

**THE CONGRESS**  
OF LOCAL AND REGIONAL AUTHORITIES

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**THE BUREAU OF THE CONGRESS**

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**Report on the Mayoral Election  
held in the town of Mukachevo (Ukraine)  
on 18 April 2004**

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Head of the Congress Observer Delegation and Rapporteur*

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by the Bureau of the Congress on 4 May 2004*

## **1. Introduction**

As follow-up to requests from the Association of Ukrainian Cities and Communities, the opposition factions of “Our Ukraine”, “Socialist Party of Ukraine” and “Yulia Tymoshenko’s Coalition” in the Verkhovna Rada (National Parliament) of Ukraine, as well as Resolution 1364 (2004) of the Parliamentary Assembly of the Council of Europe, which expressed concern about the events in the town of Mukachevo after last year’s mayoral election and invited the Congress to undertake monitoring of the planned repeat election, the Bureau of the Congress decided to send a delegation to observe the new election scheduled for 18 April 2004.

The observer group was headed by Joseph Borg (Malta, R, EPP/CD) and included Stanislav Bernat (Slovakia, L, ILDG) and Peter Torkler (Germany, L, SOC). It was accompanied by György Bergou from the Congress Secretariat.

The delegation wishes to thank the General Consulate of Hungary in Uzhgorod for the invaluable assistance provided in terms of logistical support, organisation of meetings and consultations during its stay in Ukraine.

The observer group is thankful to the OSCE Project Co-ordination Team in Ukraine, which helped with obtaining accreditation from the Central Election Commission as well as organising a Round Table on the problems of local elections in Ukraine on the eve of the mayoral election. The Congress team also co-operated with members of the ODIHR Election Section who were present for polling day as part of an effort to follow the election process in Ukraine, prior to the presidential election later this year.

In the days preceding the 18 April election the delegation met with representatives of the Transcarpathia region (oblast), the candidates supported by the main political forces, representatives of the Mukachevo Territorial Election Commission and local NGOs (see programme in appendix 1). On election day the delegation formed two observer teams and visited all the 36 polling stations, followed by the observation of the counting process and the tabulation of results.

There was no official press conference following election day, but the delegation issued a preliminary statement (appendix 2) and members of the delegation gave interviews to various media representatives.

## **2. Background: The aftermath of the June 2003 election**

In the 20 June 2003 mayoral elections in Mukachevo, Our Ukraine (OU) candidate Vasyl Petyovka won 49.9% of the votes and defeated his nearest rival, Ernest Nuser, supported by the pro-presidential United Social Democrats (SDPU-o), in a bitterly fought campaign. The SDPU-o had considered Transcarpathia region as one of its strongholds since the mid-1990s and therefore did not want to accept this loss.

The SDPU-o turned to the courts, citing election-law violations and claiming that the outcome of the vote had been rigged by election commissions that were manned with supporters of OU (which in this regions appears to be synonymous with people having

business ties with the “Barva” company). SDPU-o demanded that the voting be repeated in 15 precincts.

A district court in Lviv agreed with the SDPU-o complaint, but Mukachevo's Territorial Election Commission (TEC) ignored the court decision claiming that only the Mukachevo Municipal Court is competent to decide in this matter, and voted to confirm the election of Mr. Petyovka as mayor, refusing to order new elections. The Mukachevo election controversy was later reviewed by the Supreme Court, which confirmed that Mr. Petyovka was elected in a legitimate way.

However, on 25 December 2003 a presidential decree declared the June election illegitimate and installed as temporary mayor SDPU-o member Myroslav Opachko. According to the President's decree: (1) The Ministry of Justice of Ukraine should take measures to enforce the ruling of the Lviv District Court (that annulled the results of the Mukachevo election and instructed the TEC to fix a date for a new one); (2) the Central Election Commission should provide consultative and methodological support to the Mukachevo TEC in conducting the new election; (3) the temporary mayor should stay in office pending the election of the town mayor as established by the law; (4) the acting mayor should submit to the Town Council his proposals on stabilizing the social and political situation in the town, support the operation of precinct election commissions and help the town residents and political parties fully exercise their rights when electing the Mukachevo mayor; (5) the Cabinet of Ministers of Ukraine should cooperate with Transcarpathia Oblast Administration in providing the necessary assistance to the Mukachevo local government to resolve urgent economic and social problems.

