



Investigating Corruption in Ukraine

*A Case Study of
Internet Journalist
Georgy Gongadze*



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Foreword

The September 2000 disappearance and murder of the Internet journalist Georgy Gongadze highlighted once again the serious security threats faced by journalists investigating corruption. Whether it be the Ukraine or elsewhere in the developed or developing world, journalists run the risk of reprisal for seeking to uncover wrongdoing. In Ukraine, a major political crisis erupted when allegations emerged that the Ukraine president, Leonid Kuchma, and his presidential administration, may have ordered the killing. These allegations intensified when the President's office was accused of obstructing the investigation into the case. The disappearance of Gongadze and the manner in which the President's office led the investigation provides journalists in developing and transitional countries the opportunity to reflect on the issue of their own security when they seek to uncover corruption. Too often in these instances, part of the dynamic becomes your own government, which refuses to protect you or indeed even actively targets you.

The purpose of this case study is to re-visit the Gongadze affair, and take a closer second look at a political scandal that shook Ukraine in the fall of 2000 and winter of 2001, and continued causing political tremors in 2002. The goal of the case study is to examine different challenges that journalists face when investigating corruption. The case study is comprised of eleven sections that examine different aspects of the Gongadze case and encourages you to evaluate how you conduct your own investigations.

The study is meant for journalists to consider the Gongadze affair and reflect on their own security as investigative journalists, and think about the measures they should take to avoid personal harm.



Who's Who

- **Oleksiy Bahanets**—Deputy Prosecutor General.
- **Mykola Dzhaha**—Deputy Minister of Interior until March 2001.
- **Leonid Derchak**—Chief of the SBU, Ukraine's successor to the Soviet KGB
- **Georgy Gongadze**—founder and editor of the Internet newspaper *Ukrainska Pravda*
- **Lesya Gongadze**—mother of Georgy Gongadze
- **Myroslava Gongadze**—wife of Gongadze and mother of their twin daughters
- **Yuriy Kravchenko**—Minister of Interior until April 2001
- **Leonid Kuchma**—President of Ukraine
- **Volodymyr Lytvyn**—President's Chief of Staff
- **Mykola Melnychenko**—former officer of the Presidential Bodyguards who claimed to have secretly taped President Kuchma's private conversations
- **Oleksandr Moroz**—leader of the Socialist Party and longtime rival to President Kuchma
- **Mykhola Potebenko**—Prosecutor General
- **Olena Prytula**—journalist and Gongadze's deputy at *Ukrainska Pravda*, who continued to run the Internet newspaper after his disappearance
- **Yuriy Smirnov**—Kiev Chief of Police; promoted to Minister of Interior in March 2001
- **Oleksandr Volkov**—leading oligarch and advisor to President Kuchma



CHAPTER

2

Chronology

2000

- April: Georgy Gongadze established the Internet newspaper *Ukrainska Pravda* in Kiev.
- July 14: Gongadze wrote an open letter to Prosecutor General Mykhaylo Potebenko protesting that he was being investigated by police or security officials and under surveillance by unknown individuals.
- September 16: Gongadze left a colleague at 10:20 pm to return home to his wife and children, but never arrived.
- September 21: Deputy Interior Minister Mykola Dzhyha said that police officials discounted the likelihood that “political motives” had not played a role in Gongadze’s disappearance.
- September 21: The Ukrainian parliament established a 15-member Temporary Investigation Commission to look into Gongadze’s disappearance.
- October 6: Interior Minister Yuriy Kravchenko told the parliament that Gongadze’s articles in *Ukrainska Pravda* may have played a role in his disappearance.

- November 2: A headless corpse was found in a shallow grave in the village of Tarashcha.
- November 6: Regional officials arrived in Tarashcha to examine the corpse based on concerns that the body was Gongadze's.
- November 15: A small group of Gongadze's journalist friends said the body was Gongadze's. The body disappeared briefly. The following day forensic experts examined the body in Kiev.
- November 28 : Opposition leader Oleksandr Moroz presented audio tapes to the parliament, tapes that seemed to implicate President Kuchma in the disappearance of Gongadze.
- November 28: Kuchma's chief of staff, Volodymyr Lytvyn, appeared on national television and denied the authenticity of the tapes.
- December 7: Three parliamentary deputies traveled to Western Europe to interview the security officer who bugged Kuchma's conversations.
- December 10: Confirmed that secret tape recordings of Kuchma done by a long-time member of the Presidential Protection Service.
- December 10: The prosecutor general told parliament that he doubted the authenticity of the Melnychenko tapes.
- December 12: The prosecutor general said the Moroz tapes could not be accepted as evidence because obtained in an illegal manner.
- December 22: The Temporary Investigative Commission of the Ukrainian parliament asked the International Press Institute (IPI) to determine the authenticity of the tapes.
- December 30: Interior Ministry official and a police officer entered the Kiev apartment of the doctor who examined the Tarashcha corpse—and unsuccessfully tried to confiscate her passport.

January–May 2001

- January 9: The parliament's Investigative Commission said that the coroner of the Tarashcha morgue had his home searched several times by government officials.
- January 10: The prosecutor general announced that DNA tests done by Russian experts determined that there was a 99.6% likelihood that the Tarashcha corpse was Gongadze's.
- Mid-January: The president of the US government-funded Radio Free Europe/Radio Liberty, said SBU officials had threatened members of its Ukrainian Service.
- January 20: The prosecutor general's office said it was willing to turn over the Tarashcha corpse to Gongadze's wife and mother for burial.
- January 26: The deputy prosecutor general said the cause of death could not be determined from the Tarashcha corpse.
- January 26: Parliamentary deputy Oleksandr Turchynov announced that he recognized his voice on one of the audio tapes.
- January 30: Yanina Sokolovskaya, the Kiev-based correspondent for the Moscow-daily *Izvestiya*, was attacked by a knife-wielding assailant. Sokolovskaya believed incident was retaliation for her extensive coverage of the Gongadze affair.
- Early February: Surgeon Valery Ivasyuk in Tarashcha, who had examined the body, fled from Ukraine to Great Britain to seek asylum.
- February 5: Liudmila Kokhanets, a journalist with the Kiev-daily *Golos Ukrainy*, was attacked by an unknown assailant who told her to stop covering the Gongadze affair.

- February 7: The deputy prosecutor general confirmed that conversations in Kuchma's office had indeed been secretly recorded and incorporated into the Melnychenko tapes.
- February 10: In a letter to London's *Financial Times*, Kuchma denied any role in the death of Gongadze.
- February 14: Myroslava Gongadze said on Moscow radio that the political instability in Ukraine was caused by the foot-dragging and incompetent probe.
- February 22: The International Press Institute (IPI) informed the parliament that it could not complete the task of analyzing tapes.
- February 23: Kuchma called on the prosecutor general to seek external assistance in identifying the Tarashcha corpse.
- February 26: Prosecutor General's Office announced that new data confirms the Tarashcha corpse was Gongadze's body.
- February 27: In a letter to London's *Financial Times*, Kuchma claimed that some Ukrainian politicians were using the death of Gongadze to destabilize Ukraine.
- February 27: Prosecutor General Mykhaylo Potebenko initiated a formal investigation into what he called "the pre-meditated murder" of Gongadze.
- February 28: The Prosecutor General's Office turned over the body to the journalist's wife and mother for burial. The death certificate did not state the date of his death.
- March 20: German experts said the Tarashcha corpse was not Gongadze's. Kuchma called on Russian, German and US experts to conduct a new analysis.

- March 23: The pro-Kuchma Labor Ukraine Party signed a contract with the American firm Kroll Associates to investigate the Gongadze case.
- March 26: Interior Minister Kravchenko dismissed, Kiev police chief Yuriy Smirnov replaced him.
- April 9: 1,000 anti-Kuchma protesters gathered at president's office in Kiev calling on Kuchma to swear he had not ordered the killings of Gongadze and other journalists and politicians. Kuchma declined.
- April 16: The US State Department granted political asylum to Gongadze's wife Myroslava and his two children.
- April 17: Myroslava Gongadze said at a press conference in, Poland, that she held Kuchma responsible for the murder of her husband.
- April 19: The Prosecutor General's Office—which had previously charged Melnychenko with fraud and libel—seeks to block the asylum given to Melnychenko.
- May 8: Deputy Prosecutor General announced that two US experts had concluded that the corpse was indeed that of Gongadze.
- May 15: Interior Minister Yuriy Smirnov declares Gongadze case solved—no political motives in the murder.

At the writing of this case study, the Gongadze case remains unsolved. It is unclear how the inquiry can move forward if it fails to examine whether Kuchma's office had a role in Gongadze's disappearance and murder.



CHAPTER

3

Press Freedom in Ukraine

Journalists face troublesome working conditions in Ukraine, which are partly due to the country's stagnant economy and dangerous security conditions. The following section describes how these conditions have affected the ability of journalists to report and investigate in a free, professional and independent manner.¹

The decline of the country's post-Soviet economy has forced most citizens to rely heavily on radio and television for news and information. As a result, revenues at newspapers have declined due to low circulation and limited advertising revenues. Media outlets are subsidized by various government institutions, political parties or wealthy political patrons who use them to promote their political agendas. Most media outlets, as a result, have not been able to transform from Soviet-era political mouthpieces to independent organizations which seek to serve and inform the general public.

The precarious finances of media outlets also make them vulnerable to external pressures from advertisers who threaten to cut off their ads, or local and regional government officials who conduct hostile tax audits, or use other means to disrupt their operations. And since newspapers are often unable to pay living salaries, it has become common for journalists to take payments to write positive articles about companies, political candidates or politicians. The practice is called "hidden advertising."

But even when working honestly, journalists are inhibited by the shortcomings of their university training. Journalism departments continue to teach Soviet-era curricula, which is heavy on theory and light on hands-on practical experience. As a result, newspaper articles are rarely

balanced because journalists do not learn how to separate fact from opinion, or to seek out different points of view. Newsrooms also lack basic equipment like computers and telephones.

Conditions often violent

Journalists brave enough to investigate corruption and the nefarious links between politicians, organized crime figures, and the police have been frequent victims of violence. There is impunity as prosecutors and police officers rarely investigate and prosecute these cases.

While newspaper circulation grew significantly after Ukraine withdrew from the Soviet Union, it began to fall sharply in 1998 when the Kuchma administration took various measures to close opposition newspapers or force them to engage in self-censorship. The following cases highlight some of the serious security threats which Ukrainian journalists faced in the late 1990s

- On April 10, 1995, Vladimir Ivanov, editor-in-chief of *Slava Sevastopola*, was fatally injured by a bomb which was in a garbage can outside his home and had been detonated by remote control. He underwent three operations at a local hospital—which included having his legs amputated—but died of his wounds four days later. The *Slava Sevastopola* had supported greater autonomy for the predominantly Russian population of Crimea. Prior to the bombing Ivanov had been denouncing the local mafia in Crimea and protesting against an oil refinery project.²
- On June 2, 1995, Viktor Frelix, a publisher and founder of the environmental NGO Green World of Ukraine, died of poisoning in the city of Lvov. Frelix had been investigating an epidemic in the city of Chernovtsy, which he claimed was caused by a nearby military base. Two weeks before his death Frelix believed his investigation was putting him in danger. Just before his death he had obtained new evidence helpful to his investigation. Medical officials in Frelix's hospital reported that he had been poisoned. Local officials concluded the contrary.³
- On March 13, 1997, Petro Shevchenko, a Luhansk-based journalist for the popular daily tabloid *Kievskiyе Vedomosti*, was found dead, hanging from a rope in a factory boiler room. A suicide note found near the body indicated that he was under

pressure from the security service (SBU). There was no sign of a struggle. In the prior weeks, Shevchenko had co-authored a series of articles about disputes between the reformist mayor of Luhansk and the local branch of the SBU, the successor of Ukraine's Soviet KGB. SBU officials had held a press conference in February criticizing Shevchenko's articles. In early March Shevchenko had reportedly telephoned his colleagues in the Kiev office of *Kievskiye Vedomosti* to tell them that he feared reprisals from the SBU. Ukrainian journalists and press freedom groups believe he may have been murdered.⁴

- On May 10, 1997, Igor Hrushetsky, a freelance journalist well known for reporting on political corruption, was killed near his home in Cherkassy. He sustained a severe blow to the head. Hrushetsky had recently testified in a criminal trial involving the son of a senior police official in the Cherkassy region. A search of his home following the murder turned up two files containing information from police archives regarding criminal cases. Hrushetsky's colleagues believed that the murder may have been in retaliation for his articles exposing political corruption.⁵
- In broad daylight on June 9, 1997, Aleksander Anishchenko, deputy editor of the independent weekly *95 Kvartal*, was attacked in the stairwell of the newspaper's office, located near a police station. Masked men in camouflage uniforms beat him with police clubs while shouting: "This will teach you how to write about the police!" When a colleague heard Anishchenko's calls for help, the assailants ran to a car and drove away. The paper reports on local crime and political scandals in the city of Kryvyi Rih. The police treated the incident as a mugging.⁶
- On August 8, 1997, Kostiantyn Serdiuk, editor of the independent Russian-language newspaper *Chernigovsky Poldin*, was attacked by three men in an alley in the city of Chernihiv. After calling out his name the assailants kicked him repeatedly in the head, causing brain damage and internal bleeding. Local journalists believed the attack was in response to a recent article Serdiuk had written criticizing local government officials, most of whom were described as local style communists.⁷
- On August 11, 1997, Borys Derevyanko, editor-in-chief of the *Vechenyaya Odessa*, was shot in the abdomen and heart. The chief

regional prosecutor called the murder a contract killing and arrested a suspect in September who reportedly confessed to the murder. *Vechenyaya Odessa* had been critical of Odessa mayor Eduard Gurvits. There had been previous attacks on the newspaper's journalists. On August 3, 1995, *Vechenyaya Odessa* journalist Sergei Lebedev survived three gunshot wounds from an assailant who was later apprehended, tried and given an 18-month sentence. Another *Vechenyaya Odessa* journalist, Vitaliy Chechik, was beaten in 1996 and again in 1997. During the first incident Chechik was told to "stop writing articles about the mayor."⁸

- On August 14, 2000, Valentina Vasilchenko, a journalist with the independent weekly *Antenna*, was attacked in the stairwell of her apartment in the town of Cherkassy by two men with blunt instruments. She suffered a concussion, severe skull injuries and several bruises on her arms. The attack occurred four months after her investigative series on police corruption published in the independent weekly *Antenna*. According to editors at *Antenna*, the attack may have been provoked by Vasilchenko's series on the "Khristinovka Syndrome," which appeared in *Antenna* over four weeks in April. The articles chronicled police corruption in the town of Khristinovka, including a case of manslaughter allegedly committed by police but blamed on an innocent man.⁹
- November 30, 2000, Yuly Mazur, 63, the editor of the independent Russian-Ukrainian daily *Yug*, was found late at night unconscious on the street near his house in Odessa. He died before an ambulance could transport him to a hospital. Forensic experts attributed the death to "ethyl alcohol intoxication." Mazur's colleagues maintained that he never drank alcohol and suspected that Mazur—who had been receiving telephone death threats—was the victim of poisoning in retaliation for *Yug* articles about corrupt police officials. On December 3 the police chief in Odessa told journalists there was "nothing criminal in Mazur's death."¹⁰

Analyzing violence

When analyzing the violent acts against investigative journalists in developing countries, it is helpful to distinguish between the primary and secondary motives of the assailants. The primary motive is to intimidate

journalists at the newspaper, radio or television station who are investigating a politically sensitive matter, the secondary motive is often to warn journalists from other media outlets not to investigate.¹¹

The challenges journalists contend with when investigating government corruption and organized crime are formidable. In addition to threats, intimidation and physical attacks, journalists also face a variety of other abuses from government officials, wealthy businessmen and organized crime figures to silence them.

A major problem is the general lack of transparency of businesses, government institutions and political party financing, which makes it difficult for journalists to investigate and report accurately and credibly. Criminal penalties for libel, as well as weak, politicized and incompetent courts and police officers expose journalists to harassment, in the name of the law. Politically manipulated pressures such as hostile tax audits, the freezing of bank accounts, the losing of broadcasting licenses, eviction from their business premises, and violation of printing contracts are other tactics used to discourage critical investigative journalism.



Questions: How do you deal with threats when investigating sensitive issues such as corruption?

Questions: How do you assess the likely seriousness of the threats? Are there particular elements you weigh—like the number or severity of threats—to measure this?

Question: How do you determine the level of risk you are willing to tolerate? How do you balance off the risk and your obligations to your family?



Notes

1. “Ukraine Media Analysis,” IREX ProMedia—Ukraine, March 1999. For full text, see: <http://www.irex.org/programs/promedia/countries/ukraine/media.htm>.
2. *Attacks on the Press in 1995*, Committee to Protect Journalists, (New York) CPJ: 1996, p. 182.

