

A decade of impunity

Those behind Georgiy Gongadze's murder still unpunished 10 years later

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Reporters Without Borders is exasperated by the latest decisions in the investigation that is supposed to establish who was behind the September 2000 murder of **Georgiy Gongadze**, the editor of the independent online newspaper *Ukrainska Pravda*.

From the outset the entire investigation seems to have been designed to avoid implicating senior officials and politicians, and now the focus is on

putting all the blame on Yuriy Kravchenko, a former interior minister who died mysteriously in 2005, and Oleksiy Pukach, the former head of an interior ministry intelligence unit.

The desire to protect the very senior political figures who probably gave the orders for Gongadze to be eliminated is reflected in the inconsistencies and contradictions in which the prosecutor-general in charge of the investigation is now getting bogged down.

One of the latest examples is a Kiev court's ruling on 31 January endorsing the prosecutor's 6 December decision to withdraw "premeditation" from the charges that have been brought against Pukach in connection with the murder.

Valentyna Telychenko, the lawyer who represents Gongadze's widow, Myroslava Gongadze, commented: "This means that the investigators are trying to help the people implicated in this murder to escape justice. They are looking for ways to avoid having to go after the instigators. Pukach was just the lowest link in the chain of responsibility for this murder."

Arrested in July 2009, Pukach confessed to strangling and beheading Gongadze with an axe on 16 September 2000. He said in a statement that he acted on direct orders from the then interior minister, Kravchenko, who is said to have killed himself in 2005 although he was found with two gunshot wounds in his head. Pukach's statement also mentioned the involvement of other senior officials.

On 14 September 2010, the prosecutor-general's office formally identified Kravchenko as the sole instigator of Gongadze's murder.

Pukach is now trying to back-peddle and persuade investigators that Gongadze's death was an accident, that he did not plan to kill Gongadze even though he had an axe in his hands and even though he had been ordered to do so.

His lawyer, Oleg Musiyenko, told *Kommersant Ukraina* on 1 February that his client "maintains that there was no collusion between him and his subordinates [three police officers who were convicted in 2008], that he did not want to kill Gongadze, just make him lose consciousness, and that it was an accident."

However, Musiyenko went on to say that he knew the real instigator's identity, while refusing to

name him. He also said that one of his clients, a Kravchenko intimate, had classified documents and recordings and that "one of the instigators occupied one of the highest state posts in 1999 and 2000 and was a presidential election candidate." These confusing claims just confirm the need for an investigation to establish who else was behind the murder.

Telychenko points out the flagrant inconsistencies in the prosecutor's statements. On the one hand the prosecutor says Pukach murdered Gongadze on the orders of Kravchenko and other instigators. On the other, he says the murder was not premeditated. She also highlights the slowness to establish the guilt of the other officials mentioned in Pukach's original statement.

"It they believe what he said in his statement about Kravchenko, why don't they believe what he said about the other senior officials," Telychenko said on *TVi*. "Even before there was an appeal, the prosecutor himself went back on the resolution not to open an investigation into these people as long as the criminal nature of their activities was not apparent. That was three months ago already. More than enough time to establish whether the activities of these officials were criminal and whether or not they needed to be investigated."

In defence of its resolution, the prosecutor-general's office says the charges against Pukach could change during the trial. Its spokesman told *Ukrainska Pravda*: "We believe the court's decision is completely legal and justified. Media claims that the decision on the non-premeditated nature of the murder is definitive are premature."

Ten years after Gongadze's horrific murder, the investigation is taking an unacceptable direction. Reporters Without Borders is disturbed by the clear lack of judicial impartiality in the decisions being taken by the prosecutor's office and urges the Ukrainian government to address the problem – assuming, that is, that the government is not itself the source of this problem.
