost Hollywood version of the committed Ukrainian patriot and man of God. He was always crossing himself and attending yet another folk dancing performance. A troupe of children in national costume was even summoned up to perform for him on 19th December 2004 outside the Rudolfinerhaus Clinic in Vienna after the dramatic poisoning allegations were 'confirmed'. Perhaps the highlight of this display of national sentiment was Mr. Yushchenko's acceptance of the last Cossak Hetman's mace in a ceremony on 22nd January, the day before his inauguration as president. However, despite these somewhat exotic public relations exercises, Yushchenko came over as a dreary ex-party hack with no particular skills when it came to public speaking or communicating with the crowds. Compared with the more boisterous (and loudmouthed) Mikheil Saakashvili or his comrade-in-arms, Yulia Tymoshenko, he was a damp squib.

The most bizarre incident that occurred during the 2004 election campaign in Ukraine was the alleged poisoning of Mr. Yushchenko by dioxin-related substances which left

¹¹Malcolm Haslett "Yushchenko's Auschwitz Connection"

<http://news.bbc.co.uk/2/hi/europe/4215101.stm>

¹²"Who is Viktor Yushchenko?" www.oscewatch.org

his face pock marked and disfigured.¹³ Yushchenko claimed that there had been a plot to kill him by top Ukrainian officials and he promised a thorough investigation after the election. As this report is written, the trail seems to have gone cold. However, it may be difficult to square the circle, so to speak, in the inquiry. The poisoning was alleged to have occurred during a meeting between Mr. Yushchenko and Colonel General Ihor Smeshko, head of the Ukrainian security services (SBU). Since Smeshko has now revealed that he was working for the opposition (and Mr. Yushchenko) all along,¹⁴ another culprit may have to be found. On 28th January, Ukrainian Prosecutor-General Piskun stated that investigations into the poisoning were now underway.

Although most commentators, both for and against, have concentrated on Yushchenko's 'Western-leaning, 'reform-minded' agenda for Ukraine he did, in fact, campaign on a populist platform promising more jobs, an increase in pensions and wages and an improved infrastructure for the country.¹⁵ Whether this was a cynical ploy or just skewed economics, some people have pointed out the contradictions inherent in this package of proposals. Judging from developments in other 'new European' countries it is the locals in Ukraine who will be disappointed. In 1998, for instance, Slovakia's pro-Western opposition promised the electorate thousands of new jobs and a vast house building programme, none of which have come to pass.

Mr. Yushchenko also stated that, if elected, he would withdraw Ukraine's contingent of troops from Iraq. No doubt, he was given the go-ahead by Washington for this seemingly hostile gesture as it deflected attention away from the massive support that was coming his way from the US. After 8 troops were killed in an accident in Iraq in early January parliament voted for the pull out. However, Janusz Bugajski who is close to the reformers in Kiev has already started to finesse the president's position. "Yushchenko may withdraw, but there may be some other kind of support Ukraine can provide, or maybe he won't withdraw them all at once".."It may be a staggered withdrawal, or they (the Ukrainian troops) may be repositioned"¹⁶

BHHRG's Election Monitoring

BHHRG's observers monitored all three rounds of the presidential poll; their findings have been published on the Group's web page.¹⁷ To sum up, the Group's observers thought that, overall, the poll was conducted to a higher standard than previous Ukrainian elections observed by the Group. BHHRG found that organizational deficiencies pointed out by the local election NGO, the Committee of Ukrainian Voters (KUV) including faulty electoral lists and unknown location of

¹³ See: BHHRG "Booze, Salo and Mare's Milk...Did Yuschenko poison himself? 20th December, 2004 and "The doctor who diagnosed Mr. Yushchenko's poisoning admits that he can prove nothing," 27th December, 2004 www.oscewatch.org

¹⁴ See, C.J. Chivers, "The untold story in Ukraine" *International Herald Tribune*, 18th January, 2005
¹⁵ Justus Leicht, "US client Yushchenko to assume Ukraine presidency", www.wsws.org 6th January, 2005

¹⁶ Deb Reichmann "Cheney sports orange tie for meeting with new Ukraine president" AP 26th January, 2005

¹⁷ See, www.oscewatch.org

polling stations. were misplaced. Problems with the lists seemed to flow from unsatisfactory transliteration of family names from Russian into Ukrainian.

The Group's observers in Crimea, a heavily pro-Yanukovich region, failed to notice the kinds of fraudulent incidents highlighted by other observer groups – here, again, the poll was well-organised. BHHRG has since talked with individuals from some of these other groups about their experiences on 21st November and learnt that they found no problems with the conduct of the poll in the south and east. They say that allegations of fraud were made by the LTOs (long term observers). In fact, even the leader of OSCE's observer mission to Ukraine, Bruce George, had to admit that he himself had seen nothing wrong – it was other observers.

However, as round followed round, BHHRG noted an increase in the activities of opposition activists who were prominent in many polling stations in regions deemed to support Yushchenko. These people who usually presented themselves as journalist/observers were often seen patrolling around the ballot box, demanding to see how people had voted. In Uzhgorod and Zhitomir, Yushchenko activists alerted BHHRG to the alleged fraudulent behaviour of Mr. Yanukovich's local representatives which, on examination, proved untrue. By the third round, any attempt for polling stations to present themselves as neutral venues had been abandoned in Western Ukraine. Election commission members wore orange and orange décor was permitted.

As far as the actual tabulating and counting of the votes went, there wasn't much need to falsify the results. The overwhelming pro-Yushchenko propaganda meant only one thing to people who had only emerged from Communist rule a decade ago: The Party wanted Mr. Yushchenko to win, so, it was wise to vote for the Party's choice of candidate. Not doing so might lead to all kinds of problems – loss of a job, for example, which in the depressed west of the country was a serious possibility. A letter to BHHRG from a voter in Western Ukraine, which paints an unsettling picture – despite the faulty English:

Dear Sirs,

In L'viv, Ukraine, you'll be considered a leper if you had voted for Yanukovitch. Unless you are an enemy of your own, it would be better to tell you are in favour of Yushchenko. At best, you'd be fired from the job. So you are obliged to support Yushchenko, or you are a doomed traitor, venal, and unemployed. Frequently, they know the way everybody voted--so fear and wait for worries! You should speak calmer, yet better to whisper, the best is to tie an orange ribbon. When orange-marked, you may shout and protest, as it had been required of you. You have the "choice". Even in Soviet totalitarian times such a brutality had rarely occurred, but EU observers are willing to see nothing except Yushchenko's presidency. The other side is always shown in western medias as non-democratic, which is certainly done deliberately to form the needed false perspective. It's time to speak about EU democracy and values.

As the Our Ukraine bloc controls many of the levers of power in the west of the country, it was easy to muster support for its candidate. The opposite was true in the east. However, personnel changes in these largely industrial regions are already underway and heads of administrations associated with the former government have been removed from office.¹⁸ The process continues: on 27th January, Olexander Efremov, head of state administration in Lugansk was fired. With Yushchenko appointees in place, a whole raft of jobs will depend of loyalty to that person which could shift the balance of power in the east of the country sooner rather than later.

The NGO Factor

George Soros has always taken a keen interest in political developments in Ukraine so much so, that, in 2001, he wrote an article in *The Financial Times* demanding that President Kuchma step down.¹⁹ This may account for the cool welcome he received when he visited Crimea in March, 2004 to attend a conference organised by his International Renaissance Foundation on tolerance. No doubt, the regime in Kiev saw Soros's visit as the first outward sign of NGO interference in the upcoming presidential election. Mr. Soros did not disappoint them. Referring to the forthcoming poll he said: "I would like to say one thing that makes me anxious. I am hopeful that everything will be fine with the elections and that *there will not be any problems with exit polls* [BHHRG itals.] and all will be free and fair".²⁰

The proliferation of foreign-funded NGOs in Ukraine has been discussed by BHHRG in previous election reports. The Group also reported on the activities of Western-funded polling agencies following the 2004 presidential poll²¹. However, the massive amount of money dedicated by governments and government sponsored agencies, particularly from the US, gained public attention when it was thoroughly explored by Congressman Ron Paul (RT) before the House of Representatives International Relations Committee on 7th December 2004.²² Paul described an interlocking system of agencies whereby funds were transferred from one to the other making it impossible, as he put it, for Congress to find out "how much was spent or how it was spent".²³ He concluded that all US funding for NGO election activity in Ukraine had gone exclusively to Mr. Yushchenko. The amount spent has been keenly debated but never actually spelt out ranging from a low \$13m. to \$67m.. However, some Washington insiders have told BHHRG that it may have been much more, namely, "hundreds of millions of dollars".

BHHRG visited one of the oldest US-supported NGOs in Kiev on 30th October, 2004 the day before the first round of the presidential poll, the Committee of Voters of Ukraine (KVU).²⁴ A spokesman, Yevgeny Poberezhny, was sitting in an office decorated with US Democratic Party election posters. The organization is funded by

¹⁸ For Kuchma's dismissals, see http://www.interfax.ru/e/B/0/28.html?id_issue=10741026

¹⁹ George Soros "Step aside, Mr. Kuchma" *Financial Times*, 2nd March, 2001

²⁰ See, International Renaissance Foundation web page: <http://www.irf.kiev.ua>

²¹ www.oscewatch.org

²² <http://www.house.gov/paul/congrec/congrec2004/cr120704.htm> ; www.house.gov/paul

²³ Ron Paul ibid

²⁴ <http://www.cvu.org.ua/>

different foreign foundations (Mott, Foundation, NDI, Westminster Foundation for Democracy, Soros and various embassies). It had, according to Mr. Poberezhny, “almost no” domestic funding. KVVU published a mass of ‘information’ in advance detailing what it claimed to be the nefarious activities conducted by Mr. Yanukovich’s campaign to falsify the election. On election day, BHHRG found most of these allegations to be unfounded where they observed the poll.

On 15th December 2004, the Foreign Ministry in Canberra announced that Australia would fund the KVVU to train and field around 10,000 local observers. Foreign support for opposition organizations continued with the joint announcement, by the National Unions of Students of Europe and the Ukrainian Association of Student Self-Government, of an ‘international student action’ to observe the 26th December poll. The [NUS-UK](#) (Great Britain), [LSVb](#) (the Netherlands), the [Stl](#) (Norway), [PSPR](#) (Poland) and [NOK](#) (Hungary) were among the European participants in the action which involved students working in ‘mobile rapid-reaction groups’ in southern and eastern regions (mostly Kharkov), where ‘mass falsification of the vote had taken place on 21st November in favour of Prime Minister Viktor Yanukovich.’ The ‘Action HQ’ would work closely with the joint mission of the OSCE, the Council of Europe, the EU, and the [National Salvation Committee](#) of Ukraine, the para-governmental structure whose creation had been proclaimed by Viktor Yushchenko on 25th November. The OSCE/ ODIHR would send more than 1,000 observers to the election re-run, the OSCE’s ‘largest mission ever’ according to the OSCE website.

As well as the usual suspects operating in Kiev– the NDI, IRI, Freedom House - the West supports numerous institutions devoted to the promotion of press freedom, the study of international affairs, educational reform and religious freedom. There is also a vast array of activities and organizations supported by the Ukrainian diaspora. However, perhaps the most unsettling aspect of Western regime change politics in recent years has been the promotion of local, youth activist organizations: Otpor in Serbia (2000), Kmara in Georgia (2003) followed in Ukraine by Pora (“It’s time”). These groups are structured in cells according to classic, Leninist *agitacni* principles with no defined hierarchy or leadership. They are there to ‘uphold the revolution’, so to speak, by acting as a spearhead of disaffected youth, holding demonstrations, policing rock concerts and, all the time, demanding ‘accountability’ from the regime.

BHHRG interviewed Pora representative Andrei Yusov who claimed that the group was formed by “300 social organizations” some time in the summer of 2004. It was a “reaction” to the “repression of students”. Yusov claimed that Pora was supported by Channel 5 TV but denied that it received foreign funding, apart from an “insignificant” amount of money from the Soros organization. However, Pora representatives had been trained in Europe and managed to operate unscathed even though the regime in Kiev had turned away Otpor activist, Alexander Maric, at the Ukrainian border in October 2004 .

However, BHHRG concluded that Pora played no significant part in the Ukrainian election coup – like the Georgian Kmara group they rather acted as the Greek chorus, motivators of and cheer leaders for the crowds of youthful participants in the street demonstrations. Some might also compare them with more sinister organizations, like the Red Guards. Certainly, they seem to have embarked on their own Cultural Revolution as they demand a purge of the old regime :

Ukrainian revolutionary youth plan purge of old-regime

"The Pora public organization has declared the beginning of the "de-kuchma-ization of Ukraine" [reference to ex-President Leonid Kuchma], which means cleansing the country of the consequences of the old regime, "getting rid of kuchmists in government institutions, preventing them from insinuating themselves there, enhancing Ukrainian legislation and fundamentally changing the state management and relations between the state and its people", organization activists Mykhaylo Svystovych and Volodymyr Vyatovych told a news conference at UNIAN today....Volodymyr Vyatovych said that Pora "will continue to remain the Cerberus of democracy, and will bark at every violation and injustice" by the authorities."²⁵ On 28th January it was reported that Pora youths had thrown eggs at the mayor of Uzhgorod during a town council meeting. An ambulance was called and the mayor was taken to hospital as he had suffered injuries to his face.²⁶

The media in Ukraine

One of the most persistent accusations made by Western media watchdogs was that Mr. Yanukovich's campaign dominated the media in Ukraine. To a certain extent this was true, but inevitable in the sense that the media covered Mr. Yanukovich's activities as Ukraine's prime minister. Allegations were also made that Yushchenko adopted a policy of self-censorship as far as local TV was concerned, only agreeing to appear on Channel 5. For example, he refused to appear on ICTV even though the channel had fully publicised Mr. Yanukovich's criminal past.

BHHRG soon learned that accusations of total media bias towards the PM were groundless. At least 90% of television stations in the country are private, including ICTV, 1+1 (owned by US media baron, Ronald Lauder) and Channel 5 which was set up in 2003 and financed by Mr. Yushchenko's tame oligarch, Petro Poroshenko. Channel 5 was the slickest operation with its diet of Hollywood blockbusters interspersed with much pro-Yushchenko propaganda from its youthful team of journalists. It seemed to be modelled on similar 'opposition' television channels that have appeared in the post-Soviet space – like TV Markiza in Slovakia which helped to bring the anti-Mečiar forces to power in Slovakia in 1998 and, more recently, with Georgia's Rustavi 2, the channel that underpinned Saakashvili's election campaign in 2003.

There are also local TV and radio stations which supported the opposition. As for state television, UT 1, it reported opposition activity including a 'hunger strike' held by journalists at Channel 5 in the lead up to the first round of voting. On top of which, in the late evening UT1's wave length was given over to ERA TV one of Ukraine's most egregiously pro-Yushchenko media outfits. On the night of 22nd November, during the election silence, BHHRG's observers in Uzhgorod watched ERA's late night show where various 'commentators' described how election fraud would be perpetrated by Mr. Yanukovich while various actors, rock stars and other assorted

²⁵ UNIAN news agency, www.bbcmonitoringonline.com 25th, January 2005

²⁶ www.bbcmonitoringonline.com

personalities, all wearing some item in the opposition colour orange, urged people to vote for ‘freedom’ and ‘change’.

Furthermore, the so-called pro-government channels re-broadcast blatantly pro-Yushchenko *Voice of America* programmes and interviewed various figures from the Ukrainian diaspora about the election. By the time of Round 3 on 26th December, all pretensions to objectivity had gone: in the days leading up to the poll, UT 1, *Inter*, ICTV and 1+1 showed lengthy pro-Yushchenko campaign ads and political propaganda whereas nothing was seen or heard of Yanukovich – other than during the last presidential debate broadcast on 20th December. One bystander told the BBC’s correspondent that she had enjoyed the debate as it was the first time she had seen Mr. Yanukovich on television in weeks! BHHRG’s observers in Western Ukraine for the second and third round of voting *never* saw the prime minister on television, not even voting! By 26th December, the only widely available TV channel with a pro-Yanukovich slant was not even available in the west of the country.

Charges that the print media was also overwhelmingly in the hands of pro-Yanukovich forces likewise proved to be a myth. Yushchenko could count on the support of 3 newspapers, *Vecherniye Vesti*, *Ukraina Moloda* and *Zerkalo Nedeli*. *Komsomolska Pravda* and *Den* claimed to be independent but, BHHRG found that their coverage was, basically, slanted in Yushchenko’s favour. Of the major newspapers available in the capital Kiev, this left *Gazeta Segodnya* (a Russian language paper) and *Fakti* as supporters of Mr. Yanukovich.

However, even this turned out to be an oxymoron. BHHRG visited the offices of *Gazeta Segodnya* and spoke to Alexander Korchinsky, its foreign editorial spokesman about the paper’s approach to the presidential election. Far from supporting Mr. Yanukovich, Korchinsky was keen to explain that the paper was ‘neutral’ as to the outcome of the election, as required by law – something that does not seem to have troubled pro-Yushchenko Channel 5.

It should also be added that there were numerous specially founded newspapers, mail shots and printed leaflets made available by the opposition. And, even though the parliament had banned the presence of domestic election monitors like the KUV in polling stations on election day many of them managed to gain entry as ‘journalists’ for hastily created publications.

Foreign Media

Allegations that the Russian media was overwhelmingly on Mr. Yanukovich’s side also proved illusory. BHHRG’s representative who spent much of the election period in Ukraine read many articles in the Russian press promoting the line that the ‘regime’ in Kiev would use ‘administrative resources’ to rig the election in favour of the prime minister. However, some Russian newspapers and web sites were the only outlets where, occasionally, information could be found to counter the Western media’s spin on Mr. Yushchenko.

All newspapers in the UK and USA pushed the line that Ukraine was a corrupt dictatorship which could only be saved by the ‘saintly’ former banker and border guard. Occasionally, when criticism did creep in, the writer was savaged. Three

BHHRG representatives (in their independent capacity as journalists) wrote articles querying the official version of events in Kiev in the Dutch and British press only to find themselves attacked by readers, especially those from the Ukrainian diaspora. Other journalists also attacked BHHRG for its published observation of the voting, often in a crude and *ad hominem* fashion.²⁷ Their experience is not alone – British journalist Jonathan Steele revealed that he had never received such a hostile post bag as he did following an article in *The Guardian* raising questions about the nature and funding of the Orange Revolution.

The situation was the same in Poland where the main broadsheet *Gazeta Wyborcza* regularly devoted its front pages to Ukraine’s freedom fighters. As one commentator put it: “Truly amazing - raw partisanship that would make Fox News blush”.²⁸ The second most important Polish newspaper, the liberal-right *Rzeczpospolita* added an orange ribbon in a token of its views. One reader slyly commented: “note the price in the upper right hand corner: 2.5 zl - about 75 cents. Considering the average pay in Poland is on the order of \$400-500 you can imagine that not too many working class people buy the daily paper”.²⁹

Post Election

On the night of the second round of the election, 21st November, people started to gather in Independence Square (Maidan = Square, in Ukrainian) where a lavish concert stage had been constructed with plasma screens to broadcast the event to the crowds. The official version of the ‘Orange Revolution’ was, of course, that people were gathering to ‘celebrate’ Mr. Yushchenko’s victory. No doubt, they were spurred on by exit polls which had been running across the bottom of Channel 5’s screen that evening showing Mr. Yushchenko as the clear winner of the election. Something called the ‘National Exit Poll’ had Yushchenko with 54% and Yanukovich, 43%. A poll conducted jointly by ‘Sotsis’ and ‘Social Monitoring’ showed Yushchenko on 49.7% and Yanukovich, 46.7%. A parallel vote count tabulation conducted by the Yushchenko campaign gave Yushchenko 52.84% and Yanukovich 42.31%.

American pollster, Dick Morris, boasted that without even visiting Ukraine he had advised the opposition on how to conduct exit polls of the kind used in the West³⁰. But, such polls had already been used to good effect in Georgia in 2003 – on election night, Channel 5’s clone, Rustavi 2, broadcast Western-funded exit polls giving victory to the opposition totally at variance with the official results. A similar eruption of indignation took place in Georgia when the final results were announced.

The polling agencies involved in Ukraine were funded by Western governments and explicitly controlled by the opposition, i.e. Mr. Yushchenko’s campaign. BHHRG’s observers interviewed two SOCSIS pollsters in Uzhgorod on 21st November. It was clear that they were interviewing voters in a wholly unscientific fashion, randomly approaching every twentieth person without taking samplings of voters according to

²⁷ An extreme example is Jake Rudnitsky’s article “Russia’s Fifth Column” http://www.exile.ru/2004-December-24/russias_fifth_column.html v

²⁸ <http://scoop.agonist.org/story/2004/11/23/231016/67>

²⁹ *ibid*

³⁰ *Washington Post*, 2nd January, 2005

age, sex and occupation – the normal methodology in conducting such polls. It was clear, too, that voters knew that the pollsters were from the Yushchenko camp as many refused to answer their questions (10 out of 18 at this polling place in Mukachevo). The pollsters told BHHRG that all 8 who answered their questions had voted for Mr. Yushchenko!

However, even if we accept that the exit polls were accurate, they were not predicting the kind of overwhelming victory for Mr. Yushchenko that has since been claimed on his behalf – the most generous poll gave him a mere 54% of the vote. He won, after the final, 3rd round of voting on 26th December, with 52%.

When Mr. Yanukovich's victory was announced on the morning of 22nd November, crowds started to gather on Independence Square to express their outrage and support for the opposition. At times, it was estimated by both local and foreign media that hundreds of thousands were standing out in the cold to protest the 'stolen election' and support the opposition. Taxi drivers joined in the hype: "Have you heard? There are a million people on Maidan". BHHRG's representative in Kiev visited the Square that day – as he did on many occasions while the protests were underway. In his observation, the crowd never exceeded 25,000-30,000. Independence Square is a small, enclosed area; it only holds several thousand, at most, when full of people but careful photography can make this look like a multitude. He also talked to many of the young protestors and found that many of them had not even bothered to vote in either round of the election.

The real incentive for the demonstrators was the ongoing rock concerts and food and drink (non-alcoholic, of course) which was provided free by the organisers of the protests who had also set up a circle of tents surrounding the Mother Ukraine column each bearing the name and crest of a different region of Ukraine. These tents, belonging to the opposition activists, Pora, was guarded by burly opposition *militia* complete with their own uniforms: dark blue beret and leather trench coat or camouflaged fatigues with the 'regimental' orange arm band. The Western media never filmed or even mentioned the presence of these para-military types who must have appeared intimidating to, at least some, of the less 'revolutionary' members of the crowd.