3. *Attacks on the Press in 1996*, Committee to Protect Journalists, (New York) CPJ: 1997, p. 248.
4. *Attacks on the Press in 1997*, Committee to Protect Journalists, (New York) CPJ: 1998, p. 349–350.
5. *Attacks on the Press in 1996*, Committee to Protect Journalists, (New York) CPJ: 1997, p. 247.
6. *Attacks on the Press in 1997*, Committee to Protect Journalists, (New York) CPJ: 1998, p. 350.
7. *Attacks on the Press in 1997*, Committee to Protect Journalists, (New York) CPJ: 1998, p. 350–351.
8. *Attacks on the Press in 1997*, Committee to Protect Journalists, (New York) CPJ: 1998, p. 351.
9. *Attacks on the Press in 2000*, Committee to Protect Journalists, (New York) CPJ: 2001, p. 499–500.
10. *Attacks on the Press in 2000*: Committee to Protect Journalists, (New York) CPJ: 2001, p. 501.
11. “Terrorism in the Context of Academic Research,” by Michel Wieviorka, published in *Terrorism in Context*, edited by Martha Crenshaw, University Park, PA: Pennsylvania State University Press (1995), p. 599.

CHAPTER

4

Georgy Gongadze Enters the Danger Zone

Georgy Gongadze was born in the Soviet Republic of Georgia. He established the Internet publication *Ukrainska Pravda* (*Ukrainian Truth*) in April 2000 when he was 31. *Ukrainska Pravda* (www.pravda.com.ua) had a staff of five and published articles by its own staff as well as journalists from other opposition newspapers. The publication focused on exposing corruption among high-level government officials. Annex I, for example, is an article which was published in *Ukrainska Pravda* on April 16, 2000, that investigated and exposed the questionable manner that signatures were collected for an April 2000 constitutional referendum to increase the powers of President Kuchma. This type of article helped set *Ukrainska Pravda* apart from other critical publications in Ukraine.

Prior to launching *Ukrainska Pravda*, Gongadze had worked as a news director at *Radio Kontinent* and had co-hosted a television program. He was known as an outspoken journalist who was very critical of the Kuchma government and vocal about the problems faced by Ukrainian journalists. At an international round-table held in Kiev in December 1999, for instance, he read out a statement which was signed by numerous journalists that described the lamentable state of press freedom in Ukraine.¹

Later that same month he traveled to the U.S. several days before an official visit by President Kuchma. During the visit Gongadze met with State Department officials, Congressional representatives, US journalists and members of the Ukrainian-American community. Gongadze also organized a press conference where he denounced the lack of press freedom in the Ukraine and presented a petition signed by some 60 journalists supporting his claims. When members of the Ukrainian

delegation arrived in the US for the Kuchma visit, an acquaintance in the delegation reportedly told Gongadze: “You don’t realize that you could be killed for what you’re doing here.”²

Indications of Gongadze being in danger

In the months prior to Gongadze’s disappearance, there were numerous indications that police and security officials were deploying considerable resources to keep him under surveillance and that this was in retaliation for his work as a journalist.

On July 14, 2000, Gongadze wrote an open letter to Prosecutor General Mykhaylo Potebenko outlining his growing concerns about his personal safety. See a copy of the letter in Annex II. He complained that state security officers had approached the five employees of *Ukrainska Pravda*, his relatives in Lviv and his former employer at *Radio Kontinent*, purportedly to collect information about his involvement in drug dealing, the murder of a Chechen in the southern city of Odessa and other illegal activities. Gongadze also indicated that he was being followed by a group of men in a Zhigouli car with the license plate 07309 KB. Gongadze claimed this was an attempt to intimidate and prevent him from pursuing his work as a journalist, and he requested that the Prosecutor General protect him and punish the people responsible for harassing him.³

The deputy editor of *Ukrainska Pravda*, Olena Prytula, said: “In July [2000] Gongadze’s mother and friends in Lviv were questioned by police inspectors who claimed to be investigating the murder of a Chechen in Odessa. The director of *Radio Kontinent*, where Georgy had worked, also received a visit from a colonel of the police, on the same subject.” Oddly, despite conducting a criminal investigation into Gongadze, the police never questioned the prime suspect.⁴

Gongadze’s wife, Myroslava, remembers how her husband was followed both at home and at work. She said: “One day, someone sitting on a bench downstairs was clearly watching our windows. Another day, on July 12 at around 4 p.m., Georgy called me to tell me that three cars of the police were parked in front of his office building. Georgy called a friend, a member of parliament, who came to fetch him, and left with him.”⁵

The response of the Prosecutor General’s Office to the letter requesting protection indicated an indifference to Gongadze’s fate. The office in Kiev forwarded the letter to the regional Prosecutor General’s Office in the western city of Lviv where Gongadze’s mother lived and

where Gongadze was registered as a resident. The Lyiv prosecutor's office investigated the matter and then informed the Kiev prosecutor's office that the streets (in Kiev) where Gongadze had seen the car tailing him were "unknown in Lyiv." Furthermore, it seems that government officials did not investigate the owner of the car with the license plate that Gongadze mentioned in his letter.⁶

The monitoring of Gongadze and his colleagues continued. On September 15, the day prior to Gongadze's disappearance, Oleg Yeltsov, a journalist who had published an article in *Ukrainska Pravda*, recounted receiving a threat over the telephone. "At 8 p.m. an anonymous caller phoned and said: 'Stop writing on the internet site and working on [i.e., investigating] the secret services. You're bothering important people.' I informed the police. The next morning I had another call: 'You called the police yesterday?' I recognized a police car downstairs [in front of the building]." On the following day Yeltsov said the police harassed him again. "At 4 p.m. I took a train for Russia to visit my father. When the train stopped at Kaniv station three plainclothes police officers got into the coach where I had a seat reserved and said: 'We're looking for Yeltsov.' They searched my case and then let me go. I was searched again at the Russian border by police who admitted that they'd been warned of my arrival."⁷



Question: Do you think the harassment and surveillance of Gongadze reflected the true danger he was in?

Question: What effect do you think sending the letter to the Prosecutor General had on Gongadze's safety and do you believe it backfired on him and provoked officials to go after him?

Question: How can journalists respond to surveillance by the government in a manner which may create a political cost to those who target journalists? Have you been the subject of surveillance? Have you considered documenting the surveillance (possibly with the use of cameras and video cameras) and sending copies of the evidence abroad for safe-keeping or to be used to draw attention press-freedom violations.

Notes

1. “Ukraine: The Gongadze Case—Report to the OSCE Permanent Council,” Office of the Representative on Freedom of the Media—Freimut Duve, February 8, 2001, p. 1.
2. “Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze,” *Reporters Sans Frontières* (Paris), January 22, 2001, p. 4.
3. “Government ‘Sleuths’ Hound Online Paper,” by Peter Byrne, *Kyiv Post*, July 20, 2000.
4. “Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze,” *Reporters Sans Frontières* (Paris), January 22, 2001, p. 5–6.
5. *Ibid*, p. 6.
6. *Ibid*, p. 5.
7. *Ibid*, p. 6.

Gongadze Disappears

Gongadze disappeared in Kiev on the evening of Saturday, September 16. He had left the home of a colleague at 10:20 p.m. to meet his wife and twin three-year-old daughters at home but never arrived. Gongadze's disappearance was reported to the Interior Ministry that weekend and police officers initiated a search for the missing journalist.

From the very beginning, officials from the president's office made contradictory and conflicting statements about the status and direction of the probe. Both President Kuchma and Interior Minister Kravchenko took the investigation under their "personal control," and this despite allegations that officials from the President's office were implicated in Gongadze's murder.

The administration's erratic actions regarding the investigation became apparent in the initial weeks following Gongadze's disappearance. On Wednesday, September 20, the Kiev police chief, Yuriy Smirnov, couldn't say whether Gongadze was dead or alive, but indicated that police feared the worst and had launched an investigation into what was described as suspicion of premeditated murder.¹ The next day, however, Deputy Interior Minister Mykola Dzhyha said that police officials working on the case had concluded that "political motives" had not played a role in Gongadze's disappearance, saying: "[Gongadze] is not a political or public figure who would be able to influence politics."² Dzhyha said the police had determined three possible scenarios related to the journalist's disappearance: that he had been the victim of a crime; suffered an accident; or, had staged his own disappearance.³ A week later, on September 26, Dzhyha added credence to the idea that Gongadze had

disappeared on his own, saying that he had information that Gongadze was sighted the day after his disappearance at the U Erika Bar in Kiev.⁴

Even more new leads emerged. On October 6, Interior Minister Yuriy Kravchenko told the parliament that Gongadze's articles in *Ukrayinska Pravda* may have played a role in his disappearance.⁵ But Kravchenko said investigators were also focusing on the fact that the journalist's debts—which he claimed amounted to several thousand US dollars—played a role in his disappearance.⁶ Two weeks after that, on October 23, Deputy Interior Minister Dzhyha announced that he had received information that on September 21 a Moscow ticket office had sold a Moscow-Smolensk train ticket to a person with the last name Gongadze.⁷

Opposition's response

The disappearance of Gongadze raised considerable concern amongst the country's opposition politicians and journalists because it highlighted the danger to anyone who dared to challenge the President's office and powerful business oligarchs who ruled the country. Opposition groups took a series of steps to try to raise the profile of the Gongadze case and press the Kuchma regime to conduct a more effective investigation.

On September 21, for example, the parliament established an ad hoc 15-member Temporary Investigation Commission to look into Gongadze's disappearance. On the same day some 50 journalists walked out of a parliamentary session to protest what they claimed was an ineffective police investigation into the case.⁸ Two weeks later more than 50 leading journalists sent a letter to the recently appointed US Ambassador, Carlos Pascual, urging him to take a public position in the case in order to facilitate the investigation and prevent the same fate for other journalists.⁹

Despite efforts of parliamentarians and journalists to monitor the government's investigation, they became increasingly skeptical of the inquiry, which consistently discounted the notion of government involvement in Gongadze's disappearance.



Notes

1. “Police Investigate ‘Premeditated Murder’ In Journalist’s Disappearance,” by Sergei Shargorodsky, Associated Press, September 20, 2000.
2. “Ukrainian Parliament Appoints Commission to Examine Journalist’s Disappearance,” RFE/RL Newswire, September 22, 2000.
3. “Officials Do Not Show Up in Parliament to Report on Missing Journalist Gongadze,” compiled by Kpnews staff, September 22, 2000.
4. “Police Draw a Blank in Gongadze Case,” by Peter Byrne, *Kyiv Post*, September 28, 2000.
5. “Ukrainian Police Take ‘Unprecedented’ Measures to Find Missing Journalist,” RFE/RL Newswire, October 6, 2000.
6. “Interior Minister Briefs Parliament Gongadze Case Investigation,” compiled by KP staff, *Kyiv Post*, October 6, 2000.
7. “Ticket to Smolensk Was Bought in Moscow on September 21—Deputy Interior Minister,” compiled by Kpnews staff, *Kyiv Post*, October 23, 2000.
8. “Ukrainian Journalists Demand Effective Investigation to Find Missing Colleague,” by Maryna Sysoyeva, Associated Press, September 21, 2000.
9. “Ukrainian Journalists Urge US Ambassador to Help Find Missing Reporter,” Interfax News Agency, November 2, 2000.



Headless Corpse Discovered

The first major break in the investigation occurred on November 2 when a beheaded corpse was discovered in a shallow grave near the town of Tarashcha, 150 kilometers south of Kiev. A bracelet and ring were found on the body, and a chain and pendant on the ground nearby. Efforts to identify the body were painfully slow.

On November 6, a group of regional officials arrived in Tarashcha to examine the body. Based on their initial observations they concluded that it was not Gongadze, primarily due to the advanced state of decomposition of the remains. The body remained in Tarashcha's non refrigerated morgue, where it continued to decompose, despite the local coroner's request to have it transferred to a more appropriate storage facility.¹

With the rumors persisting that the body in Tarashcha might be Gongadze's, a group of journalists traveled to the town on November 15. Decomposition had rendered the corpse unidentifiable. So, the journalists inquired whether there were traces of shrapnel in the left hand, knowing that Gongadze had once sustained shrapnel wounds while reporting on the war in the Abkhazia region of his native Georgia. The jewelry found on and near the body was also described to them. Based on the x-ray of the left hand and traces of metal, along with the description of the jewelry, the journalists determined the body was Gongadze's. In light of the journalists' conclusions, the local coroner issued a death certificate and was preparing to turn over the body to the colleagues of Gongadze. The journalists left to purchase a coffin and hire a vehicle to transfer the body to Kiev. But when they returned the body had disappeared.²

Response of the president's office

The next day, on November 16 Deputy Interior Minister Mykola Dzhyha confirmed that officials had taken the body from the Tarashcha morgue and that forensic experts were examining it in Kiev.³ Dzhyha would not comment on the identity of the corpse until forensic tests had been completed, saying final results were expected at the end of the week.⁴ But the following week Dzhyha indicated the corpse was probably not Gongadze's, based on preliminary findings of the state pathologist. State pathologists, he said, estimated the corpse was a year old and belonged to a 40-year-old man who was 174–177 centimeters tall. This contrasted significantly with Gongadze who had disappeared two months earlier, was 31-years-old and approximately 180 centimeters tall.⁵

A series of events occurred which highlighted the inconsistent manner in which the corpse was handled. These incidents raised the question as to whether a court in an eventual trial could accept the findings as admissible forensic evidence.⁶

- 1) There were questions about the objectivity of the four journalists who went to Tarashcha on November 15. The group consisted of Olena Prytula, Gongadze's deputy editor at *Ukrainska Pravda*; Gongadze's childhood best friend; an unemployed TV journalist who had introduced himself into Gongadze's circle of friends in the months prior to the Gongadze disappearance; and, a news broadcaster on a TV station affiliated with the oligarch Oleksandr Volkov. *Ukrainska Pravda* had repeatedly investigated and criticized Volkov. Some have questioned the judgement and actions of the group, three of whom had close ties to the disappeared journalist.
- 2) Tarashcha coroner Ihor Vorotyntsev told the group of journalists that food in the stomach of the corpse showed that the person had eaten potatoes and watermelon on the night he disappeared. However this was common fare in the Ukraine.⁷
- 3) The x-ray of the hand showed small bright objects, along with several pieces of metal splinters, which were said to have been removed by the Tarashcha coroner and given to the group of journalists. These were then given on to Gongadze's wife, Myroslava. But Myroslava has no documentation showing a chain of possession proving that the evidence was taken from the dead body and properly transferred to her. Furthermore, it still remains unclear whether Gongadze had had any previous X-rays

taken of his hand which could be compared to the x-ray of the Tarashcha corpse.

- 4) Why did the Tarashcha coroner issue a death certificate identifying the body as Gongadze's to people (the journalists) who had no legal right to receive such a document, not being the deceased's next of kin? Why did the journalists insist on being given the death certificate?
- 5) Why did the Tarashcha coroner so carelessly hand over key evidence (x-rays and the pieces of metal splinters) regarding the country's sensational criminal investigation to people whom he did not know? Why were the journalists willing to take the evidence with them without any documentation stating that it came from Gongadze's body?
- 6) Why have the police not obtained the pieces of metal splinters from Myroslava to determine whether they truly were shrapnel from his earlier wounds? And why did the police not show the jewelry found on and near the body to Gongadze's wife?

With regard to the actions of the Tarashcha coroner and the group of journalists, local critics have blamed it on the coroner's incompetence and negligence, and the journalists' judgment, which was no doubt clouded by their emotional ties to Gongadze.



Notes

1. "Has Gongadze Been Found?," by Peter Byrne, *Kyiv Post*, November 23, 2000.
2. Ibid.
3. "Ukrainian Police Find Body of Disappeared Journalist?," RFE/RL Newline, November 16, 2000.
4. "Ukrainian First Deputy Interior Minister Comments on Find of Supposed Body of Gongadze," Interfax News Agency, November 16, 2000.
5. "Has Gongadze Been Found?," by Peter Byrne, *Kyiv Post*, November 23, 2000.
6. The questions raised in this section come from a confidential Kyiv-New York correspondence dated November 22, 2000, with a press freedom advocate who has followed the Gongadze case closely.

7. “Has Gongadze Been Found?” by Peter Byrne, *Kyiv Post*, November 23, 2000.

The Melnychenko Tapes

The next major event in the affair came in late November 2000 when an opposition politician accused President Kuchma of having ordered Gongadze's disappearance and claimed to have audio tapes to back up his allegations.

