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**UKRAINIAN WORLD CONGRESS OBSERVER MISSION IDENTIFIES FALSIFIED RESULTS ON CEC WEB SITE AND EXPRESSES GRAVE CONCERN OVER DISREGARD FOR RULE OF LAW DURING THE ELECTION COUNT**

**Kyiv, Ukraine** – The Ukrainian World Congress (UWC) International Election Observer Mission (UWC IEOM) continues to observe serious civil unrest resulting from the manipulation of the tabulation process and falsification of election results in several District Election Commissions (DECs). The significant delay in the vote tabulations and the substantive discrepancy between official protocols and results posted on the Central Election Commission (CEC) website bring into question the veracity of the election results in many DECs. The UWC IEOM calls for an immediate review of all Precinct Electoral Commission (PEC) protocols in relation to the posted results on the CEC web site.

After seven days of counting, many DECs have still not concluded their vote tabulation. Furthermore, there have been a number of DECs where the results posted by the CEC do not correlate with the protocols received from the PECs. This has led to widespread civil unrest and conflict. The UWC IEOM is deeply concerned with the continued violence and electoral fraud being monitored at many DECs in the areas of Kyiv, Kyiv Oblast, Vinnytsia, Mykolayiv and Odesa. UWC observers have been monitoring the allegations of illegal acts committed by local government administrations to over-ride election results, as well as the questionable intervention by courts.

According to reports, on Tuesday, October 30, at DEC No. 132 (Mykolayivska oblast), the CEC initially posted a victory for United Opposition candidate Arkadiy Kornatskyj by more than 4,000 votes. Later that evening the results changed on the CEC web site showing that Party of Regions candidate Vitaliy Traviyanko won by a slim margin of 232 (0.3%) votes, which resulted in mass protests outside the DEC (<http://nikvesti.com/articles/36300>). In response to these protests, the Mykolayiv Oblast Administrative Court decided to remove all of the ballots from the DEC and bring them to the court for recount. The Ministry of Interior Affairs (MIA) special forces were brought in to enforce the court order and reportedly stormed the DEC on Friday, November 2, seized the voters' ballots and seal of the electoral commission, and abducted the DEC Chairman (<http://www.pravda.com.ua/news/2012/11/2/6976538/>).

At a number of other DECs, UWC IEOM observers witnessed significant discrepancies between the results for the single mandate elections provided in the official protocols from the PECs and the results reported on the CEC official web site. The UWC IEOM observers photographed official protocols signed by PEC commission members and stamped with the official PEC seal and compared these with the results reported on the CEC website. An example of such discrepancies is illustrated by DEC No. 90 (Bila Tserkva, Kyiv Oblast) in the table below.

Table #1 - DEC No. 90 (Bila Tserkva, Kyiv Oblast)

PEC No.	Candidate					
	Roman Hryhoryshyn			Vitaliy Chudnovsky		
	Posted on CEC site	PEC official protocols	Difference	Posted on CEC site	PEC official protocols	Difference
321103	37	137	-100	542	442	100
321112	58	158	-100	522	422	100
321116	41	91	-50	524	474	50
321128	55	155	-100	647	547	100
321148	24	74	-50	499	449	50
321166	27	127	-100	466	366	100
321170	116	116	0*	581	561	20
321171	63	113	-50	356	306	50
321175	81	131	-50	447	397	50
321176	65	165	-100	575	475	100
Total	567	1267	-700	5159	4439	720

\*Note in PEC 321170: 20 votes were taken from candidate Oleksandr Linevych

The CEC site posted that Vitaliy Chudnovsky (Independent) won by 322 votes over Oleksandr Marchenko (Svoboda). Taking into account only 10 of the disputed PEC protocols, UWC IEOM observers noted that 720 votes were incorrectly reallocated to Vitaliy Chudnovsky by taking 700 votes from the third place candidate Roman Hryhoryshyn (UDAR) and 20 votes from candidate Oleksandr Linevych (see Table #1 - DEC No. 90 above). Investigation of all PEC protocols in DEC No. 90 may result in a more significant variation. Based, however, on the 10 PECs reviewed by UWC observers, Oleksandr Marchenko (Svoboda) should have won by 392 votes. According to information filed in a Kyiv court, there is a claim that 1,792 votes were fraudulently added to Vitaliy Chudnovsky at the expense of other candidates. Provided these are substantiated, it would lead to a victory for Oleksandr Marchenko by 1,407 votes.