In between the rock acts and appearances by local "celebrities" including Ruslana, winner of the 2004 Eurovision Song Contest and champion boxer, Vladimir Klitschko, leaders of the opposition addressed the crowd from the concert platform. Yushchenko was always joined by Yulia Tymoshenko whose fashionable Western hair-do had been jettisoned for a false plait, no doubt, to package her as a proper Ukrainian *Mädchen*. Also present, were clerics from the Ukrainian Catholic (Uniate) church and, as time went on, foreign dignitaries. On 25th November, Lech Walesa appeared on the rostrum and television viewers were reminded of glorious 'people power' revolutions of yesteryear, of Solidarnosc and Prague's velvet revolution.

A member of the European parliament, Britain's Conservative Party MEP, Charles Tannock boasted on his web site about the part that he and his colleagues had played in the 'orange revolution' posting photographs of himself addressing the crowd and

sitting with fellow MEPs in one of the opposition tents.³¹ Whether or not Ukrainian politicians would be welcome to interfere so egregiously in Western European elections remains to be seen. No doubt, in Mr. Tannock's eyes, Yushchenko was already Ukraine's president as he had sworn the oath of allegiance in the parliament on the morning of 24th November, even before the results were officially published and in the absence of the necessary parliamentary quorum.

Channel 5 began broadcasting secretly filmed video footage purporting to prove massive falsification of the poll. This included, among other things, scenes from inside a polling station, supposedly in eastern Ukraine, which showed stacks of ballots, already folded together, being removed from an opened ballot box.³² There were other clips, including shots of an alleged attack by Yanukovich supporters on Yushchenko election officials. The exact provenance of these images was never explained neither was the fact that it took several days for the damaging film evidence to be produced. However, the channel then showed Colin Powell announcing Washington's refusal to recognize the results of the election and threatening sanctions against Ukraine if the 'fraud' wasn't investigated. This was immediately followed by a report that the Supreme Court had prohibited the publication of the 21st November election results until Yushchenko's complaints were investigated.

On 26th November, Channel 5 reported that ever more NATO and EU governments were refusing to recognise the election results. Foreign dignitaries from the EU, Poland, Lithuania and Russia poured in, including Poland's President Kwasniewski, Lithuania's Valdas Adamkus and EU Foreign Affairs Commissioner, Javier Solana. All said they refused to recognize the official election result.

While the demonstrations in Independence Square were given saturation coverage on both the Ukrainian and international TV, a pro-Yanukovich rally of several thousand in the Podol District received virtually no coverage on either opposition or 'pro-government' TV. In fact, the 'pro-government' *Inter* channel ran a 'news strip' across the bottom of the screen with stories about Kwasniewski, Adamkus and Solana visiting Kiev, and about politicians going over to Yushchenko's side. 'Pro-government' *I+1* showed a news segment from Uzhgorod in Transcarpathia, with masked *militia* opening a jeep and uncovering a cache of weapons, allegedly an attempt by the authorities to start trouble.

The Speaker of the Parliament, a long time Kuchma ally and leader of the pro-government 'For a United Ukraine!' bloc in the 2002 parliamentary election, declared that the CEC had 'discredited' itself. A vote was taken to repeat Round 2, carried by 247 votes out of 450 MPs. The Deputy Premier, Dmitri Tabachnik, declared on TV that matters should proceed through 'negotiations,' and Kuchma started to talk about negotiations as well. During this time, Yushchenko was on TV constantly, while Yanukovich was barely seen or heard.

The opposition then charged the Yanukovich camp with computer hacking. The Ukrainian Supreme Court heard a statement by Halyna Madrusova, head of the Polish

³¹ <http://www.charlestannock.com/gallery1.asp>

³² One BHRG observer found a bundle of unused ballot papers thrown into a trash can in a lavatory in a polling station in Uzhgorod controlled by Our Ukraine activists. Incidents like this in Western Ukraine never made it into Channel 5's exposures of election fraud.

[Prokom](#) company, which serviced the computer system that sent voting results from territorial electoral commissions (TECs) to the CEC. Madrusova said that, during the 1st and 2nd rounds of the election, the system behaved “atypically,” with numerous failures and delays which “could have resulted from external interference.” The opposition claimed that the Yanukovich campaign had illegally penetrated the system and tampered with voting figures. Yanukovich’s team denied the charges, but was insufficiently alert to level similar charges at the Yushchenko camp.

The private ‘Tonis’ channel showed footage of blue-and-white-scarved Yanukovich supporters camped outside the Cabinet of Ministers building, having supposedly come from eastern Ukraine. Within 48 hours they were reported to have left. Yushchenko supporters said they had offered them food and drink out of “love and friendship” as the people from the east had arrived without the necessary funds to survive. On the other hand, Yushchenko’s voters from western Ukraine could go to Kiev and find a Tent City with paid-for food and drink awaiting them on arrival, courtesy of the well-organized Orange Revolution. What had become of the lavish funding donated to Mr. Yanukovich and his team by Russia?

On 28th November, Donetsk-based *Ukraina* TRK – owned by regional oligarch Renat Akhmetov – was the only TV channel to broadcast a conference organized by Yanukovich supporters in Severodonetsk, in Lugansk Oblast attended by representatives from 14 out of Ukraine’s 27 regional administrations. Viktor Yanukovich presided, with Moscow Mayor Yuri Luzhkov as guest of honour; both denounced the “orange orgy” that was underway in Kiev. Speakers expressed their intent to defend the interests of Ukraine against the lawlessness in Kiev, and to support Yanukovich.

On 29th November, a delegation of Polish MPs, including Sejm Speaker and ex-secret police agent, Jozef Oleksy, arrived in Kiev. Oleksy said they did not plan to meet Yanukovich. [Sergei Tigipko](#), leader of a pro-government party, appeared on TV to announce his resignation as both Yanukovich’s campaign chief and as NBU chairman, and publicly declared sympathy with the opposition demonstrators. He acknowledged the poll was rigged and called for a re-run of the election. The next day, Yanukovich publicly offered to “negotiate” with Yushchenko, suggesting, among other things, political reform to increase the power of the prime minister, with Yushchenko as premier under a Yanukovich presidency. The ‘Orange’ camp immediately rejected all his proposals, and on 1st December the Verkhovna Rada passed a vote of no confidence in the Yanukovich government.

TV was by now broadcasting coverage of Kuchma and Yanukovich in conference with Kwasniewski, Adamkus, Solana, and Yushchenko. Yanukovich appeared smiling and shaking hands with Yushchenko and the visitors. Sergei Tigipko appeared again, publicly describing the premier’s chances of winning a re-run election as “minimal.” The next day, *Inter* and other ‘pro-government’ channels showed Western pop stars declaring support for the demonstrators, with Sting and other political geniuses making short speeches about democracy and freedom and giving the air a quick fist-pump.

Channel 5 and other opposition TV stations now began to spread rumours of ‘separatism’ in eastern Ukrainian, for example, it was stated that Lugansk district had

announced it would “secede” and seek “annexation” by the Russian Federation. In fact, the deputies at the congress went no further than to talk about the “right” to “examine the question” of “autonomy” within a united Ukraine. The rhetoric went no further, and Yanukovich himself even urged his supporters to refrain from “radical acts” and to observe the law and constitution.

Yanukovich supporters from opposition controlled regions of Ukraine did not attend the Severodonetsk conference. An official in Donetsk said that nationalists in the west of the country had intimidated people into not attending. However, BHHRG was not entirely convinced and Mr. Yanukovich himself repeatedly referred to himself as the representative of “15 million” Ukrainians, instead of all 47-48 million. It would have made more sense for him to claim to represent more voters than the 15 million officially announced by the CEC, especially since the Yanukovich camp also alleged falsification of the vote during the Supreme Court hearings on Round 2.

Eastern Ukraine

BHHRG visited eastern Ukraine in early December, 2004. The head of the Donetsk branch of the pro-Yanukovich Party of the Regions, Alexander Bobkov, described the prime minister as a promoter of “social justice” while Mr. Yushchenko and Yulia Tymoshenko, wanted to raise the age limit for pensioners. Pensions in Donetsk were three times higher than the average in western Ukraine, and equal to the average wage there; Bobkov also claimed that wages in Western Ukrainians were half the minimum required for subsistence. But Bobkov believed that, instead of voting for Yanukovich, western Ukrainians voted for Yushchenko because they were “more susceptible to populism”.

Vladimir Zablotsky, chief of the internal policy department of the Lugansk district administration, told BHHRG that the Yanukovich government paid wages and pensions regularly and now people felt they had something worth protecting. In answer to questions about exactly what Lugansk would do if Yushchenko became president of Ukraine, Zablotsky admitted that local concerns might be sold to Western interests.

Tatiana Prosekina, head of the Kharkov Regional Soviet’s secretariat, was perplexed by the outrage that had accompanied Mr. Yanukovich’s strong win in eastern Ukraine claiming that the turnout had been large. Outside in the central square, the Yushchenko camp had managed to set up a glitzy concert stage and plasma screens on orange stands around their tents contrasting sharply with the modest Yanukovich encampment across the way, where supporters were trying to build fires in rusty metal drums to keep warm.

BHHRG was impressed by the improvements in eastern Ukrainian cities over the past two and a half years. But, local officials conveyed no sense that they would in any way resist EU-sponsored economic reforms of the type likely to be initiated by a Yushchenko presidency. Sure enough, by 5th December, officials who had appeared in Severodonetsk on 28th November appeared at a Congress of Soviets in Kharkov, entitled ‘For Ukraine, For Constitutionalism,’ to ‘correct’ their earlier statements interpreted as ‘separatism.’ Vladimir Litvin, the turncoat speaker of parliament, had demanded “prosecution” of those proposing referendums on “autonomy” in eastern

Ukrainian districts at the Severodonetsk conference, and alleged “overt and clear violation of the Ukrainian constitution and laws” and “incitement to crime under Article 365 of the Criminal Code.” By 10th December, the same day Yushchenko’s campaign chief in Lviv announced that 5,000 election observers would be sent to Lugansk Region for Round 3, the Donetsk Region Soviet announced it would not hold a referendum until “the constitutional amendments dealing with federal reform are fully incorporated in legislation.” By this time, other southern and eastern districts were expected to scrap their referendums as well.

In Donetsk and Lugansk, speakers made anti-American statements before crowds of several thousand that had gathered for hours in the bitter cold. A BHHRG representative watched and listened as speakers loudly warned that the “coup is winning” and “the CIA has organized a revolution” along the lines of Serbia and Georgia. “American money” was blamed for the unconstitutional power grab. Litvin was accused of “treason,” and Kuchma of not fulfilling his duties as a “guarantor of the constitution.” Back in Kiev Yushchenko supporters referred to eastern Yanukovich supporters in the east as “hicks,” “lumpen,” “drunks,” “degenerates,” etc.

The Supreme Court of Ukraine: bogus justice

The day after the Severodonetsk congress started, the Supreme Court of Ukraine convened to hear complaints from the Yushchenko campaign concerning alleged election fraud. Yushchenko’s lawyers argued that the Supreme Court should annul the election on “constitutional” grounds because the ‘People’ had to come first. The boilerplate provisions in Ukraine’s constitution that Yushchenko’s lawyers referred to on the first day of hearings – Articles 8, 55 and 124 – do not mention elections:

Article 8 stipulates that “the principle of the rule of law is recognized and operative” in Ukraine, that the constitution has supreme legal force, and that “recourse to the courts for protection of constitutional rights and human and civil freedoms” is guaranteed. Article 55 holds that everyone “has the right to address the Human Rights Plenipotentiary of the Verkhovna Rada of Ukraine for the protection of their rights,” that everyone has the right to appeal to “international judicial bodies or corresponding organs of international organizations of which Ukraine is a member” after exhausting all domestic means, and that everyone may protect their rights against unlawful infringements “by any means not prohibited by law.” Article 124 says that “[d]elegation of the functions of the courts, and appropriation of these functions by other organs or officials is prohibited,” that the “jurisdiction of the courts extends to all legal relations arising within the state,” and that “[j]udicial decisions are made by the courts in the name of Ukraine and are enforceable throughout the territory of Ukraine.”

Yushchenko’s reasoning centred around violation of procedures for reviewing protocols, not on the content of the protocols themselves. Allegations of fraud based on protocols from election precincts should have been automatically suspect in light of the fact that all the commission members and observers for both candidates had signed the protocols in question. If election workers had believed there was fraud,

why did they sign them? After all, no one for Yushchenko was alleging that Yanukovich's representatives had put guns to their heads.

Furthermore, however implausibly high the result for Yanukovich in Lugansk or Donetsk districts, no *legal* grounds existed for the court's acceptance of these percentages as proof of falsification (as Yushchenko allies always urged), and an examination of the text of the court's page-and-a-half decision on Dec. 3rd – to repeat only the second round – confirms the amateurish nature of the reasoning (*see* Appendix: Text of the Supreme Court Decision).

The decision nowhere mentions falsification or fraud, and it was therefore strange to see media worldwide always referring to the second round as “fraud-marred,” “rigged,” “tainted,” etc. The decision focuses on procedural omissions, but nowhere offers evidence that such omissions necessarily resulted in fraud. No concrete evidence of falsification was ever publicized. ‘Falsification’ was simply accepted *a priori* as fact by the pro-Orange forces in Ukraine, by Western governments, and by media worldwide.

Several of the violations set out by the court occurred in the pre-election period i.e. the drawing up of the election lists, composition of the election commissions, absentee voting and the media campaign. Why, then didn't the Yushchenko campaign seek legal redress in the pre-election period for these alleged infringements?

After Round 1, Gennady Korzh, Yanukovich campaign press chief, told BHHRG that in 38 precincts in western Ukraine, ranging in size from 2,000 to 4,500, 100% of ballots had been cast for Yushchenko. Twenty-four candidates were on the ballot in the first round, and if this did not make the 100% statistic absurd enough, each candidate supposedly had representatives on the election commission as well as their own observers. Surely there would have been two or three votes for the prime minister simply by virtue of the presence of these people. But when BHHRG asked Korzh why the campaign did not publicize this information more loudly, he simply replied, that they had decided to run a “white” campaign, leaving “black PR” and other dirty methods to the opposition.

On 4th December, opposition demonstrators moved to the parliament building, demanding that it sack the CEC. The next day, Bruce George, head of the OSCE observer mission declared that changes would have to be made to the electoral system, including the replacement of those responsible for “the distortion of the result” and “getting rid of names that should not have been on the election register” a strange demand as complaints about the registers originally centred around the fact that people had been left off. He also demanded that the media should “avoid bias in favour of the prime minister”. He was later joined by OSCE Secretary-General, Jan Kubis who demanded the replacement of the CEC and all TECs prior to the repeat election. On 7th December parliament announced a ‘package of reforms’ that amended the election law to limit absentee and home voting. The latter would be restricted to ‘Group 1’ invalids which included those invalidated by injury or illness not those who were de facto invalids due to age (including war veterans). In one fell swoop, parliament encouraged by the OSCE disenfranchised millions of elderly Ukrainians. However, the legal changes were to lose force once the new president (Mr. Yushchenko) was sworn in.

Parliament's human rights ombudsman, Nina Karpachova, appealed this decision as well as Provision 8, Art. 3 that restricted the rights of citizens to appeal to TECs if they were excluded from the electoral lists. Speaker Litvin ignored these complaints. On the same day, he received the Order of the State and the title 'Hero of Ukraine' from President Kuchma for his "extraordinary personal services to Ukraine and the development of the state, reform of the political system and consolidation of the ideals of civic unity and reconciliation in society".

Parliament approved a new CEC on 8th December in which Mr. Yushchenko's representatives formed an absolute majority. All pro-Yanukovich nominees were rejected, again, with OSCE approval.

Rats Leave the Sinking Ship

The media both in Ukraine and abroad portrayed the election as a David and Goliath struggle where a monstrous, corrupt state apparatus supported behind the scenes by the forces of evil in Moscow confronted a few embattled politicians and their beleaguered supporters, the ordinary 'orange' folk. Nothing could have been further from the truth. For example, although there is a vast amount of material on the internet about Ukraine both from international media and dedicated web pages, **all** of it supports Yushchenko and Our Ukraine. Only the occasional blogger raises a few questions about the 'official' version of events.

In such an atmosphere it is, perhaps, unsurprising that regime insiders would soon look for an exit strategy as the election controversy unfolded. For one, outgoing president, Leonid Kuchma wasn't going to stick his neck out for the prime minister. Presumably, he was mindful of the threats being made to his administration by the likes of Mrs. Tymoshenko who was ranting on Independence Square for the president and his team to be brought to "justice". In fact, the Orange Revolutionaries were demanding a nation-wide purge of officials, especially governors of regions "where massive electoral fraud was allowed during the first and second round". Petro Poroshenko, Mr. Yushchenko's tame oligarch also said that Our Ukraine expected "many dismissals". On 14th December, the prosecutor-general, Sviatoslav Piskun even hailed Mrs. Tymoshenko as a courageous fighter. Piskun had been responsible for putting Mrs. Tymoshenko in jail in 2001. He had been brought back to replace Gennady Vasiliev who was sacked by Kuchma – an opposition demand.

On 23rd November 150 Ukrainian diplomats offered their support to Yushchenko. "With Ukraine on the brink of civil war, its ambassador to Australia is initiating an extraordinary international campaign against his own Government, supporting protests against electoral fraud. Olexandr Mischenko is calling on all of Ukraine's ambassadors to "stand together with Ukrainian people" to force an investigation into the discredited election of President Viktor Yanukovich"³³.

On 29th November, Sergei Tigipko leader of a pro-government party, appeared on TV to announce his resignation as both Yanukovich's campaign chief and as NBU chairman; he then publicly declared sympathy with the opposition demonstrators. He acknowledged the poll was rigged and called for a re-run of the election. Six pro-

³³ <http://www.theage.com.au/news/National/Kievs-man-in-Canberra-takes-stand/2004/11/25/1101219680000.html?from=storylhs&oneclick=true#>

government MPs went over to the opposition in one day. They were shown on TV wearing orange. Viktor Medvedchuk leader of SDP(o) resigned as chief of the presidential staff.

Then, on 27th January 2005 it was reported that:

”Volodymyr Rybak, a senior ally of defeated presidential candidate Viktor Yanukovich, has said that neither he nor his Regions of Ukraine party will be in opposition to the new government of Viktor Yushchenko. Rybak, the head of the Yanukovich-led party's political executive council, said the party was ready to work with the new president. He described Yushchenko's prime minister-designate Yuliya Tymoshenko as a professional, and expressed confidence that his party's representatives would eventually get jobs in the new government. Yanukovich pledged to be in "tough opposition" to Viktor Yushchenko's government shortly after his election defeat, but many senior figures from the old administration have now indicated their willingness to back the new president”.³⁴

One party that will be in opposition is the Social Democratic Party United, the SDPU(o) led by former head of the presidential administration, Viktor Medvedchuk, even though it has lost some of its allies in parliament. Although most reports on the opposition in Ukraine tend to focus on the east of the country, Medvedchuk and the SDPU(o) is hated by Yushchenko and his supporters, partly because they have some traction in western Ukraine. During local elections in 2004, a dispute arose over the outcome of the mayoral election in the small Transcarpathian town of Mukachevo and the Our Ukraine candidate was replaced by a SDPU(o) member, Ernest Nuser (he has since resigned, like many other old regime administrators, following the 26th December election). The opposition repeated their outrage about this development to BHHRG in November 2004. However, on 21st November, the Group's observers in Mukachevo were told by voters how Our Ukraine deputies had violently entered polling stations during the mayoral poll, creating mayhem. So, it appears, yet again, that the official explanation is not the whole story.

Since the presidential election two members of the SDPU(o) have died in mysterious circumstances. On 3rd December 2004, Yuri Lyakh, Chairman of Ukrkreditbank, reportedly killed himself, somewhat bizarrely, with a paper knife. Then Georgi Kirpa, Minister of Transport, was found dead on 27th December. Kirpa's political leanings were not explored, but, according to journalist Ivan Lozowy, he was “close to the SDPU(o)”.³⁵ Little sympathy greeted both men's deaths – according to the ‘reformers’ they were driven to take desperate measures to hide their financial misdoings, which were going to be investigated by the new regime. Our Ukraine, M.P. Nikolai Tomenko, warned of more such deaths and suggested that the state should provide “protection” to Viktor Medvedchuk. He also advised him to leave Ukraine.

³⁴ “Ukraine: election loser's ally ready to back new president Ukrayinska Pravda web sit, www.bbcmonitoringonline.org 27th January, 2005

³⁵ Ivan Lozowy “The Men Who Would be President in Ukraine” , Transitions online <http://home.wlu.edu/~goluboffs/260/Ukraine4.html> 28th January, 2004

However, perhaps they were 'suicided' to put the frighteners on Medvedchek and his party. Untimely deaths have happened in the SDPU(o) before. On 29th March 2002, Nikolai Shkriblyak its candidate for the town of Ivano-Frankovsk in Western Ukraine in that year's parliamentary election was assassinated. SDPU(o)-controlled TV channels and newspapers speculated over who could benefit from Shkriblyak's death - his main opponent, Roman Zvarych was a candidate of the pro-Western 'Our Ukraine' coalition and a former US citizen who had immigrated to Ukraine. Zvarych went on to win the district easily, and the various accusations evaporated within days after the election. The case soon receded from the news.

These strange deaths recall several similar 'mishaps' following the 1991 coup in Russia when Boris Pugo, Marshal Sergei Akhromeev and Nikolai Kruchina all committed suicide. In the Communist and post-Communist world the settling of scores in this way is often the hand maiden of regime change.

If the SDPU(o) collapses, there will be no opposition parties in the Ukrainian parliament as the Communists are now weak and divided. But, then, there aren't any in the Georgian parliament either, something never commented upon by organizations like the EU and Council of Europe.

Russia: the Invisible Bear

The respected defence journal, *Janes Intelligence Review*, reported that specially trained Russian *spetsnaz* troops were lurking in the wings, waiting to break up the demonstrations.³⁶ "They are loading the trains and aircraft as we speak. Remember, Russian troops first arrived in Kabul, Afganistan on commercial airliner aircraft.

Maybe those freight trains aren't carrying freight!" Hyped a typical blogger.³⁷ "Putin is a Soviet through and through hoping for a return of the "good ole days", commented another.

On 19th December, 'Our Ukraine' MP, Grigori Omelchenko, claimed that "about 30 armed groups have been formed in Donetsk in order to provoke clashes in Kiev in the wake of the December 26th presidential election" on Era TV. Omelchenko, a former SBU colonel, quoted "unnamed sources in the Russian and Ukrainian security services," and warned that "self-defence groups" of riot police, athletes and ex-convicts might "spill blood" in Kiev if Yushchenko won the repeat run-off. He also alleged that arms for these groups had been bought from the Russian Black Sea Fleet, with the knowledge of Presidents Putin and Kuchma. None of these things happened.

Although much was made by the opposition in the pre-election period about how Viktor Yanukovich was the 'Candidate of Russia,' several well-known Russian politicians campaigned actively for Mr. Yushchenko, especially members of the neo-liberal, Union of Democratic Forces. Russian TV and radio – available in Ukraine – if anything displayed a preference for Yushchenko. Most mainstream Russian media toed the line with Western allegations of 'widespread irregularities' on 31st October.