On November 28, Socialist Party leader Oleksandr Moroz—a longtime rival to Kuchma—dropped a political bomb when he told a stunned parliament that President Kuchma had ordered Gongadze's disappearance and “systematically monitored” its implementation by Interior Minister Yuriy Kravchenko, along with the participation of the chief of the president's office, Volodymyr Lytvyn. Moroz said: “It is necessary to put an end to the country's sliding into the darkness of criminality and banditism.”¹

Moroz claimed to have audio tapes of Kuchma's private conversations proving his allegations, saying the tapes were given to him by an officer of Ukraine's Security Service (SBU), and the officer was prepared to testify to their authenticity. Moroz told the parliament that the “President was worried by [Gongadze's] activities, gave instruction, and controlled their implementation.” He said that he believed the tapes “show that the President ordered his Interior Minister to have Gongadze kidnapped.”²

Standing at the podium of the parliament, he added that “the professionally organized disappearance, the passivity of the investigation, the ignoring of elementary necessary actions, and the unconvincing explanations of higher officials of the police, bear out the opinion that these were planned actions... The pause that occurred after the body was encountered, manipulations of material evidence, the delay in the medical

examination, threats made towards the specialists who began it, prove that criminals have been entrapped in their own nets, and not knowing what to do, hope that society's attention toward this crime will decline by itself."³

Following his speech, Moroz played an audio recording of conversations he claimed were between Kuchma, Kravchenko and Lytvyn. Moroz claimed the tapes proved Kuchma "personally gave instructions" engineering Gongadze's disappearance.⁴ Moroz allowed journalists to tape some of the excerpts of the recordings (see Annex III for excerpts) and said he would provide copies of the tapes to the parliamentary commission investigating Gongadze's disappearance. Most deputies in the parliament believed the tapes were authentic and gradually this opinion became more widespread in Ukraine. The release of the tapes created a major political scandal in Ukraine and posed a serious threat to Kuchma's presidency. Moroz later revealed the identity of the person who surreptitiously taped Kuchma: the author of the bugging was Mykola Melnychenko, a former SBU officer.

Kuchma's office issued contradictory responses to the tapes released by Moroz. At first there were angry denial, threats of a lawsuit and an attempt to suppress coverage, by national television, of the emerging political scandal. Kuchma's people first claimed the scandal had been concocted by an unnamed foreign intelligence service, then they blamed domestic "professionals." Eventually, however, the government acknowledged that portions of the tapes were authentic.

On that very Tuesday, November 28, Lytvyn the chief of the president's office, appeared on national television and angrily denied the authenticity of the tapes and promised that a libel suit against Moroz would follow. Kuchma's representative in the parliament, Roman Besmertny, also appeared on national television repeating Lytvyn denials, claiming they were the product of sophisticated computer tampering. The country's state-owned television stations 1+1 (UT-2) and Inter (UT-3) broadcast the emerging political scandal at the very end of their news broadcasts on the Tuesday night. Both questioned the allegations made by Moroz and 1+1's report and did not even mention Kuchma's alleged involvement in the scandal.⁵

The Presidential press service also responded that day by saying that Moroz was trying to boost his sagging popularity and that the accusations "have no grounds whatsoever and are full of insinuations, and accordingly, as insults and slander, are subject to Ukraine's Criminal Code."⁶

Presidential chief Lytvyn told journalists that he was planning to take Moroz to court for “open slander and accusations” and two days later followed through, launching a suit at the Kiev district court.⁷

The president’s office seemed to be in no rush to analyze the new evidence. On December 5 the Prosecutor General’s office received copies of the audio tapes from Moroz but the following day said it would not begin the tape analysis until Moroz told them whether he had given them originals or copies.⁸

Kuchma weighed in as well. While attending meetings in Belarus, on December 1, he denied his involvement in the Gongadze case saying that Moroz’s allegations and the tapes he released were “a provocation, probably involving foreign security services.”⁹ Five days later Kuchma stated on Ukrainian Television that “recent statements about my involvement in the disappearance of journalist Georgy Gongadze are an attack on the stability of Ukrainian society.” Kuchma said the accusations made against him were motivated by those seeking to “initiate early elections,” that he had “nothing to explain, and these actions will not change my political direction.”¹⁰

Even security officials were called in to respond to the allegations. First, on November 29 a group of SBU officers made a statement claiming that it was “impossible” to eavesdrop on the President’s premises or communications.¹¹ On December 10, however, Oleh Pysarenko, the deputy chief of the presidential bodyguards, confirmed that Melnychenko had worked as “an officer of a technical sub-unit” within the Presidential Protection Service “for three to four years” and had requested his discharge in early November 2000.¹²

The response of the fractured opposition was one of outrage, as Moroz’s allegations and audio tapes seemed to confirm what many had long suspected—that the president’s office was behind the harassment and elimination of a series of its critics in the media and political opposition. The public release of portions of the tapes led to intense debate about their authenticity, and also helped the divided opposition groups to initiate anti-Kuchma protests throughout the winter.

On December 5 Moroz called on Kuchma to resign over his alleged involvement in the Gongadze case, saying “the people, public and political organizations, [or] at least the Supreme Council” should call for Kuchma to step down. (Ukrainian law does not have any provisions to impeach the President.)¹³

On December 7 three parliamentary deputies traveled to an unnamed European country to meet with and interview the SBU officer—identified as Mykola Melnychenko—who had given Moroz the tape recordings. After the deputies returned to Ukraine, on December 12, the videotape of the interview was shown to a packed parliament. (A transcript of the interview is included in Annex D). In the interview, Melnychenko said he taped Kuchma’s conversation by placing a digital Dictaphone under a couch in the President’s office. Melnychenko said Kuchma ordered Interior Minister Yuriy Kravchenko and Lytvyn, the President’s chief, to have Gongadze kidnapped. Moroz justified his actions by saying: “I gave an oath of allegiance to Ukraine, to the people of Ukraine. I did not break my oath. I did not swear allegiance to Kuchma to perform his criminal orders.”¹⁴ On December 14 the parliament was shown a second portion of the videotape, in which Melnychenko contended that Kuchma had ordered the October 2, 1999, grenade attack against potential presidential candidate Natalya Vitrenko, and also ordered the falsification of the results of the 1999 presidential election and 2000 constitutional referendum, and that Gongadze’s kidnapping had been carried out by an Interior Ministry special task force.¹⁵

Response of the president’s office to Melnychenko interview

Responding to the accusations, Interior Minister Kravchenko told parliamentary deputies he “received no instructions from Kuchma regarding Gongadze,” but declined to answer whether his voice was on the audio tapes of the alleged conversations.¹⁶ The next day Presidential Spokesman Oleksandr Martynenko said Kuchma had not issued any illegal orders regarding Gongadze and called the Moroz tapes a fabrication, saying: “A large-scale provocation is taking place... The logic behind the recent events is that of a scandal and not a search for the truth.”¹⁷ A week later while visiting Moscow, President Kuchma told journalists on December 21 that “big money and professionals” were behind the Gongadze disappearance: “I am inclined to think that these professionals are ours, Ukrainian, homebred,” adding that the tapes did not reveal “even a hint” that he wished to get rid of Gongadze.¹⁸

In the months following the release of the tapes, government officials grew increasingly defensive but did eventually acknowledge that portions of the tapes were authentic.

On January 10 Prosecutor General Mykhola Potebenko briefed the parliament on the status of the Gongadze investigation and expressed his doubts about the authenticity of the tapes, saying experts had determined the content had been edited and adding that the poor sound quality made it impossible to determine whose voices were on the tape.¹⁹ Two days later, on January 12, Potebenko said that the Moroz tapes could not be accepted as evidence in the Gongadze tape—even if foreign experts could confirm their authenticity—because they were obtained in an illegal manner. He emphasized that Ukrainian law only deemed evidence to be admissible if it were “obtained in a legal way and by appropriate bodies that are authorized to gather information.”²⁰

The president’s attempts at distancing himself weakened on January 26 when parliamentary deputy Oleksandr Turchynov announced that he had listened to excerpts of the tapes and recognized a conversation he had with Kuchma in September as being authentic. Turchynov added cryptically that he was healthy, had no debts and did not intend to commit suicide, suggesting that if he were to be found dead, it would be a result of foul play. “That’s just in case,” he warned, saying that he was then under surveillance.²¹ A week later, on February 1, parliamentary deputy Taras Chornovil said he also recognized his own voice on the tapes in a conversation he had with Kuchma in the fall of 2000.²² Despite the claims, by late January, the General Prosecutor’s Office had still not explained the methods it had used to determine that the Melnychenko tapes were not authentic.

Following these statements supporting the authenticity of the tapes, the government softened its position, conceding that parts of the tapes were indeed authentic. On February 2 the Prosecutor General’s Office released an enigmatic statement saying the tapes included authentic recordings of Kuchma’s conversations, but that the tapes were falsified because the recordings were “compiled from separate words and fragments.”²³ Days later, the Deputy Prosecutor General, Oleksiy Bahanets, said that an investigation had confirmed that conversations in Kuchma’s office had indeed been secretly recorded. Bahanets said Kuchma, Lytvyn and Kravchenko had all confirmed that portions of the conversations in the tapes had actually occurred, but also denied “some fragments.” Bahanets said that 14 episodes on the tapes that were released to the public were “compiled, that is, falsified.”²⁴ And then two months later, on April 12, Bahanets told journalists the tapes contained state

secrets. “A part of these recordings includes a state secret, while another part deals with confidential information that can not be publicized.”²⁵

Ukrainian prosecutors, meanwhile, were preparing a criminal case against Melnychenko charging him with slander and forgery based on the assessments of domestic experts that the tapes were heavily edited fakes. The prosecutors did not include any charges related to revealing state secrets.²⁶

Opposition’s analysis of the tapes

Prior to releasing the Melnychenko tapes, Moroz handed copies of the recordings to the Dutch tabloid *Volkscrant* in early November. He wished to have them analyzed by voice recognition experts at the Dutch Institute of Applied Research, which concluded they were genuine. The researchers had conducted a technical analysis of the tapes and found that they were composed of clean, unedited recordings with real voices which had not been altered or computer generated. The researchers, however, could not identify the individuals speaking on the tapes since this would have required a subjective assessment by linguistic analysts.²⁷

When the tapes were released by Moroz on November 28, the allegations he made against Kuchma were taken seriously, because even though Moroz was known to dislike Kuchma passionately, he is also viewed as cautious in terms of his pronouncements against his opponents. Second, journalists who have covered Kuchma and traveled with him on the road, said the informal tone of the conversations on the tapes, including the extensive use of expletives, matched Kuchma’s informal style of conversation.²⁸

What the tapes did not reveal, however, is the body language and facial expressions of the speakers. The portions of the Melnychenko tapes initially released by Moroz were full of half sentences in which the speakers complained about media outlets which were critical of Kuchma, and in which Kuchma was heard to say that Gongadze should be kidnapped by the Chechens. But nowhere on the recordings was Kuchma heard explicitly instructing his subordinates to kidnap or kill Gongadze. Presumably, during the conversation, the speakers’ facial expressions would help clarify their intent.²⁹

International Press Institute (IPI)

On December 22, 2000, the Temporary Investigative Commission of the Ukrainian parliament asked the Vienna-based International Press Institute (IPI) “to facilitate an independent expert analysis of an audio tape...to

determine the authenticity of the correspondence of the taped voices and those of state officials in Ukraine...” which could meet a high degree of certainty.³⁰ Since it had become generally accepted in Ukraine that the voices on the tapes were those of the state officials, IPI focused on trying to verify whether the tapes were authentic or a doctored version of an authentic recording, and found a forensic accounting firm with an expertise in electronic evidence to conduct the assessment.

Since the audio tapes had not been handled in a manner which properly documented their chain of possession and in accordance with International Organization of Computer Evidence (IOCE) principles—which requires that access, storage and transfer of digital evidence be fully documented and be made available for review—the tapes were determined to have no forensic value in a court of law.

The analysts then proceeded with their own evaluation and concluded that the detection of potential doctoring or manipulation of the conversations on the tape was “rather slim, if digital processing were to have been employed at a professional level.” They reported that professional digital processing could have produced a library of samples to change the order and sequence of the words or even create fictitious words which could have been inserted into the conversation. Furthermore, the experts suggested that physiological linguists conduct a subjective phonetic analysis of the recordings, but that their conclusions would nonetheless retain a substantial degree of uncertainty.

Following the technical analysis of the tapes, IPI stated to the Temporary Investigative Commission in a February 22 letter that it could “not continue to pursue the requested task... [being] that the abovementioned IOCE principles, related to the security of digital evidence, could not be fulfilled and therefore the technical evaluation of the tapes would most likely not pass evidentiary scrutiny at the Courts.” While technical experts concluded “that it is nearly impossible to detect manipulation with a near absolute degree of certainty,” IPI said the analysis “does not imply that the tapes are inauthentic... only that their authenticity cannot be proved to a high degree of certainty via forensic investigation.” (See Annex E for a full copy of IPI’s letter to the commission.)

Additional Considerations

While Oleksandr Moroz played the central role in making allegations against President Kuchma, he has also taken some contradictory positions

in this debate. Moroz, for example has repeatedly criticized Kuchma for his corrupt and authoritarian rule, including his government's violations of press freedoms, yet has publicly opposed releasing all of the Melnychenko tapes. This has led some to question Moroz's commitment to governmental transparency and press freedom.³¹

Furthermore, there have also been questions about how Melnychenko could have recorded several hundred hours of conversations in Kuchma's office without some broad organizational support from within the SBU. For example, could Melnychenko have had free and unfettered access to Kuchma's office 100 or 150 times to enter and change the tape on the digital recorder? How could the digital recorder under Kuchma's couch not have been discovered by the cleaning staff or by other security officials responsible for keeping the room secure from any electronic surveillance? How could Melnychenko, having such sensitive responsibilities, have left the country with a hundred or so cassette tapes without being searched or raising any suspicion? In the weeks following the release of the tapes, journalists raised these questions with Moroz, which he failed to clarify.³²



Question: Have there been cases when you have been unsure about how to accurately evaluate evidence or witness statements? From whom would you seek advice or expertise on such issues?



Notes

1. "Ukrainian Politician Says President Involved in Journalist's Disappearance..." RFE/RL Newline, November 29, 2000.
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3. "Moroz Says Leaked Audio Tapes Link Kuchma to Gongadze Disappearance," Compiled by KP News Staff, *Kyiv Post*, November 28, 2000.
4. "...Presents Audio Recordings to Support His Claims..." RFE/RL Newline, November 29, 2000.
5. "Moroz Says Leaked Audio Tapes Link Kuchma to Gongadze

- Disappearance,” Compiled by KP News Staff, *Kyiv Post*, November 28, 2000.
6. “...While Presidential Aide Wants to Sue Him For Slander,” RFE/RL Newswire, November 29, 2000.
 7. “Ukrainian Leader Sued for Slander,” RFE/RL Newswire, December 1, 2000.
 8. “Ukrainina President Seems to Be ‘Unfazed’ By Moroz Tape,” RFE/RL Newswire, December 7, 2000, and, “Ukrainian President Provides Bodyguards for Opposition Politician,” RFE/RL Newswire, December 8, 2000.
 9. “Ukrainina President Dismisses Claims of Involvement in Reporter’s Disappearance,” Interfax News Agency, December 1, 2000.
 10. “Ukrainian President Seems to Be ‘Unfazed’ By Moroz Tape,” RFE/RL Newswire, December 7, 2000.
 11. “Ukrainian Parliament to Evaluate ‘Moroz Tape,’” RFE/RL Newswire, November 30, 2000.
 12. “Former Bodyguard Explains Eavesdropping on Kuchma,” compiled by Jan Maksymiuk, RFE/RL Poland, Belarus, and Ukraine Report, December 19, 2000, Volume 2, Number 47.
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 14. “Ukrainian Lawmaker Claims ‘Moroz Tapes’ Authentic,” RFE/RL Newswire, December 12, 2000, and, “Ukrainian Parliament Examines Interview Implicating Kuchma...,” RFE/RL Newswire, December 13, 2000.
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 19. “Expert Examination Does Not Confirm Authenticity of ‘Kuchma’ Audio Tapes—Ukrainian Prosecutor General,” Interfax News Agency, January 10, 2001.
 20. “Ukrainian Prosecutor-General Dismisses ‘Motoz Tapes’ as Evidence,” RFE/RL Newswire, January 15, 2001.

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24. "Eavesdropping on Ukrainian President Confirmed," RFE/RL Newline, February 8, 2001.
25. "Ukrainian Prosecutor General Says Melnychenko's Tapes Include State Secret," RFE/RL Newline, April 13, 2001.
26. "Kuchma Says Melnychenko Only a Front in Tape Scandal," by Marina Sysoyeva, The Associated Press, April 4, 2001.
27. "Flaws in Ukrainian Laws Dog Due Process in Gongadze Case," by Peter Byrne, *Kyiv Post*, January 25, 2001.
28. Confidential Kyiv-New York communication dated December 1, 2000, with a press freedom advocate who has followed the Gongadze case closely.
29. Confidential Kyiv-New York communication dated December 1, 2000, with a press freedom advocate who has followed the Gongadze case closely.
30. This section summarizes the February 22, 2001, letter from IPI Director Johann P. Fritz to the Temporary Investigative Commission of the Ukrainian parliament regarding the results of their analysis. See http://www.freemedia.at/prkuchma_tapes.htm.
31. Moroz stated this position, for example, when he held a briefing at the Washington, DC, offices of Radio Free Europe/Radio Liberty on February 27, 2001.
32. Ibid.