It is reasonable to conclude that these discrepancies are not simple clerical errors, but systematic falsifications occurring at DEC No. 90, among others, whereby votes were reallocated from multiple candidates to another single candidate at the time the DEC commission members entered the results into the CEC database. It is important to note that election observers are not permitted to monitor the data entry process of the official PEC protocols into the CEC computers at any of the DEC.

The court proceedings at the Kyiv District Administrative Court in relation to DEC No. 90 were monitored by UWC IEOM observers as well as international observers from a number of other organizations. The UWC IEOM observers confirm the reports filed by journalists asserting that the building was overrun with intimidating young men with shaved heads (<http://www.pravda.com.ua/articles/2012/11/2/6976500/>). Mr. Marchenko and his legal team submitted a significant amount of documentary evidence, including official PEC protocols, affidavits signed by PEC commission members confirming that the protocols submitted were the only ones signed, eyewitness accounts from a number of DEC commission members, audio and video evidence of DEC leadership reading the final vote tally for PECs that corresponds with the official PEC protocols but does not correspond with the vote tallies reported per the CEC website. In addition, PEC protocols submitted by the DEC No. 90 defense team that corresponded to the results reported on the CEC website were

numbered in an exact, unbroken sequence suggesting that they were from one package of protocols yet it was claimed that these were the final protocols that were prepared and submitted by nearly 70 different PECs. Despite this overwhelming evidence in favor of Mr. Marchenko, the Kyiv District Administrative Court ruled, in the early hours of November 3, in the presence of UWC EIOM observers and other international observers, that the evidence submitted by Mr. Marchenko was insufficient for the Court to require DEC No. 90 to re-check the tabulation of the vote against official PEC protocols. The case was then heard by the Kyiv Court of Appeals on November 4 with a verdict delivered shortly after 3 am on November 5. Once again, the case was dismissed on a technicality with the judges refusing to allow four credible witnesses the opportunity to testify on the plaintiff's behalf. These four witnesses were the PEC Heads of four disputed polling stations who came to the court with a full set of documentation that validates that the votes reported per the CEC website do not correspond to the results per the final PEC protocols issued. In both court cases, the international observers in the room were astounded by these court proceedings and verdicts reached.

In addition, disturbing developments have occurred in DEC No. 94 (Obukhiv, Kyiv Oblast), another single mandate district where both DEC and judicial proceedings have been attended by UWC IEOM observers from Monday October 29<sup>th</sup> until today. The CEC initially posted a victory for United Opposition candidate Victor Romaniuk over Party of Regions candidate Tetyana Zasukha by over 8,500 votes. However, this past week, the Party of Regions launched a case at the Kyiv Administrative Court asserting that its observers were denied access to a number of PECs within DEC 94, which surprisingly was upheld. Shortly after 6 am this morning, DEC 94 cancelled the results of votes from 28 PECs and re-tabulated the vote count resulting in a victory for the Party of Regions candidate, Tetyana Zasukha by a margin of 1,169 votes.

In these cases and in multiple other DEC's that continue to be monitored by UWC IEOM observers, where falsification has allegedly occurred that favors a pro-government candidate, it appears that these cases are being dismissed on technicalities and not accorded a fair hearing. In closely contested cases where an opposition member has won, our observers have noted a consistent strategy followed whereby the votes of multiple PECs have been cancelled to result in the victory of a pro-government candidate. This latter approach appears to be gaining further momentum, an example of this is the Kyiv District Administrative Court ruling late Sunday night to recount the votes of 19 PECs in DEC 216 in Kyiv, where United Opposition member Ksenya Lyapina has won by nearly 1,500 votes. UWC IEOM observers will be closely monitoring DC 216 in the coming week.

**The UWC International Election Observer Mission calls upon the CEC to investigate the election results in these problematic single mandate districts and to avoid formal recognition of illegitimate election results that do not correspond with the fair and free vote of the Ukrainian people.**

**The UWC continues to appeal to Ukrainian officials to follow the rule of law and focus all efforts on the satisfactory resolution of problems occurring in these still contested electoral districts.**

The UWC IEOM will continue to monitor and report on the vote count at the DEC's as well as any recounts and judicial proceedings relating to the election process.

The UWC is the international coordinating body for Ukrainian communities in the diaspora representing the interests of over 20 million Ukrainians. The UWC has member organizations in 33 countries and ties with Ukrainians in 14 additional countries. Founded in 1967 as a non-profit corporation, the UWC was recognized in 2003 by the United Nations Economic and Social Council as a non-governmental organization (NGO) with special consultative status.

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