³⁶ <http://eng.maidanua.org/static/emai/1102612078.html>

³⁷ <http://agonist.org/story/2004/11/22/84735/025>

Much had been made, too, of President Putin's interference on Mr. Yanukovich's behalf which came down to making a couple of visits to Ukraine, the last one on 28th October for the 60th anniversary of the expulsion of the Nazis from Western Ukraine when he attended a parade with other CIS presidents. He said nothing on that occasion about the election. Then, he was upbraided by critics for congratulating Mr. Yanukovich on his victory soon after the CEC in Kiev announced the results. In fact, it was not President Putin who congratulated Viktor Yanukovich when the first declaration was made that he had won - it was his aide, who responded to the diplomatic norms in practice in line with the Russian Federation's respect for the rule of law.³⁸ Putin withdrew these comments when it was pointed out that the results had not been formally announced in the press.

Typically, the little support that did come from Russian quarters was the accusation that electoral violations were mostly perpetrated by the pro-Western opposition - a delegation of CIS observers cited numerous problems in western Ukraine. However, their report appeared only in Russian, and the no one in Russia took the trouble to publicize their findings to the outside world.

Shortly before Round 1, the number of polling stations in Russia had been cut from 411 to 41, after a mob entered the Central Election Commission (CEC) in Kiev and started a fight. Opposition MPs beat members of the *militsia* and pressured the CEC to reduce the number. The Yanukovich campaign complained to the EU about the incident, but received no response. The 90% reduction of polling stations for Ukrainians residing in Russia may have been a key factor in influencing the final result of Round 1 in Yushchenko's favour. At the same time, everything was done to encourage members of the Ukrainian diaspora to vote. Yet, most Ukrainians in Russia will have gone there to work and retained their citizenship while many voters from the Ukrainian diaspora have never visited the country in their lives!

There were endless rumours stating that the Kremlin was both pouring money and advisors into Kiev to support Mr. Yanukovich. The fact that the Yanukovich campaign hired a US PR company to tidy up its candidate's image spending, it was rumoured, c. \$1m. was greeted with shock. Two Kremlin insiders, Gleb Pavlovsky and Marat Gelman had advised Yanukovich, but few details were available about what, exactly, they did. It seems to have been very little, as it was soon clear that the prime minister's down-at-heel supporters had few resources at their disposal. No mention was made of the spectacular financial, administrative and political support given to the opposition by President Bush, the EU and even the Pope! . BHHRG asked Gennadi Korzh, Yanukovich's spokesman, about Mr. Chernomyrdin's role in the election saga. They were left in no doubt that the prime minister's team did not regard the Russian ambassador as a friend.³⁹ On 24th January, Chernomyrdin was filmed greeting Mr. Yushchenko enthusiastically as he arrived in Moscow to meet the Russian president.

In fact, the Russians had every incentive to move against the putsch that was taking place in a friendly neighbouring country with which they have close economic ties and a 1000 years of common history. Russia, is Ukraine's closest trading partner and together with Belarus and Kazakhstan the two countries had already pencilled in a

³⁸ http://english.pravda.ru/mailbox/22/101/398/14695_putin.html

³⁹ "Russian ambassador to Ukraine has no regrets about Yushchenko win" UNIAN, 29th December, 2004

new free trade agreement known as the Unified Economic Area, something to which Mr. Yushchenko has already signalled his opposition. Ukraine conducts 60 percent of its trade with Russia and is largely dependent on it for gas and oil. More than 80 percent of Russian gas exports to Europe pass through Ukraine. There is also the question of the unresolved issue of the Odessa-Brody pipeline which now exports Russian oil to Europe. However, Mr. Yushchenko has indicated that the pipeline will be reversed to export Caspian oil to the West.⁴⁰

So, while Putin may have given Yanukovich the nod as the preferred candidate in the election, the Russian authorities' passive attitude laid waste to the myth that Yanukovich held any meaningful 'administrative' advantage by virtue of being the 'candidate of Russia'. The regime in Moscow did nothing. They stood by and watched as the clock ticked, bringing its own demise ever closer.

Afterwards, Gleb Pavlovsky, head of the 'Foundation for Effective Policies,' told "*Nezavisimaya gazeta*" on 7th December that he faulted himself and others merely for being unable to "draw the attention of our partners in Ukraine that an 'overthrow' project was in preparation." He continued, "The point is that the opposition circles were not preparing for elections. They were preparing for the seizure of power, in the guise of elections."⁴¹

At a news conference in Moscow on 28 December, Pavlovskii asserted that Yanukovych won the second round on 21 November but that through a series of "manipulations of the results...the political process became one based entirely on force... He then claimed that neither he nor his colleagues "had the power to advise our Ukrainian partners on preventive counterrevolution and not only on elections, [otherwise] this misfortune would not have happened."

After Round 3, Russian PR guru Marat Gelman – former head of Russia's ORT television who had worked side by side with Pavlovsky – publicly alleged "massive falsification" by Yanukovich's staff after they fired him. Gelman neither provided evidence of his allegations, nor explained how Yanukovich campaign staff – as opposed to state election officials – could have falsified the vote. He merely declared, self-righteously: "Falsification is not a campaign technique; it is simply breaking the law. Just like censorship in the mass media." Gelman obviously saw the way the wind was blowing after 26th December and jumped ship along with other Yanukovich allies. With friends like these, Yanukovich needed no enemies, and would have done better had he never hired Gelman and co. in the first place.

Aftermath

Yanukovich presented over 5000 complaints of fraud in the 26th December poll. His main allegation was that millions of people had been disenfranchised by the rules governing the use of absentee ballots. As far as one can see, his legal team never sought legal clarification of a more serious accusation – that foreign money and influence, directed entirely to his opponent Viktor Yushchenko, had de-legitimised the whole election process. But, by this stage even the equable Yanukovich had given

⁴⁰ "Ukraine president favours pumping oil to West" www.bbcmonitoringonline.com 26th January, 2005

⁴¹ Julie Corwin "MOSCOW PONDERERS HOW UKRAINE WAS 'LOST'", RFE, 10th January, 2005 www.rferl.org

up, accusing the court of “adopting a biased position in advance”.⁴² Indeed, the courts in Ukraine move at a lightening speed. The Supreme Court took a couple of days to concur with Yushchenko’s complaints of fraud in round 2 and another few days to go through the complaints brought to their attention by Mr. Yanukovich’s legal team – they ruled against him on both 7th and 10th, January. On 5th January, Mr. Yanukovich resigned as PM after weeks of pressure from the opposition for him to go. On 18th January the court finally authorized publication of the results, paving the way for Yushchenko’s inauguration.

On 24th January 2005, the newly inaugurated President Yushchenko went to Moscow to ‘heal wounds’ with Vladimir Putin. But, any improvement of relations was compromised later that day when Mr. Yushchenko appointed his fellow orange revolutionary and billionaire, Yulia Tymoshenko, known as the ‘gas princess’ to be Ukraine’s next prime minister. Tymoshenko is wanted in Moscow under an Interpol warrant for allegedly bribing and blackmailing energy executives. During the street protests in Kiev, she also urged Putin’s opponents to hurry up and ‘bring on’ an orange revolution in Russia.

But hurt feelings in Moscow are not the only reason for concern over this move. Although never convicted, there is ample evidence of Mrs. Tymoshenko’s less than transparent rise to wealth and power. So far, she has come over as a crude populist who, like Yushchenko, has sold herself as the embodiment of Ukrainian patriotism but who recently boasted to a Russian TV station that she only speaks Russian at work! Even as the Western press went into overdrive to support the ‘orange’ protests, articles questioning Mrs Tymoshenko’s bona fides appeared.⁴³

In *The Guardian* Matthew Brzezinski, author of *Casino Moscow*, a critique of post-Communist gangster capitalism, is quoted as saying that “Tymoshenko gained control over nearly 20% of Ukraine’s gross national product” under the patronage of former prime minister, Pavel Lazarenko who is now serving a prison sentence in California for money-laundering and extortion. James Meek, the author of the article, adds “She was accused of having given Lazarenko kickbacks in exchange for her company’s stranglehold on the country’s gas supplies. It is an accusation she has always denied, although Brzezinski maintains it is true. The US government has evidence of wire transfers from her to Lazarenko personally while he was PM”.

But, far from investigating Mrs. Tymoshenko’s past, academics in the US are now treating Mrs. Tymoshenko as a saint, the embodiment of the Mother Ukraine figure, *Berehynia*. Even her dodgy business deals are a rare example of women ‘making it’ in the male chauvinist world of Ukrainian business.⁴⁴

It is revealing that Croatia’s foreign minister, Miomir Žužul resigned on 4th January, 2005 because of ongoing corruption allegations, which he strenuously denies.⁴⁵ Žužul said “Regardless of the real facts, the perception in the public is what matters in

⁴² “A last election appeal?” AP, 18th January, 2005

⁴³ James Meek “The millionaire evolutionary” *The Guardian* 26th November, 2004

⁴⁴ Marian J. Rubchak, “Goddess of the Orange Revolution” ToL, www.tol.cz 25th January, 2005

⁴⁵ “Croatia’s scandal-plagued foreign minister resigns” AFP, 4th January, 2005

<http://world.news.designerz.com/croatias-scandal-plagued-foreign-minister-resigns.html>

politics”. He said that he was concerned that the rumours about him might damage Croatia’s image in the EU as the country is now a fully fledged candidate for entry.

Even though Mr. Yushchenko is aggressively seeking EU membership, his prime minister, Yulia Tymoshenko seems uninhibited by similar allegations about her own past. However, unlike, Mr. Žužul, she is phenomenally rich and her elevation reveals the extent of her influence. It seems that no one prevailed upon Mr. Yushchenko to appoint a more experienced and untainted figure, presumably, not even the US Department of State which has stated that it has no problems with Mrs. Tymoshenko. No doubt, the unilateral dropping of the outstanding investigations into her and her husband’s activities by the prosecutor on .. helped.⁴⁶

The assumption of power by oligarchs like Mrs. Tymoshenko will have been given a boost by the news that Boris Berezovsky, who was given asylum by the British government as well as British citizenship under a new identity, is poised to leave the country to live in Ukraine.⁴⁷ Rumour has it that Berezovsky visited Yushchenko and Saakashvili when they were holidaying together in the Transcarpathian Ukraine after the 26th December election. No doubt, Mr. Berezovsky (or, Platon Yelenin, as he is now called) sees Ukraine as a springboard for his coming return to Russia, hopefully, under new leadership.

This ought to be a matter of grave concern for the European Union into which Ukraine now hopes to be speedily absorbed. Is Mrs. Tymoshenko the kind of politician we should want in our club? Although some European statesmen – for example, Austria’s EU Commissioner, Benita Ferrero-Waldner – have opposed the idea of absorbing Ukraine into the union for some time yet, others are likely to push for the country’s entry as quickly as possible. The Baltic States which now provide the siren calls for the EU’s relations with the east, have already said that Ukraine should enter before Turkey. No doubt, greedy businessmen in countries like France, Germany and the UK see the country with its population of 46 million as providing exciting new opportunities for export and infrastructure projects. On top of this, the US and its European allies regard any new EU entrant from the former Communist bloc as another nail in Russia’s coffin.

But, ordinary citizens in these ‘new European’ countries have yet to see any real benefits from joining the EU. The pattern will be the same – even worse, due to its size, for Ukraine. Even with admission years away, large sectors of the economy, including agriculture, will have to be ‘reformed’; social services, including health and education will be privatized. Mr. Yushchenko is already talking about reversing ‘fraudulent privatizations’, in the country – the steel firm Kryvorizhstal owned by Yanukovich supporter, Rinat Akhmetov, is in the spotlight, allegedly because it was sold for less than its market value. It was, at least, sold to a Ukrainian who has provided jobs for Ukrainians. What would the other companies that bid for it from US, UK etc. have done – certainly downsized or even closed the plant down? Now, that is a real possibility.

⁴⁶ “Ukrainian Prosecutors Dismiss Charges Against Acting PM Tymoshenko” <http://www.mosnews.com/news/2005/01/28/timoshenkocharges.shtml> 28th January, 2005

⁴⁷ “Dissident Russian tycoon determined to settle in Ukraine” www.bbcmonitoringonline.com, 29th January, 2005

Conclusion

The 'orange revolution' was a carefully planned coup d'état presented as a spontaneous outpouring of the people's outrage over a stolen election. If there was election fraud in Eastern Ukraine it was not greater than what went on in the west of the country. However, the circumstances that prevailed before the 2004 presidential election, make it almost inconceivable that Mr. Yanukovich and his supporters would have behaved in such a self-destructive fashion. Predictions of a Ukrainian version of the 'rose revolution', which also hinged on a flawed election, had been in the air for some time; the West had flooded the country with NGOs favourable to (and sometimes associated with) the opposition - its preferences were clear. Serbian activists were in town to replicate the Otpor scenario. And so on. Mr Yanukovich wasn't a novice, he was the country's prime minister and must have been privy to some intelligence, even if the main security organs sided with Mr. Yushchenko at the end of the day. Are we to believe that he would have played into the hands of his opponents so blindly?

Yet, no one comes out of the 'Orange Revolution' well, not even the losers, the 'blue' supporters of defeated candidate Mr. Yanukovich :

Western governments interfered in the internal affairs of a sovereign nation by funding numerous non-governmental organizations which were, in fact, overwhelmingly government funded to campaign on behalf of their favoured candidate in its presidential election. One of these organizations, Pora, has now taken on an even more sinister complexion by threatening and attacking people associated with the previous regime.

Politicians from both the EU and the US behaved in a wholly partisan manner, even speaking publicly on the opposition platform, wearing the opposition colour, orange, and joining in their street protests. Even US Vice – President, Dick Cheney was reportedly wearing an orange tie when he met Mr. Yushchenko in Poland on 27th January 2005. By wrapping themselves in orange they helped perpetuate the undemocratic notion that the party and the country share the same symbols. Perhaps the orange cult reached a new low on 27th January when a Ukrainian participant was seen waving an orange flag at President Yushchenko at Auschwitz.

The Western media was wholly partisan. It presented a sickly sweet, one-sided version of events in Kiev. Anyone who asked what was really going on in Ukraine, who was paying for it and why, was subject to abuse and smears, including from other journalists. Rarely did a pundit appear on Western television to present a point of view other than that of the opposition.

President Yushchenko's supporters behaved in a wholly illegal and unconstitutional manner. They broke into the central election commission and caused disarray and later encouraged Mr. Yushchenko to take the oath before the results of the election were announced. They were allowed to take over the centre of the capital city and interrupt the business of government

President Putin and Russia were reprehensible not for interfering in Ukraine but rather for allowing the takeover of a friendly, neighbouring country without any

protest . The success of the ‘orange revolution’ could have devastating consequences for Russia leading to a return to power of the kinds of reformers who brought misery to so many in the 1990s and the economy to its knees.

It seems that nearly all members of the political class in Ukraine are untrustworthy and have little loyalty to their parties or their voters, from Leonid Kuchma downwards. However, perhaps the craven way in which so many of them have rushed to support Viktor Yushchenko only demonstrates the kind of people the ‘reformers’ really are. Many members of the previous regime in Georgia were locked up by Mikheil Saakashvili soon after he came to power, others ‘disappeared’ or died in mysterious circumstances. Strange deaths have already occurred in Ukraine. It is wise to adapt to change if you don’t want to die

Late in the day, Viktor Yanukovich started to voice his disgust over what was happening. But, he went along with the charade, even negotiating with the ‘troika’ of Kwasniewski, Adamkus and Solana who had made clear their support for his opponent. As for his supporters, although they were largely ignored by the media and never had the resources of their orange nemesis, they did not defend their interests forcefully at any stage. For example, reasonable calls for autonomy for the eastern regions in the face of a coup d’état that will undoubtedly have disastrous effects on their jobs and standard of living was never properly explored. As is so often the case in the post-Communist world, the victims just sat back glumly awaiting their fate.

“We the People”

The protests in Ukraine following the 2004 election were portrayed as a ‘revolution’ that swept away a rotten, dictatorial regime. Like, Georgia in 2003, the country was reborn. But this version of events more resembles Trotsky’s theory of permanent revolution than the velvet version so widely propagandised in the West . Why was it necessary for Ukraine to have a ‘revolution’? The country gained independence 13 years ago from one of the most deeply reviled political systems in history. Since then, it has been admitted into numerous international bodies, like the Council of Europe, whose criteria for membership include a functioning democracy, commitment to human rights and the rule of law. Will the Council of Europe re-examine its earlier decision to admit Ukraine now we learn that it had not conformed to democratic standards since membership?

There are those who are prepared to admit that, perhaps, the West did overreach itself a bit in Ukraine. But, they are also quick to point out that the stars of the Orange extravaganza, the people, deserve credit for standing out in the cold, night after night to have their democratic rights restored ? This is the fairytale version of events that the organizers of the whole election fiasco are determined to keep in circulation. But, as often happens, when a spectacular propaganda exercise is over, cold reality steps in. So it was on 18th January when an article appeared in the *New York Time* by C.J. Chivers entitled “The untold story in Ukraine”.⁴⁸

⁴⁸ Reprinted in the International Herald Tribune, 18th January, 2005. A similar exposé appeared in the same newspaper after the ‘revolution’ in Belgrade in 2000. See, Steven Erlanger “From a Summons to a Slap: How the Fight in Yugoslavia was Won” *New York Times*, 15th October, 2000

According to Chivers, the Ukrainian security services (SBU) supported the opposition all along which is why there was no crackdown on the protests. They were acting patriotically to prevent such an outcome with its “ensuing bloodbath” that was being planned by Interior Ministry troops. Conveniently, they even had transcripts of tape recordings of Yanukovich’s campaign officials allegedly discussing plans to rig the election. The hero of the hour was SBU chief, Colonel General Smeshko, who had once been suspected of poisoning Mr. Yushchenko at a matey dinner held in September 2004! But, Smeshko has had some interesting career moves including postings in “embassies in Washington and Zurich where he was a military intelligence officer”⁴⁹ and where, no doubt, he made some influential friends.

In other words, the whole ‘peoples power’ project was a set-up, organised well in advance by the opposition and its allies in the security services – a state agency, we learn from Chivers, with 38,000 employees! There was never any danger or threat of violence – it was a crude ruse to add validity and spice to what Chivers calls the “hip hop fuelled popular rally”. Nevertheless, the legend of plucky protestors facing down 10,000 troops with “guns” wearing “black masks”⁵⁰ will persist. It is, no doubt, why senators Hillary Clinton and John McCain have nominated both Mikheil Saakashvili and Viktor Yushchenko to be recipients of the 2005 Nobel Peace Prize – Saakashvili, too, faced down a (non-existent) threat of force from the authorities in Tbilisi in 2003.

Ukrainian style regime change is set to move on elsewhere. A ‘tulip’ revolution is predicted for Kyrgystan which has a parliamentary election in February 2005. But, the show is unlikely to end there. Russia is the prize. Only when a ‘red’ revolution returns to Moscow will the cycle be complete.

That is, until it starts to be played out according to the same rules here in the West. After all, in the aftermath of so much ‘people power’ don’t the European and American publics feel left out of all the excitement?

⁴⁹ ibid

⁵⁰ ibid

Appendix: Ukraine Supreme Court ruling, 3rd December 2004

Having heard the explanations of the parties to the case and examined other evidences, the Court considers that the claim is partially satisfied on the following grounds.

On November 21, 2004 the second round of voting of the presidential elections took place. On November 24 the CEC drew up the protocol on the results of the second round of voting and adopted resolution 1264 on the results of the presidential elections on November 21 and on electing President of Ukraine and Resolution 1265 on disclosing the results of the presidential elections.

Establishing the outcome of the second round of voting on election day in its collegial sitting the CEC did not examine the protocols of the territorial election commissions on the outcomes of the elections within the relevant election districts, did not check their authenticity, correctness and completeness, and did not examine other documents listed in Art. 83 part 6 of the President Elections Act.

Before determining the results of the second voting on the election day the CEC did not consider statements and claims on the violations of the order of determining the outcomes of the voting by territorial election commissions within their territorial districts, and the decisions by the territorial election commissions as for the results of examining those statements and claims.

Neither consideration by courts of claims submitted to them concerning the activities, inactivity and decisions by the territorial election commissions, which had determined the outcomes of the voting within their territorial election districts, nor the term for considering those claims had expired by the time of the determination of the results of the second voting of the presidential elections by the CEC.

Under such circumstances the actions and the decisions of the CEC contradict the requirements of Articles 2, 10, 11, 12, 16, 17 of the CEC Act, and Art. 25, 28, 83, 84, 76, 93, 94, 96 of the President Elections Act and are illegal. In this connection the decision adopted by the CEC is subject to cancellation.

The Court has also established that violations of the President Elections Act of Ukraine were committed in the course of the second round of voting.

The voter lists had been compiled and ascertained in contradiction of Art. 34; some citizens were entered in the lists several times and persons not enfranchised to vote were entered in the lists; the production, count, delivery and use of the absentee ballots was carried out in contradiction of the requirements of Art. 33, without due control by the CEC.

The pre-election campaign in the mass-media was carried out without adhering to the principles of equal access, and in breach of the legally established order.

The requirements prohibiting state and municipal bodies, their officials and officers from participating in the pre-election campaign was not adhered to. They turned out

to have illegally intervened in the election process. The requirements of Art. 23, 24, 85 concerning the composition of an election commission were violated. The requirements of Art. 68, 69, 70 concerning the participation of official observers in the election process were violated. The violations of the requirements of Art. 77 concerning the outside voting took place.

The protocols of the polling station commissions concerning the outcomes of the vote count were drawn up in contravention of Art. 79. Transportation of documents to territorial election commissions was carried out in contravention of Art. 81.

The above circumstances give reason to conclude that the violations of the principles of the Law of elections envisaged in Art. 38, 71, 103 of the Constitution of Ukraine and of the Fundamentals of the election process envisaged in Art. 11 part 2 of the President Election Act exclude any possibility of precisely establishing the will of the voters of the united election district of the State.

In determining the remedy for the violated rights and legitimate interests of the subjects of the election process the court proceeds from the following; if in accordance with Art. 98 of the President Election Act the subject of the claim establishes that a decision, action or inactivity of the respondent is in contravention of the legislation on president elections, it shall satisfy the claim, cancel the decision in whole or in part, recognize the illegality of the action or inactivity, oblige the respondent to satisfy the claimant's demands or otherwise restore the violated rights or legitimate interests of the subject of the election process.

The remedy proposed by the claimant through recognition of the contender who got the largest share of votes according to the results of the voting on October 31 2004, cannot be applied because it is established by the law that the candidate who has gained more than half of all votes will be considered elected on the day of the elections. Neither contender has gained that amount of votes.

Taking into consideration the impossibility of determining the actual will of the voters in the State's united election district by determining the results of the second vote, and taking into consideration that the vote on November 21 has not altered the contenders' status, the Court considers it necessary to remedy the rights of the subject of the election process through holding a new voting in accordance with the rules established by the President Election Act.