CHAPTER

8

Furor Rages Over Identity of Corpse

In the months following the discovery of the Tarashcha corpse and after the revelations of the Melnychenko tapes, there were a series of threats against individuals involved in the examination of the Tarashcha corpse. The police also increasingly tried to shift the focus of the investigation to that of an ordinary street crime and away from the political scandal it had become, raising suspicions among journalists and opposition leaders.

Threats

A major problem in the investigation was the ongoing intimidation of those involved in the analysis of the body found in the shallow grave in Tarashcha. There were three major cases of such harassment reported in the media.

- 1) On January 9 the parliament's ad hoc commission on the Gongadze affair issued a statement saying that Ihor Vorotyntsev, who was an employee of the Tarashcha morgue and one of the first officials to examine the Tarashcha corpse, had his home searched several times by government officials and was forced to sign a document which forbade him from disclosing any information from his preliminary examination of the corpse.¹
- 2) On January 30, parliamentary deputy Serhy Holovaty, accused the Prosecutor General's Office of obstructing the work of the ad hoc commission on the Gongadze case. Holovaty said that while he was visiting the Council of Europe in Strasbourg he contacted a Ukrainian citizen living in Germany, Ihor Stelmakh, by telephone. Holovaty requested that the man go to the medical

clinic in Germany, which was analyzing a tissue sample from the Tarashcha corpse, to obtain the results. Holovaty said Stelmakh had reported back to him that three days after their conversation that he had been called into the Ukrainian consulate in Munich where he was questioned about his connection to narcotics smuggling in 1994.”²

- 3) The surgeon Valery Ivasyuk had fled from Ukraine to Great Britain where he sought asylum in early February.³ Ivasyuk was one of the medical experts involved in examining the Tarashcha corpse and had on numerous occasions contradicted Prosecutor General Mykhaylo Potebenko’s statements that the body could not be definitively identified. Following these events Ivasyuk said SBU officials threatened him with arrest and suggested that his life was in jeopardy. He fled the country, leaving his wife and two children.⁴

President’s office

As the investigation into the case and efforts to identify the corpse dragged on into the winter, officials from the president’s office steadfastly maintained to reporters that they played no role in Gongadze’s disappearance and murder. For instance, in regard to the car with the license plate 07309 KB, which Gongadze had mentioned in his July 2000 letter to Potebenko, Interior Minister Yuriy Kratchenko confirmed that a car bearing that license plate was part of a police undercover surveillance unit, but claimed that “those number plates were stolen from one of our vehicles in February 2000.” During a press conference in early January, Prosecutor General Mykhaylo Potebenko stated that: “During the period to which Georgy Gongadze referred, that registration number no longer existed.”⁵

On January 10 Prosecutor General Mykhola Potebenko briefed the parliament on the status of the Gongadze investigation. He announced that DNA tests conducted by Russian forensic experts both on the headless body and on samples from Gongadze’s mother, led investigators to conclude there was a 99.6% chance that the Tarashcha corpse was that of the missing journalist.⁶ Then on January 26 Deputy Prosecutor General Oleksiy Bahanets said that “forensic experts have not determined the cause of death, since it is impossible because of the decomposition of the body.”⁷

With time Kuchma's growing sense of desperation became evident, as he became more insistent in his statements that he was not guilty and would remain in office. In the February 10 edition of London's *Financial Times* Kuchma denied having any role in the death of Gongadze: "I can swear on the Bible or on the constitution that I never made such an order to destroy a human being. This is simply absurd." (On the same day it was reported that Kuchma fired SBU head Leonid Derchak and State Bodyguard Service head Volodymyr Shepel, who had previously been Melnychenko's superior.⁸) On February 21, Kuchma stated in an interview that he refused to resign over his alleged complicity in the Gongadze affair. "I won't even talk about this topic," Kuchma said. Answering questions during a call-in interview led by the Kiev-based *Fakty* newspaper, Kuchma added: "I want to tell people: You need to believe in your country, you need to believe in your president. I am looking you in your eyes and I am ready to swear on the Bible or the Constitution that I have never, under no circumstances given an order to destroy a man."⁹

Realizing that the investigation was lacking credibility, Kuchma sought out external assistance to bolster support for the inquiry. On February 23 he called on the Prosecutor General to seek external assistance in identifying the Tarashcha corpse. The president's office issued a statement saying: "President Leonid Kuchma has called on the Prosecutor General to work with the (American) Federal Bureau of Investigation experts who should use their expertise to identify the corpse."¹⁰ Kuchma also wrote a letter which was published in the February 27 edition of London's *Financial Times*, a letter in which the president claimed that certain Ukrainian politicians were exploiting the Gongadze affair as a "political weapon designed to destabilize Ukraine." Kuchma stated that allegations that he was involved in Gongadze's death were groundless, that he was committed to press freedom, and proclaimed himself the defender of political reform, saying: "It is not by chance that my main accusers are precisely the same people who have blocked Ukraine's transformation to a free economy."¹¹

In late February efforts at identifying the body seemed to be moving forward. On February 26 the press service of the Prosecutor General's Office announced that "additional data" provided by medical experts had led Deputy Prosecutor General Oleksiy Bahanets to conclude that the Tarshcha corpse was Gongadze's body.¹² Then on February 27 Prosecutor

General Mykhaylo Potebenko launched a formal investigation into what he called “the pre-meditated murder” of Gongadze, one day after his office had used genetic testing to identify the body as Gongadze’s. On the same day the Prosecutor General’s Office turned over the Tarshcha corpse to the journalist’s wife and mother for burial. Gongadze’s mother recalled bitterly that “they gave us a death certificate. But the reason of his death, the date of his death, where his head is—nobody can tell me this... They want me to bury him so [the case] can be forgotten.” She called for Potebenko’s dismissal because she had “absolutely no trust” in how he had handled the investigation.”¹³ (On March 26 a presidential spokesman confirmed that Kravchenko, the interior minister, had been dismissed and that Kiev police chief Yuriy Smirnov had replaced him.¹⁴)

Gongadze’s family

Throughout the entire affair Gongadze’s relatives continued to speak out about government pressure on them and voiced their concerns about the quality of the government investigation.

On January 16, for example, the mother of the disappeared journalist, Lesya Gongadze, told the Ukraine parliament that she would not yet accept the Tarashcha corpse from the government and demanded that additional forensic tests be conducted. She said: “Much pressure has been made on me and my family lately that we should bury the body in Lyiv. They said the plane was ready as well as a place at the prestigious Lychakivske cemetery... But I’m the mother and I want to know whose body I’m committing to the earth.”¹⁵ Four days later, on January 20, the Prosecutor General’s Offices expressed the will to turn the corpse over to Gongadze’s wife and mother for burial, but would not issue the relatives a death certificate, claiming the identity of the body could not be confirmed with absolute certainty.¹⁶

Later on, on February 14, Myroslava Gongadze, the wife of the disappeared journalist, said on Moscow’s Ekho Mosky radio station that “being in the center of these events is terrifying for me, but we must have an impartial investigation.” She said that ongoing political instability in Ukraine “lies solely with the investigative organs (and) their complete inactivity.” Commenting on the failure of the Ukrainian authorities to definitively identify the Tarshcha corpse as her husband’s, she said “there is only one explanation. If there is no crime then there is no perpetrator of the crime.”¹⁷ One month later, on April 17, Myroslava said at a press

conference in Warsaw that she would hold Kuchma responsible for the presumed murder of her husband until the case was resolved. “If the people who have been accused—the president and his entourage—had wanted, then I think the investigation would have been more effective.”¹⁸

Identification without closure

Uncertainty regarding the identity of the Tarashcha corpse was revived on March 20 when Munich-based genetic experts announced that the samples taken from the Tarashcha corpse did not belong to Gongadze. The results were based on tests of three different samples: tissue taken from the Tarashcha corpse by *Ukrainska Pravda* journalist Olena Prytula; a blood stain left on Gongadze’s medical card from 1993; and, a blood sample from the journalist’s mother.¹⁹ Following this announcement, Kuchma called on Russian, German and US experts to conduct a new analysis of the Tarashcha corpse, saying that “such a well-known case must be investigated in a more transparent manner and be more open to the public. Nobody should think that someone wants to hide something, because it’s impossible to conceal anything.”²⁰

The ongoing lack of confidence in the investigation led to reactions from both the pro- and anti-Kuchma factions. On March 23, for example, the pro-Kuchma Labor Ukraine Party announced that it had signed a contract with the New York-based investigative firm Kroll Associates to independently investigate the Gongadze case in the hopes of boosting Ukraine’s international image. Party leader Serhiy Tyhyhko said Kuchma had been informed of the contract in advance and had approved.²¹ Some 1,000 anti-Kuchma protesters, on the other hand, gathered in front of the president’s office building in Kiev on April 9 calling on Kuchma to swear on the Constitution that he had not ordered the killings of Gongadze and other journalists and politicians. Later that day Kuchma said he had already sworn on the constitution and was not going to do it again: “That would be a farce, and the president will not participate in a farce.”²²

The Ukrainian government was further unsettled on April 16 when U.S. State Department spokesman Richard Boucher confirmed that the American government had granted political asylum to Gongadze’s wife and two children, and to Melnychenko, the man who had surreptitiously taped Kuchma.²³ Three days later the Prosecutor General’s Office, which had previously charged Melnychenko with fraud and libel, announced it would seek Melnychenko’s extradition.²⁴

The ordeal over the identity of the Tarashcha corpse finally came to an end on May 8 when Deputy Prosecutor General Mykola Harnyk announced that two US experts who had conducted an analysis of the Tarashcha corpse—an FBI expert in DNA and a U.S. Armed Forces forensic pathologist—had concluded that the body was indeed that of Gongadze, but that it was not possible to determine the time of death because of the missing head and the time that had elapsed since the death.²⁵

Just when a degree of certainty and closure was setting in, the government committed yet another blunder. On May 14 President Kuchma said on Russia's ORT Television that as far as he was concerned, investigators had "practically traced the assassin [of Gongadze]," but did he not elaborate further.²⁶ The following day Interior Minister Yuriy Smirnov expanded on Kuchma's comment, saying that the case had been solved and that there were no political motives in the murder. "As a minister, I consider the crime to be solved... Two perpetrators [of Gongadze's murder] are dead, and there are no organizers because this action was spontaneous and sudden," adding that police had apprehended the murderers of Gongadze's assassins.²⁷

This prompted another round of angry statements from both the Gongadze family and parliamentary officials. And the lawyer for Gongadze's mother, Andriy Fedur, dismissed the new revelations, saying "it seems to me that it is premature to speak before the murderers have been identified, before the case has been passed to court, and before the court has passed its sentence." Fedur further questioned how the minister could be so sure the dead men were in fact Gongadze's murderers without questioning them. "When did the [dead] killers tell him [Smirnov] that they murdered Gongadze?"²⁸

Also reacting to Smirnov's statement, parliamentary deputy Oleksandr Zhyr said on May 16 that he was surprised that an Interior Ministry official was announcing the results of the Gongadze investigation since the government inquiry was the responsibility of the Prosecutor General's Office and the Security Service (SBU). Socialist party leader Oleksandr Moroz added that "top leaders of the Interior Ministry have become so entangled in lies" that they were trying to find a credible explanation for them.²⁹

As of the writing of this case study, the investigation into Gongadze's disappearance remains inconclusive. It remains unclear how the government expects to move the inquiry forward in light of the

credible allegations of a government role in Gongadze's disappearance and murder.

Credibility

With time, former SBU official Mykola Melnychenko began giving interviews in order to counter what he said was a steady barrage of government disinformation against him. In addition to the December 7 interview with parliamentary deputies, (See Annex D), he was also interviewed by RFE/RL on December 29 and January 9. (See Annex F). President Kuchma weighed in by, among other things, writing a letter published in the February 27 edition of London's *Financial Times*, (See Annex G), and granting an interview to RFE/RL on April 3, (See Annex H).



Question: After reading each of these interviews, how do you judge the credibility of the Melnychenko and Kuchma? Explain.



Notes

1. "Parliament Gongadze Commission Accuses Prosecutor General's Office of Pressuring Expert," by Ukrainian News, *Kyiv Post*, January 9, 2001.
2. "Holovaty Accuses Prosecutor's Office of Obstruction in Gongadze Investigation," by Ukrainian News, *Kyiv Post*, January 31, 2001.
3. "Participant in Gongadze Case Inquiry Seeks Asylum in Britain," by Vitaly Makarchev, ITAR-TASS, February 13, 2001.
4. "Ukrainian Doctor Asks for Asylum in Great Britain," RFE/RL Newline, February 13, 2001.
5. "Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze," *Reporters Sans Frontières* (Paris), January 22, 2001, p. 5.
6. "Missing Ukrainian Reporter 99.6% Identified As Murder Victim," by Mikhail Melnik and Raisa Stetsyura, ITAR-TASS, January 10, 2001.
7. "Kyiv: No Way to Determine Cause of Death to Suspected Gongadze Corpse," RFE/RL Newline, January 29, 2001.
8. "[Ukrainian President]...Sacks Security Chief," RFE/RL Newline, February 12, 2001.

9. "Ukrainian President Not Resigning Over Missing Journalist Case," RFE/RL Newsline, February 22, 2001.
10. "Ukrainian President Seeks FBI Help to Solve Corpse Mystery," RFE/RL Newsline, February 23, 2001.
11. "Letter to the Editor: Those Responsible for the Journalist's Death Should Be Brought to Justice," by Leonid Kuchma, *Financial Times*, February 27, 2001.
12. "Ukrainian Prosecutors Recognize Death of Journalist Georgy Gongadze," Interfax News agency, February 26, 2001.
13. "Ukrainian Investigators Look for Gongadze's Murderer," RFE/RL Newsline, February 28, 2001.
14. "Ukraine's Kuchma Replaces Sacked Interior Minister," Agence France Presse, March 26, 2001.
15. "Gongadze Relatives Refuse Body," by Olga Kryzhanovska, *Kyiv Post*, January 18, 2001.
16. "Prosecutors Say Male Body Found in Forest May be Gongadze's," ITAR-TASS, January 20, 2001.
17. "...While Gongadze's Wife Only Appeals for the Truth," RFE/RL Newsline, February 16, 2001.
18. "Gongadze's Wife Holds President Responsible for Journalist's Disappearance," RFE/RL Newsline, April 18, 2001.
19. "German Experts Say Body Is Not Journalist's," RFE/RL Newsline, March 21, 2001.
20. "Ukraine Asks United States, Germany, Russia For New Analysis of Body," by Sergei Shargorodsky, Associated Press, March 21, 2001.
21. "...and Pro-Kuchma Party Hires International Sleuths to Investigate Gongadze Case," RFE/RL Newsline, March 26, 2001.
22. "Ukrainian Students Want Kuchma to Swear He's Not Guilty of Journalist's Death," RFE/RL Newsline, April 10, 1999.
23. "US Confirms Asylum Granted to Former Ukrainian Security Officer," Agence France Presse, April 16, 2001.
24. "Ukraine Asks US for Exiled Bodyguard's Extradition," RFE/RL Newsline, April 20, 2001.
25. "FBI Experts Identify Decapitated Body As Gongadze," by Mikhail Melnik, ITAR-TASS, May 8, 2001.
26. "Ukrainian Investigators Know Who Killed Gongadze?," RFE/RL Newsline, May 15, 2001.

27. “Ukrainian Authorities Say Journalist’s Killing ‘Purely Criminal Matter,’” by Sergei Shargorodsky, Associated Press, May 15, 2001.
28. “...While Lawyer of Gongadze’s Mother Has Doubts,” RFE/RL Newline, May 16, 2001.
29. “Ukrainian Lawmaker Surprised at Interior Minister’s Statement on Gongadze’s Death,” RFE/RL Newline, May 17, 2001.



Threats and Intimidation

Throughout the Gongadze affair, numerous journalists and media outlets reported receiving threats and intimidation and being physically attacked, either by police, security officials or by unknown assailants. They believed the events are retaliation for their critical reporting of the investigation.

Most of Ukraine's larger newspapers and radio and television stations are owned by wealthy, pro-government business oligarchs. It is the smaller opposition newspapers that have been critical of the government, and have thus endured the brunt of its reprisals. And when media coverage of the Gongadze case grew, particularly with the November release of the tapes, opposition journalists and media outlets encountered a significant increase in the frequency of threats directed against them.

