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Former Ukrainian President's Murder Charge Is Dismissed

Criminal proceedings were dismissed Wednesday against the former Ukrainian president Leonid Kuchma in the killing 11 years ago of a prominent investigative journalist critical of his administration.

The case, which helped galvanize Ukraine's Orange Revolution, was seen as a litmus test for whether the country had broken with the sometimes bloody post-Soviet period.

The decapitated body of Georgy Gongadze, 31, was found in a forest outside Kiev in November 2000, two months after he was reported missing. Almost immediately, Mr. Kuchma's political opponents began accusing him of complicity, and a former bodyguard released a tape recording in which a voice identified as the president's told officials to "deal with" Mr. Gongadze, the founder of the Ukrainian Pravda Web site, suggesting that he should be "kidnapped by the Chechens." Mr. Kuchma, who has denied involvement in the killing, said the recordings had been doctored.

Mr. Kuchma was finally charged in March, about six years after his presidency ended, with abusing his authority, as prosecutors argued that illegal orders to subordinates had led to Mr. Gongadze's abduction and murder.

In August, Aleksei Pukach, a former high-ranking Interior Ministry official who prosecutors say confessed to carrying out the murder, accused Mr. Kuchma of orchestrating the killing, according to news reports. He also implicated the current speaker of Parliament, Volodymyr Lytvyn, and a former interior minister, Yuri F. Kravchenko. Mr. Kravchenko died of two gunshots to the head in 2005 in a case that was ruled a suicide.

But the Kiev Pechersky District Court threw out the case against Mr. Kuchma, ruling that the audio recordings were inadmissible because they had been obtained illegally and made by someone unauthorized to conduct investigations.

In a statement to the Interfax news service, Mr. Kuchma's lawyers said he was happy with the decision but wanted to further clear his name. "It is not enough to remove suspicion from President Kuchma," the statement said. "Only by finding the real leaders of this conspiracy against state foundations can Ukraine show the entire world that it is able to defend its interests."

Mr. Gongadze's widow, Myroslava, said by telephone from Washington that the ruling was illegal. "This hearing was just one more example of the nonexistence of the rule of law in Ukraine," she said. "We will definitely appeal the court decision, and we are ready to go to the European Court of Human Rights."

Ms. Gongadze said that under Mr. Kuchma, the authorities had failed to investigate her husband's murder and that "instead, everything was put on the line to cover up the case."

The inability of Mr. Kuchma's government to solve the case led protesters during the 2004 Orange Revolution to carry posters of Mr. Gongadze, some asking, "Ukraine, are you not ashamed?"

When Mr. Kuchma was charged, Ms. Gongadze's lawyers greeted the news with some skepticism, noting that the 10 years set by the statute of limitations had recently elapsed. Yulia V. Tymoshenko, one of the Orange Revolution's leaders and a former prime minister, said at the time that the charge was a "bluff" and would "come to nothing," according to RIA Novosti.