The Court has issued a separate address to the Verkhovna Rada, President and Prosecutor General on the violations found and ascertained in the course of the proceedings.

Shadow of Anti-Semitism over Ukraine's Disputed Election

www.oscewatch.org

24th November 2004

Shadow of Anti-Semitism over Ukraine's Disputed Election

Western television viewers and newspaper readers are being fed on a diet of propaganda about the current crisis in Ukraine. The orange flags and uniforms of the opposition fill our screens and decorate the front pages. "People power" and Western-orientated democrats are on the march against evil ex-communist oligarchs. Good is battling against evil for the soul of Ukraine.

Sadly it is not so simple. Western media and governments may have edited out the manifestations of extreme nationalism and anti-Semitism which disfigure the Ukrainian opposition's rabble-rousing but history will record that in the run up to the disputed presidential elections, key opposition leaders, including Viktor Yushchenko, Julia Timoshenko and Alexander Moroz, defended anti-Semitic publications and accepted the backing of neo-Nazi groups as well as US and EU and so-called "civic society" NGOs. Nor were the anti-Semitic apologetics of the Ukrainian opposition unknown to key OSCE observers and EU parliamentarians who nonetheless ignored the dark shadow across Yushchenko's campaign preferring instead to abuse his rival.

A key media outlet which has backed Viktor Yushchenko's long march on the Ukrainian presidency published an extraordinary anti-Semitic rant in 2003 which claimed that 400,000 Jews fought alongside Hitler's invading army in 1941!

Inserted as an advertising feature, "Jews in Ukraine Today: Reality Without Myths," appeared in Silski visti (Village News). The newspaper was one of the largest in Ukraine with a circulation of around 500,000. It was a prominent backer of Viktor Yushchenko and his Our Ukraine party.

In late 2003, Alexander Shlayen, the head of the Ukrainian Anti-Fascist Committee and a prominent member of the post-Holocaust Jewish community in Ukraine, initiated a prosecution of the newspaper, Silski visti for promoting inter-ethnic discord in the country which was the site of the infamous Babi Yar massacre along with countless other Nazi atrocities against Jews.

On 28th January, 2004, the court ordered the closing of the newspaper but it defied the ruling with the vocal backing of the opposition Our Ukraine party and its allies. In August, 2004, Alexander Shlaven died suddenly and unexpectedly.

In an interview with JTA (Jewish Telegraphic Agency), the paper's editor, Vasily Gruzin, defended the newspaper's decision to publish the piece:

"Although we published the Yaremenko article as a paid advertisement and not as a position we ourselves endorsed, I happen to believe the figure of 400,000 Jews taking part in the German invasion of the Ukraine is not far from the truth," he said.

"I personally have nothing against common Jews, but rather against a small group of

Jewish oligarchs who control Ukraine both economically and politically. I believe the point of Zionism today is Jewish control of the world, and we see this process at work in Ukraine today."

Shortly after this anti-Semitic diatribe by Yaremenko, Victor Yushchenko – who our media always apostrophises as “the pro-Western presidential candidate” and who enjoys the open support of the Bush administration -- and another prominent opposition leader, energy oligarch Yulia Tymoshenko and Alexander Moroz of the Socialist Party issued a statement headed "Hands Off Silski Visti"!

[http://www.ncsj.org/AuxPages/092104JTA_Ukraine.shtml]

Mr Moroz has been a prominent figure on the opposition in Ukraine in Kiev and as recently as 21st September, 2004, he insisted,

“I have defended Silski Visti and will continue to do so," Moroz said. "I personally think the argument of the author of the article, Vasily Yaremenko, citing 400,000 Jews in the S.S. is incorrect, but I am not in a position to know all the facts."

[http://www.ncsj.org/AuxPages/092104JTA_Ukraine.shtml]

What kind of ally of the West needs to learn more about the Nazis to refute Yaremenko’s claims about a Jewish-Nazi alliance? Yet this is the sort of politician who gets unconditional backing in Washington and Brussels.

One of the so-called “independent” election observers whose denunciation of the Yanukovich camp for fraud has been a central part of the propaganda battle is the British Conservative MEP, Charles Tannock, who has appeared in recent days on opposition platforms egging on the protestors. Before the elections Mr Tannock wrote several articles openly backing Viktor Yushchenko’s candidacy, but Mr Tannock’s best known intervention in Ukrainian politics before the disputed presidential election was his criticism of the courts for banning the anti-Semitic newspaper, Silski visti.

Like Viktor Yushchenko and Julia Tymoshenko, MEP Tannock condemned the ban saying in an interview in the Our Ukraine party newspaper on 12th March, 2004: “the closure of the newspaper went a step far too far” according to Mr Tannock’s own web-page. He goes on to admit that as a backer of Our Ukraine “I don’t think it does your party any good to be associated with *extreme* [*emphasis added*] anti-Semitic articles”! [<http://www.charlestannock.com/pressarticle.asp?ID=360>]

Sadly the Silski visti affair was not unique.

In western Ukraine in particular (as in Britain and North America) there is an aging cohort of elderly veterans of the Waffen SS’s Galician division. They are anxious to revise their country’s history and re-habilitate their wartime service on behalf of the Third Reich. In Ukraine these old Nazis parade protesting their patriotism and demanding equal rights with Red Army veterans. A younger more aggressive and openly racist and neo-Nazi cohort of historical revisionists has also appeared. They have their “intellectual” spokesmen whose anti-Semitic and white supremacist writings have produced scandal in Kiev not only in Silski visti.

In western Ukrainian towns like Ivano-Frankivsk, the uniformed bully-boys of the UNSO movement, so-called Ukrainian Self-Defence forces, act as enforcers for Our Ukraine in effect. Mr Yushchenko scored well over 90% in western regions like

Ivano-Frankivsk – results at least as improbable as any for Mr Yanukovich in the east of the country. How much does Mr Yushchenko’s near unanimous support in western towns depend on the storm troopers of the Ukrainian new right?

It is shocking that any link could exist between such neo-Nazi muscle men and their propagandists and politicians usually presented in the Anglo-American media as the harbingers of Western democracy and universal humanitarian values in Ukraine. Even more bizarre than the defence of the right of an anti-Semite to disseminate his wares by “pro-Western” Ukrainian politicians like Yushchenko, Julia Timoshenko and Aleksandr Moroz is the fact that Mr. Yushchenko’s candidacy for president of Ukraine is openly backed by the famous American billionaire philanthropist, George Soros, himself a survivor of the Holocaust.

Although ten years ago in 1994, Mr. Soros put his influence and money behind Leonid Kuchma, the democracy-promoting philanthropist has since turned against the outgoing Ukrainian President and his preferred successor as candidate for president, Viktor Yanukovich. As far back as 1st March, 2001, the American billionaire had written an editorial page piece in the Financial Times making his support for Yushchenko clear when he demanded, “If Mr Kuchma cares about Ukraine’s survival as an independent democratic state, he must take responsibility for his actions and hand over duties to the prime minister, [i.e. Yushchenko] the constitutionally designated successor, pending the results of the investigation. The West must take a clear position, denouncing Mr Kuchma’s behavior and his actions. There is no way for the international community to continue to do business with Mr Kuchma until an impartial investigation [into the Gongadze murder case] has been completed and those responsible are held to account.”

Mr. Soros’s concern for human rights and due process does him credit, but his tone does not suggest the assumption of innocence! Moreover at precisely the same time in early, 2001, his own local Ukrainian foundation was supporting media which were the antithesis of democratic decency. In Germany, Neue Solidarität’s Roman Bessonov reported from the western Ukrainian city of Lvov on 4th April, 2001, that a Soros-funded “Renaissance” foundation was backing the nationalist monthly, “Derzhanist” (“Independent Statehood”) commenting “Whoever reads it would conclude that Kiev is the Fourth Rome and that Babi Yar wasn’t where umpteen thousands of Jews were murdered by the Nazi SS but rather where the Chekists murdered Ukrainian patriots.” [See <http://www.bueso.de/nrw/Aktuelles/ukraine.htm>]

In Ukraine, in the presidential elections, Soros’s people back Yushchenko but he is also supported by Andrei Shkil’s ultra-nationalist UNSO. Vyacheslav Likhachev of the European-Asian Jewish Congress noted the unsettling links between Mr Soros’s preferred candidate for Ukrainian president, Yushchenko, and the neo-Nazis there after the 2002 parliamentary elections

“the former leader of the UNA-UNSD Andry Shkil was elected to the parliament in a single-ticket election in the Lviv region, with the support of Our Ukraine, led by Viktor Yushchenko (Victor Yushchenko is a former prime minister and one of the quite probable presidential candidates). At the time elections were held, the leader of the nationalists had been in jail for a year, accused of organizing mass anti-government

riots. Having been elected, Andriy Shkil was granted immunity to criminal prosecution. Thus, the moderate national-democrats form unions with the radicals.” [See Vyacheslav Likhachev, “Anti-Semitism in Ukraine” @ http://www.eajc.org/program_art_e.php?id=10]

Some idea of Mr Shkil’s pro-Western reform-minded ideas is available on his web-page: ““Inside, an article appeared, entitled “Nationalism in the World: Past, Present, Future,” written by Andriy Shkil’, editor-in-chief of Natsionalist, chairman of the Dontsov Supporters’ Club, and head of the Lviv branch of UNA. Mostly devoted to the New Right, it also mentioned their precursors, including Gobineau, and “his worthy student Walter Darre, who developed the idea of artificial selection [eugenics] to improve the human race.” Mein Kampf and its author (whose name is not given) are praised for “re-examining these ideas on the highest level.” Several of Darre’s ideas are applied to the Ukrainian situation: Christianity’s mistaken view of the equality of human beings, the necessity for the revival of paganism as an essential spiritual feature of the nation and as a precondition for the creation of a new national elite, with eugenics as a means of cleansing and renewing the people. Thus, the UNA values the experience of the European Right, and other radical regardless of their political orientation.”

[See http://www.una-unso.org/av/mainview.asp?TT_id=17&TX_id=402]

Belatedly in the run-up to October’s presidential elections, Mr Yushchenko tried to distance himself from radical nationalists like Shkil _ at least in the English-language version of his web-page. [See “Yushchenko advises «fascist thugs» to support Yanukovych” 15:25, 2 July 2004 @ <http://www.yuschenko.com.ua/eng/present/News/838/>] But they were not prepared to denounce him: “It was reported that last Saturday in Kyiv there was a «parade» of the «UNA-UNSO» party that has nothing in common with the «UNA-UNSO» organization headed by Andriy Shkil, YTB member. During this meeting Kovalenko’s «UNA-UNSO» declared the support of Yushchenko with the fascist signs, «SSS» symbols and gestures in Hitlerite manner.”! [See http://www.una-unso.org/av/mainview.asp?TT_id=17&TX_id=402]

With friends like these Mr Yushchenko may feel he has all the People Power he needs to seize the presidency, but should OSCE observers, European parliamentarians, Colin Powell and George W. Bush be undiluted in endorsing a candidate with backing from neo-Nazis and Holocaust deniers? What kind of West is being created if the Euro-Atlantic elite openly endorses a president of Ukraine whose domestic supporters at senior levels as well as at street level don’t know who invaded the country in 1941 and defend publications which say Jews were the culprits?

Who is Viktor Yushchenko?

11th December 2004

www.oscewatch.org

Viktor Yushchenko's popularity in Ukraine has been exaggerated both by his supporters within Ukraine and by commentators abroad. The West portrays the ex-premier as a man of the people who understands the market economy, civil society, etc., and is untainted compared with the rest of the Ukrainian political establishment. But Ukrainians see him differently.

A First Generation Oligarch

A close examination of Yushchenko's biography indicates a less than squeaky-clean figure on the post-Soviet scene. Born in Sumy Oblast in east-central Ukraine, close to the Russian border, Yushchenko began his career in the agricultural division of the Soviet centralized state banking apparatus, "Gosbank." As a rank-and-file Communist Party member, his extreme conscientiousness in attendance and voting at Party meetings won him material rewards, and in December 1989 he was appointed Deputy Chairman of the Ukrainian SSR division of AgroPromBank (Agro-Industrial Bank) USSR.

As the USSR was disintegrating, the Ukrainian SSR division of the Soviet Gosbank dropped – in its entirety – into the hands of the Ukrainian SSR banking sector chiefs, who formed the Joint-Stock Commercial Agro-Industrial Bank "Ukraina" (Bank Ukraina) with an extensive nationwide network of branches, a complacent clientele of collective and state farms, and billions of rubles in state funds. In 1990, one share of Bank Ukraina was worth roughly \$17,000, and Soviet state credits continued to pour into Bank Ukraina as the government allocated multi-million-ruble subsidies to the agricultural sector. Viktor Yushchenko was deputy chairman of the board of Bank Ukraina, and was one of the individuals who is alleged to have embezzled huge revenues at a time when legislative oversight of banking activities was practically non-existent.

In 1992, after Ukraine had achieved independence, Bank Ukraina debuted on the post-Soviet scene with 1.254 billion rubles in profits. It was third among all the banks of the ex-USSR in terms of reserve capital with deposits equal to the combined deposits of all commercial banks in Ukraine at the time. As some contemporary observers put it, the "patriots" of post-Soviet Ukraine made their first million with their first billion – a reversal of the Rockefeller-Morgan scenario. Land and cheap labor were supplied to them by the collective farm system and they received political protection from the members of parliament they "owned." In other words, the "leaders" of Bank Ukraina – Viktor Yushchenko included – were among the first Ukrainian oligarchs.

Bank Ukraina was the incubator for a "front line" of banking cadres, playing a role comparable to that of the Central Committee of the Ukrainian Communist Youth Union (Komsomol) in supplying new members to the Ukrainian SSR Communist Party. The top names at the time were Vadim Hetman, Viktor Yushchenko, Igor

Mitiukov, Viktor Kravets and Alexander Veselovsky. Most of these figures met tragic fates. Hetman was murdered, Veselovsky died in a strange auto accident and Kravets went to prison on charges of malfeasance at Bank Ukraina (as did another colleague of Yushchenko's, Vladimir Bondar). Yushchenko magically went on – unscathed – to the next phase of his career. His long-time partner at Bank Ukraina, Igor Mitiukov, went on to become Ambassador to Great Britain, a post he still holds today.

Before and after Ukrainian independence, Yushchenko was de facto benefactor at Bank Ukraina for a number of shady organisations springing up, including an association called “Impex 55 Crimea” (Impex). From 1989-92, Impex received hundreds of millions of rubles from Bank Ukraina in a series of illicit payments – 510 million rubles in non-interest loans to one entity under the Impex umbrella and another 300 million or so to others at an annual interest rate of 1-8%. Although the charter of Bank Ukraina specified a maximum of 5 million rubles at 25-30% interest for such loans, Impex and its structures received much larger sums under very profitable conditions. The facilitator of these transactions was Viktor Yushchenko. Almost none of the credits were ever returned to the bank, but were converted into hard currency and went into the pockets of the participants.

Impex funded the activities of several groups including the Russian Movement of Crimea (RDK), and the future president of the Crimean Autonomous Republic, Yuri Meshkov. Meshkov purported to champion the rights of Russians living in Crimea and briefly provoked conflict between Ukraine and Russia in 1993 in a heavily militarized area that was the headquarters of the former Soviet Black Sea Fleet. Oddly, Yushchenko, who took free Crimean holidays at the expense of Impex, is now portrayed as the representative of Ukrainian patriotic nationalism while his opponent, Viktor Yanukovich, is lambasted for favoring closer ties with Russia. Seemingly at odds with the would-be aims of a Ukrainian national-patriot like Yushchenko, Impex transferred to the “Russian Scientific Foundation” millions of rubles for “political consulting,” “methodological activities,” and “organization of contacts with the Supreme Soviet and the Government of Russia.” In short, the money was used by the RDK which brought Yuri Meshkov to power.

As an example of the sort of efficient, “free market” activities of the nascent financial elite around Yushchenko, Bank Ukraina issued Impex a credit for conversion into foreign currency supposedly for the purchase of agricultural equipment in October 1991. According to Bank Ukraina's own rules, the bank's credit committee was responsible for adopting resolutions on issuing credits, but in this instance the letter requesting the credit bypassed the credit committee and fell directly into the hands Igor Mitiukov, who handed it to his colleague Viktor Yushchenko. The credit of 100 million rubles was duly issued. Although many Impex documents were forged and many necessary contractual forms were not even presented in the legal case that later arose, the protocol of the credit committee session clearly showed that the committee reached a decision to issue a 100-million ruble credit to Impex. During questioning, Ukrainian investigators established that only two persons – Viktor Yushchenko and Igor Mitiukov – attended the “session.” The eyewitness account of the credit committee chairman at Bank Ukraina, summoned by the Prosecutor-General on 10 November 1992, reads: “I did not participate in the session and did not take part in the discussion over whether to authorize the issue of a credit of 100 million.” Other committee members, except Mitiukov, gave analogous depositions. The letter

requesting the credit was addressed to Igor Mitiukov, but final decision-making fell entirely to Viktor Yushchenko.

Impex never returned the credit. Furthermore, since Bank Ukraina was partially state-owned, part of the legal case should have involved embezzlement and misuse of state and collective property. Such charges – including forgery and use of forged documents, clearly applicable to Yushchenko – were brought against former Ukrainian Premier Pavlo Lazarenko, now languishing in prison in America. But somehow Yushchenko was nominated to the post of head of the National Bank of Ukraine (NBU) and the Prosecutor-General's case against him evaporated. The Prosecutor-General was receiving clear, persistent signals from the top ranks of power in Ukraine: "Hands off Yushchenko if you know what's good for you." Investigators were advised not to question Yushchenko further. Nevertheless, one investigator wrote a letter to Parliament Speaker Ivan Plyushch on the eve of deliberations on the candidacy of the NBU chairman, laying out all the illegal activities of 'Candidate' Yushchenko and requesting that the Speaker acquaint himself and MPs with the letter's contents before making their choice. Yet, the MPs approved the candidacy of Viktor Yushchenko, who magically escaped corruption charges. The Prosecutor-General of Ukraine never followed through on its interrogation.

It should be noted that all this was happening at a time of extreme hardship for ordinary Ukrainians. Financial whiz-kid Viktor Yushchenko and his accomplices in the banking sector's commanding heights were creaming millions off unsupervised transactions while Ukraine experienced hyper-inflation and its currency changed three times (from ruble to kupon to karbovanets to grivna). Furthermore, the ultimate collapse of Bank Ukraina became one of the most tragic scandals in post-Soviet Ukrainian history, and caused millions of ordinary citizens to lose their savings.

The Myth of Premier Yushchenko

Supporters of Yushchenko will dismiss the above as minor sleaze, pointing to his tenure as prime minister, when he allegedly paid arrears in wages and pensions to Ukrainians. Again, a closer look at the record reveals another picture. The payment of arrears in pensions and wages actually began under Yushchenko's predecessor, Valery Pustovoitenko, 3-4 months before Yushchenko became head of government. The "peak" of pension arrears payments and social support was in March 1999, when it reached over 2.362 billion grivnas [the currency introduced in 1996]. By April it had declined to 2.282 billion. The steady decrease in the total sum continued until November when it was 1.208 billion. All the while, the grivna was decreasing in value.

In the first month of Yushchenko's premiership, December 1999, the amount of pension arrears payments was over 1.310 billion grivnas. According to the Pension Fund of Ukraine, the amount then fluctuated, so that by January 2000 it was over 1.263 billion, increasing to just over 1.406 billion by February, and 1.310 billion by April – well below the payments made during Pustovoitenko's tenure. The period from 2000-2002 witnessed a further rise in the Pension Fund's resources, to over 6.312 billion grivnas. But this had nothing to do with the Yushchenko government. Rather, it was the result of two presidential decrees issued in 1997 and 1998.

The first of these decrees required commercial banks to make up shortfalls to the Pension Fund, and the second instituted mandatory national insurance. Further revenue was to be obtained from currency exchanges, automobile sales and value added from jewelry production. As a consequence of the ratification of the 1998 decree in 2000, a law was passed on increased rates of collection from processed tobacco products, real property purchases, and satellite telecommunications operation. These factors played a decisive role in the increase in payment of pension arrears rather than the maverick populist decisions made by Viktor Yushchenko. In fact, Yushchenko strongly criticized the government's pension policies and initiated a court case to reexamine the amount of the average pension in 2002. While still prime minister, on 30th August 2000, Yushchenko submitted a project to the Verkhovna Rada (parliament) on the Law on General Obligatory State Pension Insurance. This law envisaged an increase in the age for receiving pensions to 65 for males and 60 for females; no increase in pensions for current pensioners, and, for a period of 10-15 years, legal force for the old existing pension legislation, placing strict limits on pensions.

The "peak" of wage arrears was 10 August 1999, at over 7.192 billion grivnas, after which cancellation started. When Yushchenko entered the government, wage arrears were over 6.570 billion. At the time of his ouster in April 2001, the figure stood at 4.602 billion. From April to the end of 2001, under the government of Anatoly Kinakh, the arrears decreased to 2.484 billion grivnas (*i.e.*, by 2.118 billion). The decrease continued after Kinakh. In 2003, under Yanukovich, it was down to 1.95 billion grivnas.

On top of all this rests the reality that, whatever wage or pension arrears were paid under Yushchenko's government, the cost of living actually increased during this time. The average pension in 2000, in real terms, decreased in value by 11.8%. The real wage fell by 0.9%. An increase in real wages only occurred at the beginning of 2001, with rapid increase starting only after Yushchenko's ouster in 2001. The real average wage then increased by 19.3%, in 2002 by 18.2%, and in 2003 by 15.8%. Again, none of this appeared to have anything to do with the activities of Yushchenko as premier.

A Candidate for the New World Order

What is obvious is that the West's preference for Yushchenko stems not from his democratic credentials or his championing of the rights Ukrainians, but precisely the opposite: from his contribution to increasing the cost of living in Ukraine. Prime Minister Yushchenko succeeded in selling off several regional electricity distribution enterprises (*oblenergos*) in western Ukraine to foreigners, including to the American company AES. Those familiar with AES's history in the ex-Soviet republic of Georgia will know that the privatization had disastrous results for the electricity sector there, and left many Georgians in the dark and cold in winter. This sort of change – privatization, scarcity, increased prices – is why Yushchenko's candidacy is really valued in the West, not for democracy, "civil society," or any of the other slogans the West trumpets. Apparently, despite Yushchenko's support among the "enlightened" urbanites of Kiev who long to be "cool" and "Western," and despite the control that pro-Yushchenko supporters have been able to exercise over the electoral process and machinery in Kiev and much of western Ukraine, a majority of Ukrainian voters in

the 2004 election nevertheless remembered Yushchenko's true legacy, and chose not to return to it.