November 2000

Following publication of the November 26 edition of *Grani*—which focused on the breaking story of the Melnychenko tapes—the printer, an outfit affiliated with the Ministry of Science, cancelled its printing contract with the newspaper.¹ On November 27, 2000, SBU officials approached a printer in the town of Tcherenko in an effort to prevent the publication of the next day's edition of the newspaper *Roubige*. The printer refused to halt printing of the paper and the following day one of the vehicles delivering the newspapers in the region was stopped by three police officers who confiscated its entire cargo.² On November 28 the Left Center parliamentary faction reported that the electrical power had been cut off to their offices just when were they in the process of transcribing the explosive Melnychenko tapes.³ On November 30, the state-run printing

company *Presa Ukrayiny* refused to print an edition of the Socialist Party's newspaper *Tovarysh*, which contained articles written by Moroz regarding the alleged involvement of Kuchma, Kravchenko and Lytvyn in the disappearance of Gongadze.⁴

December 2000

On December 7, 2000, a manager of a printing firm in the town of Povlograd contacted *Slovo Vetezana*'s editor in chief, Ludmila Pregseva. The manager told Pregseva that local SBU officials had instructed the printing company to remove a full page article about the Gongadze affair, an article titled "The Scandal of the Year."⁵ Parliamentary deputy Serhy Holovaty announced that on the evening of December 30 a senior Interior Ministry official and a police officer had entered the Kiev apartment of Svitlana Karmeliuk, a medical expert involved in examining the Tarashcha corpse, and tried unsuccessfully to confiscate her passport. Karmeliuk was planning to travel to Germany to participate in an independent analysis of a tissue sample taken from the Tarashcha corpse.⁶

January 2001

In mid-January 2001, Thomas Dine, the President of the US government-funded Radio Free Europe / Radio Liberty, said SBU officials had approached members of the Ukrainian Service and threatened them with reprisal if they did not tone down their coverage of the Gongadze affair.⁷ On January 25, Ukraine's National Council for Television and Radio (NCTR) announced that the 101.9 frequency of *Radio Kontinent*—which rebroadcasts the Ukrainian-language services of the BBC, VOA and Deutsche Welle—would be open for tender. On the evening of January 30, 2001, Yanina Sokolovskaya, the Kiev-based correspondent for the Moscow-daily *Izvestiya*, was attacked by a knife wielding assailant in the entrance of her apartment building and suffered minor wounds to her hands and face. *Izvestiya* editor-in-chief Mikhail Kozhokin said Sokolovskaya had been under surveillance for a week prior to the attack, presumably by police or security officials. Sokolovskaya believed the incident was in retaliation for her extensive coverage of the Gongadze affair, or possibly an interview she conducted with a political opponent of Kuchma.⁸

February 2001

On the evening of February 5, 2001, Liudmila Kokhanets, a journalist with the Kiev-daily *Golos Ukrainy*, was attacked by an unknown assailant in the

entrance of her apartment building. She was grabbed by the throat and warned to stop writing about the Melnychenko tapes and the Gongadze affair.⁹ On February 17 two firebombs were thrown at the office of the Socialist Party newspaper *Tovarish* causing a small fire. *Tovarish* staff said the attack was in response to their support for anti-Kuchma protests.¹⁰

Most of the journalists who reported these incidents to the authorities said they received no assistance from the police. The cases are rarely investigated.



Notes

1. “Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze,” *Reporters Sans Frontières* (Paris), January 22, 2001, p. 12.
2. *Ibid*, p. 6.
3. “Left Center Faction Experienced Energy Cut-Off While Gongadze Tapes Being Transcribed,” compiled by KP news staff, *Kyiv Post*, November 28, 2000.
4. “Ukrainian Socialist Leader Sued for Slander,” RFE/RL Newline, December 1, 2000.
5. “Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze,” *Reporters Sans Frontières* (Paris), January 22, 2001, p. 13.
6. “MP: Interior Minister Has Exerted Pressure on Gongadze Case Expert,” compiled by KP news staff, *Kyiv Post*, January 3, 2001.
7. “Ukraine’s Security Service Denies Pressure on RFE/RL Journalists,” RFE/RL Newline, January 16, 2001.
8. Committee to Protect Journalists 2001 database.
9. *Ibid*.
10. *Ibid*.



Who killed Gongadze?

While the investigation remains inconclusive, the manner in which the President's office conducted the inquiry has highlighted the nature of politics in Ukraine, the impact of Gongadze's Internet publication *Ukrainska Pravda* and a considerable quantity of circumstantial evidence.

The inability of the President's office to mount a credible investigation into Gongadze's murder illustrated the government's inability to carry out one of its most basic functions—regulating conflict. The case strongly suggested that Ukraine is dominated by a network of powerful patronage relationships whose purpose is to use government institutions and power to pursue private agendas.

Gongadze's significance

Within Ukraine's complex and conflict-ridden political environment, critical and independent journalism was curtailed, both by violent attacks and litigation against the media. *Ukrainska Pravda* stood out with its politically-charged web site. It was one of a few to challenge President Kuchma and his cronies.

According to excerpts from the Melnychenko tapes, the existence of *Ukrainska Pravda* was brought to Kuchma's attention about three months after it began operations in April. This was followed by a period when Gongadze was put under surveillance by special units, reportedly under the control of Interior Minister Yuriy Kravchenko. Some claim this was to become familiar with his habits in order to plan his kidnapping. But Gongadze's letter of July 14, 2000, to Prosecutor-General Mykhaylo Potebenko complaining about the surveillance and the trumped-up investigation against him, may have played a role in his demise.

Evidence

There is a significant amount of circumstantial evidence in Gongadze's abduction and murder. Before Gongadze's kidnapping there were indications that the so-called "power ministries" of the President's office were focusing on Gongadze. First, he was under surveillance in the months prior to his disappearance, allegedly by undercover units of the Ministry of the Interior. Second, the police were conducting a highly questionable investigation of him. Third, Gongadze's July 14 letter to the Prosecutor-General's office, which was never seriously investigated. Following the kidnapping, the government failed to throw its weight behind the official inquiry. And then there was the harassment of journalists covering the case. The Melnychenko tapes, if fully authentic, provide the strongest evidence that top officials were watching and following Gongadze and planned to eliminate him.

The key question that remains unanswered is who masterminded Gongadze's abduction? Some blame President Kuchma directly, while others point to Kuchma's close political associates. Still others speak of a powerful oligarch who was close to the regime. Until a credible investigation into the case is carried out, the prime suspects will remain those of Ukraine's political elite.

CHAPTER

1

Reflecting on Security Issues in Investigative Journalism

By publishing *Ukrainska Pravda* on the Internet, Gongadze was a pioneer in Ukraine. In putting out his Internet publication, Gongadze insulated it from many of the government's traditional means of disrupting opposition newspapers. He was not dependent on newsprint, printing presses, or a distribution network. His apparent immunity, however, may have been his downfall.

Questions

- Do you have alternate means of publishing politically sensitive information?
- Are you aware that some journalists have their articles published in another newspaper under a fictitious byline or even resort to publishing their articles abroad?

Journalists often have multiple motivations that lead them to conduct dangerous investigations into politicians and corruption. Motives may include enjoying the excitement and risk involved; seeking to pursue intellectually challenging work; seeking to expose hypocrisy and promote political accountability; advancing a professional career; gaining respect from colleagues; pursuing fame and political influence; earning additional income.

Question

What motivates you to investigate corruption or other sensitive issues, despite the risk of harm it may bring to you or those close to you?

Investigative reporting often leads to high levels of stress and anxiety. Many have dealt with this by seeking out a trusted colleague, friend or family member to talk things out, or by forming a group of colleagues who discuss issues related to their investigative projects.

There are several benefits to talking through issues related to the investigation, such as:

- the *ventilation* of problems, which may act as a safety valve to deflate pressures,
- the *clarification* of various issues related to the project,
- the *encouragement of reflection* and emphasis on thinking through potential courses of action and their consequences,
- peer support, which can bring about a greater sense of security.¹

Question

How do you cope with stress and anxiety during sensitive investigations?



Notes

1. *Becoming a Psychotherapist: A Clinical Primer*, by Rosemary Marshall Balsam and Alan Balsam, (Chicago) University of Chicago Press: 1974, p. 165–167.



Article in September 11, 2000 Edition of *Ukrainska Pravda*

The following article is an example of how *Ukrainska Pravda* focused on exposing political corruption in Ukraine which was deeply embarrassing to the country's political elites and eroded their political legitimacy. The Moscow-based newspaper *Vermeer MN*, for example, had suggested in its October 5, 2000, edition that Gongadze may have been targeted due to an article he published in *Ukrainska Pravda* on September 11, 2000, which examined the way signatures were collected for a constitutional referendum held in Ukraine in April 2000, to strengthen Presidential powers.

Vermeer MN noted that the man blamed in *Ukrainska Pravda* for falsifying of lists of signatures for the referendum is Oleksandr Volkov, a business oligarch. Following the publication of this article, Volkov would not allow Gongadze to attend his press conference. Two days later Gongadze disappeared.

The following is a translation of that article:¹

- **Title:** Citizen Shaft P. from Scientific Street in Lyiv as an Initiator of the Constitutional Reform in Ukraine. Who Signed In Favor of the Referendum?
- **Author:** Maxim Strykha, doctor of mathematical and physical sciences, writer, member of the Presidium of the Ukrainian Popular Party "Sobor."

Constitutional reform must be carried out because such is the will of the people. It is the people who initiated the April 16 referendum. It is

the people who said in the referendum: Ukraine has to be [a] presidential [republic]!

Everyday we hear more or less that argument on all radio and television channels from the mouth of the very Guarantor [of the Constitution] and the Best Friend of Ukrainian Olympic Athletes, in the speeches of his loyal herdsmen and inciters from the parliamentary majority, and, finally, from the symbols of Ukraine's independent, incorruptible, and brilliant journalism—Messrs. Dolhanov and Lapikura.

Indeed, they cite the figure of 4 million signatures in support of the referendum, which was reported by the Central Electoral Commission. And even if everybody realizes that anonymous “initiative groups” were not able to work day and night at the signature-collecting speed of one signature per one signature collector every 26 seconds, our “implementers” [of the referendum results] do not treat this calculation as evidence [of the falsification of referendum-supporting lists]. If [lawmaker and Democratic Union leader Oleksandr] Volkov gives an order, it will be possible to collect one signature even every 16 seconds. Or even every six seconds. It seems that everything is possible in this strange land of Ukraine.

But opposition party activists have not been allowed to look at those lists of signatures. It is clear why. Because the falsification was too obvious. “Initiative groups” did not even use the data bases [on residents] they had collected during previous campaigns. They simply wrote what they pleased.

Exactly this was confirmed in testimony given by five activists from the Ukrainian Popular Party, the Ukrainian National Assembly—the Ukrainian Self-Defense, and the Ukrainian Party “Yednist,” who managed to carry out a verification process in Lyiv. The conclusion from that process is remarkable. None of the 140 signatures on the lists received from Lyiv City Council Secretary V. Bilous proved to be authentic. The lists included either non-existent addresses or the names of the people who did not reside at the given addresses.

What is more, the imagination of “initiative groups” knew no boundaries. Below I quote the protocol of the verification process that was signed by Lyiv party activists and confirmed by a statement of the leaders of regional branches of the Ukrainian Republican Party, the Ukrainian Party “Yednist,” the Ukrainian Popular Party “Sobor,” the Congress of Ukrainian Nationalists, the UKRP, the Organization of Ukrainian Nationalists, the SDS, the Democratic Party of Ukraine, the UNA-UNSO,

the Ukrainian Christian Democratic Party, and the KhNS. I quote dotting some letters in the names because of [their foulness] (in the protocol they are quoted in full). [Ed. note: those letters are restored in square brackets in the current text and approximate translations of the names are given, also in square brackets, at the end of each entry]. Thus:

list No. 7 includes such entries:

position 6: Kh[u]y Kh[u]ylo Kh[u]yovych, Naukova 15/8, passport number KA307930 (signature)—[Prick Pricko Prickovych, Scientific Street 15/8]

position 14: P[y]zden Kh[u]yyov Mikh[u]yovych, Naukova 15/17, passport number KA319085 (signature)—[Cunty Prickov Myprickovych, Scientific Street 15/17]

position 19; Bolt Kh[u]ylo (patronymic illegible), Naukova 15/24. passport number KA209032 (signature)—[Shaft Pricko, Scientific Street 15/24.]

I will note at once: the authenticity of all those names was confirmed on behalf of the Central Electoral Commission by the democratic Lyiv authorities headed by Ukrainian poet V[asyl] Kuybida, who was born into a family of political exiles to the faraway Komi ASSR. One can only guess what names were put on referendum lists in the south and the east, where local authorities are not headed by such devoted and reliable Ukrainian patriots.

A statement by the Lyiv regional branches of the nine political parties said: “We demand that Ukraine’s Prosecutor-General’s Office instigate criminal proceedings against the initiative group from the city of Lyiv that falsified 100 percent of data on referendum lists and impudently denigrated our national, civic, and human dignity. With its falsified referendum lists, [that group] inflicted moral damage on and denigrated not only Lyiv residents but also all Ukrainians, the Central Electoral Commission, and the president of Ukraine, Mr. Kuchma, who believed that [the referendum] was really a popular initiative and did not suspect that it was an initiative of those three individuals from the Democratic Union who signed in positions 6, 14, and 19 on referendum list No. 7, which is kept by the Lyiv City Council deputy head, Mr. Bilous.”

The protocol of the examination was drawn up on June 16. However, one has so far not heard about any actions of the Prosecutor-General’s Office in defense of the “national, civic, and human dignity” of Ukrainians

(apparently, they are devoting quite a lot of time and effort to the [arrested] husband of Mrs. Yuliya Tymoshenko). Instead, 251 lawmakers on 12 July voted together to support the initiative of those three individuals from the Democratic Union. Among them [were] 39 deputies from both Rukhs and the Reform and Order Party headed by Hennadiy Udovenko, Yuriy Kostenko, and Viktor Pynzenyk [respectively].

This vote convinces [us] that the Prosecutor-General's Office may be right [in not reacting to the above-mentioned demand]. It is inexpedient and impossible to defend what does not exist.

In the meantime, according to political analysts, there is a campaign under way in the Supreme Council in order to recruit 50 more supporters of the constitutional initiative of Mr. P. Shaft from Scientific Street in Lyiv. This time, recruitment is being conducted among the left wing, in order not to offend the right wing.



Notes

1. The translation of the *Ukrainska Pravda* article is taken from RFE/RL's Poland, Belarus, and Ukraine Report, October 10, 2000, Volume 2, Number 37.

ANNEX

B

July 14, 2000, Gongadze Letter to State Prosecutor Mykhaylo Potebenko

“Dear Sir,

I, the undersigned, Georgy Gongadze, a journalist, wish to express my profound indignation at the insolent behavior of the police who have laid charges against my colleagues and myself.

For two weeks, representatives of the police have collected information about me from people who know me, without explaining the purpose of their inquiry.

They have questioned neighbors around my administrative residence in Lyiv, as well as my mother, about my activities and lifestyle.

For two days two of my colleagues at my newspaper were questioned by representatives of the police who, under different pretexts, checked their identity documents and took notes. On July 10 a colonel from the police went to see the general manager of the radio station “Continent,” Sergiy Cholokh. The colonel told him a story about my alleged participation in a criminal “settling of scores” in Odessa, in which one person was killed. In other words, they want to accuse me of being involved in a criminal affair.

According to this colonel, on June 25, a few minutes before the shot went off in an Odessa café, two people had gone into the café and introduced themselves as journalists from the “Continent” radio station in Kiev. One of them reportedly showed a document with the name Georgy Gongadze or perhaps “Galadze” (at least the first time the Colonel pronounced the name that way) on it. The other person introduced himself as Kostia.

At first the colonel stated that nobody had paid any attention to the press card but later it became clear that witnesses had described a small

red card holder. Apparently they even saw the signature of the director of the station “Continent,” a certain Vitaliy Andryovitch Kouchtch. All of this is very surprising. First, all the radio station’s correspondents have plastic coated cards; secondly, all documents bear the stamp of the Media-Centre to which the radio station is affiliated; and lastly, on that day I was in Kiev.

The colonel asked Cholokh to describe my character, to say what sort of person I am. Sergiy made it clear that I am known as someone who openly criticizes the government, who can ask the president uncomfortable questions and who is not afraid of the government, but that it is out of the question that I belong to criminal gangs or have contact with armed gangsters.

The colonel asked Sergiy to look for me so that he could meet me. He promised to call back at 5 p.m. but he called back at 3 p.m. and then disappeared.

Finally, I have been followed for the past few weeks. Unknown persons follow me in a Zhigouli car with the official registration number 07309 KB. They wait for me outside my home and my office.

Since the information about my participation in a crime is totally absurd, I claim the right to an explanation for these actions which are clearly a planned provocation aimed, I believe at intimidating me and, at the worst, preventing me from doing my job.

That is why I request you put a stop to this arbitrary action and protect me from this psychological terror. I also request you to find and punish the people responsible for it.

Georgy Gongadze, journalist”¹



Notes

1. “Mutilation of the Truth: Inquiry into the murder of journalist Georgy Gongadze,” *Reporters Sans Frontières* (Paris), January 22, 2001, p. 16-18.