In January riot police and special-task units were flown into Mukachevo in order to prevent Council members loyal to Mr. Petyovka from entering the Town Hall. Other Council members and mayor's office employees were pressured to recognize the new appointees. An executive power structure loyal to the SDPU-o was formed in the town, and “devoted” representatives were brought to the Council. During a special session on 9 January, the Council also disbanded the former election commissions and formed new and obedient territorial and precinct commissions. According to independent media, the special Council session was held in violation of applicable rules of procedure, with interference of law-enforcement bodies, as local deputies, MPs and journalists were barred from attending the meeting.

In the meantime, law-enforcement bodies detained several employees of the “Barva” company (where Mr. Petyovka used to be Chairman of the Board before being elected mayor), and managers of some related enterprises were threatened by the authorities with tax inspections and other administrative measures, should they continue to support OU candidates.

More than 40 deputies of different levels, as well as Ukrainian Human Rights Ombudsman Nina Karpachova addressed the Constitutional Court of Ukraine with a request to establish whether the decree of president Kuchma corresponded to the norms of the country's Constitution. In a letter addressed to the Congress of Local and Regional Authorities of the Council of Europe, the opposition stated that the decree was illegal as the Constitution did not grant the president the right to appoint temporary mayors. Our Ukraine also affirmed that dissolving the election commissions and the refusal to allow elected officials and parliamentary deputies into the Mukachevo Town Hall violated Ukraine's Constitution and its law on local self-government.

### **3. Preparation of the repeat election: Candidate registration and the legal environment**

The new Territorial Election Commission registered the SPDU-o supported Ernest Nuser as a candidate for mayor, but denied registration to the OU candidates: Viktor Baloga (on the grounds that he had already been elected Mukachevo mayor in March 2002, but chose to be a member of Parliament instead), Vasyl Petyovka (on the grounds that the previous elections were deemed invalid because of procedural breaches by his team members) and Zoltan Lengyel (on no grounds whatsoever). The OU filed a claim with the Mukachevo Municipal Court, which resolved on 13 March that the Territorial Election Commission should register Mr Baloga and Mr Lengyel and should provide substantiated grounds for denying registration to Mr Petyovka. On the same day, the Mukachevo Municipal Court issued a ruling which annulled Mr.Nuser's registration because of his team's behaviour in the previous elections. However, the TEC had no opportunity to consider the Mukachevo Municipal Court ruling, as all 15 commissioners took sick leave and stayed out of work for about ten days.

Another presidential decree was issued on 15 March 2004, which abolished the Mukachevo Municipal Court that had confirmed the legitimacy of the OU candidate's victory in last year's election, and which tried to deny new registration to the SPDU-o candidate whilst confirming the registration of OU candidates for the repeat election. According to the presidential decree, the Mukachevo Municipal Court and the District Court have been merged to form a new Municipal District Court.

The Supreme Court, to which Mr.Nuser applied with a complaint, pronounced a judgment to change the jurisdiction of all pending cases related to the Mukachevo elections. From then on, Chernivtsi City Court should have been empowered to hear such cases, but since Chernivtsi oblast is also under the control of SDPU-o, and given the utmost predictability of most Transcarpathian courts, there was little hope that this court would handle the case impartially.

On 26 March the Transcarpathian Court of Appeal confirmed an earlier ruling of the Uzhgorod Municipal Court deeming unlawful the creation of new territorial and precinct election commissions in Mukachevo. The law provides that the by-election should be held by the former TEC and Precinct Commissions (PECs). However, since these included many OU supporters, the acting Mukachevo authorities boycotted enforcement of the decision. A few days later, the Uzhgorod Municipal District Court, also reformed in compliance with the presidential decree of 15 March, annulled the decision of the former Municipal Court in view of new circumstances (seven of the fifteen former TEC members as well as more than two hundred PEC members had resigned, one TEC member had been transferred to a PEC and one died).

