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YUSHCHENKO ANNOUNCES NEW EMPHASIS ON OBSERVING THE RULE OF LAW IN UKRAINE

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Since the December election of President Viktor Yushchenko, Ukraine's Prosecutor-General's Office has launched a variety of new investigations, some already leading to criminal charges. One of Yushchenko's fundamental reforms will be institutionalizing the rule of law in a country that had continued the Soviet tradition of bending rules through strategic telephone conversations. Without the rule-of-law, other Yushchenko goals, such as encouraging foreign investment, economic reforms, democratization, and converting oligarch-robber barons into bona fide businessmen, will be impossible.

Speaking in Donetsk Yushchenko demanded the end of close criminal ties with the authorities, a practice most prevalent in former prime minister Viktor Yanukovich's Donbas heartland. Yushchenko warned that he would uncover anyone who opposed his policies. "That is, if he is not already in prison" (Ukrayinska pravda, February 2).

Yushchenko's unlikely ally in this endeavor is Prosecutor-General Svyatoslav Piskun, the new government's only carryover from the Kuchma era. Piskun was fired in October 2003 when he came too close to charging Interior Ministry (MVS) officers with the murder of journalist Heorhiy Gongadze. After he was reinstated in December 2004 by then-President Leonid Kuchma, Piskun claimed an affinity with the Orange Revolution, saying, "I have really changed a lot, like the whole country. And I shall prove this to everyone with my work" (Svoboda, December 14, 2004).

The investigations focus on five areas.

Insider privatization. During its first meeting, the Cabinet voted to re-privatize Kryvorizhstal, which had been sold for \$800 million in June 2004 by Viktor Pinchuk (Kuchma's son-in-law) and Donetsk oligarch Renat Akhmetov. Foreign investors had offered \$1.5-2 billion. The sweetheart deal was an attempt to win the loyalty of the Dnipropetrovsk and Donetsk clans during the election season that began one month

later. Yushchenko promised, "There will be accountability for these crimes. Kryvorizhstal was stolen. The entire business community looked at it with shame. The letter and the spirit of the law will be restored" (Washington Post, December 9, 2004).

While few people doubt that this deal was dishonest, it is unclear how many other privatization deals will be reviewed. Reversing insider privatizations is only one part of what The Independent (February 8) describes as the new government targeting the "Kuchma clan."

Golden parachute. The state granted Kuchma a series of benefits in a secret government resolution on January 19, four days before Yushchenko's inauguration and without parliamentary approval. The secret resolution was leaked to the Institute of Mass Media (Ukrayinska pravda, January 28). Under the agreement, Kuchma receives a fat pension, two cars, four drivers, two cooks, and a dacha, among other perks. The deal raised a storm of protest, even from former President Leonid Kravchuk, who complained that he was never offered a similar package when he left office in 1994.

Gongadze case. In October 2003 Piskun ordered the arrest of Oleksiy Pukach, an MVS officer behind the surveillance of Gongadze before he was kidnapped and murdered in September 2000. Pukach was briefly detained in 2003, but released after Piskun was removed as Prosecutor-General. Piskun has now confirmed that Gongadze was murdered by a death squad that operated within the MVS and worked alongside organized crime. The Prosecutor-General's Office has issued a new warrant for Pukach's arrest, but he has since fled Ukraine. Former Interior Minister Yuriy Krawchenko, also implicated in the Gongadze murder, fled to Russia last summer.

Russia is increasingly attractive to former Kuchma officials afraid of prosecution, and Yanukovych himself is currently "on holiday" in Russia. Serhiy Tyhipko, the head of Yanukovych's campaign, left for a "skiing holiday" in Austria in late November and has not yet returned to Ukraine. A dacha is being built near Moscow for Kuchma's use, in case he is forced to flee charges in Ukraine. This could become a reality, as Kuchma has also been implicated in the Gongadze affair.

Parliament is favorable toward initiating criminal charges against Kuchma. Even the Communist Party, which is in opposition to Yushchenko, supports such steps. Legislator Hryhoriy Gongadze has also asked the Prosecutor-General's office to investigate Kuchma's initiation of violence against other journalists and parliamentary deputies, taking bribes, stealing state funds, and abusing office (Ukrayinska pravda, February 2).

Election fraud. Piskun has confided that 160 criminal cases related to election fraud have been launched. Asked if these cases included top officials, such as former Presidential Administration head Viktor Medvedchuk, Piskun replied "no." Yet tapes made illicitly by the Security Service in Yanukovych's shadow (i.e. dirty tricks) campaign headquarters incriminate top officials such as Medvedchuk. These tapes could be used, Piskun believes, if they are combined with "concrete evidence introduced in the criminal process" (Zerkalo nedeli, February 5-11).

A Kyiv court has rejected libel charges filed by Medvedchuk against Deputy Prime Minister Oleh Rybachuk, who publicized the tapes to expose high-level involvement in election fraud (Ukrayinska pravda, February 7). This ruling sets a precedent for

the tapes to be admissible in future court cases.

Poison. Yushchenko told CNN International (February 1) that the dioxin used to poison him is only made by Russia, the United States, and two or three other countries. Piskun has confirmed that Yushchenko was indeed poisoned with dioxin and this crime is being investigated by the same "honest and qualified people" probing the Gongadze affair (Zerkalo nedeli, February 5-11). MVS Minister Yuriy Lutsenko has confided that the authorities already possess detailed knowledge about Yushchenko's poisoning: "We know who brought the poison through the border, which parliamentary deputy transported it, which official brought it to the place of the crime, and who mixed it with the food" (Ukrayinska pravda, February 4).

Given the breadth and complexity of these investigations, the Prosecutor-General faces an enormous project to restore justice and the rule of law in Ukraine.