Perhaps it was a sense that the Ukrainian populace was becoming content that has made Yushchenko and the opposition resort to more extreme rhetoric and measures in the election of 2004. Viktor Yushchenko, lauded by the West for his reformist credentials, ran as the staunch "opposition" candidate in 2004 using harsh language to criticize the regime. But he was handicapped in his attempts to portray himself as a radical. During the anti-Kuchma protests in March 2001, Prime Minister Yushchenko had described the demonstrators as "fascists," and in 2002 Yushchenko's campaign described itself as "neither pro-presidential nor extremist opposition." So half-hearted was the opposition stance adopted by "Our Ukraine" in 2002 that the campaigns of the Socialists and Communists went so far as to identify "Our Ukraine" as just another "party of power." In 2004, therefore, when Yushchenko decided to run as the "people's candidate against the bandit government," he was bound to experience a backfire. His failure to win the election in the first round – when he could count unconditionally on Western support – was an indication that things were not going as well as they should have been.

As with Mikheil Saakashvili in Georgia, Washington has clearly groomed Viktor Yushchenko for the Ukrainian presidency for many years. Yushchenko's wife, Yekaterina Chumachenko, is an American citizen from the Ukrainian Diaspora, her parents having emigrated from Ukraine at the time of the Second World War. In the 1980s, Ms. Chumachenko worked as assistant to the US Assistant Secretary of State for Human Rights and Humanitarian Affairs, then in different capacities in the White House Office of Public Affairs and the Department of the Treasury. From 1994-99 she was head of the Ukrainian representation at Barents Group LLC, which acted as a consultant to the National Bank of Ukraine when Yushchenko was chairman. It was at this time that she met Yushchenko and her influence over her husband is said to be enormous. While increasing numbers of Ukrainian politicians are denied visas to America, Yushchenko has little to worry about if he ever wishes to visit the United States.

In the final analysis, Yushchenko fits the New World Order bill like a glove. Can it be any wonder that George Soros – reviled in Ukraine – has offered his support so heavily to the pro-Yushchenko cause? The Soros world agenda centres largely on the idea of a financial-administrative elite and a global central bank, or World "Gosbank," whose commanding heights will be the new *nomenklatura*. Who could be better suited for such a role than former Soviet Gosbank *apparatchik* Viktor Yushchenko? Unless something goes seriously wrong with the West's plans in Ukraine, Yushchenko can be expected to appear shaking hands with George W. Bush in the White House in a matter of months. His ally, the gas industry oligarch Yulia Timoshenko (rumored to be a billionaire from Russian gas sales), should be joining him. For although she is wanted on an Interpol warrant in Russia for bribery, her name has recently disappeared from the Interpol website, presumably due to her vigorous support of the Orange Revolution. Evidently the Western scales of justice can be tipped by piling enough cash onto them.

<http://informacia.ru/facts/ushenko-facts.htm>

Ukraine's Popularity Gurus: the revolutionary role of pollsters

www.oscewatch.org

2nd January 2005

When is an election result not the real result – when it contradicts the exit polls, stupid!

Of course, on 2nd November, 2004, the real voters in the United States contradicted the exit polls – and won – but America is different. Whether it comes to budget deficits or foreign trade deficits as well as exit polls which contradict official results, America manages to buck the trend which sets the rest of the world head over heels.

As the world saw in Georgia in November 2003, exit polls can be powerful tools in bringing about regime change. Then “exit polls” pre-empted official results and when the latter contradicted the former, “independent” media cried foul. That was just one way in which the Caucasian mini-state set a precedent for its neighbour across the Black Sea, Ukraine. Ukraine may have well over four times as many people as Georgia despite high mortality and mass migration in the 1990s, but it has a lot in common with Stalin's birthplace. Both Georgia's President Mikheil Saakashvili and Ukraine's Viktor Yushchenko have a lot in common too. They both speak the same two languages – Ukrainian and Russian; Misha Saakashvili studied in Kiev before the collapse of the Soviet Union. Each went on to study in America, and each married a NATO wife (Saakashvili from the Netherlands and Yushchenko from the USA). But most of all, each has always had the exit polls on his side.

In the run up to this year's presidential election, several “sociological studies” institutes sprang up in Kiev that regularly conduct opinion polls. They include the Ukrainian Centre for Economic and Political Studies (UCEPS), known as the [Razumkov Centre](#), the Democratic Initiatives Fund, “Sotsis,” the Kiev International Sociology Institute, the Social Monitoring centre, and the [National Institute for Strategic Studies](#). As early as March 2004, all of these “leading” Ukrainian polling agencies were publicizing their findings that Viktor Yushchenko was the most popular politician in the country, far ahead of Viktor Yanukovich, who did not even come in second in a Razumkov poll of February 2004.

Just as in the 2004 US presidential election, where exit polls trumpeted John Kerry the winner long before all votes were in, in Ukraine in each of the three rounds of voting for president this year, not least on 26th December (third round) election night local TV was full of exit poll results. These were also carried by CNN and other Western broadcasters. American exit pollsters were reliably on hand from two US-based polling companies – Luntz Research Companies and Penn, Schoen & Berland Associates – to report the results of their poll giving Yushchenko a healthy 15-point lead, roughly twice the official result ultimately reported by the CEC.

The Razumkov Centre, the most prominent Ukrainian polling organization, has been around for a several years. Located in Kiev, it specializes in public opinion surveys and is one of many engaged in “sociological studies” that claim to cover a wide segment of the population. A typical survey by the centre appears to involve just over

2,000, with a margin of error of 2.3% (discounting 'design effects'), although the news segments publicizing the centre's findings do not typically identify survey subjects as urban or rural, white-collar or blue-collar, etc.

On 21st November, BHHRG observers interviewed two exit pollsters in Uzhgorod. They were unwilling to say whom they were polling for. Their methodology was crude – and therefore worthless. They simply asked every twentieth voter to fill in a simple form identifying whom they had voted for. No attempt was made to break voters down by age, gender, class, or past record. 40% refused to reply. Both pollsters were happy to admit that they were local journalists and well-known supporters of Mr Yushchenko! Neither seemed to think that this might affect the willingness of voters to respond or to respond honestly.

The Razumkov Centre has never wavered over the issue of the relative popularity of the two main contenders in the presidential election of 2004: Yushchenko has always turned out to be the favorite. Yet as readers will note, Razumkov's results should have led analysts to query the depth of Mr Yushchenko's popularity, at least before the bizarre poisoning episode in the run up to the first round of voting.

Following are some of Razumkov's survey results from the past year as reported by the press:

Feb. 9: If the Ukrainian presidential election were held next week, [opposition Our Ukraine bloc leader] Viktor Yushchenko would get into the second round with 22.2% of votes... Yushchenko's opponents in the second round would be [Communist Party leader] Petro Symonenko with 13.2% or Ukrainian Prime Minister Viktor Yanukovich, whose rating is 10.1%. (UNIAN)

Mar. 13: Viktor Yushchenko – 23%; Viktor Yanukovich – 17.2%; Petro Symonenko – 11.9%; Alexander Moroz – 7%; Yulia Tymoshenko – 4.7%; Natalya Vitrenko – 3.2%; Against all – 11%; Would not vote at all – 8.6%; Undecided – 13.4%. (*Zerkalo Nedeli*)

Mar. 24: Razumkov Centre, Democratic Initiatives Fund, "Sotsis" centre, Kiev International Sociology Institute, Social Monitoring centre, and National Institute of Strategic Studies jointly announce: Yushchenko – 22-24%, Yanukovich – 9-14.5%, Symonenko – 9-12.7%, Socialist leader Alexander Moroz – 4-7.3%, and Yulia Tymoshenko – 3-6%. All polling agencies say Yushchenko would beat Yanukovich in second round by c.10% (Interfax-Ukraine).

Apr. 1: All polls show Yushchenko would beat Yanukovich in the second round by 10-11%. Democratic Initiatives Fund and the "Sotsis" Centre: Yushchenko – 39%, Yanukovich – 28%. National Institute for Strategic Studies: Yushchenko – 33%, Yanukovich – 22%. Razumkov: Yushchenko – 34%, Yanukovich – 24%. If presidential elections held next week, 22% of Ukrainians would vote for Yushchenko and 13% would support Yanukovich, according to an opinion poll by the "Ukrainian Democratic Circle." (UNIAN and Interfax-Ukraine)

Jul. 30: Yushchenko – 27.9%, Yanukovich – 21.1%, Symonenko – 9.8%, Moroz – 6.5%, against all – 8.1%, undecided – 14.5%, won't vote 6.5%. In second round: Yushchenko – 37.1%, Yanukovich – 29.4%. Yushchenko has support of over 50% of

population in two out of four Ukrainian regions (in the west – 65.6%; in southern Ukraine – 19.9%; and in the east – 15.3%). (UNIAN)

Aug. 6: 29.6% think Yushchenko will be able to bring Ukraine closer to the EU. 18.4% – Yanukovich, 4.2% – Moroz, 3.3% – Symonenko. When asked whether Ukraine needs to join the EU, 50.9% say yes, 23.9% say no, and the rest are uncertain. (UNIAN)

Sep. 18: Razumkov: “How objective and unbiased is the coverage of the presidential election campaign by TV channels you can watch in your city or village?” 28% say “objective and unbiased” and 27% cannot answer the question. Razumkov: “If this coverage is biased, which presidential candidate is favoured?” 43% say coverage favours Yanukovich, 8% say Yushchenko, 2% say Symonenko, and 2% say Moroz. Another 2% say coverage favours other candidates. (UNIAN)

Oct. 26: Razumkov: Most Ukrainians believe the government is fully to blame for rises in food prices. Q: “To what extent is the Ukrainian government responsible by its action or non-action for the increase in food prices?” Answer: 59% – “fully responsible”; 27% – responsible “to some extent”; 6% do not link price rises to government’s actions. 8% “have difficulty answering the question.” Researchers observe that “people on lower incomes” are “more inclined to put full responsibility for price rises on the government.” The rise in food prices “has been felt by” 93% of those polled. (Interfax-Ukraine)

Oct. 27: Razumkov: Many Ukrainians are afraid to admit during opinion polls that they are going to vote for opposition leader Viktor Yushchenko in the Oct. 31 presidential elections. Q: “Do you believe that some of your colleagues or acquaintances are going to vote for a certain candidate in the election but are afraid to admit it to people they don’t know very well?” A: 22% say yes, 49% say there are “no such people among their colleagues or acquaintances,” and 29% cannot answer. The poll also asks who such people [who conceal their voting intentions] are “actually going to vote for.” The most frequent answer is Yushchenko. Some 10% of those polled (and 43% of those who say their acquaintances are afraid to say who they support) say they know people who will vote for Yushchenko but are “unwilling to admit to that.” Those who answer Yanukovich: 2%. The share of people who say some of their acquaintances are going to vote for Yushchenko but are “afraid to admit to it” is 23% in western Ukraine, 11% in central Ukraine, 3% in the south, and 4% in the east. Razumkov: such figures “suggest that undisguised government pressure and intimidation of Yushchenko supporters is stronger in the parts of Ukraine where he is more popular. Pressure is most often exerted on the residents of rural areas and small towns.” Among rural residents, 15% say they know people who would vote for Yushchenko but are “afraid to admit to it.” In small towns (population up to 100,000) – 12%; in medium-sized and big cities – 5%. “This is largely because local administrations can put pressure on the public more easily in rural areas and small towns than in big cities.” Razumkov: people were “more likely to tell the truth to the pollster if they were asked about the voting intentions of their ‘acquaintances’ rather than their own intentions.” “Our Ukraine” MP Mykola Tomenko told pro-opposition Channel 5 TV on 27 October that in some parts of Ukraine up to 70% of those polled refused to answer pollsters’ questions about their own voting intentions...]” (UNIAN)

Oct. 28: Press release by Razumkov Centre contains results of a recent opinion poll, despite a ban on publishing ratings in the media in the last 15 days of the election campaign. The poll shows opposition candidate Viktor Yushchenko ahead of Ukrainian Prime Minister Viktor Yanukovich by 4% in the first and second rounds of the presidential election. UNIAN news agency consults lawyers and the Central Electoral Commission, who say “news agencies must not publish poll results in the last 15 days before polling day, just like any other types of mass media.” First question: “Whom are you going to vote for next Sunday?” – 32% of respondents say they will vote for Viktor Yushchenko, 28% for Viktor Yanukovich. 2nd question: “If the second round of the presidential election were held next Sunday and ballot papers had only the names of Viktor Yushchenko and Viktor Yanukovich, who would you vote for?” Yushchenko – 40%; Yanukovich – 36%; against both – 10%; won’t vote – 4%; undecided – 10%. The poll differs from previous ones held by Razumkov Centre because respondents are “interviewed outside their homes, in the street, without registering their home address.” The pollster says respondents “might fear to say they support Yushchenko.” A press release is published as an “advertisement.” News report says: “Interfax-Ukraine news agency would like its subscribers to remember that according to the law ‘On presidential elections,’ the media are not allowed to publish the results of sociological studies regarding presidential candidates in the last 15 days of the election campaign.” (Interfax-Ukraine)

Oct. 31: Exit poll by Razumkov Centre and Kiev International Institute of Sociology: Yushchenko – more than 45%; Yanukovich – just under 37%. Results are based on figures as of 14:00 local time [12:00 GMT]. “The presidential campaign has been marred by allegations of irregularities, intimidation, media bias and electoral fraud.” (ICTV and Channel 5)

Nov. 30: Razumkov: “Who would you vote for in the event of a repeat of the second round of the presidential election?” Yushchenko – 48%; Yanukovich – 36%. Among those who intend to vote, Yushchenko receives 53%, Yanukovich 38%. Among those not only intending to vote but who have already decided who to vote for: Yushchenko – 56%; Yanukovich – 40%. Yushchenko has increased his lead to 16% since the second round, when Razumkov put the numbers at 54%-46%, respectively. (Interfax-Ukraine)

Dec. 1: Razumkov Centre poll (Nov. 25-29): Half of Ukraine’s population do not think Viktor Yanukovich has won the presidential election. “Do you recognize Viktor Yanukovich as the winner of the presidential election?” 50% – “No”; 40% – “ready to recognize Yanukovich as the winner;” 10% – “cannot answer the question.” “One in five people in the east and south (22%) recognizes Yanukovich’s victory.” (Interfax-Ukraine)

Dec. 3: Razumkov: “What is your attitude towards protests being held by the opposition?” 45% – “support”; 40% – “condemn”; 10% – “do not care”; 5% – “find it difficult to answer.” Greatest support for the protests is recorded in the west (86%) and centre of Ukraine (60%). Most negative attitude is displayed in the east (67%) and south of Ukraine (62%). (UNIAN)

Dec. 11: Razumkov: c.47% of voters polled on 6-9 December 2004 are “ready to support Viktor Yushchenko in the repeat second round of the presidential election on 26 December.” Yanukovich is supported by 39%. 6% say they would vote against

both candidates, 3% say they would not vote, and 5% say they are undecided. Among those who will vote, 50% will support Yushchenko, 40% Yanukovich, 6% would vote against both, and 4% have not chosen yet. Among those who are going to vote and have already decided whom to support: Yushchenko – 52%; Yanukovich – 42%. Poll shows Yushchenko would win even more confidently if Yanukovich withdrew his candidacy. Among those who will vote if only Yushchenko remains on the ballot because Yanukovich refuses to run, 49% say they will support Yushchenko, 36% will vote against him, 9% will not vote, and 6% do not answer. (Interfax-Ukraine)

Dec. 23: Razumkov: About half of Ukrainians (50.6%) think their country should join the European Union, while 29.5% think otherwise and 19.9% are undecided. In western Ukraine, the number of pro-EU people is 76%, and 6% against. In central Ukraine, the figures are 58% and 23% respectively. In the east, the numbers are 34% and 49%. EU membership is considered a good idea by 75% of those who voted for Yushchenko on Nov. 21 and 25% of those who voted for Yanukovich. Experts at the Razumkov Centre say these poll results give reason to believe that if the repeat presidential election on Dec. 26 is “honest,” the country has “good prospects of reaching a nationwide consensus on EU membership.” (UNIAN)

Dec. 26: Result of exit poll by Razumkov Centre and Kiev International Sociology Institute: Yushchenko – 56.5%; Yanukovich – 41.3%. (ICTV and Channel 5)

Razumkov’s sources of support include [NATO](#), the [RAND Corporation](#), [Freedom House](#), George Soros’s Open Society Institute (OSI), Soros’s [Renaissance Foundation](#), Britain’s [International Institute for Strategic Studies](#), the US Embassy’s Democracy Encouragement Foundation (which is described nowhere on the US Embassy’s website), the [Konrad Adenauer Foundation](#), the [Hanns Seidel Foundation](#), the [Canadian International Development Agency](#), the [Stockholm International Peace Research Institute](#) (SIPRI), the Netherlands’ [Centre for European Security Studies](#), the EU’s [Institute for Security Studies](#), Belgium’s [Centre for European Policy Studies](#), the [British Council](#), the [Eurasia Foundation](#), the Harvard [National Security Program for Ukraine](#), and the embassies of [Canada](#), the [Netherlands](#), [Great Britain](#), [France](#) and the [United States](#). The lone, conspicuous non-Western source of support is the Iranian Embassy.

The notion that people in western Ukraine were ever “afraid” to admit they intended to vote for Yushchenko, as the poll result reported on 27th October indicates, is ridiculous. Local administrations in places like Lvov, Ivano-Frankovsk and Tarnopol were controlled by pro-Yushchenko forces, and the pressure they exerted on the local population to support the candidate of power in the area reached near-totalitarian proportions. Official representation for Yanukovich in these places was virtually nil, and, if anything, people would have been afraid to admit a preference for the prime minister. BHHRG received several e-mail messages from local inhabitants during the election period describing instances of people being thrown off public transport, threatened with job loss, and otherwise isolated for supporting Yanukovich. There were also reports of lists of names of those who had voted for Yanukovich in the first and second rounds being posted in public places.

The questions in Razumkov's surveys raise subjects of obvious interest to Western governments but which may be of remote interest to the average Ukrainian. Which candidate is most likely to bring Ukraine into the EU is not something of immediate concern to your average worker, and it is doubtful most Ukrainians ever think about what the European Commission or Parliament does on a daily basis – especially considering that citizens of EU member states usually don't even know who their MEP is. Surveys where the largest share of respondents blame the government for increases in food prices, or identify media bias – “if it exists” – as in favor of the prime minister, must have been very convenient for Yushchenko in the election.

Ukrainian state news agencies' reporting of Razumkov survey data favorable to Yushchenko – in violation of the election law – were also a great help. Yet such clear assistance to the Yushchenko cause by Interfax-Ukraine and UNIAN has never gone any distance toward debunking the myth that Ukraine's media is biased in favor of Yanukovich.

Most important – and most striking – about the findings of the Razumkov Centre and its fellow pollsters is the implied admission that Viktor Yushchenko, in the final analysis, is not actually terribly popular. Although the pro-Western “Our Ukraine” leader consistently wins the pollsters' popularity contests, his overall popularity in Ukraine hovers between percentages in the twenties and the forties. Apart from a brief period both immediately before and after the second round on Nov. 21 (when the demonstrations in Kiev were at their height), then again around the time of the repeat run-off on Dec. 26, Yushchenko's popularity rating never actually tops 50%, *even when he is the only candidate on the ballot!* What does this suggest about Western strategy in securing the presidency for its favorite candidate? A huge fuss was made in the Western media as if an overwhelmingly popular candidate had been cheated by a widely hated one, but even if one accepts the results of the third round on 26th December, 2004, it is clear that the gap between Yushchenko and Yanukovich was less than 3% of the electorate.

Outside observers will remember that in Georgia in 2003, even the exit polls did not give Mikheil Saakashvili's National Movement more than a mid-twenties percentage rating in the parliamentary elections that were ultimately annulled. The Rose Revolution grew out of a dispute about a few percentage points difference between what the National Movement and the pro-government “For a United Georgia” bloc received. The same thing happened with the 2004 election in Ukraine. Isn't it reasonable to conclude that the West's support of a candidate who does not enjoy widespread support across the whole country suggests that it was determined to see its man elected regardless of what a majority of Ukrainians thought? Exit polls based on dubious sampling techniques were a vital element in creating the appropriate media picture and getting supporters of Mr Yushchenko motivated to protest. .

The doctor who diagnosed Mr. Yushchenko's poisoning admits that he can prove nothing.

www.oscewatch.org

27th January 2005

During the presidential campaign in Ukraine, the then opposition candidate (now president), Viktor Yushchenko, famously developed severe facial disfigurement. At a press conference held in Vienna on 11th December 2004, his doctors in the private Rudolfinerhaus clinic claimed that they had obtained proof that he had been deliberately poisoned. This allegation has now made its way into the mainstream media as an accepted fact, and Yushchenko himself has embellished the diagnosis by stating firmly, on several occasions, that someone was trying to kill him. In particular, he has alleged that he fell ill after dining with the head of the Ukrainian secret police, Igor Smeshko, and the implication is that Smeshko was involved in the attempted assassination.⁵¹

BHHRG authors have already dealt with some aspects of the poisoning story in other items on the web page,⁵² but the group has since conducted interview with two of the doctors involved in the poisoning affair. It turns out that the diagnosis may be faulty, and that its publication was hotly contested within the Vienna clinic.

Before Christmas 2004, BHHRG contacted Dr. Lothar Wicke, Medical Director of the Rudolfinerhaus, and conducted an interview with him by telephone. Dr. Wicke resigned his post as medical director following the press conference on 11th December 2004, at which the head of the clinic, Dr. Michael Zimpfer, and Mr. Yushchenko's own doctor, Dr. Nikolai Korpan claimed to have obtained certain proof that his patient had been poisoned. Zimpfer had said there was "no doubt" that Yushchenko was the victim of dioxin poisoning, and that the dioxin had been administered by a third party. He speculated about "bioterrorism" and suggested that the poison had been administered in "a soup that contains cream".⁵³ This lent credence to the theory that Yushchenko had been poisoned over dinner, and allowed people like the former KGB defector to Britain, Oleg Gordievsky⁵⁴, to speculate that Mr. Yushchenko had eaten Ukrainian borschch with sour cream in it. But the dinner is reported to have consisted of boiled fish, meats and salad.⁵⁵

⁵¹ According to C. J. Chivers of the *New York Times*, General Smeshko was in fact working behind the scenes to facilitate the Orange Revolution, not trying to kill the candidate. See "Back Channels: A Crackdown Averted. How Top Spies in Ukraine Changed the Nation's Path," *New York Times*, 17th January 2005.

