

THE CONTINUING SAGA OVER THE 'KUCHMAGATE' TAPES.

By Taras Kuzio

Last

week's decision by Washington to block some \$55 million in previously approved aid to Kyiv over suspicions that Ukraine may have illegally sold Iraq Kolchuga radar systems capable of helping bring down U.S. aircraft has once again placed the so-called "Kuchmagate" scandal in the international spotlight (see "RFE/RL Newslines," 24 September 2002). The U.S. Department of Justice authenticated a section of Mykola Melnychenko's tape recordings in which President Leonid Kuchma appears to have authorized the sale of four Kolchuga radar systems to Iraq. Since the illegal-sale allegations have become a very serious problem in the current U.S.-Ukrainian relations, it appears advisable to recapitulate the main stages of the prolonged Kuchmagate case to readers of "RFE/RL's Poland, Belarus, and Ukraine Report."

In November 2000, Socialist Party leader Oleksandr Moroz first unveiled to parliament a portion of tapes made in President Kuchma's office by one of his security guards, Melnychenko. This portion of the tapes revealed a conversation between Kuchma; Volodymyr Lytvyn, then-head of the presidential administration and currently parliamentary speaker; and Interior Minister Yuriy Kravchenko, about opposition journalist Heorhiy Gongadze, the editor in chief of the Internet publication "Ukrayinska pravda."

The first reaction of the authorities was to deny the authenticity of the tapes themselves and even the existence of Melnychenko, who had by then fled Ukraine for Prague. The authorities also consistently denied it was possible to bug Kuchma's office and ridiculed the suggestion that a digital tape recorder was placed under his couch.

It was not until a video interview of Melnychenko was broadcast in parliament that it was confirmed that he was a member of the Security Service unit responsible for protecting high-ranking officials, such as Kuchma. The illegal search by customs officers of the opposition deputies who brought back the videotape was also suspicious. What did the authorities have to hide if the tapes were not authentic?

Slowly, the official view changed away from total denial of the authenticity of the tapes. One reason was because opposition deputies began to acknowledge their voices on the tapes. Eventually, Kuchma himself accepted that his voice was to be found on the tapes but claimed that Melnychenko had spliced different portions of the tapes to incriminate him. This had remained the official version

concerning the tapes until recently.

Calls by opposition deputies to interview Melnychenko and to use the tapes as part of an investigation into the criminal deeds discussed on them were always refused by former Prosecutor-General Mykhaylo Potebenko. This in itself was also suspicious. Melnychenko offered to take a lie-detector test to prove the tapes were genuine. Instead of dealing with the tapes and the issues they raised, the authorities swept the whole issue under the rug, hoping it would go away.

Time, however, was working against them. One of the first causes for doubting the sincerity of the authorities was the fiasco surrounding FBI experts invited to Ukraine in April of this year to investigate the Gongadze murder. The FBI agents went home empty-handed, as they were denied access to evidence.

Most of the Ukrainian elites accept that the tapes are genuine. Communist Party leader Petro Symonenko claims he never doubted their authenticity from the time they were first offered to him on 11 November 2000. Nevertheless, the Communists think along similar lines to the oligarchs and Kuchma that the taping was part of a U.S.-backed plot.

The Ukrainian position on the tapes did not budge when BEK TEK, a specialist firm that provides authentication services to the FBI and the U.S. Supreme Court, began to authenticate sections of the tapes provided by Melnychenko. BEK TEK confirmed that no sections had been spliced together, as Kuchma claimed. BEK TEK's authentication was insufficient for the Ukrainian authorities, as it was undertaken by a private company. In a similar manner, a test of the tapes made by the Vienna Press Institute early on in the Kuchmagate crisis was also ignored.

Over the course of this year, the Ukrainian authorities have been forced gradually to change their attitude toward the tapes. In August, the newly appointed prosecutor-general, Svyatoslav Piskun, ordered a test abroad of the tape dealing with Gongadze. This was coupled with new autopsies of Gongadze's decapitated body and an admission that his murder was political, something the authorities had always denied.

The Ukrainian authorities have been mainly forced to change their attitudes to the tapes through international pressure. For example, they have continued to deny that Kolchuga radar systems were ever dispatched to Iraq in contravention of the United Nations arms embargo. After the United States undertook its own official tests and officially announced their results on 24 September, the Ukrainian authorities could no longer deny that the portion of the tapes where Kuchma is heard authorizing the sale is not genuine. Whether the Kolchugas are in Iraq is still to be determined. Nevertheless, all sides now agree that Kuchma authorized their sale.

Ukrainian Foreign Minister Anatoliy Zlenko has now admitted that Kuchma's office could have been bugged after all. What will Ukraine's next retreat be? The United States has admitted that its authentication of the tape dealing with Iraq will color their views of other portions of the tapes, e.g., one portion relates to Kuchma apparently lying to the United States about former Prime Minister Pavlo Lazarenko. Melnychenko is to be a witness in the

Lazarenko trial and the United States will therefore be conducting further official tests of other portions. Will Ukraine backtrack each time an official result is announced by the United States?

Since the Kuchmagate crisis began in November 2000, the authorities have not been honest or forthright regarding the tapes and have refused to investigate the serious allegations arising from them. Only international pressure has forced them to shift begrudgingly from total denial to selective denial (the tapes are genuine but spliced together) and now acceptance that some of them have not been tampered with.

Instead of dealing with the issues raised on the taped conversations, the authorities' gut reaction was to initiate legal action against Melnychenko and to accuse him of "treason" and "espionage." The tapes allegedly include state secrets, which Melnychenko accepts, but the Ukrainian authorities argue, therefore, that none of them should be released. Melnychenko and the authorities disagree over the definition of "state secrets." Melnychenko sticks to the traditional definition of "state secrets," which deals with foreign countries (issues pertaining to Russia, Britain, Germany, Israel, Spain, and Turkey are on the tapes). The Ukrainian authorities have a broader definition that includes all of the activities undertaken by Kuchma that were taped, including corrupt ones.

The sharp reaction of the authorities to the tape scandal reflects their incredulity that they could be caught red-handed. The lack of transparency in the executive, the sense of infallibility that the authorities would never be caught, and the unclear dividing line between the authorities and the state were all severely damaged by the tapes. Thus, the authorities are demonstrating an unwillingness to come clean and initiate an impartial investigation.
(Taras Kuzio)