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Investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine: the Gongadze case as an emblematic example

Reply to Recommendation¹: Recommendation 1856 (2009)
Committee of Ministers

1. The Committee of Ministers reminds the Parliamentary Assembly that it has been closely supervising the execution of the judgment of the European Court of Human Rights in the Gongadze case since it has become final and refers notably to its Interim Resolution CM/ResDH(2008)35 adopted on 5 June 2008.

2. The Committee of Ministers would like to draw the Parliamentary Assembly's attention to its most recent decision adopted at the 1051st meeting (DH) of the Ministers' Deputies (March 2009) which reads as follows:

"The Deputies

1. took note of the information provided by the Ukrainian authorities whereby the recordings and the recording devices had been handed over by Mr Melnychenko to the Ukrainian investigators and foreign specialists in forensic audio analysis;

2. noted with interest the detailed information concerning the investigative steps envisaged in the framework of the phonoscopic expert examination of the tape recordings and the time frame set for it;

3. recalled the Ukrainian authorities' position that the results of a phonoscopic expert examination could be decisive and may give the investigation a new direction;

4. noted the information provided by the Ukrainian authorities according to which, pending the results of the expert examination, other investigative steps are being taken in order to establish all circumstances surrounding the abduction and murder of the applicant's husband;

5. invited the Ukrainian authorities to inform the Committee of Ministers regularly of the progress of the investigation;

6. decided to resume consideration of this item at the latest at the 1065th meeting (15-16 September 2009) (DH), in the light of information to be provided by the Ukrainian authorities on the progress of the investigation, in particular given the results of the phonoscopic examination, and possibly on the basis of a draft interim resolution."

3. The Committee of Ministers assures the Parliamentary Assembly that it will continue to follow the case with the greatest attention and confirms its resolve, as with all judgments transmitted to it under Article 46, paragraph 2, of the Convention, to ensure the execution of this judgment by Ukraine.

1. adopted at the 1062nd meeting of the Ministers' Deputies (1 July 2009)