⁵² "Booze, Salo and Mare's Milk...Did Yuschenko poison himself?" by Chad Nagle, 20th December 2004,

<http://www.oscewatch.org/LatestNews.asp?ArticleID=55>

⁵³ See for instance *Radio Free Europe Newslines*, 13th December 2004

⁵⁴ On CNN International, 17th December 2004

⁵⁵ See "A Dinner in Ukraine Made for Agatha Christie," C. J. Chivers, *New York Times*, 20th December 2004

Few media reported Dr. Wicke's resignation.⁵⁶ Fewer still had reported the sharp disagreements which had occurred between Dr. Wicke and his colleagues at the Rudolfinerhaus clinic in the run-up to the 11th December press conference. Those disagreements had started in September, when Mr. Yushchenko's facial disfigurement began, and when poisoning was first mooted. At that stage, Dr Korpan, a cryosurgeon who rents a surgery in the clinic but who is not employed by it, issued a statement on the clinic's notepaper saying that Yushchenko had been poisoned. These reports were immediately carried by pro-Yushchenko media in Ukraine, to whom Dr Korpan seemed very happy to speak.⁵⁷

Dr Wicke disagreed with this statement, and with the manner in which Korpan issued it. He himself gave an interview, which was quoted by *Le Monde*, in which he said, "If toxic substances had been found, then the doctors treating Mr. Yushchenko" – i.e. Korpan and Zimpfer – "should have informed me, and I would have been obliged to inform the prosecutor. I did not do so because no such thing was discovered."⁵⁸ It was because of Wicke's intervention that the Rudolfinerhaus clinic carried on its web site, between 30th September and 11th December, a statement saying, "We would like to note decidedly that on the occasion of Mr. Yushchenko's stay in our hospital to date no traces of poison were determined." Despite this statement, the poisoning story continued to circulate in the media during this period, even though other possible diagnoses were also reported in the mainstream European media, including pancreatitis and a herpes virus.

Although the news reports about Dr. Wicke's resignation made it clear that he had formally resigned because of a work overload, they left their readers in no doubt that the real reason was disagreement over the Yushchenko issue. Dr. Wicke confirmed this interpretation when BHHRG's rapporteur telephoned him. He said that he did not think that a medical clinic should be used for political purposes, and that Ukraine should choose its own president without the interference either of the USA or Russia. He voiced criticisms of Dr Zimpfer's television appearances, but was mainly critical of Dr. Korpan.

Dr. Wicke also pointed out to BHHRG that the Rudolfinerhaus clinic does not have the necessary equipment to test for dioxins. He added that no one seemed to know at that stage where the tests had been carried out. (This point was clarified only later.) No one had asked these elementary questions at the press conference. Wicke also said that the statement issued by the clinic itself on 12th December concerning the diagnosis was self-contradictory. It said both that the dose of dioxin found in Mr.

⁵⁶ The Austrian papers mentioned it: "Rudolfinerhaus: Ärztlicher Leiter geht" by Helmar Dumbs and Regina Pöll, *Die Presse*, 11th December 2004; "Rudolfinerhaus: Viele Gerüchte, eine Demission Ärztlicher Leiter Wicke zurückgetreten", *Der Standard*, 12th December 2004; see also "The Yushchenko poison plot fraud" by Justin Raimondo, 15th December 2004, <http://antiwar.com/justin/?articleid=4164>

⁵⁷ For instance, Korpan gave an interview to *Ukrainska Pravda* on 10th October 2004, in which he suggested that Yushchenko had been poisoned with a "chemical or biological agent".

⁵⁸ "En Ukraine, le chef de file de l'opposition se plaint d'avoir été empoisonné", by Joëlle Stolz, *Le Monde*, 13th October 2004

Yushchenko's blood as "1,000 times higher than is bearable by a human being" and also that he was fully capable of working normally and well on the way to recovery.⁵⁹

Dr. Wicke also told BHHRG about the death threats he had received following his refusal to accredit Korpan's diagnosis of poisoning in September. He had an anonymous phone call from Ukraine, in which he was told "watch out for your life". The caller spoke English. Following this call, Wicke contacted the police and was put under protection. When BHHRG spoke to him, it was clear that this Viennese doctor was still living in fear. He was reluctant to elaborate too much on the telephone and said, by way of explanation, "I have a family."⁶⁰ Wicke also made the point that forensic doctors and the police ought to have been involved if there was a suspicion of poisoning, yet no forensic or prosecuting authorities had been conducted. Wicke initially promised BHHRG to say more after Christmas, but when BHHRG's representative rang him back in January, he said he wanted to say no more about the matter.

In the meantime, BHHRG rang the man who subsequently turned out to have performed the dioxin tests. Professor Bram Brouwer of the Free University of Amsterdam runs a private company called BioDetection Systems. It specialises in using biological methods (genetically modified cells) to detect substances in food.⁶¹ It advertises an especially quick method of screening food products for dioxins, these substances being more difficult to detect by other methods. The company does work for the health and safety authorities, especially the European Union, and monitors the levels of dioxins in certain foods. This is to prevent contaminated food being sold to humans. In 1999, for instance, chickens in Belgium became infected with dioxins as a result of recycling animal fats in their feed.

Dr Brouwer told BHHRG that he had contacted the Rudolfinerhaus in November when he saw Mr. Yushchenko on television. Although he is essentially a food inspector, his specialisation being in environmental and not forensic toxicology⁶², Brouwer evidently thought that his method of detecting dioxins should be used. In fact, his method may be quick at detecting the presence of dioxin but it is not very precise about registering quantities.. He told BHHRG that he needed subsequently to send the samples to two other laboratories (one in the Netherlands, the other in Germany) to have the precise levels, and the precise kind of dioxin, properly identified: his biological method could do neither.

⁵⁹ At the time of writing (27th January 2005) the September and the two December statements are still on the web site of the Rudolfinerhaus, <http://www.rudolfinerhaus.at/>. (Click on "Über uns" and then "Aktuelles".)

⁶⁰ The intimidation practised against Wicke was also discussed in a long report in *Le Figaro*, "La ténébreuse hospitalisation viennoise de Iouchtchenko" by Maurin Picard, 10th December 2004. Picard claims that Korpan is being pursued by the Austrian medical authorities for practising without the requisite qualifications: his diploma from Uzhgorod in Ukraine has never been validated in Austria.

⁶¹ <http://www.biodetectionsystems.com/>

⁶² See his c.v. on the university's web page:

http://www.falw.vu.nl/Onderzoeksinstituten/index.cfm?home_page.cfm?fileid=0839F610-3807-440B-AB8723A79B27C07E&pageid=368A258C-B80A-4827-B611AD302B24B11D&subsectionid=1283CFA1-03D3-4BA3-9F21CDD13625FE25

Dr Brouwer's intervention may explain why Mr. Yushchenko cancelled a visit to the United Kingdom for his tests. BHHRG has ascertained something that no other media have reported, namely that a neurologist, two dermatologists and two toxicologists (one of them is one of the leading toxicologists in Europe) were on standby to examine Yushchenko, but that he cried off at the last minute. BHHRG has been told that those British specialists are now highly sceptical about the dioxin diagnosis.

Brouwer initially told BHHRG that the dioxin levels were so high that the only explanation for them was that a third person had administered them, i.e. that Yushchenko had been deliberately poisoned. He said, "I cannot imagine any other explanation." It was this formal claim that Mr. Yushchenko had been deliberately poisoned which then made its way back to Vienna, and thence into the world's press, as an established fact. But Brouwer also admitted that it would take 3 – 4 weeks after contracting the dioxins for any effects to be produced on the skin, and that the pains Yushchenko experienced would take about a week to develop. In other words, even this diagnosis means that it is impossible that Yushchenko was poisoned at the dinner with Smeshko on 5th September, because he developed the symptoms immediately, the following morning. When asked why he had not contacted any forensic doctors or criminal toxicologists, let alone the prosecuting authorities, Dr Brouwer had no answer.

Brouwer also confirmed that the levels found in Yushchenko's blood could not possibly have killed a human being. He said, "In fact, we do not know what dosage would be necessary to kill someone, because there is no recorded example of a person ever dying from dioxin poisoning." This is indeed the case: BHHRG has consulted another medical expert on poisons, who confirmed that dioxin is probably among the last things you would ever try to use to kill someone. Brouwer confirmed that the dosage in Yushchenko's blood was not enough to kill even a rat, let alone a human. Yet Yushchenko affirms that he was the victim of an assassination attempt.

Dr. Brouwer then told BHHRG that the Yushchenko case was almost identical to an incident which occurred in 1998, when two Austrian women had suffered from an similar outbreak of chloracne. Indeed, the Yushchenko case is only the second recorded case of dioxin poisoning at this level. He said, "It was exactly the same pure compound of dioxin, which you never find in food poisoning, and the dioxin levels in the blood were similar. In fact, the levels in one of the women's blood were slightly higher than in Yushchenko's case." The definitive medical article on the case describes the symptoms as follows: "Patient 1, who had the highest TCDD level ever recorded in an individual (144,000 pg/g blood fat), developed severe generalized chloracne, whereas in the second patient, despite heavy intoxication (26,000 pg/g blood fat), only mild facial acne lesions occurred. Both patients initially experienced non-specific gastrointestinal symptoms."⁶³ Brouwer told BHHRG that the women were believed to have contracted the dioxin from working in a textile factory where the material was contaminated. And when BHHRG asked how he could therefore say with certainty that Yushchenko had been deliberately poisoned, when the only known precedent for a similar dioxin contamination was believed to have been caused by an

⁶³ *Environmental Health Perspectives*, Vol 109, No. 8, August 2001 by Alexandra Geusau et. al. <http://ehp.niehs.nih.gov/docs/2001/109p865-869geusau/abstract.html>

industrial accident, Dr Brouwer had to admit that, in fact, he could not say that Yushchenko has definitely been deliberately poisoned. He told BHHRG, “I cannot say how the dioxins got there.” In other words, the deliberate poisoning thesis, so confidently proclaimed in December, and so instrumental in painting Mr. Yushchenko as the victim of a criminal regime, is not even insisted on by the man who himself made it.

PART II

MEDIA REPORTS

Western Aggression in Ukraine

by John Laughland

6th November 2004, The Spectator

A few years ago, a friend of mine was sent to Kiev by the British government to teach Ukrainians about the Western democratic system. His pupils were young reformers from the Western Ukraine, affiliated to the Conservative Party. When they produced a manifesto containing fifteen pages of impenetrable waffle, he gently suggested boiling their electoral message down to one salient point. What was it, he wondered? A moment of furrowed brows produced the lapidary and nonchalant reply, "To expel all Jews from our country."

It is in the West of Ukraine that support is strongest for the man who is being vigorously promoted by the USA as the country's next president, the former Prime minister, Viktor Yushchenko. On a rainy Monday morning in Kiev, I met some young Yushchenko supporters, druggy skinheads from the Western city of Lvov. They belonged both to a Western-backed youth organisation, Pora, and also to Ukrainian National Self-Defence (UNSO), a semi-paramilitary movement whose members enjoy posing for the cameras carrying rifles and wearing fatigues and balaclava helmets. Were nutters like this to be politically active in any country other than Ukraine or the Baltic states, there would be instant outcry in the US and British media; but in former Soviet republics, such bogus nationalism is considered anti-Russian and therefore democratic.

It is because of this ideological presupposition that Anglo-Saxon media reporting on the Ukrainian elections has chimed in with press releases from the State Department, peddling a fairy tale about a struggle between a brave and beleaguered democrat, Yushchenko, and an authoritarian Soviet nostalgic, the present Prime minister, Viktor Yanukovich. All facts which contradict this morality tale are simply suppressed. So, for instance, a story has been widely circulated that Yushchenko was poisoned during the electoral campaign, the fantasy being that the government was trying to bump him off. But no British or American news outlet has reported the interview given to the Austrian magazine, Profil, by the chief physician of the Vienna clinic which treated Yushchenko for his unexplained illness, who said he had been subjected to such intimidation by Yushchenko's entourage to doctor the medical report that he was forced to seek police protection, fearing for his life.

It has also been repeatedly alleged that foreign observers found the elections fraught with violations committed by the government. In fact, this is exclusively the view of highly politicised Western governmental organisations like the OSCE - a body which is notorious for the fraudulent nature of its own reports, and which in any case came to this conclusion before the poll had even taken place - and of bogus NGOs like the Committee of Ukrainian Voters, a front organisation exclusively funded by Western (mainly American) government bodies and think-tanks, and clearly allied with Yushchenko. Because they speak English, the political activists in such organisations can easily noble Anglophone Western reporters, who in any case are happy to eat out of their hand.

Contrary allegations - such as those of fraud committed by Yushchenko-supporting local authorities in Western Ukraine, carefully detailed by Russian election observers but available only in Russian - go unreported. So too does evidence of crude intimidation made by Yushchenko supporters against election officials, proof of which I personally obtained in Odessa. Far from being authoritarian, indeed, Prime Minister Yanukovych seems to be doing nothing to prevent fraud by his challenger. The depiction is so skewed, indeed, that Yushchenko is presented as a pro-Western free-marketeer, even though his fief in Western Ukraine is an economic wasteland, while Yanukovych is presented as pro-Russian and statist, even though his electoral campaign is based on deregulation and the economy on his watch has been growing at an impressive clip. The cleanliness and prosperity of Kiev and other cities have improved noticeably in the last two years alone.

There is, however, one thing which separates the two main candidates, and which explains the West's determination to shoe in Yushchenko: NATO. Yanukovych has said he is against Ukraine joining, Yushchenko is in favour. The West wants Ukraine in NATO to weaken Russia geopolitically; to have a new big client state for expensive Western weaponry, whose manufacturers fund so much of the US political process; and to have a large pool of young men who can be conscripted into fighting the West's wars in Afghanistan, Iraq and elsewhere.

Yanukovych has also promised to promote Russian back to the status of second state language. Since most Ukrainian citizens speak Russian, since Kiev is the historic birthplace of Christian Russia, and since the current legislation forces tens of millions of Russians to Ukrainianise their names, this is hardly unreasonable. The continued artificial imposition of Ukrainian as the state language - started under the Soviets and intensified after the fall of communism - will be a further factor in ripping Ukraine's Russophone citizens away from Russia proper. That is why the West wants it.

This is the unedited version of a slightly shorter article published in *The Spectator* on 6th November 2004

The revolution televised

John Laughland

The Guardian, 27th November 2004

The western media's view of Ukraine's election is hopelessly biased

There was a time when the left was in favour of revolution, while the right stood unambiguously for the authority of the state. Not any more. This week both the anti-war Independent and the pro-war Telegraph excitedly announced a "revolution" in Ukraine. Across the pond, the rightwing Washington Times welcomed "the people versus the power".

Whether it is Albania in 1997, Serbia in 2000, Georgia last November or Ukraine now, our media regularly peddle the same fairy tale about how youthful demonstrators manage to bring down an authoritarian regime, simply by attending a rock concert in a central square. Two million anti-war demonstrators can stream through the streets of London and be politically ignored, but a few tens of thousands in central Kiev are proclaimed to be "the people", while the Ukrainian police, courts and governmental institutions are discounted as instruments of oppression.

The western imagination is now so gripped by its own mythology of popular revolution that we have become dangerously tolerant of blatant double standards in media reporting. Enormous rallies have been held in Kiev in support of the prime minister, Viktor Yanukovich, but they are not shown on our TV screens: if their existence is admitted, Yanukovich supporters are denigrated as having been "bussed in". The demonstrations in favour of Viktor Yushchenko have laser lights, plasma screens, sophisticated sound systems, rock concerts, tents to camp in and huge quantities of orange clothing; yet we happily dupe ourselves that they are spontaneous.

Or again, we are told that a 96% turnout in Donetsk, the home town of Viktor Yanukovich, is proof of electoral fraud. But apparently turnouts of over 80% in areas which support Viktor Yushchenko are not. Nor are actual scores for Yushchenko of well over 90% in three regions, which Yanukovich achieved only in two. And whereas Yanukovich's final official score was 54%, the western-backed president of Georgia, Mikhail Saakashvili, officially polled 96.24% of the vote in his country in January. The observers who now denounce the Ukrainian election welcomed that result in Georgia, saying that it "brought the country closer to meeting international standards".

The blindness extends even to the posters which the "pro-democracy" group, Pora, has plastered all over Ukraine, depicting a jackboot crushing a beetle, an allegory of what Pora wants to do to its opponents.

Such dehumanisation of enemies has well-known antecedents - not least in Nazi-occupied Ukraine itself, when pre-emptive war was waged against the Red Plague emanating from Moscow - yet these posters have passed without comment. Pora

continues to be presented as an innocent band of students having fun in spite of the fact that - like its sister organisations in Serbia and Georgia, Otpor and Kmara - Pora is an organisation created and financed by Washington.

It gets worse. Plunging into the crowd of Yushchenko supporters in Independence Square after the first round of the election, I met two members of Una-Unso, a neo-Nazi party whose emblem is a swastika. They were unembarrassed about their allegiance, perhaps because last year Yushchenko and his allies stood up for the Socialist party newspaper, Silski Visti, after it ran an anti-semitic article claiming that Jews had invaded Ukraine alongside the Wehrmacht in 1941. On September 19 2004, Yushchenko's ally, Alexander Moroz, told JTA-Global Jewish News: "I have defended Silski Visti and will continue to do so. I personally think the argument ... citing 400,000 Jews in the SS is incorrect, but I am not in a position to know all the facts." Yushchenko, Moroz and their oligarch ally, Yulia Tymoshenko, meanwhile, cited a court order closing the paper as evidence of the government's desire to muzzle the media. In any other country, support for anti-semites would be shocking; in this case, our media do not even mention it.

Voters in Britain and the US have witnessed their governments lying brazenly about Iraq for over a year in the run-up to war, and with impunity. This is an enormous dysfunction in our own so-called democratic system. Our tendency to paint political fantasies on to countries such as Ukraine which are tabula rasa for us, and to present the west as a fairy godmother swooping in to save the day, is not only a way to salve a guilty conscience about our own political shortcomings; it also blinds us to the reality of continued brazen western intervention in the democratic politics of other countries.

People power? Or George power?

by Mark Almond

29th November 2004, New Statesman

Having promised to “spend whatever it takes” to defeat George W. Bush, billionaire philanthropist, George Soros said he felt like retiring to a monastery after the President’s re-election.

Back home the two Georges may be deadly enemies, but outside America the missionaries of Soros’s lavishly funded “Open Society” foundations march in parallel columns with the Bush administration. Domestic culture wars don’t stop America’s big two foreign policy players presenting a united front abroad when it comes to promoting friends and punishing foes.

A year ago, the two Georges jointly helped topple Georgia’s president Eduard Shevardnadze by putting financial muscle and organisational metal behind his opponents. Ukraine is the latest country to feel the full force of the two Georges’ displeasure.

George Bush’s representatives have denounced alleged election fraud there. Soros’s local activists – including Georgian veterans - march in the streets in support of the West’s favoured candidate, Viktor Yushchenko and provide the visiting media and election observers with a full palate of allegations of fraud and intimidation. .

The key charge is that the official results are at odds with exit polls run by what Western embassies call “independent” polling agencies even though the same embassies channelled the funds to pay for them.

Four weeks ago the exit polls in America were also wildly out. The official result in Florida for instance was 6% worse for John Kerry than the poll, a similar swing in Ohio put W. back into the White House. Republican Senator Richard Lugar was in Ukraine but he didn’t caution locals against taking exit polls at face value.

I talked with two Ukrainian exit pollsters in western Ukraine. Their method was simple. They stopped every twentieth voter and asked how they voted. There was no weighting by age, class, etc. Forty per cent refused to say how they voted. Eighty per cent of my sample voted for the opposition candidate Viktor Yushchenko, who has cried foul accusing government supporters installing his rival, Prime Minister, Viktor Yanukovich.

But things are not so simple. The two pollsters were also local figures, pro-Yushchenko journalists Mightn’t a Yanukovich voter be shy of stating a preference to them? Despite allegations about media bias towards the prime minister, in western Ukraine you would not have known he existed from what I saw on television. Even on polling day, local television channels showed Mr Yushchenko voting and other public figures but not his rival!

In reality, at least half of Ukraine is as firmly in the grip of the Opposition as the east may be under the thumb of the government. But our media prefers the modern fairy tale of People Power. Plucky embattled freedom-loving youthful opposition versus slab-faced communist apparatchiks and oligarchs.

In western Ukraine the media is solidly pro-Yushchenko. Eurovision winner, Ruslana, and a host of other pop stars big in Ukraine appeared on television on election eve sporting orange symbols and urging people to vote despite a ban on “agitation” the day before the poll.

One observer, Tory MEP, Charles Tannock compared Ukraine to despotic Turkmenistan because Yanukovich was virtually unanimously endorsed by his home region in eastern Ukraine, but Mr Tannock ignored 90% plus votes in pro-Yushchenko western regions. Maybe Ukraine is deeply polarised. Maybe both candidates have enforcers in their own regions who can stuff ballots. What is certain is that Western observers never cry foul when a Soros-backed candidate gets a Saddam-style result.

As in Ukraine today, a year ago, in Georgia, Western election observers are led by Labour MP, Bruce George. His criticisms then helped get the steam up for People Power there. Yet a few weeks later, he saw nothing odd when the West’s favourite candidate replaced Shevardnadze winning 96% of the vote!

Generous George Soros stepped in to pay the salaries of the new president’s ministers and policemen in Georgia. Oddly enough, Mr Soros’s business partner, Kaka Bendukidze, became economy minister in Georgia. Mr Soros owns 10% of Bendukidze’s Russian-based energy and engineering conglomerate OMZ.

Does George Soros have similar partners in waiting for Ukraine? Unfortunately, Transparency International, another Soros-funded NGO which exposes the hidden ties of business and politics around the world never reports on its patron’s activities.

Competitors at home, Bush and Soros always seem to be on the same winning side abroad. Whether ordinary Ukrainian voters will see much benefit from another win for the Two Georges is another matter.

Ukraine: the diary of a dissident election observer

Christine Stone

www.antiwar.com

3rd December 2004

Another year, another revolution – this time in Ukraine. First there was Albania (1996) then Serbia (2000) followed in 2003 by Georgia's 'rose revolution'. As though conceived by the same script-writer, they all fitted the same fairy-tale pattern whereby a dictatorial regime tries to steal an election from the reforming, Western-orientated opposition. Western election observers cry foul and the peoples' indignation erupts on to the streets followed by quick collapse of the government. New elections are scheduled which are won overwhelmingly by the opposition.

The schema is now so well developed that commentators had predicted for some time that Ukraine's 2004 presidential election would be hijacked by a 'chestnut revolution', so named to denote its Autumn scheduling. One would have thought that the media might have begun to smell a rat – after all, who pays for all the paraphernalia that goes with a 'spontaneous revolution': the round-the-clock rock concerts with their slick sound systems, free food, drink and clothes? Five days into the protests in Kiev the BBC's Ben Brown was actually asked this question, but, answer came there none.

So, what was going on in Ukraine. According to the received wisdom, the country's prime minister Viktor Yanukovich an old Soviet throwback won the presidential election in a run off held on 21st November but only by massive voter fraud conveniently perpetrated by his supporters in the industrial heartland of eastern Ukraine. In the west of the country and in the capital Kiev the challenger Viktor Yuschenko won overwhelmingly but was still 3 m. votes short of absolute victory.