The newly created Mukacheve Municipal District Court also annulled the decision of the Mukacheve Municipal Court about cancelling the registration of Mr. Nuser, though the original decision was supposed to be final and not subject to appeal. On the other hand, the new Municipal District Court instructed the TEC to reconsider Mr. Baloga's registration on the grounds that he had provided incomplete autobiographical information. Based on this decision the TEC first cancelled Mr Baloga's registration on 31 March, but on 2 April the Commission decided to reinstall Mr Baloga as a candidate.

This absurd legal battle involving different courts with unclear jurisdictions continued practically until election day, with candidates being removed and reinstalled on a regular basis. The Congress delegation attended a court hearing just on the eve of the election, where a member of the TEC lodged a complaint against the OU candidate, Mr. Baloga who “threatened” TEC members by sending them a letter that warned about criminal responsibility for not abiding by court rulings.

#### **4. The electoral campaign and the role of the media**

As a result of the many contradictory court rulings, the actual list of candidates remained uncertain until the very day of the election. Although the TEC informed the Congress delegation that there were eight candidates, and indeed there were eight names on the ballot papers used on election day, two of the candidates withdrew from the race in the last minute and their names had to be stamped out on the ballots.

The campaign was rather one-sided, with the authorities and the official media supporting the SDPU-o candidate, Mr Nuser and taking every opportunity to discredit the OU-supported candidate, Mr Baloga. The other six candidates played a marginal role in the electoral process. The principle of equal access of candidates to media was clearly violated, as was the requirement for a balanced and objective coverage of the campaign.

The citizens of Mukachevo did not have access to objective information about candidates’ political programmes, especially since the Mukachevo campaign was generally regarded as a testing ground for the upcoming presidential election, and local issues have been largely disregarded.

It was also the impression of the delegation during its meeting with TEC members, that the Commission was more interested in blocking the election of Mr. Baloga than in ensuring a free and fair campaign. Several TEC members openly campaigned in the media for the SDPU-o candidate, in clear violation of the law.

In another extraordinary step in the pre-election period the authorities closed down the Mukachevo-based television and radio company *M-Studio*, a TV channel generally associated with the OU candidate, Mr.Baloga and his team. The pretext for this measure was that *M-Studio* entered into a business contract with the Radio and Television Transmitting Centre (RTTC) when it was under financial reorganisation.

At the same time national TV channels depicted Mukachevo, whose social and economic indicators are better than average in the oblast, as an insolvent and depressed region, due to the former OU governance. Transcarpathia Oblast authorities, including Council members, used the official media to call on the population to vote for the SDPU-o candidate, in spite of the explicit prohibition by law for them to engage in campaigning.

Sinister-looking young people have been employed to prevent or disturb campaign events planned by the OU-supported candidate, Mr Baloga. The general impression of the Congress delegation was that the Transcarpathian authorities received a *carte blanche* for disrespecting democratic rules and the rule of law in the electoral process.

## **5. Election day observations**

From its findings in the pre-election meetings, the Congress delegation has been convinced that the events leading up to the repeat election already discredited the electoral process, and that the conditions necessary for holding free and fair elections did not exist in Mukachevo.

Nevertheless, on election day the delegation visited all 36 polling stations in town, where according to the official TEC figures, some 64 thousand voters had been registered. The Congress delegation observed the following irregularities:

### ***Composition of electoral commissions***

There appeared to be a heavy bias in PECs' membership towards supporters of the SDPU-o candidate. In less than 10 % of the PECs were members who could be regarded as OU supporters, but always in a minority. Although this imbalance was not necessarily indicated by party affiliation, as most of the members declared themselves to be politically independent, the current procedure for appointing PECs is imperfect and vulnerable to manipulation: Apparently, the prevailing municipal leadership has the right to appoint commission members on the basis of nominations by "working collectives", with a tendency to favour loyal employees of companies that are controlled by the authorities (railway, hospital, schools, etc.). In the previous election, the imbalance was in favour of the OU side, with most of the commissioners appointed from the "Barva" business sphere.