Excerpts of the Melnychenko Tapes

Select excerpts of the tapes published by the Ukrainian and Russian media:¹

Episode 1

- Hello.
- Hello.
- You give me this same one at *Ukrainska Pravda* and ... we will start to decide what to do with him. He's simply gone too far already.
- Started a case.
- Wha—?
- Started a case... (undecipherable)
- Good
- (undecipherable)
- No, I don't necessarily need a case... *Ukrainska Pravda*, well, this is completely already, blyad, insolence. Bastard, blya. The Georgian, Georgian, blin.
- Gongadze, or what?
- Gongadze.
- Well, someone finances him...
- Well, he actively works with this, with Moroz, with *Grani* (Web site). I will on Saturday him... with Matvienko.
- Maybe people's deputies here to court, let the lawyers bring him to court.
- This goes to the prosecutor, right?
- No, Let Kravchenko... (undecipherable)
- (undecipherable)

- It’s just, blya, ... there is some kind of limit, son-of-a-bitch, blya. ...
- Deport him, bliat, to Georgia and throw him out there f*** him.
- Drive him out to Georgia and throw him there.
- The Chechens should steal him. ...²

Episode 2

- So that I don’t forget, there’s this one Gongadze...
- I think I heard this kind of surname.
- Well, bastard, blya, final limit
- Gongadze. He already came our way somewhere...
- Wha—?
- He passed by somewhere. Looking for him.
- That means, what he constantly writes in some kind of “Ukrainska some kind of Pravda”, he pushes it into the Internet, understand. Well who, someone finances him
- (undecipherable)
- But the main thing he needs to be pushed back. Volodya says the Chechens should steal him and drive him to Chechnya to f*** himself and ask for a ransom.
- Eh, we’ll just somewhere him...
- Eh, these sort of people (laughter) totally major...
- Don’t spread anything.
- Well, and drive him out to Georgia, and that’s it.
- Meaning, in the first place, will we be giving (official) permission, not permission, that head of the rayon division..., oh, you remember, the one that in Chernihiv oblast said: “Let the president pay you “
- Yeh-yeh-yeh.
- They’ve already released the vice head. They started a criminal case against him. Meaning on 165 this is for official service violations, and 185. So I think that he’s here. And this week we’ll him
- Yeh. Yeh. Let’s.
- We’ll also show who to say what to.³

Episode 3

- On Gongadze there is besides that that he works together with Moroz.
- For Moroz he’s been writing there in his *Grani* still from the very summer. How does he finance (?)...
- Well, this is the type of garbage. I wouldn’t be surprised that with them

there with the socialists there are ties there... Well, we'll take care of things with them. I think this is...

- There are outlines. This is Medvechuk and Surkis?
- This is that there is a tie between them this is...
- No, that's how once...
- I remember this game near *Kievskie Vedomosti* (newspaper). Surkis, blya, why do we need a Jew, blya.
- Come on, why do you need a Jew
- And now I read some of those same conversations of theirs
- Eh, it's he that posts them. That was their method then. And it still exists. They're creating a problem there, later, as if, they go to a person and help and later it turns out that that person is dependent on them. And it is in this way that they here... This is a big spectacle at such a level, I don't know, maybe, national. They played it out and it made hits... Eh, this is this kind of thing... And, this, maybe, is all.⁴

Episode 4

- I would like to ask you about this kind of form. I mean to use, so that I don't forget.
- This Georgian.
- I'm, we're working.
- Meaning...
- I'm telling you, drive him out, throw out. Give him to the Chechens. (undecipherable) and then a ransom.
- We'll think it over. We're do it in such a way, so that
- Meaning drive him out, undress him, blya, leave him without his pants, let him sit there.
- I'd do it simply, blya, they told me about it today. We're learning the situation: where he's walking, which ways he walks. We've got someone sitting there connected up. We have to study it just a little bit, we'll do it. The team I have is a fighting one, such eagles, everything you want, they'll do. Meaning this is the present.
- For some reason you're not saying anything about Gongadze?
- To stay quiet (undecipherable)
- Honest. Well I'm reporting to you. There we made somewhat of a mistake.
- There he's got a team headed by the last name they told me, blya.
- Meaning he wrote a complaint to the general prosecutor. Well, I think...
- Who.

- Him.
- I made a bit of a mistake here. Well now I think, why did I make a mistake. Now I'll tell you. I went to the deputy head of running the city of Kiev Opanasenko. I think that Opanasenko, I think that the group, it's closed. So Opanasenko through his to get to the bottom of what kind of machine this is and wrote Potobenko, that is, a complaint.
- Who, Opanasenko?
- No, Gongadze. And here he gives the numbers that were destroyed a year ago. I am changing the plan here a little because... I want to get rid of that Opanasenko. My doubts were over when they reported to me all the way in Kirgizia (?) that Opanasenko is interested in the numbers so I said wait, so that it... with the numbers I'll do it. I simply, so that it, I mean, so that it doesn't work out anywhere. Well, he'll be here tomorrow. He'll sign that this could be like a settlement for such matters.
- Well, so that it doesn't go, because they are throwing dirt into Russia through the Internet. You know, into the Internet through Russia.
- Clear.
- I'm not letting Gongadze out. Simply for us a question has arisen I also it... Are there indeed already contacts... And there were... armed surveillance I want to study up on his contacts. What it...
- To know if there isn't a team there. They named some kind of surnames there. They're scribbling this trash
- There are three of them.
- We have them. We have them all.
- Well I want to start with him. Well and this... the general (prosecutor's office) will react. There are no numbers, I don't know.
- And what connection the General (Prosecutor's Office) to Gongadze?
- Well their declaration is there. This is official.
- Well, and so what?
- The declaration is official.
- Well why does every sh** have to write to the general prosecutor?
- Leonid Danylovych...
- There you go just send it to the rayon prosecutor.
- I don't know what the prosecutor there will say. This is the prosecutor...
- I bid you all the best.⁵

Episode 5

- Did you read the [article]? What a bitch, huh? [Derchak]
- [In] *Ukrainska Pravda*? Yes, I did, the whole thing. What are we doing about it? [Kuchma]
- We're all over it, are monitoring all [Gongadze's] communications, checking out all [Gongadze's] Kiev contacts. ... He's already slinked over to Moroz. [Derchak]
- Aha! So he's cooperating with Moroz now, is he! [Kuchma]⁶



Notes

1. The translators of the tapes sacrificed English language grammar in an effort to convey the tone of the original conversations on the tapes. The conversations on the tape are spoken in a Ukrainian-Russian linguistic mix commonly referred to as “Surzhyk” in Ukraine.
2. “Moroz Says Leaked Audio Tapes Link Kuchma to Gongadze Disappearance,” Compiled by KP News Staff, *Kyiv Post*, November 28, 2000.
3. Ibid.
4. Ibid.
5. Ibid.
6. “Latest Tape Snippets Show Kuchma’s Ire,” by Peter Byrne, *Kyiv Post*, April 5, 2001.



ANNEX

D

Testimony of Melnychenko to Parliamentary Deputies

On December 7, 2000, the parliamentary deputies traveled to an undisclosed location in Europe to interview former SBU official Mykola Melnychenko who claimed he was responsible for making the audio tapes of President Kuchma's private conversations, excerpts of which were made public by Socialist Party leader Oleksandr Moroz on November 28, 2000.

The following is a transcript of the testimony Melnychenko provided to the parliamentary deputies:¹

We, members of the parliamentary temporary investigative commission, Members of Parliament Viktor Shyshkyn, Serhy Holovaty and Oleksandr Zhyr record, according to the decree of Parliament, dated September 1, 2000, on video, according to the demands of a number of articles of Ukraine's Criminal Code, and have obtained explanations from Melnychenko.

Question: Would you please state your surname, name and patronymic?

Melnychenko: I am a reserve major of Ukraine's Security Service, Melnychenko, Mykola Ivanovych.

Question: Name your last position, please.

Melnychenko: My individual post—senior security officer, assigned to the Ukrainian president's guard department.

Question: Your last place of work?

Melnychenko: Guard department of Ukraine's president.

Question: Did you have access to the buildings that the president used?

Melnychenko: Yes, I did.

Question: As a result of which duties and to what buildings?

Melnychenko: During the fulfillment of my official duties and to all the buildings that the president used.

Question: When and under what conditions was the record, which you handed to People's Deputy Oleksandr Moroz, made?

Melnychenko: The recording, or to be more exact, the documenting of Ukraine's president, I started after the moment when, while fulfilling my official duties, I became witness to a criminal order given by Leonid Kuchma; and only after I learned that this order was fulfilled, I began to document further affairs.

Question: Over what period of time was the recording made?

Melnychenko: Documentation of the president's conversations in his office were made over a lengthy period, and those materials, believe me, are enough to prove that Ukraine's president acted not for the sake of Ukraine's people and society.

Question: How were the recordings made technically? What device was used for collecting information?

Melnychenko: Digital Dictaphone.

Question: Where and how was the device installed?

Melnychenko: The digital Dictaphone was placed directly in the president's office under the sofa. When entering the president's office, the soft furniture corner is on the left, and the Dictaphone was placed under the sofa.

Question: Is the device in the same place now?

Melnychenko: No, it is not there at present.

Question: Where is the device now?

Melnychenko: In a safe place.

Question: Is it under your control?

Melnychenko: Yes.

Question: Could you present it the event of the need to conduct an independent analysis?

Melnychenko: I am ready to present this device for independent analysis, but independent analysis cannot exist in Ukraine.

Question: Did you conduct a rerecording of the tape?

Melnychenko: The materials I handed to MP Moroz contain only fragments of the records I have. I did not hand the entire conversations of Kuchma and Kravchenko, but only fragments regarding the Gongadze case, his disappearance and Kuchma's order to...

Question: What compelled you to make these recordings?

Melnychenko: After I learned whom we are ruled by, what orders are made, as an officer who swore to serve Ukraine, I had to document and pass on (the recordings) to allow the residents to learn whom they are ruled by at present. I was doing that to put an end to the criminal activity.

Question: What guided your activity?

Melnychenko: After I learned about the criminal order, and after this criminal order was implemented, these circumstances forced me to start documenting these conversations.

Question: Clarify what information, and concerning what people and what orders were recorded?

Melnychenko: Ukraine's president Kuchma gave orders to the Head of the State Tax Administration Azarov, Interior Minister Kravchenko and Head of the Security Service Derkach. The orders were aimed at abolishing the mass media, non-controllable by the regime, and in opposition to Kuchma, such as *Silski Visti*, *Tovarysh*, *Hrani*, *Vechirni Visti*, *Zerkalo Nedeli*, *Svoboda* newspapers. He also ordered to suppress the BBC and Svoboda radio stations. The orders also touched upon a number of enterprises, banks and funds. He also gave orders concerning judicial and executive bodies to suppress the resistance of MPs who tried to change something and struggled. The following people were named: Balashov, Holovaty, Kostenko, Tymoshenko, Tkachenko, Moroz, Marchuk, Liudmyla Suprun, Yermak, Tyeryokhin, Omelchenko and other surnames, which I do not remember now, but concerning which he ordered to choke. There is documented proof of this.

Question: Is there documented proof for his orders concerning the interception of MPs' conversations?

Melnychenko: Yes, there is. Ukraine's president directly ordered SBU head Derkach to intercept everybody and everything, to be more exact—Moroz, Medvedchuk, Tymoshenko and others. From the very beginning Kuchma ordered Derkach, Kravchenko and Azarov not to forgive anyone working against us. And there was the command—to choke and destroy.

Question: Why Gongadze?

Melnychenko: I don't know. Kuchma called head of (presidential) administration Lytvyn and instructed him to think how and what to do concerning Gongadze. Then, after 2–3 minutes, Lytvyn entered the president's office and there they had a discussion. Kuchma says: "Maybe a court could do something?"; Lytvyn says: "No, let Kravchenko influence him with different methods."

Question: Would you please clarify the aim of the recording of these conversations?

Melnychenko: The aim was to stop the criminal activity of this regime to let the people clean themselves of dirt and outright lies, which are being delivered every day.

Question: What method did you choose to fulfill this aim?

Melnychenko: The method I chose is documenting conversations and a search for the person who could make them public.

Question: To whom did you give these materials?

Melnychenko: I handed them to MP Moroz, Oleksandr Oleksandrovych.

Question: When did you pass on these materials?

Melnychenko: In mid-October.

Question: When transferring these materials, did you discuss with Oleksandr Moroz the method of their usage or the aim of that usage?

Melnychenko: Yes, at a meeting with Moroz, I stated the condition for making them public obligatory, to inform all the public about their existence and real activity of the president.

Question: Besides Moroz, did you offer these materials to anyone, and did you intend to offer other people to make them public?

Melnychenko: I had doubts when searching for the person to hand them to. After I collected these materials, I made certain that, aside from Moroz, there was no other person I could trust. I did not contact anyone else except Moroz. Information has been spread in Ukraine that before Moroz these materials were offered to other MPs or other political forces, but after some time passed, the contact was broken and the materials allegedly reached Moroz.

Question: Is it true that your first attempt was to hand these materials to someone else, not Moroz?

Melnychenko: There was no such attempt.

Question: If the need arises to testify in Ukraine's court, are you ready to do that?

Melnychenko: Yes, I want to return to Ukraine and provide explanations, testify concerning what and how it was done. I have no desire to stay outside Ukraine—I am Ukrainian, and did everything for Ukraine's and the people's sake. Why should I hide myself? I want to come back.

Question: Isn't you return to Ukraine going to pose a threat to your life or health? What is your attitude toward this?

Melnychenko: You understand, I have a family, a child, I am looking to tomorrow. My daughter will grow up and she will tell (about this). We cannot tell what Ukraine we are going to have if Kuchma and his circle are left. And believe me, after learning this, I stopped being frightened of what is going to happen to me. An end must be put to this. Therefore, I am taking this step consciously.

Question: Do you have other materials in addition to those you handed to Moroz, which you would be able to pass on for further making public in Ukraine as proof of your beliefs and words?

Melnychenko: Yes, I have materials, which I would like to pass on, and which I handed to you. They prove my words, which cannot be refuted. They completely prove everything I said.

Question: What is it going to be, in what form will it (that proof) be?

Melnychenko: The information will be on digital medium. I will pass on the materials of the president's conversations proving his criminal activity.

Question: How do you estimate your actions, taking into account the oath you made as a military (servant)?

Melnychenko: I swore allegiance to Ukraine and Ukraine's people. And I did not violate my oath. I did not swear (allegiance) to Kuchma to fulfill his criminal orders. My conscience is clear in this aspect.



Notes

1. "Complete English-Language Translation of SBU Officer's Testimony Accusing Kuchma of Gongadze's Disappearance," Compiled by Kpnews staff, *Kyiv Post*, December 22, 2000. See: <http://www.thepost.kiev.ua/main.php?arid=6731>.



ANNEX

E

IPI Assessment of Melynchenko Tapes

Mr. Oleksandr Lavrynovych
Chairman,
Dr. Serhiy Holovaty
Secretary of the Investigative Commission
of the Supreme Council (Rada)
Kiev
Ukraine

Vienna, 22 February 2001

Dear Mr. Lavrynovych and Dr. Holovaty,

On 22 December 2000 the Temporary Investigative Commission of the Supreme Council asked IPI “to facilitate an independent expert analysis of an audio tape”, a task which we accepted after forming a joint venture with the New York based Freedom House. While checking the various possibilities for proper technical examination, we presented the project to the IPI Board Meeting in New Delhi, on 26 January 2001, for further approval.

Your request for an analysis “to determine the authenticity and the correspondence of the taped voices and those of state officials of Ukraine...” could have been met with a high degree of certainty. In the meantime, it seems to be generally accepted that the taped voices are without doubt those of the alleged state officials of the Ukraine. Even the Ukrainian prosecutors were quoted as saying that parts of the recordings

were genuine, but there were signs of editing so that the conversations could not be considered “real”.

Thus the question focused on the content, whether the conversations on the tapes were “real”, doctored or manipulated in one way or another.

We, therefore, checked with various technical experts and institutions regarding the need for a logical sequence of investigative tasks to guarantee a proper evaluation of the existing audio-taped material. There were certain difficulties in finding a technical institution which was able and willing to accomplish such a project.

Finally, we found an internationally renowned company, a leader in forensic accounting and expert in electronic evidence. They summed up the problem as follows:

The main task was now to identify the authenticity of the incriminating conversations.

The original recording was obviously done by “a digital recording device”. It is assumed that this equipment was set to the voice-activated mode so as to conserve the battery and maximize the useful recording time of each tape. Voice-activation introduces breaks in recording during periods of silence or during any longer pause in speech. This results in the need to differentiate between such discontinuities and discontinuities due to doctoring of the tape or its contents.

The original recording has obviously been downloaded onto a computer for further storage and then either copied onto tapes or pressed (burned) onto CDs. The digital recording device was then re-used for the next session. The initial copy of the recordings available to IPI is believed to be a third generation tape, that is an analogue copy of an analogue copy from playback of a digital recording. Subsequently, IPI was provided with a digital copy. For the technical examination both copies are as good as any other “original”; they differ only in sound quality.

Even if the original “recording chip” and the technical device were available, this would only help to definitely indicate whether the

original recordings were in fact digital or analogue but would not otherwise have any effect on making the evaluation more exact.