As Antiwar.com's Justin Raimondo has pointed out, Viktor Yuschenko is not an exciting new face – he ran Ukraine's national bank in the 1990s and was prime minister from 2000-01. Although beloved of the West, he is less popular at home having presided over a massive decline in peoples' standard of living. His revolutionary side-kick, the lady oligarch Yulia Tymoshenko, also has a long pedigree. According to Matthew Brzezinski writing in *The Guardian*: "The US government has evidence of wire transfers from her to Lazarenko personally while he was PM.". Pavel Lazarenko has since been convicted of corruption. Their one-time patron is Leonid Kuchma the country's outgoing president once called 'the Bismarck of Ukraine' by analyst James Sherr but who had fallen out of favour with the West by 2001. Yuschenko's main opponent in the presidential poll, Viktor Yanukovich, was a regional boss from the east of the country. He promised to reintroduce Russian as a state language alongside Ukrainian and improve relations with Moscow which, inevitably, led to accusations of resurgent Russian imperialism in the near abroad.

I observed both rounds of the election and have to say, not for the first time, that the fairy tale version of events does not chime in with my own experiences. Perhaps a

trawl through my observer's diary will point out some surprising revelations about what went on in the latest explosion of 'peoples power'.

Thursday, 28th October : It's my first visit to Ukraine for 2 years and it's immediately obvious that the capital Kiev has undergone a makeover. The shabby, old place has been cleaned up, there's no litter or graffiti in the streets. Old buildings are being restored. The shops sell clothes affordable to the locals while food halls are bursting with (local) produce. How different from 'reformed' capitals like Vilnius and Riga where the outlets of European fashion houses charge astronomical prices and there are no customers. Statistics show that Ukraine's economy has grown by 11% since Mr. Yanukovich's government came to power and there has been a bumper harvest for 2004. It will be interesting to find out why, then, he should be so unpopular in the capital city.

A few stragglers in old Soviet uniforms loiter in the lobby of the Ukrainia hotel. Earlier in the day there had been a military parade commemorating 60 years of Ukraine's liberation from the Nazis attended by Vladimir Putin. Yet another example of Moscow's 'interference' in the presidential election, according to critics.

Friday 29th October: It's time to visit the candidates' campaign offices. There are 13 challengers for the presidency but everyone knows that the race basically comes down to a battle between Yushenko and Yanukovich. The latter's headquarters are downtown in an old Soviet cinema where 2 days before the poll little seems to be going on. In fact, there's no one about at all. Finally, a spokesman, Gennadi Korzh, appears to brief our group. Mr. Korzh begins by telling us that he would rather live next to the Alps than the Urals. He once worked with the OSCE in Nagorno Karabakh and, after reminiscing about 'peace processes' past and present, he slams Russia's policy in Chechnya! This comes as something of a surprise as Mr. Yanukovich is meant to be an ardent supporter of Moscow. Criticizing its policy in Chechnya is not the usual way to the Kremlin's heart.

Korzh says that the government is fully aware that protests are likely to erupt if the election results in the 'wrong' candidate winning – and, yes, the security services are prepared. He's even up to speed on the activities of the student group Pora pointing out that the authorities threw 'advisors' from Serbia's Otpor out of the country. However, he won't accept that Georgia's *agitacni* organization, Kmara, is in the same league – for Mr. Korzh, Georgia is different, less 'European' than Serbia and Ukraine.

As we prepare to leave, Korzh offers more coffee and chat. But, we are off to Mr. Yushenko's press office, an internet café with a small conference room attached in the trendier part of Kiev known as Podil, just down the road from Mikhael Bulgakov's house. Oleg, a young activist, rehearses his woes. The media, apart from independent Channel 5 (which started conveniently in 2003) is totally subservient to the Yanukovich campaign and never shows their candidate. There will be massive fraud on polling day as the electoral registers are "full of mistakes". As he drones on, the other young *activisti* start to panic, bringing in posters and other electoral materials from the street. A pro-Yanukovich march is approaching the office and they've had bad experiences already with beatings etc. from the prime minister's supporters.

So, we go outside and await the confrontation. Several thousand badly dressed young people carrying blue flags pass by in an orderly fashion. There is no violence, barely a word uttered in anger. But, do not be deceived, we are told, these people are shameless and they will stage ‘provocations’ at the public meeting they are about to hold. So, we follow them to the meeting and, hey presto, nothing happens.

Saturday 30th October. More meetings. This time with the Committee of Ukrainian Voters, a domestic observer group that is the local election watchdog. The organization exists exclusively on Western funding so, no surprises to see Kerry/Edwards stickers on the office walls as they are mainly backed by the American NDI. In a rare act of self-preservation the Ukrainian government has refused to allow the group’s representatives to monitor inside polling stations aware, no doubt, of the mischief caused by the ‘independent’ Fair Elections group in Georgia last year. Nevertheless, they intend to smuggle themselves in as ‘journalists’.

Once again, we are told about the organizational shambles surrounding the election: people can’t find their polling stations, some are shut and, of course, there are those unsatisfactory voter lists. My eyes drift up to a photograph of Madeline Albright on a nearby book case. I wonder what she has to say about election fraud?

But, now there are more excitements. We get news that journalists at ‘independent’ Channel 5 are on hunger strike as the authorities have shut down the station. In fact, for a brief period of time *cable* transmission to a few places in Ukraine stopped but has since resumed. In other words, it’s a storm in a tea cup. But that doesn’t stop the protestors. We join a gaggle of people at Channel 5’s offices waiting for permission to visit the beleaguered strikers. Among them is a lady diplomat from the Slovak embassy with two bearded journalists from Slovak TV. When she learns that we are international observers their camera starts to whir as she demands to know about the ‘appalling’ state of the electoral registers. It’s a good try, but election observers are not supposed to comment on the conduct of the poll until it’s over.

We are led through Channel 5’s sparkling new office suite to the strikers. They are all in their late teens and early twenties, wearing the orange regalia of the Yushenko camp and clutching teddy bears and other furry animals donated by well-wishers. The Slovak diplomat rushes forward to offer support from one of the New Europe’s most craven members; we learn later that the Canadian ambassador has also been on the scene expressing ‘solidarity’ with the strike. So much for the niceties of diplomatic behaviour.

It gets even more bizarre. Aliona Matuzko, the PR director of Channel 5, isn’t on hunger strike as the management realised that if they all refused food they wouldn’t be able to work! So they go on hunger strike in shifts – presumably in between breakfast, lunch and dinner. She says that the channel’s broadcasting licence was removed by court order on 13th October but, despite living in Mr. Yanukovich’s Stalinist power house, they continue to broadcast, seemingly without any meaningful interference.

A journalist from Crimea joins in the conversation. Don’t we realise that Mr. Yushenko’s has been poisoned by a government - administered bacteriological

agent? We say we don't know, although rumours that Mr. Yuschenko's facial problems might be due to John Kerry-style botox injections that have gone wrong is an attractive hypothesis. Instead we ask him if he thinks there have been economic improvements in Ukraine. It's true, he says, but that's all due to the opposition, not the government.

Sunday 31st October. It's election day at last and the sun is shining which is good for turn out. I observe with a colleague in Kiev and then on to Zhitomir 80 miles west. Again, one is struck by the economic renaissance encountered on the way. Roads are good and new houses are being built everywhere. Zhitomir itself, which a friend described as a terrible dump from previous visits, also appears to be thriving.

So far, we haven't encountered any problems. Despite the warning from Madelaine Albright's friends, all the polling stations seem to be open and functioning efficiently – there is none of the organizational mayhem of previous Ukrainian elections. Some election registers have been corrected between publication and polling day. However, most inaccuracies seem explicable, caused by faulty transliteration of peoples' names from Russian into Ukrainian. However, while visiting a polling station in the Music School in Zhitomir (where Sviatislav Richter studied) a thuggish fellow in a black leather jacket approaches to inform us that there are “hundreds” of people down at the local town hall, complaining about being left off the electoral rolls. He leaves the building with an associate in a large black BMW.

As he goes, the lady chairman of the polling station informs us that the OSCE has just passed through. OSCE observers inform the authorities of the exact time and place of their visit. In other words, trouble makers know in advance where to allege “fraud” and malpractice. Down at the town hall about 40 people are milling around with a variety of complaints – one heavily pregnant woman doesn't want to trail back to her village to vote. None seem particularly important and, anyway, an official is attending to each one of them and often giving permission to vote.

Back to Kiev where we encounter 2 OSCE observers in the polling station where we will watch the count, which is tedious but problem-free. They haven't seen anything wrong during the day and neither have our colleagues who ring in from Crimea, Yanukovich territory. I tell them that I will be surprised if the OSCE's final report reflects their experiences.

1st November The next day the OSCE comes down hard on the poll, as predicted, particularly on the voting in eastern Ukraine. We visit Mr. Korzh again and ask him whether the Yanukovich camp is going to counter with the serious allegations made by Russian observers of the conduct of the poll in the Yuschenko heartland, around Lviv and Ivano Frankivsk in the west. No, says Korzh, we don't control that region! So much for the regime's many-tentacled grip on power.

It has all been very strange. The government doesn't seem to control anything much here. We have been watching the ‘biased’ local television stations which air interviews with politicians of all hues – on Saturday night they even showed the strikers and their teddy bears at Channel 5. Mr. Yanukovich himself is almost invisible. So bewildered are we, that we set out to interview journalists at a supposedly pro-government, Russian-language newspaper, *Segodnya*. Alexander

Korchinsky starts out by recommending the views of the opposition-orientated, foreign-funded Committee of Ukrainian Voters! He and a colleague then proceed to tell us how they are obliged by law (unlike Channel 5) to be 'objective' about the election; the paper has no bias towards any of the candidates.

It's much the same story when we return for the run off between the two Viktors on 21st November – this time in and around the small town of Uzhgorod in Western Ukraine. Mr. Yanukovich's representatives here are tucked away in a dark street on the edge of town. Everything is fine, they say, and well conducted. They seem unaware of the storm that is brewing or of the harsh winds of change that are coming their way.

Meanwhile, the television is still spewing out its 'biased' coverage, only this time (over a 3 day period) we see no sign whatsoever of Mr. Yanukovich. They don't even show him voting! We learn that the evil state television, UT1, regularly gives over its frequency after 10 pm to opposition TV ERA. On the night before the poll (during the supposed election silence) ERA broadcasts long interviews with 'experts' detailing ways in which the election will be falsified. The talking heads are interposed with various local rock stars, celebs and even the winner of this year's Eurovision Song Contest, Ruslana, urging people to go out and vote for 'reform'. They are all sporting ribbons, scarves etc. in the opposition colour, orange.

Again, the poll seems to be conducted properly. This is Yuschenko territory and they are all voting for him here and for 'Europe'. They, too, accept that life has improved over the past two years, but, that's not good enough. They want it to be even better, and, by the way, what is the basic salary in England? A local election official hints that there has been pressure to vote for the opposition, something confirmed by a letter sent to me from Lvov which states that people are "obliged to vote for Yuschenko or they are doomed, a traitor, venal and unemployed" Later, during the count in Uzhgorod, Mr. Yanukovich's official observer tells me that his candidate will win the election but only by cheating! He himself is really a supporter of the opposition.

However, despite the high level of enthusiasm for Mr. Yuschenko in Western Ukraine, the region is de-populated following 12 bitter years of economic reform. It's even suggested that voting cards delivered for those living abroad have been used several times over to bump up the turnout. There are more people in the east, with, in their eyes, more to lose by all Yuschenko's talk of joining the EU and NATO and they vote in large numbers for Mr. Yanukovich. The reaction, as predicted, is harsh. The OSCE slams the results and blames the Yanukovich camp for widespread fraud in the east of the country. Gradually the stage extras emerge with their orange outfits, rock concerts and tremulous priests to express the 'indignation of the people'. For ten days, a few thousand students and elderly people manage to bring the capital to a halt buoyed up by 24 hour drooling Western media coverage.

Where were the feared militia and secret police? Where, for that matter, were the neo-imperialist forces of Mr. Putin. We were told that elite Spetznatz formations were about to storm the demonstrations, but they never appeared. In fact, when negotiations finally brought the stand off to an end with the promise of fresh elections it was the EU's Javier Solana, not a representative from Moscow, who clinched the

deal. Russia and Ukraine were united for over a thousand years; they are next door neighbours but it would be 'imperialism' for Moscow to have a look in. It was Solana and his buddies, presidents Kwasniewski (Poland) and Adamkus (Lithuania) from the 'New Europe' who provided the convenient fig leaf for Washington's meddling, thus refuting the vain hope of some that, post-Iraq, the EU stands for some kind of independent foreign policy. In truth, they are all parasites and scroungers: the Euros looking to flood the place with supermarkets selling European products while the US gets a new NATO member with a naval base on the Black Sea and lots of cannon fodder for future wars.

So, why was it so easy to collapse a country that after 10 hard years had begun to improve the lives of its citizens? The truth is that although the Yanukovich government was delivering the economic goods it did not control the state organs of power, especially the security services and the police. And, as pointed out, the media was not really in the government's hands. Undoubtedly, much money in the form of bribes, grants to 'civil society' and scholarships abroad had been lavishly distributed, particularly in the capital Kiev. This only served to increase the average Kievian's opinion of himself/herself as 'cool' and a bit of an 'intellectual', unlike the bumpkins in the east. Was there 'massive cheating' in the east of the country? My colleagues who have been there doubt it. If there was, it on no greater scale than the (ignored) malpractices in Western Ukraine.

But, there were also other, more unpleasant, elements associated with the opposition, like the para-military, anti-Semitic group UNSO which originates in the Western Ukraine. In fact, anti-Semitism exhibited by some Ukrainians from the west of the country and also in the diaspora that fled with the Nazis in 1944, is blatant. Web sites like the Ukrainian Archive deny the Holocaust and portray Jews like Eli Wiesel as rapists of 'white' women. But, despite its usual distaste for any manifestation of anti-Semitism, Washington isn't worried. One Republic Party insider commented that there wasn't a problem; there is "no anti-Semitism in Ukraine".

As the bizarre events unfolded in Kiev and everything seemed to move in lock step – except for those evil imperialists in Moscow who were nowhere to be seen – one even began to wonder whether Mr. Yanukovich himself wasn't part of the plot. In the odd, fleeting glimpse of the man who attracted 'saturation' coverage from the local media, he always looked as though he was about to burst into tears. He wasn't up to 'cracking-down' on anything, not even to shooing away the grungy students whose tents and garbage made getting around central Kiev so difficult. It was hardly the behaviour of a responsible leader, let alone a tyrant. But, then perhaps his role in the script was to be the mouse that didn't roar, the spectre at the feast.

The price of People Power

Mark Almond

7th December 2004, The Guardian

The Ukraine street protests have followed a pattern of western orchestration set in the 80s. I know - I was a cold war bagman

People Power is on track to score another triumph for western values in Ukraine. Over the last 15 years, the old Soviet bloc has witnessed recurrent fairy tale political upheavals. These modern morality tales always begin with a happy ending. But what happens to the people once People Power has won?

The upheaval in Ukraine is presented as a battle between the people and Soviet-era power structures. The role of western cold war-era agencies is taboo. Poke your nose into the funding of the lavish carnival in Kiev, and the shrieks of rage show that you have touched a neuralgic point of the New World Order.

All politics costs money, and the crowd scenes broadcast daily from Kiev cost big bucks. Market economics may have triumphed, but if Milton Friedman were to remind the recipients of free food and drink in Independence Square that "there is no such thing as a free lunch", he would doubtless be branded a Stalinist. Few seem to ask what the people paying for People Power want in return for sponsoring all those rock concerts.

As an old cold war swagman, who carried tens of thousands of dollars to Soviet-bloc dissidents alongside much better respected academics, perhaps I can cast some light on what a Romanian friend called "our clandestine period". Too many higher up the food chain of People Power seem reticent about making full disclosure.

Nowadays, we can google the names of foundations such as America's National Endowment for Democracy (NED) and a myriad surrogates funding Ukraine's Pora movement or "independent" media. But unless you know the NED's James Woolsey was also head of the CIA 10 years ago, are you any wiser?

Throughout the 1980s, in the build-up to 1989's velvet revolutions, a small army of volunteers - and, let's be frank, spies - co-operated to promote what became People Power. A network of interlocking foundations and charities mushroomed to organise the logistics of transferring millions of dollars to dissidents. The money came overwhelmingly from Nato states and covert allies such as "neutral" Sweden.

It is true that not every penny received by dissidents came from taxpayers. The US billionaire, George Soros, set up the Open Society Foundation. How much it gave is difficult to verify, because Mr Soros promotes openness for others, not himself.

Engels remarked that he saw no contradiction between making a million on the stock market in the morning and spending it on the revolution in the afternoon. Our modern market revolutionaries are now inverting that process. People beholden to them come to office with the power to privatise.

The hangover from People Power is shock therapy. Each successive crowd is sold a multimedia vision of Euro-Atlantic prosperity by western-funded "independent" media to get them on the streets. No one dwells on the mass unemployment, rampant insider dealing, growth of organised crime, prostitution and soaring death rates in successful People Power states.

In 1989, our security services honed an ideal model as a mechanism for changing regimes, often using genuine volunteers. Dislike of the way communist states constrained ordinary people's lives led me into undercover work, but witnessing mass pauperisation and cynical opportunism in the 1990s bred my disillusionment. Of course, I should have recognised the symptoms of corruption earlier. Back in the 1980s, our media portrayed Prague dissidents as selfless academics who were reduced to poverty for their principles, when they were in fact receiving \$600-monthly stipends. Now they sit in the front row of the new Euro-Atlantic ruling class. The dowdy do-gooder who seemed so devoted to making sure that every penny of her "charity" money got to a needy recipient is now a facilitator for investors in our old stamping grounds. The end of history was the birth of consultancy.

Grown cynical, the dissident types who embezzled the cash to fund, say, a hotel in the Buda hills did less harm than those that launched politico-media careers. In Poland, the ex-dissident Adam Michnik's Agora media empire - worth €400m today - grew out of the underground publishing world of Solidarity, funded by the CIA in the 1980s. His newspapers now back the war in Iraq, despite its huge unpopularity among Poles.

Meanwhile, from the shipyard workers who founded Solidarity in 1980 to the Kolubara miners of Serbia, who proclaimed their town "the Gdansk of Serbia" in October 2000, millions now have plenty of time on their hands to read about their role in history.

People Power is, it turns out, more about closing things than creating an open society. It shuts factories but, worse still, minds. Its advocates demand a free market in everything - except opinion. The current ideology of New World Order ideologues, many of whom are renegade communists, is Market-Leninism - that combination of a dogmatic economic model with Machiavellian methods to grasp the levers of power. Today's only superpower uses its old cold war weapons, not against totalitarian regimes, but against governments that Washington has tired of. Tiresome allies such as Shevardnadze in Georgia did everything the US wanted, but forgot the Soviet satirist Ilf's wisdom: "It doesn't matter whether you love the Party. It matters whether the Party loves you."

Georgia is of course a link in the chain of pipelines bringing central Asian oil and gas to Nato territory via Ukraine, of all places. Such countries' rulers should beware. Fifty years ago, Zbigniew Brzezinski argued that the "politics of the permanent purge" typified Soviet communism. Yet now he is always on hand to demand People Power topple yesterday's favourite in favour of a new "reformer".

"People Power" was coined in 1986, when Washington decided Ferdinand Marcos had to go. But it was events in Iran in 1953 that set the template. Then, Anglo-American money stirred up anti-Mossadeq crowds to demand the restoration of the

Shah. The New York Times's correspondent trumpeted the victory of the people over communism, even though he had given \$50,000 and the CIA-drafted text of the anti-Mossadeq declaration to the coup leaders himself.

Is today's official version of People Power similarly economical with the truth?

• *Mark Almond is lecturer in modern history at Oriel College, Oxford*

Eastern Ukraine Knows It's the Economy, Stupid

Mark Almond

8th December 2004, The Moscow Times

As Ukraine's Orange Revolution enters a twilight zone before what seems like an inevitable triumph for Viktor Yushchenko's candidacy for president on Dec. 26, the hundreds of thousands who demonstrated for a reversal of the original result should start thinking about what the victory of "people power" will really mean for the people.

Few would doubt that those behind the Orange Revolution learned a great deal from their predecessors in Georgia last year or in Serbia in 2000. Leaders of the Ukrainian opposition group Pora and other grassroots activists have said as much, and the flags of other people-power revolutions flutter over Kiev's Independence Square. But what about the other side? Too often Prime Minister Viktor Yanukovich's supporters are caricatured as dumb serfs led by the nose by Kremlin-supplied election technologists. Western Ukraine, because of its geographical position, is routinely reported as "reform-minded" and "Western-oriented," while eastern Ukraine is seen as backward and sunk in Soviet-style thinking. But if you ask people who actually voted on Nov. 21 why they voted for a particular candidate, easterners oddly enough cite classic economic reasons, while westerners invoke nationalism or other ideological criteria.

The westerners are not alone. For the last 15 years, the working class and members of the technical intelligentsia have repeatedly voted for economic suicide across the ex-Soviet bloc. Nobody eating the free food at pro-Yushchenko rallies seems to understand that there is no such thing as a free lunch. Whoever was sponsoring the street theater will expect payback

While Western broadcasters showed striking Kiev workers calling for Yushchenko and privatization, tens of thousands of Donetsk miners were rallying against Yushchenko. They declared that Yanukovich had their support because Yushchenko would put them out of work. The eastern Ukrainian miners seem to have learned the basics of the market economy. They know there is no such thing as a free ride. Lenin invented the term "useful idiot," but modern capitalists have marketed this role around the globe. The glitz and glamor of the EU and the power and glory of NATO are dangled in front of Ukrainians as a carrot, but shock therapy and economic disaster will be the price of an orange victory. Will Ukraine's Westward-leaning people vote for a free ride on Dec. 26? Or will westerners join easterners in recalling former U.S. President Bill Clinton's dictum: "It's the economy, stupid"?

Mark Almond is a lecturer in Modern History at Oriel College, Oxford. He contributed this comment to The Moscow Times.

Something Rotten in the State of Ukraine

by Chad Nagle

9th December 2004, www.antiwar.com

One of the advantages of writing anonymous editorials is that you can wantonly spew forth bile without worrying about anyone pointing the finger at you individually. In the Dec. 2 issue of the pro-Yushchenko English-language *Kyiv Post* newspaper, an editorial entitled "An Orange March East" featured the following passage:

"What should Viktor Yushchenko and his team do next? Go east. One of the many positive things this presidential election has done is remind people in cosmopolitan Kyiv of the Appalachian levels of ignorance and alienation that remain in Luhansk, Donetsk, and other hardscrabble parts of Ukraine's industrial east – in Viktor Yanukovych country, in other words. The so-called Donbas – a massive ghetto full of miners and steelers exploited, robbed, and manipulated by the region's presiding tycoons and Soviet-style government bosses – might as well have a fence around it, sealing it off from the country its citizens are instructed to distrust. Fed lies by the media, isolated and undereducated and saturated with leftover Soviet propaganda, many Donbas residents seem really to believe that Yushchenko is an American puppet, set on enslaving them in the name of Yankee imperialism and the CIA; that western Ukrainians are fascists bent on eliminating the Russian language; and the like."