### ***Distribution of ballots***

Probably due to the uncertainties about the actual list of candidates, the distribution of ballots occurred with a considerable delay, with most PECs receiving them only a few hours before opening the polling stations on Sunday. This delay negatively influenced the work of the PECs, which had to start the day with little or no time for rest the night before.

### ***Voters' lists***

The voters' lists used on election day were identical to the lists used in the 2003 elections. PECs were instructed to make corrections to these lists by deleting names of persons that moved residence or died, and to add voters who reached the age of 18 since the previous election. It was also possible to add voters on supplementary lists on election day if they had been omitted from the voters' list but could prove that they lived in the precinct.

Contrary to the requirements of the law on local elections, in almost half of the polling stations voters had not been given the opportunity to check the voters' list before election day. In the vast majority of polling stations there were substantial problems with the lists, with a significant number of voters omitted from the official voters' list and added to the supplementary list.

In polling station 20, for example, more than 400 names were added on the supplementary list, and observers had serious doubts whether all their credentials had been properly checked.

### ***Vote-buying***

According to independent NGOs, vote-buying was a regular occurrence already in the pre-election period. 17 such cases had been recorded, including the distribution of free goods to poor people combined with a request to vote for a particular candidate.

Although vote-buying is almost impossible to prove, on election day the Congress observers saw large groups of Roma people coming to vote to polling station 18, many of whom were unable to read or write, and asking about how to vote for one particular candidate. On overhearing conversations between these voters, who were otherwise uninterested in politics and the election, it has become obvious that some of them had been paid for their votes.

Moreover, an “interpreter” was allowed to accompany these voters to the polling booth and to indicate the name of the candidate in question.

### ***Intimidation of voters and observers***

There was an unusually high police presence in and around polling stations, in some cases the observers counted more than 15 policemen inside the building. Nevertheless, those groups of sinister-looking young people who had been already present in Mukachevo in the pre-election period were allowed to act as “security staff” at many of the polling stations, brutally pushing out journalists and observers from the buildings and threatening NGO representatives that were trying to conduct an exit-poll.

At polling station 8, skinheads have actually beaten the independent NGO observer of the Regional Initiatives Foundation as well as an MP from the Our Ukraine bloc. At the same polling station the Congress observers had a “narrow escape” when they returned in the evening to observe the counting process.

Reports were received from across Mukachevo about “men in black” moving from polling station to polling station, supervising people entering and leaving the buildings, intimidating observers, MPs and media representatives and frequently using force.

### ***Hindering the work of observers and journalists***

There was a general confusion about the rights of domestic observers and media representatives. Apparently the TEC approved a limited list of observers and journalists (representing mainly state controlled media) prior to the elections, and most PEC chairs refused to admit observers whose names were not on the approved list. Some stated that according to law, no observers had the right to be present at polling stations, except authorized representatives of candidates.

Some NGOs addressed the Central Election Commission in Kyiv on this issue, which replied that the relevant legislation did not limit the number of domestic NGO observers. Also, the TEC was not empowered to accredit journalists. There seemed to be widely differing interpretations of the existing regulations, which probably indicates insufficient clarity of the rules.

In some polling stations where observers were admitted, they were instructed to stay at such a distance from PEC members that did not allow them to observe the process in a reliable way.

In many polling stations police and groups of skinheads removed observers from the building by force. Such incidents were observed in polling stations 1, 3, 4, 5, 8, 15, 16, 18, 22, 25, 28, 32 and 35.

### ***Other irregularities***

Numerous other irregularities were observed during election day. These included ballot stuffing in polling station 14, group voting of two or more persons in the same polling booth in several polling stations, presence of unauthorised persons in most of the polling stations, campaigning inside some polling stations and denial by several PECs to register or to deal with complaints.

