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THE YEAR OF GORILLA

Soňa Svoráková*

ABSTRACT

The case called “Gorilla” which has shaken the Slovak public sphere in 2012 is an impactful example of internet medium freedom in Slovakia. Authentic evidence about corruption of highest government representatives of Slovak politics by home business oligarchy have been made accessible. Although since 1989 the inhabitants of Slovakia have been constantly traumatized by press, broadcasting and television’s alarming news about various unfair methods of politicians in connection with sale or transfers of state properties to private sector, with their purchases and acquisition, the Gorilla-gate is the first case in the Slovak media history making corruption scandal public with such an information effectiveness, that it was followed by a wave of demonstrative performances and protests of inhabitants. The “Gorilla-gate” in Slovakia is interesting in one aspect: it appears in the time of ratifying ACTA connected with the increasing tension in Europe.

Keywords: Corruption, Privatisation, Internet media, Political communication

Since the beginning of the year 2012 Slovakia has been in turmoil. What shocked the society was a currently revealed colossal corruption affair which was given a weird name Gorilla. Actually it was a secret code name for one of the eavesdropping activities of the Slovak Information Service dealing with the transcripts of secret wiretaps which leaked onto the Internet. That was about systematic monitoring of the discussions between **Jaroslav Haščák**, the co-owner of the most powerful and influential investment group in Slovakia – Penta Group, and top representatives of leading Slovak political parties which took place in **Zoltán Varga’s** apartment, located in Bratislava on Vazovova Street. In fact, the real owner of the mentioned apartment was **Jaroslav Haščák**. Monitoring, which was approved of by the Regional Court in Bratislava, was carried out in the neighbouring flat, belonging to a former SIS employee, and it took six years until it was made public (Tódová, 2012). The file with the above mentioned recordings was uncovered at the beginning of 2012 thanks to a

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young and, according to the media, investigative journalist of Slovak-Canadian origin **Tom Nicholson**. The contents of the published files cover the background of illegal manipulations of privatisation of the state-owned enterprises, the procurement projects and setting out the principal changes in the state health institutions. The materials seem to be authentic, containing information about the sales which had been planned, the names of people involved, as well as the strategies of frauds, financial profit stemming from them, its redistribution and commissions worth millions. **Jaroslav Haščák** represented the head-organizer of the lucrative privatisation contracts highly disadvantageous for the Slovak Republic, as well as bribes/commissions worth millions of Euros paid to the top officials of the Slovak executive, at that time ruling political parties and their consultants who were responsible for the selection of the future officials supposed to control the top executive positions in these state-owned enterprises and institutions. The transcripts of the recordings contained the information about the way which was the black and white industries – including electrical industry – manipulated in advance, as well as information about how much the person was and how much should be paid for the particular contract. Regarding the content of the files we are dealing with the shocking findings about the privatisation of the strategically important energy industries which guarantee the basic living needs and a substitute of the citizens in any state. They suddenly appeared to be taken over by a narrow finance group whose only aim was to negotiate the lowest possible prices, to maximize the commissions and get more political influence and power at the same time. The voluntary and obsequious cooperation of the politicians and the state executive officials when selling off the state wealth is evident from the eavesdropping tape transcripts. The absolute breach of authority entrusted to them in their top positions, intolerable demands for their personal profit and rapacity were apparent. The file also contained the names of people in the top executive positions and members of the Slovak Parliament who were elected in the polls by their voters. The original copy has approximately a hundred of pages and according to some of the sources the total amount of the inducement has been estimated up to 20-30 million crowns¹.