The first thing I thought as I read this was: the poor people of the Appalachians. Myself a native of Virginia, I had many times driven around the Appalachians, enjoying not only the scenery but also the warmth and hospitality of the native inhabitants. I could only wonder what the "hardscrabble" folk of the Appalachians would make of such cosmopolitan, urbanite-sophisticate commentary from faraway fellow Americans.

The next thing that sprang to my mind was the tone of hatred running through the piece, which I read immediately on my return from [Ukraine's three eastern-most regions of Donetsk, Lugansk, and Kharkov](#). Far from a "massive ghetto," my discovery was a relatively prosperous region densely scattered with economically active cities, which, I could tell through the layer of sleet and snow, were remarkably clean. Traveling by road through the area, I noticed that even villages were well-kept, and the complexes around the huge mines and industrial enterprises were pristine and affluent looking. I even stopped off for a night in the town of Gorlovka at the suggestion of someone I'd met in Kiev, a 24-year-old who had moved to the capital from Donetsk region a couple of years earlier. With a look in his eyes apparently intended to convey *Apocalypse Now*-type horror, he told me of a sprawling "worker colony" – more populous than Kiev – that I had to see to believe. What I found was a fairly typical, small Soviet-era city where all the lights were on, shops were full, and my hotel – the *Rodina* – cost \$20 a night for a Euro-renovated room with cable TV that showed all the main "opposition channels." The friends of the Donetsk émigré were nice enough young chaps who met me at my hotel and took me to their favorite bar. It wasn't my sort of place – an alternative rock bar with entranced twenty-

some things swaying to and fro – but I was preoccupied with the revelation that, while Gorlovka might conceivably have been a nightmare when the young émigré still lived there, in November 2004 I could have been inside a bar in a working-class neighborhood on the outskirts of Pittsburgh – hardly Kurtz's Horror.

I had visited eastern Ukraine two and a half years earlier, going to Kharkov for the parliamentary elections in March 2002, then visiting Donetsk in April. Kharkov was an almost unspeakably foul dump with garbage strewn everywhere, miserable looking inhabitants, and a forlorn and crumbling old town. In "Freedom Square," formerly Lenin Square, the huge statue of Lenin gestured down toward the makeshift go-cart course some enterprising individuals had set up, using old tires to create the boundary of the racetrack. Donetsk was the best put-together city I had visited in my travels outside Kiev in 2002, including jaunts to destitute western Ukraine. Lenin presiding over a depressing little "fun fair" in the central square put a damper on things, as did the endless commercial billboards (like in Kiev), but in 2002 the natives expressed no problems with infrastructure – gas, water, and electricity were in abundant supply, unlike in the west.

By late 2004, the area had clearly undergone a striking transformation in the previous two years, much as central Ukraine had. When I arrived in late October for the first round of the presidential election, it was obvious Kiev was doing better in material terms. Trips to Zhitomir (notoriously one of the worst-off districts in Ukraine) and Chernigov conveyed similar impressions: Ukraine had never been doing so well economically since I had started visiting the place in 1992. The filth of Kharkov was gone, its now-spotless subway system having received a facelift, although the monitors in each station playing pop videos were a bore. Historic buildings were repainted and renovated. In Donetsk, Lenin Square was unrecognizable except for the statue. The fun fair was no more, and nearby was a beautifully renovated opera house where the charming chief administrator – Tatiana Melnikova – took me on a tour and told me in glowing terms of how much had been done for culture and the arts during Yanukovich's tenure as governor. She had been commission chairman for the polling station housed in the theater, and tried to convince me that, while the 96% for Yanukovich in the area may have seemed ridiculous, she knew her neighbors. Their massive turnout was not out of pressure from any authorities. It was more out of fear – the fear of people who feel they actually have something to lose.

Why were things so visibly better? Dare it be suggested there is more than coincidence in the fact that the period in question – coinciding with the tenure of Viktor Yanukovich as premier – has been a time of gently-accelerating economic reintegration with Russia? Could it be that this reintegration has accrued to the benefit of ordinary Ukrainians? Proponents of Ukraine's "integration with Euro-Atlantic structures" might get red in the face about this (I hope so), but it feels very natural that Ukraine should benefit as a whole from closer ties to Moscow. After all, trying to "tear away" a state that has been closely economically integrated with Russia for its entire existence – as our more fierce Western commentators advocate – could not but cause serious harm to the lives of that state's ordinary citizens. But then, maybe these people aren't cosmopolitan enough to matter.

Some might argue that ripping Ukraine away from Russia is stern medicine that must be administered if Ukraine is ever to become a true democracy and "civil society."

Listening to the "opposition" and its foreign supporters, one would think the place has turned into a tyrannical despotism worse than at any time since the break-up of the USSR. But having taken a close look at how people in Ukraine live relative to the rest of the ex-Soviet bloc, one can only describe the line that eastern Ukrainians are "fed lies by the media, isolated and undereducated and saturated with leftover Soviet propaganda" as the rant of adolescents, or liars, or both.

That isn't to say everything is perfect in Ukraine. Of course it isn't. Plenty of corruption here as elsewhere (e.g., Poland and Lithuania), but things are getting better – politically and economically – and *that* is what the West can't tolerate. Because when things improve, people become happier, and sovereignty, democracy, and the rule of law become strengthened. The economy flourishes in an atmosphere of greater order, and a potential regional "rival" starts to emerge. That's what is happening in Ukraine. President Leonid Kuchma was once feted by the West and promised more financial aid for Ukraine – in real terms – than for Russia, at a time when mob murders in Ukraine were at an all-time high and the name "Ukraine" was almost synonymous in the world with the term "corruption." By 2004, with things starting to look up and life achieving some stability, Kuchma and his government had to be removed and replaced by – to use the *Kyiv Post's* words – an American puppet. Formally, this does in fact have something to do with democracy and the rule of law: you have an election, you have accusations of fraud, you have thousands of people blocking traffic and public areas in central Kiev on a daily basis, and you have an "Orange Revolution." It's "democratic" because it's on behalf of a mythical majority of "The People." You keep the accusations of falsification going and pretty soon the charges themselves become Truth. You *assume* massive falsification until no one questions it any more, and those making the charges become the heroes, democracy's rebels fighting the tyranny. Finally, you get a craven-looking "supreme court" (rule of law) overturning the results of the election (democracy), and the whole world can see democracy's formal triumph. So you have a happy ending: Democracy and the Rule of Law forever.

I rather feel I shouldn't mention it but, assuming for the sake of argument that "democracy" really is winning – that a majority of the electorate really supports the leader of the Orange Revolution – the concept of the "rule of law" must surely be on very shaky footing worldwide. The West does sometimes refer to the rule of law, but it is never expounded on. Some of the teachers in my law school used to pay lip service to the idea, but our leaders in the West don't like to talk about it as much as democracy or "freedom," George W. Bush's favorite term.

Georgia's "Rose Revolution" is a good test case for studying the rule of law. Exactly one year prior to the second round of the Ukrainian presidential election, an armed mob stormed the Georgian parliament building and a trembling President Eduard Shevardnadze – supported and rewarded *carte blanche* by the West for more than eight years from 1992-2000 – fled in fear. On the eve of the Georgian presidential election of January 2004, candidate Mikheil Saakashvili (Shevardnadze's former close lieutenant) appeared on TV (in violation of the election law) to urge people to vote in the presidential election on Jan. 4. He declared the need to "legitimize our victory in the eyes of the world" – i.e., his victory wasn't "legitimate" yet. The "extra-constitutional" power transfer had to be "legitimized" with an election. As it turned out, Saakashvili won almost 97% of the vote in a poll in which the Central Election

Commission (CEC) estimated an 83% turnout. In reality, hardly anyone showed up on the day, but "legitimacy" had been achieved and, so, the rule of law had prevailed. Now we have another "legitimizing" exercise. Viktor Yushchenko and his Orange Tide scored a victory – after occupying public areas in Kiev and blocking access to state buildings – when an evidently bought-and-paid-for supreme court ruled on Dec. 3 that the second round of the 2004 presidential elections had to be held again because of "massive falsification." The court didn't order a re-run of the whole election, even though it received evidence that in western Ukraine – Yushchenko country – 100% of ballots had been cast for Yushchenko in several precincts. This was when 24 candidates were competing. One would have thought that, at very least, the representatives of the other candidates on the commissions in these polling stations, as well as other candidates' observers, would have voted for *their* guy. Unless, that is, they didn't really represent anyone but Yushchenko to begin with, which means the so-called "regime" had no one looking out for procedural fairness on its behalf at all. But the first round wasn't important because Yushchenko had already made it through to the second round, so why risk putting him up against the whole range of original contestants?

It was also no matter that – much like the November 2003 parliamentary election in Georgia – the 2004 elections in Ukraine were probably the most procedurally correct, orderly, and clean in the history of post-Soviet Ukraine. In the places where I observed, I did so randomly, and had no reason to believe I had stumbled into pockets of law and order while ballot-stuffing mania was happening everywhere else. The important thing was that Yushchenko had come out a loser, and Washington had invested too much in the ex-Gosbank USSR official – a perfect [Sorosian](#) New World Order candidate – to accept that the provincial Viktor Yanukovich may (God forbid) have actually enjoyed more support than Yushchenko among the citizenry. It was time to get the grungy punks into the streets, get the "Rock the Vote" concert going, and jam the center of the capital (with the help of the city government) until the right result was obtained. This mob was the "cosmopolitan" Kievans, more sophisticated and cultured than their compatriots from Donetsk and Lugansk. They cheered on the usual array of depressing rock and rap, Mahler and Wagner being conspicuously left off the repertoire, and the ubiquitous orange lent a Satanic air to the festival, with Viktor Yushchenko's disfigured face a Halloween mask under the stage lights. The favorite chant of the mob: "We are many, and you will not defeat us" (i.e., "My name is Legion, for we are many"). Images from Channel 5, the Ukrainian version of Soros-financed Rustavi-2 TV in Georgia, would provide all the images the world needed to believe that a spontaneous nationwide revolution was taking place. Those Appalachian-level ignoramuses from the more populated eastern and southern areas ... well, they could go to Hell.

So what were the protesters in the east like? Not terribly impressive, to be honest, although the crowds at the demonstrations I briefly attended in Donetsk and Lugansk looked no more disreputable, ignorant, or uncultured than their cosmopolitan counterparts in Kiev. There were too many leather jackets for my liking, but their wearers looked like average working-class stiffes in duffle coats and woolen hats as opposed to high-brow Kievan fashion victims sporting their own, more cosmopolitan leather garments. People of all ages packed into Lenin Square in Donetsk to hear the various speakers denounce the "orange orgy" going on in Kiev, the CIA, etc. It was almost unbearably cold, making it a wonder that a crowd of 5,000-plus could stand

out there for so many hours. After all, they were essentially preaching to the converted. They didn't need to block public areas to get their way. In Lugansk, about the same number packed the square in front of the Taras Shevchenko statue on the evening of Dec. 1 to hear a series of speakers denounce the American-financed "coup" that was already "winning," and to say that Ukraine now faced the same fate as "Serbia and Georgia." These Donbas residents seemed "really to believe" this stuff! People in "cosmopolitan Kiev" know it's all just the ranting of Appalachians "saturated with leftover Soviet propaganda."

That said, after I took time to talk to officials in Donetsk, Lugansk, and Kharkov, I was sadly left with the distinct impression that the "frightening" Soviet holdover areas of eastern Ukraine were not about to threaten the "eastern march" of the New World Order. Accusations of "separatism" sprang up after a congress of pro-Yanukovich officials from 14 of Ukraine's 27 regions was held in the eastern city of Severodonetsk on Nov. 28. I watched the congress, and do not remember a single speaker calling for "independence" or "secession." Viktor Yushchenko and his supporters found it advantageous to demand prosecution for the "separatists," but there was nothing of the kind on offer in Severodonetsk on Nov. 28. Yanukovich himself made a speech calling on his supporters to refrain from "radical acts," observe the law, and respect the constitution. In fact, some of the officials simply spoke of the right to raise the issue of "autonomy" (a vaguely defined concept) in light of the actions of the pro-Yushchenko mob in Kiev. It was all nebulous waffle about Ukraine's constitutional structure, but never came close to advocating civil war. The head of the pro-Yanukovich "Party of the Regions" in Donetsk, Alexander Bobkov, told me his party had always favored more rights and powers for the regions vis-à-vis the center. It didn't make sense for people in Kiev to allocate funds from the budget to the regions while retaining the power to specify how those funds were spent. Kiev-based officials were unlikely to know how best to dispose of resources in the region in question, since each region had its own strengths and weaknesses (yawn). The Party of the Regions supported Yanukovich because he personified the "opposition" (!) to current state policy, and had always advocated devolution of power to the regions. However, Bobkov didn't even go so far as to advocate replacement of the unitary state with a federal model, meaning that his party's position ultimately represented little more than the usual tinkering characteristic of limp-wristed reformers.

In Lugansk, the head of the internal affairs department of the regional administration, Vladimir Zablodsky, engaged in similar waffle for my benefit. He seemed almost apologetic as he explained that it would be "unheard of for a region not to support its native son," so Donetsk and Lugansk really had voted 90-something percent for Yanukovich. He explained that a "Soviet" mentality still prevailed in the east to the extent that, well, people expected to work until retirement and then collect their pensions(!), and they voted Soviet-style as well, as if in huge "blocks" – like block voting by labor unions in the West. Zablodsky looked vaguely embarrassed for some reason, but the pivotal moment in our talk came when I asked whether people realized they had something to lose. The West would operate very fairly: it would come in, offer to buy up enterprises for a song, then shut them down once they were "privatized," putting millions out of work. The region would suffer, but it would all be fair because the "free market" and "freedom" would be working. This appeared to register briefly with Zablodsky before his eyes glazed over, and for a moment I

almost thought I could see the dollar signs ring up in his eyes as he said: "But ... *moshnii kapital*." "Powerful capital" was the point. When the privatizers arrived they would, after all, pay for the resources. It wouldn't be much relative to actual value, of course, but it would certainly be enough for regional government officials to benefit handsomely. As for ordinary workers and pensioners, well.... Our conversation was over.

As I headed off to Kharkov, I started to sense the plot becoming clearer. The Ukrainian government had fixed the country up handsomely, like a homeowner fixing up his house for the market. The current, post-election crisis period was "Let's Make a Deal" time, and apparatchiks all over Ukraine were drooling at the thought of the Western takeover, the American puppet in the top slot ensuring that the fire sale went off without a hitch. Statements by Kuchma and Yanukovich after the mob started filling Independence Square on Nov. 21 – that everything must proceed through "negotiations" – took on new meaning. "Negotiations" would be over the "price" of the Ukrainian presidency. All the talk about Yanukovich as pro-Russian authoritarian was hot air. Quite the opposite, Yanukovich was the soft-in-the-middle ex-Party man, and no Lukashenko in Belarus. He might have proven himself a competent administrator who had presided over the betterment of ordinary people's lives, but he could be relied on to serve as the more naïve, popular candidate who would ultimately take the fall, fulfilling the Party's will.

Everything was going according to plan. Soon the OSCE would succeed in removing the chairman and deputy chairman of the CEC and imposing more outside control on Ukraine's electoral process. It was not a total victory for the OSCE, not yet, since the original demand had been a replacement of the entire CEC and all the regional election commissions. But then, Ukraine has nothing to fear from increased OSCE involvement, since the OSCE is a "European" organization and, of course, completely objective. Everyone wants to belong to the OSCE, just ask Tatiana Prosekina, head of the Secretariat of the Kharkov District Soviet. She told me she had met with several OSCE representatives before and during the election. On the subject of Viktor Yushchenko's demand that the OSCE administer (not merely observe) repeat elections, Ms. Prosekina said that if Yushchenko had so little respect for his own people that he would recommend that outsiders control the electoral process, "Who needs him?" But, she added, she had "no evidence" the West was disappointed by Yushchenko's electoral loss, and at this she diverted her glance down toward the desk. She'd make a perfect OSCE official one day.

So the stage is set for a happy ending to the Orange Revolution. Yanukovich has said he will compete in the third round, and may now – buoyed by the taste of victory – really believe he can win. It doesn't look encouraging that his campaign manager, Sergei Tygipko, resigned and appeared on TV with members of his until-recently pro-government party, wearing orange and congratulating each other on their conversion to the forces of freedom. Likewise, Yanukovich's decision to portray Yushchenko as a representative of the "old authorities," and himself as the candidate of the "new power," does not offer much hope. In a sense, Yanukovich is a "new power," in that he is from Donetsk, not Dnepropetrovsk, origin of most of the post-Soviet Ukrainian political elite (including gas queen Yulia Tymoshenko) until now. But Yushchenko is far worse than the "old authorities," since his presidency would be something "new" to Ukrainians: total collapse. If, by some fluke, Yanukovich managed to win what

promises to be a chaotic shambles of a third round (i.e., a return to the conditions of previous polls in Ukraine), then the tall man from Donetsk could look forward to a Western bid to remove him from office à la Rolandas Paksas of Lithuania, on trumped-up charges of corruption. He would then be replaced by Yushchenko, U.S.-backed counterpart of unpopular septuagenarian President Valdas Adamkus, in Kiev so much lately to lecture the Ukrainian leadership about democracy and the rule of law.

Then it will be on to the next Victory of the People somewhere else. As Mrs. Tymoshenko has promised: "As soon as our Orange Revolution has been completed, we'll transfer it to Russia." Some opposition politician in Armenia recently referred to a coming "Apricot Revolution" in his country. I'm not sure how the Azeris will take this, since I remember about 10 years ago they used to tell me the best apricots in the world grew in Azerbaijan, not Armenia. The Azeris may feel slighted, but why not go for something a bit more unusual, say, a Persimmon Revolution? In any case, for some reason the Directors of the New World Order have chosen brand names of fruits, flowers, and nuts for their various enterprises so we'll have to wait and see. How sad, though, that far from bringing forth the flavors and scents of a lustrous spring, it all smells rotten and tastes rancid.

Booze, Salo and Mare's Milk...Did Yuschenko poison himself?

By CHAD NAGLE

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Kiev, Ukraine.

During the Cold War, the global 'spy-versus-spy' atmosphere of rival east-west blocs generated endless assassination plots and political murder stories. One of the most infamous such killings involved a Bulgarian BBC employee, Georgi Markov, allegedly murdered by the Bulgarian Communist secret police on a London street in 1978. Legend has it Markov's murderer stuck him with an umbrella, the tip of which contained a tiny pellet of the deadly organic poison known as ricin.

A quarter century later, in the former Soviet republic of Ukraine, presidential candidate Viktor Yushchenko has alleged that the government tried to poison him during the pre-election period. Poison, he and his supporters say, explains his sudden illness and disfigured appearance in the first week of September, after spending an evening with two Ukrainian intelligence service chiefs. One of Yushchenko's top lieutenants even accused the government of using ricin. This accusation was soon withdrawn, however, presumably because ricin would almost certainly have killed its victim. The accusers' poison of choice then became "dioxins," toxins so common they are found in the air we breathe.

Many outside observers believe the assassination plot story precisely because of its geographical context: the former Soviet Union. Few in America could imagine a candidate risking attempted murder of his opponent in the run-up to a U.S. election, but after all, this is a former *Soviet* country. The Ukrainian government--with the whole world watching--was willing to risk assassinating a high-profile political figure weeks before polling day, or so it seems. Common sense should be the first indicator that the Yushchenko campaign has concocted a tall tale. Yet, even supposing a diabolical government plot to murder Yushchenko were plausible, other factors call the poisoning version of events into question. Most important is the fact that Yushchenko has a long, documented history of serious illnesses, and his latest ailment could well be just the latest installment.

Yushchenko's medical records show that from 1994 to 2004 he had the following diseases: chronic gastritis, chronic cholecystitis, chronic colitis, chronic gastroduodenitis, infection of the bowels, and Type II diabetes. According to medical experts, this plethora of intestinal problems would have required the patient to adhere to a strict diet, but Yushchenko had a habit of falling off his dietary wagon with unfortunate effects. In September 1996, after a birthday party at which he ate and drank heavily, Yushchenko complained of pains in his right side and a burning mouth. The diagnosis: chronic cholecystitis (inflammation of the gallbladder). Yushchenko's most recent complaints--nausea, vomiting, headaches, stomach and intestinal pains--indicated he had probably violated his prescribed meal plan yet again.

Few seem to remember that, back in September this year, the clinic that treated Yushchenko (Rudolfinerhaus Clinic in Vienna, Austria, which now publicly supports the dioxin story) labeled the poison rumors "fallacious," diagnosing Yushchenko with severe pancreatitis, severe intestinal ulcers, gastritis, proctitis, peripheral paresis and a viral skin condition. The core diagnosis, pancreatitis (decomposition of the pancreatic gland tissue), is caused by alcohol--particularly in "binge drinking"--65-75% of the time, and the items Yushchenko consumed before his September illness included crabs, watermelon, sushi--and cognac. In a country where hospitality involves endless toasts, Yushchenko's hosts may have "poisoned" him with nothing more than a liter of Ukrainian spirits. To make matters worse, Yushchenko's medical records confirmed he had voluntarily refused his doctor-ordered diet even after falling seriously ill. On September 9th he consumed salo (a variety of pork fat popular in Ukraine) with garlic, mare's milk and mineral water, and the next day he was in a Rudolfinerhaus clinic bed, and soon accusing the "regime" of poisoning him.

Although Yushchenko announced publicly in late September that he had never suffered from chronic illnesses, insisting he had been deliberately poisoned, it was publicly disclosed soon afterwards that Yushchenko had suffered from intestinal ailments for many years. This does not explain his facial appearance but, again, dioxin poisoning is less likely an explanation than alcohol. Yushchenko's disfigurement closely resembles a form of herpes infection called rosacea. As Dr. Chris Rangel, an internal medicine specialist in Texas, points out: "Rosacea can be explosive, and extremely disfiguring--and it can be triggered by even *one* alcoholic drink. In five years of work at major inner city hospitals in Manhattan, I saw several such cases." In other words, both rosacea (accounting for Yushchenko's outward appearance) and pancreatitis (internal symptoms) can be brought on by excessive alcohol consumption. As human beings, we reflexively tend to sympathize with anyone who has experienced a disfiguring illness. Politicians everywhere, however, know that public disclosure of serious illness can be fatal to an election campaign, and it was only natural for Viktor Yushchenko's campaign to attempt to cover up his physical problems. In the absence of any proof, we should resist the temptation to allow our natural sympathies to lead us to a conclusion of foul play.

Chad Nagle is a lawyer accredited as an election observer in the first two rounds of the Ukrainian presidential campaign He writes from Kiev.