In addition, according to IOCE principles (International Organization of Computer Evidence) the delivery of digital evidence must be carried out by a person who is forensically competent. Furthermore, access, storage or transfer of digital evidence must be fully documented, preserved and available for review, in order to be of any forensic value. Such a procedure could not have been guaranteed by IPI / Freedom House.

In analogue recordings, crude splices are easily detectable, even if post-processing techniques have been used to clean up the content. However, the problem is much more difficult if digital recording techniques have been used, as was the case in these recordings.

Since the recordings were digital in the original and transferred to a computer, the evidence was thus available in a digital format.

The evaluation of a possible doctoring or manipulation of the text and the probability of its detection was described by the research laboratory as “rather slim, if digital processing were to have been employed at a professional level”. A library of digital samples could have been created, then deployed to re-order the contents, or to construct fictitious elements to insert into the conversations.

Even if, as the technical experts furthermore suggested, the test would have included subjective auditory phonetics of the content, in addition to all other mechanistic analyses, the degree of uncertainty of the result of the tests would still remain. Besides that, such an assessment of the recorded conversations by physiological linguists (specialists of the original language) answering the question “can it actually be spoken like that?”, would have created additional problems and would still not have been conclusive, as such an analysis is subjective.

Keeping the above arguments in mind we have to inform the Commission that we cannot continue to pursue the requested task. In addition, we are also aware that the above mentioned IOCE principles, related to the security of digital evidence, could not be fulfilled and therefore the

technical evaluation of the tapes (i.e. the digital evidence) would most likely not pass evidentiary scrutiny at the Courts. Considering the exceptional importance of this case, both of our organizations firmly believe that the criteria for the study should have been to meet the most stringent tests and standards of technical evidence.

Since the technical experts expressed their conviction that it is nearly impossible to detect manipulation with a nearly absolute level of certainty, the problem must therefore be referred back to the political level and to the level of independent parliamentary investigation.

IPI and Freedom House would like to stress that the above mentioned notion of uncertainty in the technical examination does not imply that the tapes are inauthentic. It suggests only that their authenticity cannot be proved to a high degree of certainty via forensic analysis.

If the existing evidence had consisted only of the approximately 25 minutes long recordings related to the Gongadze case, one could possibly imagine some manipulations or doctoring by a “potential aggressor”. However, as the total volume of recordings available to the Investigative Commission covers hundreds of hours of conversations over the period of several months, it seems hard to believe that such a huge amount of documentary evidence may have been doctored or manipulated.

We therefore firmly believe that in accordance with the respect for the rule of law, there is a duty on the part of the Ukrainian authorities to investigate the matter further. The comparison between the violations of law and the criminal acts suggested in the recordings and the actual happenings in the Ukraine may be a proper method in achieving a solution.

Yours sincerely,
Prof. Johann P. Fritz
IPI Director

PS: We kindly ask you to forward the original of this letter as well as a proper translation, to the Investigative Commission.¹



Notes

1. See http://www.freemedia.at/prkuchma_tapes.htm.



ANNEX

F

December 29, 2000, and January 9, 2001, Melnychenko Interviews

The Ukrainian Service of RFE/RL broadcast live interviews conducted with Mykola Melnychenko on December 29, 2000, and January 9, 2001. Transcriptions of the two interviews follow:¹

The December 29 Interview

Question: You said a lot during your meeting with the deputies (see “RFE/RL Poland, Belarus, and Ukraine Report,” 19 December 2000). What would you like to add about the main issues?

Melnychenko: If this information [ed. note: taped secretly by Melnychenko in Kuchma’s office] had not been publicized, in six months’ time one would have to give up for lost democracy [as well as] human freedoms and rights in Ukraine. There were plans in the president’s entourage to destroy Ukraine’s Supreme Court and other bodies that did not comply with the president’s wishes and whims.

Question: What do you mean by “destroying the Supreme Court”? Execution by shooting?

Melnychenko: The Verkhovna Rada [the parliament] had to pass a law following the president’s instruction to make the Supreme Court (ed. note: Melnychenko does not finish this phrase).

...You see, the Supreme Court was standing in the president's way because it was not controlled by him. It was performing the duties it had to. And the president gave instructions to work out a law that would allow him to control courts as well. And he said it was necessary to get rid of Boyko, chairman of the [Supreme] Court.

Question: Mr. Melnychenko, now, under such extreme conditions, you are living day-to-day, but it is also necessary to think about the future. Tell us please how do you see your future—both near and far?

Melnychenko: As to my near future—I am coming back to Ukraine under any circumstances. I think this will happen very soon even if I'm sure that power structures [Ukrainian: *sylovi struktury*] will do everything possible to prevent me from coming back alive. And I'm sure that the people of Ukraine will overcome this evil and will come out of this situation with dignity.

Question: A version appeared in some circles in Ukraine that Yevhen Marchuk is involved in all this [tape scandal]. Can you deny this?

Melnychenko: I want to tell you that Yevhen Kyrylovych [Marchuk] is one of the, or more properly, his organization is the most decent among those in Ukraine. I mean the Council of National Security and Defense.

Question: People are assessing your deed ambiguously. Some consider you a brave man, a hero, and think you can be a model for many people. Other people—and there are a lot of them—consider you literally a traitor not only to the president, to whom you did not swear an oath. They think you betrayed officers' honor and even that of Ukraine because you have provoked a scandal that does not contribute to Ukraine's prestige. How can you respond to those people?

Melnychenko: I am considered to be a traitor by those people who are involved in crimes. I have in mind many power ministers, governors, and the president's entourage. I "betrayed" because I know where the people's money was transferred—billions of dollars. I betrayed the president's interests while he was laundering [money], giving instructions how to build his dachas for four million, for seven million. I betrayed [his] interests. But there are also the interests of the people who work in factories and plants that the president ordered shut down only because of his political ambitions. For instance, there is an oil refinery in Kherson, and the "Interagro" firm in Kharkiv. The president of Ukraine, for example, calls [State Tax Administration head Mykola] Azarov and says: stifle him because he works not for us but for another person. The stifling begins, jobs are destroyed, taxes not paid. So, whom did I betray?

Question: [Journalists speculate] that there are some oligarchs behind this affair who want to discredit Leonid Kuchma in order to take all the power in their hands in a way that could appear legal at first sight. The names of [oligarch and lawmaker Hryhoriy] Surkis and [parliamentary deputy speaker Viktor] Medvedchuk are mentioned [in this context]. What can you say in this regard?

Melnychenko: This is absurd. The idea that Surkis and Medvedchuk could give an instruction [to secretly tape Kuchma] is absurd. As far as I know, both Surkis and Medvedchuk are not interested in Kuchma's exit.

Question: You say that there are other officers like you in the power structures. Let us assume that all this story will lead nowhere. What further actions can be taken by the people that share your views?

Melnychenko: In any case, democracy will win. The president will no longer be able to order the closure of, for instance, "*Silski*

visti,” the “*Polityka i kultura*” magazine, “*Grani*,” or “*Zerkalo nedeli*” ...And I’m convinced that those sums that were stolen—I can show from where they were taken and to whom and for what purpose were transferred—should return to Ukraine, at least part of them.

Question: Do you have any information about the accounts into which some Ukrainian citizens deposit their money?

Melnychenko: I won’t answer this question. I can only say that I have information about many millions that were illegally taken from some firms, and that the president of Ukraine knows about that. Incidentally, [that was done] on his instruction.

Question: Is this documented in some way?

Melnychenko: This is on microcassettes, on chips. And there is also information that the illegal business is being continued. I can say that Kuchma is very afraid that some facts connected with [former Premier Pavlo] Lazarenko may be revealed.

Question: Can you tell us which facts?

Melnychenko: There are facts. Prosecutor-General [Mykhaylo] Potebenko can tell you about them in a more detailed manner. There was a conversation between Potebenko and Kuchma. Potebenko took fright when there was a large probability that Lazarenko could be extradited to Ukraine [from the U.S.]. You can ask him [Potebenko]. [I know] the day and hour when he spoke about this. These facts are documented, as well as other facts regarding [Premier Viktor] Yushchenko, Kostenko, and the eavesdropping on Marchuk, there is everything.

Question: What specifically about Mr. Yushchenko? Can you tell us now?

Melnychenko: I can. The president gave an instruction—I quote literally—to destroy Yushchenko. This was said on 30

March to one of the governors. Following this, they [the governors] were to prepare letters that they are dissatisfied with Yushchenko's work. And there was also an instruction to a number of ministers to write a statement that they are not able to work in such conditions.

- Question: Do you think that to destroy Yushchenko meant to organize an attack on him, to sack him, or to literally destroy the man?
- Melnychenko: I only quote the president's words that I documented, and he gives an instruction: "I'll destroy Yushchenko." [ed. note: phrase in quotations marks is in Russian]
- Question: Did he say that in Russian?
- Melnychenko: One time in Russian. And the second time he said "znyshchyty" [Ukrainian: to destroy].
- Question: What could you respond to Mr. Bezsmertnyy [Kuchma's official representatives in the parliament] who says that he knows well the sofa under which your Dictaphone was planted, [adding that] its it impossible to place or hide anything under [that sofa]?
- Melnychenko: If Mr. Bezsmertnyy agrees to broadcasting his conversations with expletives on Radio Liberty, [I'll release] one conversation where he says that it is necessary to drive [former speaker Oleksandr] Tkachenko out of the parliament. The Dictaphone was where I said it was — under the sofa.
- Question: When you applied for that job, did you think that everything was clean there? Those were the corridors of power! You surely knew that there might be various developments, didn't you? Why did you go to work there at all?

Melnychenko: A rhetorical question. Why did I go and what have I learned? You know, I accompanied a businessman on his way to the president, he was carrying a gift for the president worth \$5 million. I can't tell you his name. I can only say that it was related to Zhytomyr. To pay wage and pension arrears, one needs some 5 or 6 million Hryvni [ed. note: not specified to what economic sector or category of employees], while the president receives a gift worth \$5 million — Scythian gold. And that businessman says: “Yes, I have [already] given gifts worth \$3 million, that was small change...”

Question: How much attention did the president pay to Heorhiy Gongadze?

Melnychenko: This incident [with Gongadze] ultimately exhausted my patience. I can't say the president attached great importance to Heorhiy, but he paid attention [to him] more than once. Those journalists who praise the president around the clock are automatically included in his favorites. But Kuchma, in my opinion, is not a courageous man. He fears journalists who criticize him. His favorites are given financial support. As for the newspaper “Den,” which remained hostile to him during the [presidential election] campaign, he ordered more than once to halt the subscription for it. Horror! He personally fights against people. Not only against journalists, I can mention dozens of people who, following Kuchma's instruction, were fired from the army, the Security Service of Ukraine, the Prosecutor-General's Office...

The January 9 Interview

Participants in this interview were: parliamentary deputy Serhiy Holovatyy; independent journalist Iryna Pohorelova; and, moderator Oleksa Boyarko.

Boyarko: Mr. Melnychenko, 10 days ago you touched upon last spring's plan in the Ukrainian president's office “to destroy

Viktor Yushchenko,” according to Leonid Kuchma’s words you quoted. This passage has stirred particular interest in the Ukrainian media, and not only in the media. What else can you say about how the premier’s lot was discussed in the presidential office?

Melnychenko: The plan was discussed with the Donetsk Oblast governor, and there were the words: “Yushchenko wants me to sack him. I will not sack him, I will destroy him once and for all.” And then those steps were made to destroy Yushchenko politically.

Boyarko: Do your tapes not contain the information that the president subsequently gave up that plan?

Melnychenko: No, there is no such [recording]. There were time frames mentioned that he [Yushchenko] should work only until the end of 2000, while in the beginning of 2001 he should be replaced.

Boyarko: Replaced by whom, please?

Melnychenko: There were different names, one of the most...Azarov. The head of Ukraine’s Tax Administration.

Boyarko: Were there other names mentioned?

Melnychenko: This is not essential.

Boyarko: Mr. Melnychenko, the first tape, which was made public by Oleksandr Moroz, mentions Radio Liberty. The point is that the situation around Radio Liberty is rather strange. Over a long time, we have been noticing the activity of special services around Radio Liberty. It is not connected only with the fact that you, Mr. Melnychenko, contacted us, it started earlier. Special services seek direct contacts with RFE/RL’s Ukrainian Service employees. As people say, [the secret service] “sounded out” Service Director Roman

Kupchynskyy in the first place. A special service representative came to Prague for a “heart-to-heart” talk and openly said that the service is rather disliked by the president’s office and personally the president. And he warned [Kupchynskyy] that unless the tone of our programs changes, “softens,” those at the top will make every effort to drive Radio Liberty out of Ukraine’s broadcasting sphere...Mr. Melnychenko, you have touched upon this issue, [haven’t you]?

Melnychenko: I think I can clearly demonstrate to you the attitude of the president to Radio Liberty. I am switching on... [ed. note: a tape is being played] Could you hear?

Boyarko: The audibility was rather poor, could you retell [the recording] to our listeners?

Melnychenko: The president phones the committee responsible for frequencies and says: “Who is responsible for frequencies in your [committee]? This committee... Tell me, how much do the BBC and Radio Liberty pay for using our frequencies compared to world [prices]? Prepare me an official memo. We need to bring pressure on them [expletives], don’t we?” These were President Kuchma’s words.

Pohorelova: ...[Some believe] that following your [29 December] interview with Radio Liberty, or even before it, you were found by representatives of the Security Service of Ukraine and they set some conditions for you, and you complied with them. But later you changed your mind and had the interview with Radio Liberty, and therefore a criminal case was opened against you [for slander]. Can you explain your reasons [for publicizing the tapes] in a detailed way? There is a comment in “*Zerkalo nedeli*” that you left [Ukraine] because of family circumstances...your child’s illness. And that [this disease] is allegedly the reason for your step that you made against the state for money...Everybody in Ukraine wants to know who is behind you...

Melnychenko: I understood your question. My choice was prompted by my conscience. There are no political forces or oligarchs behind me. Why was a criminal case opened after the interview with Radio Liberty? I have not had any particular contacts with the Security Service of Ukraine (SBU), but I have information that many people have been sent and large sums allocated to find and prevent me from entering Ukraine. Following that interview where I said “yes, I’m coming back to Ukraine,” and some time frames were determined, a criminal case was opened to prevent me from coming and becoming a witness.

Boyarko: Mr. Holovatyy, do you support Mykola Melnychenko’s intention to come back to Ukraine in the near future? Will this [return] produce any results, and is it realistic?

Holovatyy: I would not like Melnychenko to come back to Ukraine right now, because there is a system in Ukraine for destroying people who tell the truth. Melnychenko belongs to those who made public the truth about Kuchma, [Interior Minister Yuriy] Kravchenko, [SBU chief Leonid] Derkach, and other criminals, about [Prosecutor-General Mykhaylo] Potebenko, who is a collaborator in crimes in Ukraine. Therefore, after Melnychenko appears in Ukraine, they will put him into a solitary confinement cell, break his limbs, put out his eyes, or skin him, as they skinned the body they found near Tarashcha [Ed. note: according to genetic tests, Gongadze’s body with a probability of 99.6 percent]...

Boyarko: We tried to contact politicians in the Verkhovna Rada who are [Kuchma’s] supporters—Our correspondent Mayya Nahornyak spoke with Kateryna Vashchuk, a representative of the pro-presidential caucus “Revival of Regions.”

Vashchuk (from a tape): Why should we believe Melnychenko unambiguously and disbelieve the president? Why should we disbelieve the law enforcement bodies today?...I was in the president’s office

three times during that period [covered by Melnychenko's recordings]. During the three visits I discussed problems of the agrarian sector. Let [Melnychenko] give me an excerpt of my conversations if it was recorded. I will know then if his tape is authentic...

Melnychenko: I have recordings of conversations of Mrs. Vashchuk with the president, and I would like to ask the [parliamentary] committee and Mr. Holovatyy [to attest] the authenticity [of those recordings]. If Kateryna Vashchuk agrees—do you understand what I'm saying?—to take a sample of the president's voice from his conversations with Kateryna Vashchuk... Let Kateryna Vashchuk listen to her conversations and say "yes, this is my voice, and this is the president's." And then let the commission [headed by Oleksandr] Lavrynovych take this sample of the president's voice and compare it with the sample where he gave instructions [to get rid of Gongadze]. I propose this way...

Boyarko: Very well, then Kateryna Vashchuk can become a witness in this case.

Melnychenko: Not only Kateryna Vashchuk. Dozens of people who were within the last year in the president's office can become witnesses... There were a lot of people's deputies in the president's office, journalists who were there and now present themselves in public as Gongadze's friends... [Lawmaker] Taras Chornovil can confirm [my words]... He was in the president's office... They discussed political issues about the Rukh, about the split and unification of the Rukh...

[Ed. note: In a statement sent to RFE/RL's Ukrainian Service, Taras Chornovil confirmed that he discussed the above-mentioned issues with Kuchma in the latter's office.]