According to the figures released, the sale of the state-owned enterprises was controlled by the former Minister of Privatisation – **Jirko Malchárek** and his “people” – top managers and members of the supervisory board in the

¹ Figure in Slovak Crowns, in Euros it represents approximately 700 thousand - 1 million EUR.

enterprises. In the tape transcript relevant to the sale of Slovenské Elektrárne Holding it was recorded how **Jaroslav Haščák** gave clear instructions in order to effectuate it. The new supervisory board chairman, alongside with the consultant of the Minister of Privatisation, were supposed to cooperate with the Penta Group representatives at the regular meetings. One of these representatives was the supervisor and the chairman of the supervisory board of the company called Paroplynový cyklus Inc.² The transcript of the recording about the National Property Fund of the Slovak Republic contained the complete concept of the political supervisory board constitution made by **Jaroslav Haščák**. It stipulated that its members would vote in accordance with Haščák's directions. Those were the people in the positions of department managers, e.g. a female manager of the department preparing and proceeding sales at the National Property Fund, manager in charge of restitutions and transfers free of payment. As emerged from the transcripts, the decisions made in the monitored flat influenced functioning of the National Property Fund chairman who was corruptible too.

The first big contracts were related to energy enterprises and energy distribution networks. In the discussions **J. Haščák** explained his business plans, intentions and the issue of energy price formation. In Slovenské Elektrárne Holding he wanted to cancel some of the highly profitable businesses with nuclear energy – the elimination of V1 and burned up waste disposal – which in his words were pointless and they only serve to drain money from the company. In **J. Haščák's** opinion the world did not dispose of the nuclear power plants, they were just being conserved for the future possible usage. He had prepared a list of 11-15 issues concerning the Slovenské Elektrárne Holding worth more than 100 million crowns to be implemented (discussion took place before Slovakia became the member of the Eurozone). To sum it up, it makes more than 1 million crowns. In the following part of the transcript **J. Haščák** explained prospective of the future contracts, the amount of particular investments and commissions. He described the previous contracts as unprofitable for Slovakia. He spoke of the instructions which the chairman of the supervisory board was given, e.g. the directive to announce the tender for the information system for the Slovenské Elektrárne. Having been familiar with the participants interested in the competition he announced to the chairman of the board who should have won it for 390 million crowns even though its real price

² The Company Paroplynový cyklus is the producer of electric energy from gas.

was only 350 million crowns. The Minister of Privatisation would receive 25 million crowns for this business. Apart from this he insisted that the Minister should dismiss some people from the supervisory board and replace them by people linked with the Penta Group. The plan of final selling off of the white industry in the Slovak Republic was then preferably taken over by the Minister of Privatisation himself, who spoke about his responsiveness towards the Italian holder (ENEL), which would be disadvantageous for Slovakia and for that approach he required 1 billion commission as „a motivation“. The disposal of this commission would come through the increased price, for which the Penta Group would sell the Paroplynový cyklus to ENEL. The price would be increased about 1 billion crowns. According to the above mentioned facts also the governing political parties might have benefited from that business, if it had succeeded.

Besides the Minister of Privatisation, who would have obtained the bulk of one – billion worth commission some money would have been allocated also to the governing political parties, mainly the Social and Christian Democrats (SDKU) and the Christian–Democratic Movement (KDH). The commission from tender for the information system in the Slovak Electricity Transmission System, Inc. (SEPS), worth 165 million crowns in total, would have been divided as follows: 10 million crowns for the Minister of Privatisation, 10 million crowns for the member of the supervisory board representing governing political party – SMK (Hungarian Coalition Party) – and so on. The division of the commissions gained from selling of The Slovak Electricity Transmission System contains 4 names of the executive committee and members of the headquarters in the National Property Fund. As **J. Haščák** said when selling Transpetrol Inc. it was the Hungarian Coalition Party (SMK) who decided about the way the commission was to be distributed. The Minister of Privatisation and the Hungarian Coalition Party (SMK) were supposed to share it equally. The people in the background and responsible for that were the chairman of the supervisory board, the managing director of Transpetrol Inc. and the leader of the Hungarian Coalition Party (SMK). Recordings related to the privatisation of such enterprises and institutions as, Slovenská plavba a prístavy (Slovak Shipping and Ports, Inc.); Podtatranská vodárenská spoločnosť Poprad (water supplying company), Stredoslovenská vodárenská spoločnosť (water supplying company), Slovenské železnice (Slovak Railways), Letisko Bratislava (Airport Bratislava), etc., were very similar³.