## **6. Vote counting and the tabulation of results**

Vote counting was carried out in most polling stations in accordance with the rules, although observers in most cases were only allowed to watch the process from a distance. Serious problems were reported from polling station 26, where the ballots were not counted because apparently the PEC chair suffered a heart attack. Ballots were later delivered to the TEC by the police, but nobody could verify their authenticity.

In polling station 1, criminal elements stormed the building during the counting of the votes, broke the windows and the furniture and tried to disrupt the process, but the commission and the observers managed to save the ballots and the minutes.

Similar events occurred in polling station 3, where “men in black” broke the door and tried to steal the ballots. There was a fight between the observers and the invaders, finally police arrived and the ballots were saved.

Only a handful of observers – including the Congress representatives – were allowed into the office of the TEC during the night to watch the delivery of the ballots and protocols from the polling stations and to observe the tabulation of the results.

Although again the observers were allowed to watch only from a distance, it has become apparent that something was very wrong with the process. For example, when the results of polling station 10 were delivered, where, according to the protocols, the OU-supported candidate, Mr. Baloga received 489 votes, the TEC entered 89 votes in the table for Mr. Baloga.

When one of the international observers, a representative of the Hungarian Consulate tried to verify this by looking into the Commission’s papers, he was immediately sent out from the room for interfering in the process. At this stage it has become obvious to the Congress observers that the TEC was engaged in illegal falsification of the election results.

## **7. Election aftermath - official and unofficial results**

Thanks to the presence of observers at each polling station (a large number of MPs, representing mainly the OU bloc, travelled to Mukachevo for the election, and their “ex officio” right to be present was not challenged by the PEC chairs), copies of the protocols of the polling stations and the partial unofficial results were obtained before delivering them to



the TEC, with the exception of polling station 26, where votes were not counted. (In a few other polling stations the protocols were not signed or stamped by the PEC.)

Based on these partial unofficial results, domestic NGOs (Freedom of Choice Coalition, Regional Initiatives Foundation and Committee of Voters of Ukraine) were able to conduct a parallel vote tabulation. The unofficial figures published after this exercise correspond to the data collected by the Congress observers in the polling stations where they observed the vote count.

The unofficial results of the parallel vote tabulation for the two main candidates are as follows:

Precinct	Registered voters	Voted	For V. Baloga	For E. Nuser	Invalid votes
1	3150	1938	1097	566	139
2	3475	1913	1076	610	83
3	2501	-	996	496	90
4	2814	1739	906	561	164
5	1797	1087	552	424	60
6	2600	1639	654	851	89
7	2659	-	861	597	75
8	1583	964	472	357	76
9	1465	735	190	220	266
10	1512	938	489	342	58
11	1850	1209	722	334	105
12	2604	1576	915	452	149
13	2150	1304	749	367	0
14	2901	1874	926	721	116
15	1340	-	544	214	77
16	1200	710	395	228	59
17	1800	1051	410	499	94
18	1297	741	346	357	35
19	427	271	159	83	19
20	1860	1105	625	336	77
21	1810	1136	610	373	88
22	1365	816	446	251	75
23	41	41	21	18	2
24	1745	1051	658	267	93
25	2493	1557	638	684	151
26	3045	-	-	-	-
27	347	191	134	46	6
28	1450	901	485	285	76
29	2472	1417	655	647	21
30	1785	1196	615	437	80
31	1567	1132	397	598	84
32	1482	951	552	272	84
33	1400	1014	492	447	37
34	371	341	51	223	48
35	1039	719	323	307	46
36	1233	721	224	428	15
<b>Total</b>	<b>64630</b>	<b>33978</b>	<b>19385</b>	<b>13898</b>	<b>2737</b>

The unofficial figures from the parallel tabulation, released shortly after counting was finished in the polling stations, indicated a victory for Mr. Baloga with a difference of more than 5,000 votes. Votes in polling station 26 were not counted, but as the number of voters registered in that polling station was lower than the difference counted on the basis of the other polling stations, it could not have an influence on the final result.