Boyarko: As you know, Mr. Melnychenko, the Prosecutor-General's Office has [recently] opened a case against Deputy Premier

Yuliya Tymoshenko. Do you have recordings confirming that this [case] was planned earlier?

Melnychenko: Yes, I have. I can also prove that this [case] was fabricated to make Yushchenko do what Kuchma needs. This is a peculiar sort of blackmail and pressure on Yushchenko. There are recordings [documenting] how that was being handled, worked out, and why that was done...

Boyarko: Excuse me, Mr. Melnychenko, but don't you have Kuchma's conversations with Putin?

Melnychenko: This is a state secret that I cannot reveal.



Notes

1. Transcriptions of the interviews are taken from RFE/RL's *Poland, Belarus, and Ukraine Report* of January 16, 2001, Volume 3, Number 1.



ANNEX

G

President Kuchma's Letter to the *Financial Times*

Financial Times (London) – February 27, 2001

LETTERS TO THE EDITOR: Those responsible for journalist's death should be brought to justice

By LEONID KUCHMA

From Mr. Leonid Kuchma.

Sir, In recent weeks my administration and I have been under attack by accusations of murder and corruption. Although corruption is, in fact, an ongoing problem in my country, accusations of murder, in this case in the death of journalist Georgy Gongadze, are completely untrue.

In the 10 years since Ukraine declared its independence I have not seen times more foul. Even an unbiased observer can see that the provocation against me was made just when the Ukrainian economy started to emerge from crisis: when positive economic growth became visible for the first time; when privatization of land began to bring tangible results; when all social security arrears were paid up; when many were interested in investing in the Ukrainian economy; when the president, the government and the parliament, made joint steps toward economic reforms.

And now Ukraine has been shaken by the apparent murder of Georgy Gongadze, a journalist who disappeared last September. The Office of Attorney General, based on DNA test results, announced that

there is a more than 99 per cent probability that the body found in the vicinity of Kiev is the body of Mr. Gongadze.

I must conclude that these test results are likely to be accurate and I offer my deepest condolences to Mr. Gongadze's family. In any country, the death of a journalist is a major tragedy. We in Ukraine believe that freedom of the press is an integral feature of a democratic country. Those responsible for this death should be brought to justice. To this end I have recently appointed a new chief of the state security agency, an organization similar to both the FBI and CIA in the US. When delegations from concerned organizations such as Reporters Without Frontiers recently visited Ukraine, we provided them with necessary access to the work being done by our law enforcement officials who are working to solve the case. Leading Ukrainian law enforcement officials met with the delegations. I also met them personally.

I was not acquainted with Mr. Gongadze but was certainly aware of the articles he wrote criticizing my policies. In fact, there are many professional journalists who criticize my government more viciously than Mr. Gongadze did. The death of a journalist, although tragic, is not grounds for my political adversaries to accuse me of murder.

However, despite the pain caused by this case to Mr. Gongadze's relatives and colleagues, some politicians in Ukraine turned his apparently tragic fate into a political weapon designed to destabilize Ukraine.

It is not by chance that my main accusers are precisely the same people who have blocked Ukraine's transformation to a free market economy. From the very start, I publicly called for forensic analysis of the remains and investigation of the circumstances of Mr. Gongadze's disappearance. This includes utilizing foreign experts and special services in order to find the truth.

Above all, I want to reiterate emphatically my commitment to a free and open democracy in Ukraine and to protecting freedom and safety of the press, which is an essential element to any democracy.

Leonid Kuchma, President, Ukraine



RFE/RL Interview with President Kuchma

The Ukrainian Service of the U.S. government-funded Radio Free Europe/Radio Liberty conducted a live interview with Ukrainian President Leonid Kuchma over the telephone on 3 April. Below is a transcript of part of the interview.¹

On the state power system

RFE/RL: Leonid Danylovych, I'm very glad that you've found time to talk to us. You are speaking with Oleksa Boyarko, an employee of RFE/RL's Ukrainian Service. I have a lot of questions for you.

KUCHMA: You're welcome, I'm ready to openly answer them.

RFE/RL: I'll start with a general question. You know, if one listens to Ukrainian politicians today, one cannot immediately grasp what kind of a country Ukraine is. Extreme rightists say it is a bandit, totalitarian regime; extreme leftists also say it is a bandit regime.

KUCHMA: If we classify [Socialist Party leader Oleksandr] Moroz as an extreme leftist, then it is he who says so.

RFE/RL: And some say it is an autocratic regime right now. You often mention that you want to build a democratic Ukraine. In your opinion, what democratic characteristics

does Ukraine already possess, and what characteristics are you going to develop in the future?

KUCHMA: In the first place, there is Ukraine's Constitution, which envisions exactly this [democratic] development pattern for society and the country as a whole, therefore all of us should proceed from the constitution in our actions.

As regards those characteristics, they can be seen, as people say, with a naked eye. In the first place, the fact that [Ukraine's] power system is divided into three branches — legislative, executive, and judicial — is a trait of the democratic community. And the fact that the constitution guarantees human rights and freedoms. True, they are not always observed — to begin with living standards — but [the constitution] is our orientation point.

Furthermore, regardless of what people say in Ukraine or elsewhere, there is freedom of expression in Ukraine, there are independent media.... It is unambiguous that there are media that are independent from the state, the government, the authorities.

Therefore, our values are European ones, we want to stick to them. You see, other countries were pursuing [those values] for 100 or 200 years, or even longer, while we [are expected] to transform one system into another within 10 years. I think it is senseless to make the same demands on the [Ukrainian] society as on Germany or France.

RFE/RL: Your opponents often say that it is necessary to limit the presidential powers in the future. You have had a lot of experience in the post of president. What is your opinion about the proposal to transform Ukraine into a parliamentary republic with a ceremonial president in the future?

KUCHMA: [My opinion is] absolutely negative. It is 100 or even 200 percent negative. [The proposal] spells a failure for all of Ukraine. It is a threat to the existence of Ukraine as a state. Let us suppose that we have a parliamentary republic— what would happen in Ukraine?

We need not look for examples in remote parts. Under pressure from some structures, including European ones, Moldova is a parliamentary republic. What has happened there is evident to everybody. If anybody wants to make an experiment in Ukraine... Ukraine is not Moldova, and consequences will be much more disastrous, not only for Ukraine but also for Europe. Therefore, there is no need to play a game that is not needed. Today, in the transition period, a strong executive branch is necessary.

RFE/RL: Is it nonexistent, Mr. President?

KUCHMA: Today? It is nonexistent because of a simple reason: You have helped ruin the results of the [constitutional] referendum, prevent their implementation [ed. note: it is not clear whether Kuchma has RFE/RL's Ukrainian Service or someone else in mind]. What the referendum envisioned was the creation of a workable state power system, a European model, in which parliamentary elections lead to the creation of a coalition that assumes responsibility, including for the formation of a government. And there is mutual responsibility.

As of today, the parliament is not responsible for anything, is it? Not responsible for anything. The parliament is not structured, and the majority that was created under the influence of some factors — including the referendum — has now been ruined by some forces. Tell me, please, is it possible for a country to achieve successes if the government has no support in the parliament? Therefore, I would like to warn everybody against pushing Ukraine into this fatal path. For some reason nobody doubts the necessity of a strong government in France. Perhaps you will extend your wish to install a totally parliamentary republic to the United States as well, won't you?

Let us look at Europe. In every country the president is able to disband the parliament if it is not

operational, while the president in Ukraine does not have such a possibility.

On Opposition

RFE/RL: There is a lot of talking now about a dialogue between the presidential authority and its opponents. With which forces or groups, or with which persons are you not going to conduct any dialogue?

KUCHMA: I will not conduct any dialogue with those forces that do not support this strategic course of Ukraine's development, that do not want Ukraine to be an independent country.

RFE/RL: Could you name any specific people?

KUCHMA: Well, what for? Let's not touch upon specifics. If there's a need, I can tell you about specific people. [I will have no dialogue] with those forces that do not want to work within the legal framework, within the framework of the constitution, which I should sacredly observe as the president, as the guarantor of the constitution. [And] with those forces that demand the dismissal of the president or the transformation of Ukraine into a parliamentary republic.

I defend the constitution and will not sit down to negotiate with those forces that want transformations according to the pattern "somebody wants something." Otherwise, I'm open for dialogue with all forces: from the left wing and the right wing, and from the center, with anyone you like, provided they share the values I have mentioned.

This dialogue has begun. I requested the people who are respected in society [to handle] this issue. But it is not advantageous for some oppositionists. It is not advantageous to conduct a dialogue [for them], so they're making demands that cannot be met.

Moreover, who has given them the right to say that "we are the main oppositionists today"? (Ed. note: Kuchma

apparently refers to the demand of the Forum of National Salvation that it be recognized as the main negotiation partner.) There is an opposition that I fought during the elections, the Communist part [of the opposition], which obtained more than 10 million votes. Is it an opposition or not? If they, too, put themselves within the same framework as the opposition mentioned before, with the same demands, then tell me, please, what will happen in Ukraine? [Progressive Socialist Party leader Natalya Vitrenko is in the opposition, too.]

I say it once again: The elections did take place, the people did make their choice, one does not need to make demands now but to work, to work within the legislative framework, to win not with stones [during demonstrations] but in the presidential elections, which are scheduled for 2004. Let them show that they have support in society, among voters.

RFE/RL: Mr. President, do you personally believe that you can find common language with your opponents at all?

KUCHMA: If they don't want to find common language, I'll not find it either, because of the following reason: The language of ultimatums is not a language for speaking with the authorities. I reject ultimatums. I'm not going to capitulate. I say I'm a president elected in a nationwide ballot. More than 16 million voters voted for me...

On the Gongadze case

RFE/RL: Leonid Danylovysh, don't you think there is a tiny chance that Heorhiy Gongadze is alive?

KUCHMA: I have always believed in this chance. I'd like this chance to be a reality, I give you my word of honor. You know, I was glad when [lawmaker Serhiy] Holovatyy made public the results of German genetic tests saying that [the tested samples] were not from Gongadze's body. God willing, this

may be true, there have already been [similar] examples. It was reported by our neighbors that a person disappeared and was found later. (Ed. note: possibly, Kuchma refers to the disappearance of former National Bank Chairwoman Tamara Vinnikava in Belarus, who subsequently emerged in Great Britain.) God willing, this may be true, then a lot of problems could be resolved.

RFE/RL: And what, in your opinion, must be specifically done in the Gongadze case in order to unravel this mystery?

KUCHMA: First and foremost, it is necessary to stop speculating on the Gongadze case. You know, there have actually been a lot of mysteries since the first day. I don't want to dwell on them, journalists dwell on them in their investigations very often.

As regards the authorities.... You know that we have invited FBI [experts]; some independent groups from Russia are also working in Ukraine. We are fully open, you're welcome, let's investigate the case together instead of doing what we have done thus far: blackmailing; psychological warfare against Ukraine [and] against the state. The point is not [personally] with Kuchma—you should realize that—but with the president of a country, and with Ukraine herself. Many do not want to understand that.

RFE/RL: But do you have specific grounds to believe that there is a chance that Gongadze is alive?

KUCHMA: In general, as long as the tests are inconclusive, hope is the last to die. I always proceed from this [premise].

RFE/RL: This is grounded only in your feelings, not in some specific...

KUCHMA: I have no grounds [to believe otherwise]. When Russian expert Ivanov announced that there is a 99 [percent of certitude that the found body is Gongadze's], I said I'm a man who deals with certitudes, therefore I cannot doubt [Ivanov's finding, I cannot assume] that such an expert as

Ivanov may resort to a falsification. Because this is [his] professional domain, in which he will never allow himself to act against his ethics.

I have begun [to think that Gongadze may be alive] after some people told investigators in Lyiv, Vinnytsya, [and] the Volyn region that they saw him after [his disappearance]. Particularly since those statements were made by people who studied with him. Were those statements deliberately [falsified], or what? Up until now they have not withdrawn [their statements]. Second, the German experts questioned [the identity of the discovered corpse]. God willing, [Gongadze may be alive]. Let's hope for something anyway.

On the tape scandal and Melnychenko

RFE/RL: Has the tape case brought anything positive to you personally?

KUCHMA: The positive thing is that I've seen who is who. I've seen people who work with me, not only in my closest entourage. First of all, those on Pechersky Pahorby where the offices of the government, the parliament, and the president's office are located.

RFE/RL: Does this mean that the case somewhat helped you to introduce order in the realm of presidential security?

KUCHMA: No, I've never placed my security above all other issues. I've never paid any attention to that. The protection service of the Ukrainian president is perhaps the least numerous not only in Europe but also in the post- Soviet area. It is not I who should handle [my own] protection. There is a service that should protect and be accountable. They handled it badly, and I fired the head of the state protection service. This was made [not for the sake of showing my authority], this was an example that one needs to carry out one's duties conscientiously.

RFE/RL: Did you plan to oust [former Security Service head Leonid] Derkach and [former Interior Minister Yuriy] Kravchenko, or was [their sacking] the result of some emergency situation in Ukraine? Are they responsible for what happened?

KUCHMA: The Security Service is responsible for that. It is unambiguous.

RFE/RL: Responsible for what?

KUCHMA: For what... If such things take place... This is state security, this is national security, [Melnychenko's deed was] practically at the level of [state] treason, at the level of spying. I do not accuse Major Melnychenko, or former major, to be exact. I do not accuse [him], I [only] say that these are traits [of his anti-state activities]. These traits should be evaluated in court. But that was a concern of the Security Service. If the president feels discomfort in this issue, then the Security Service failed in its role, didn't it? That was their duty. If the president was eavesdropped on in actual fact, then was that not a concern of the Security Service?

RFE/RL: Apart from Melnychenko, was anybody else eavesdropping on you in your office?

KUCHMA: I don't know of anybody else. I have great doubts that it was Melnychenko who eavesdropped [on me]. In my view, Melnychenko was a tool who was used and subsequently thrown out, that's all.

RFE/RL: Mr. President, I couldn't simply believe when I read an announcement that Mr. [Volodymyr] Radchenko, head of the Security Service of Ukraine, is willing to meet with Melnychenko. Is this true?

KUCHMA: And why not? I said on several occasions that we guarantee Melnychenko's security and that he may come

back, but he will be held accountable under Ukrainian law. But if [Radchenko] is willing to meet with Melnychenko, let them meet.

RFE/RL: Incidentally, are you willing to meet with Melnychenko?

KUCHMA: No. I only want to look in his eyes, because I don't remember him. To look in his eyes [to see] how they avoid looking in mine. I do not treat such people as humans. You know how he should be called.

RFE/RL: By the way, he claims that he swore allegiance not to the president but to Ukraine.

KUCHMA: Do not oversimplify. Who swears allegiance personally to President Kuchma? He swore to Ukraine. There is a law. Who swears allegiance to [U.S.] President [George] Bush? There is a law on state protection, and clear-cut duties are written down in it...

On the authenticity of Melnychenko's recordings

RFE/RL: Mr. President, let us return to the cassette case. As a conclusion, could you say a few words about the authenticity of those cassettes?

KUCHMA: I will put it in the simplest way. Give me, please, original cassettes. I have no more questions. Give me original cassettes, then I will make conclusions, then conclusions will be made by the organs that can make them. By those that made conclusions regarding the first cassette, where everything was doctored. You know, I haven't listened to the cassettes, and I'm not going to listen to them. Because I said this was a provocation from the very beginning, this is the position I took and will stick to it.

I repeat once again: the material on the first tapes, which were made public in the parliament by Moroz, is a gross falsification, an absolute one. Unfortunately, [those

recordings] do not include a lot of interesting issues that were discussed in my office and that I can recall. Or conversations with the head of the Supreme Council, with the head of the government, and so on. I have doubts all the time as to what is on those cassettes. Besides, I will say once again that Major Melnychenko was incapable of taping all that is publicized today. There are some powerful forces that had the possibility to tape that. But again, let us look at the original tapes.

On his openness to the media

RFE/RL: Mr. President, I'd like to thank you for your interview. [As well as] for your consent and the time you devoted to meet with us. And I congratulate your grandson [on his birthday]. I congratulate you and your family. My best wishes.

KUCHMA: I'd like to add something as a conclusion. I'm always ready for a dialogue. If some problematic questions appear, I'm ready to give an interview on any topic to any broadcaster, either by the phone or to a journalist beside me. And to answer frankly questions about the events that are taking place, to present my opinion on these events. I think [that following such interviews] there will be much more understanding between the Ukrainian authorities and Radio Liberty, and this means that we will have a broader view in the future.

RFE/RL: We sincerely support your idea. Our people from the Kiev bureau [of RFE/RL's Ukrainian Service] will quite soon contact you, so do not turn them away.

KUCHMA: Agreed, I will not turn them away. I'm instructing my press secretary [in this regard].



Notes

1. The interview was published in two editions of RFE/RL's Poland, Belarus, and Ukraine Report (April 10, 2001, Volume 3, Number 13 & April 17, 2001, Volume 3, Number 14). The reports can be viewed at: <http://www.rferl.org/pbureport/archives.html>.