On Monday following election day, the head of the TEC announced that Mr. Nuser was elected as mayor of Mukachevo. Several MPs together with journalists tried to get inside the

TEC office to obtain a copy of the official protocol, but they were stopped and physically assaulted by special police units.

On the same day a special meeting of Mukachevo city council was convened, with only 14 of the 43 council members present, where the head of the TEC announced that Mr. Nuser received 17,414 votes (the results from polling station 26 had not been counted) and was elected as mayor. Mr Baloga received 12,282 votes and the other candidates received altogether less than 1,000 votes. Mr. Nuser was sworn in to office in the presence of acting mayor, Mr Opachko.

On the following day the President of Ukraine signed a decree, stating that on the basis of the results of the mayoral election in Mukachevo, the decree dated 25 December 2003 (on measures to secure the constitutional rights of citizens and to stabilise the situation in Mukachevo) has lost its validity.

Also on the 20 April it was announced that during the previous night four criminal elements broke into the office of the TEC, rummaged the premises, took the ballots and stole the protocols, making it virtually impossible to effect a re-count or to verify the results.

## **8. Conclusions and recommendations**

The Congress observer delegation was utterly disappointed with the preparation, running and concluding of the repeat mayoral election of Mukachevo. Against a background of growing tension between the authorities and the political opposition, the Mukachevo election grew totally out of proportion, becoming a centre of national and international attention, generally conceived as a test for the upcoming presidential election in Ukraine.

As already stated in the preliminary statement, the events leading up to the election have not provided the conditions necessary for holding free and fair elections. There was an undue interference from higher level authorities in the process, which included the use of law-enforcement bodies and unidentified gangs of criminal-looking people. There was a huge judicial confusion, with different courts pronouncing contradictory rulings in cases pertaining to the electoral process. The predictability of some of these courts and their judgements along the interests of the main political forces casts a serious doubt on the independence of the judiciary in the country.

The electoral campaign did not create equal possibilities for the candidates, the authorities were involved in direct campaigning for one of the candidates and there was a heavy bias in mass media. The composition of the electoral commissions was far from balanced and the TEC was clearly mandated to favour the candidate supported by the authorities.

Whilst serious irregularities were observed on election day, including the use of force to intimidate independent observers and journalists, manipulations with the supplementary voters' lists and cases of vote-buying, the results from the unofficial parallel vote tabulation suggest that the citizens of Mukachevo were still able to indicate their will when casting their ballots.

However, there was a large-scale fraud during the final tabulation of the votes, with the TEC deliberately falsifying the results, thereby creating a huge discrepancy between the official results and the actual will of the people.

The Congress observer delegation was particularly concerned with the events in Mukachevo in the light of the general opinion that this election was a “dress rehearsal” for the upcoming presidential election. It was appalling to see that authorities in a member State of the Council of Europe make policy in this way – intimidating observers, beating up members of parliament, raiding polling stations and trampling people’s will by cynically falsifying election results.

As a test for democracy, the Mukachevo mayoral election failed completely. The Congress, together with the Parliamentary Assembly and the Committee of Ministers of the Council of Europe should send a strong warning to the Ukrainian authorities that if they continue to act the way they did in Mukachevo, and are unable to guarantee free and fair elections in the country, be it mayoral or presidential elections, credentials of Ukrainian representatives on Council of Europe bodies will be challenged, and Ukrainian membership in the organisation may be questioned.

The Congress delegation calls on the Ukrainian authorities to invalidate the official results of the 18 April Mukachevo election, to launch an investigation into electoral fraud and to bring those responsible to court.

It also calls on the authorities to investigate whether the real election results could be established on the basis of the polling station protocols, or whether a new election would be necessary.

For any future election it will be necessary to:

- a) establish strict rules to ensure a balanced composition of electoral commissions at every level (e.g. by allowing only political parties and NGOs to delegate members);
- b) establish clear rules for the accreditation, role and rights of domestic observers in the electoral process;
- c) update voters’ lists in order to eliminate the necessity of using supplementary lists;
- d) limit interference by the authorities and involvement of law-enforcement bodies in election matters;
- e) ensure the freedom of expression and respect the principles of democracy and rule of law;
- f) invite international observers to monitor all phases of the electoral process, and in particular the final tabulation of votes.

## **Programme of the Congress observer delegation**

### **Friday, 16 April**

- 8:00 Meeting with Ivan Rizak, Governor of Transcarpathia Oblast  
(Government Building, Uzhgorod)
- 9:00 Meeting with Ernest Nuser, candidate in the mayoral election  
(Government Building, Uzhgorod)
- 10:30 Meeting with Otto Szabo, General Consul of Hungary  
(General Consulate of Hungary, Uzhgorod)
- 11:30 Meeting with Miklos Kovacs, President of KMKSZ, former MP  
(Cultural Association of Transcarpathia Hungarians)
- 13:00 Travel to Mukachevo
- 14:00 Participation in the Roundtable on the problems of local elections in Ukraine  
(Hotel Zirka Conference Hall, Mukachevo)  
Themes:
  - Legislation and legal proceedings in local elections
  - Weaknesses of the electoral process
  - Democratic campaign standards and objective media coverage
  - Exchange of views with candidates in the Mukachevo election
- 19:00 Return to Uzhgorod

### **Saturday, 17 April**

- 9:00 Travel to Mukachevo
- 10:00 Meeting with Yuri Orobets, Member of the Verkhovna Rada, chair of the  
investigative commission on the Mukachevo election  
(OU Mukachevo Headquarters)
- 11:00 Meeting with members of the Mukachevo Territorial Election Commission  
(Mukachevo Town Hall)
- 12:00 Meeting with Viktor Baloga, candidate in the mayoral election  
(OU Mukachevo Headquarters)
- 15:00 Observation of the court hearing on the TEC vs. Baloga case  
(Mukachevo Municipal District Court)
- 18:00 Visit at the German Cultural Association of Palanka
- 19:00 Return to Uzhgorod

### **Sunday, 18 April**

Observation of the elections in Mukachevo, the counting and tabulation of the votes

### **Monday, 19 April**

Debriefing and preparation of a press statement (Uzhgorod, Hotel Izumrud)

**Mukachevo election: An unfortunate dress rehearsal**

Mukachevo, 19 April: A delegation of the Congress of Local and Regional Authorities of the Council of Europe observed the repeat mayoral election held on 18 April 2004 in the town of Mukachevo (Ukraine). The delegation met with leaders of the Transcarpathia region (oblast), the candidates supported by the main political forces, representatives of the Territorial Election Commission and local NGOs. On election day the delegation visited all the 36 polling stations and observed the counting process as well as the tabulation of results.

The events leading up to the repeat election and the general political situation in Mukachevo have not provided the conditions necessary for holding free and fair elections. Undue interference from higher level authorities and law enforcement bodies, including dismissal of the former mayor by a presidential decree, contradictory rulings by different courts with unclear jurisdictions, manipulation with the composition of electoral commissions, attempts to disqualify candidates on unsubstantiated grounds, heavy political bias of mass media and the involvement of suspicious business interests have largely discredited the electoral process and undermined public trust in democratic institutions.

The final phase of the campaign resembled an unfortunate dress rehearsal for the upcoming presidential election, with the two main interest groups waging a bitter fight for power and, for the most part, forgetting about local issues. Some irregularities were observed on polling day itself, such as restricting the access of observers to certain polling stations and adding an unusually high number of names on supplementary voters' lists. There were cases of intimidation and attempts of vote-buying in certain electoral districts. These events overshadowed the good work carried out by a majority of polling station committees.

"Genuine local elections should be about the voters choosing their representatives and leaders on the basis of democratically competing local political platforms. Regrettably, this has not been the case in the Mukachevo election" – stated Joseph Borg, leader of the Congress delegation.

*(Statement issued by the Congress observer delegation after election day)*