³ The full text of the Gorilla files is available at: <http://pastebin.com/Vqgb77Qz>

Daniel Lipšic, Slovak Minister of Justice, confirmed⁴ the existence of the document at the briefing on January 19, 2012 and he stated that the then-Prime Minister **Mikuláš Dzurinda**⁵ was familiar with its content. In his opinion the file must have been delivered to the then-Minister of the Interior too. Apart from the serious criminal and legal aspects of the recordings which ought to have been investigated by the legal authorities of the state, but they were not, the horrified citizens found out through the Internet that the files related to the Gorilla-gate have been shunted through the offices of different executive officials until they ended up in the Anti-Corruption Bureau office, where its chief ordered to shred it. Such a form of shredding was inadmissible as, according to current legislation, it was illegal. The director Colonel **Tibor Gašpar** objected and defended himself pointing to the decision of the so-called shredding committee, but the journalist pointed out his promotion to the rank of general several months later (2.9.2008) (*Vymenovanie a povýšenie generálov*, 2012). It is worth to mention the former head of the department for special activities at Anti-Corruption Bureau, **Ján Rejda**, whose name was mentioned in the files and who is now one of the witnesses.

The weeks after the scandal had broken out numerous protest meetings and demonstrations started in many Slovak towns. Outraged community, students, civic-minded activists appealed for the immediate withdrawal of the compromised politicians involved in the scandal from their posts. Furthermore, another media scandal, called "Sasanka"⁶ shocked the society in the following days. This time it involved the ruling party Sloboda a Solidarita (Liberty and Solidarity) and its leader **Richard Sulík**. A video recording of the discussion between **R. Sulík** and a businessman **Marian Kočner** leaked to the media. In the discussion **R. Sulík** informed the businessman about the way in which it was common to buy the MPs' votes in the Slovak Parliament. He even stated the current price for a vote – 300 thousand Euros per vote at that time⁷.

According to Gorilla files, apart from the serious economic impact caused to Slovakia the scandal reveals also further relevant phenomenon – current trends in the media, the state and in functioning of democracy in the Slovak context on one hand, and in the international social, political and intercultural context on

⁴ Confirmed file dated 21.11. 2005 N° 63/950-D-241-34/2005

⁵ The director of the Slovak information Service at that time was L. Pittner - politically chosen representative. Available: <http://udalosti.noviny.sk/politika/12.01.2012>.

⁶ It is a word game, from the name of a party SaS derived sasanka - which is a sea animal.

⁷ Available at: <http://www.aktuality.sk/clanok/201975/video-sasanky-zaplavilo-internet/> 23.02.2012.

the other. For the Slovaks this affair meant the first big awakening moment from the “sleeping” democracy since 1989. That year the citizens of former Czechoslovakia had the greatest expectations and hopes for the future. Freedom of speech and press became the essential part of the fulfilled dreams about freedom in general. Free sharing information in media was crucial in the historic moments of the so called “velvet revolution”. Thanks to television and radio broadcasting the Czechs and Slovaks could see and hear the first mass-protest marches of the students, as well as violent police intervention. They could learn about the place and time of the next protest meetings etc. Encouraged by crowds of citizens on the squares who came to support them, the tribune speakers felt free to express their ideas. Thousands of people watched the events on television at their homes or in the restaurants. Let me use a symbolic comparison: it was the speech that sounded free in the media that helped to change the history of the country being controlled by the dictators for the previous 40 years. Then, in the nineties of the last century numerous print media disappeared from the newsstands; television and radio started broadcasting programmes in which the people were allowed to express their opinions freely and thus help the others to make their own opinion on the political situation in the country. Former independent daily or weekly papers either ceased to exist due to economic reasons or were taken over by the press distributors from abroad⁸. The magazines once supporting cultural and educational development were replaced by cheap “gutter press”. However, there was a great demand for these tabloids and the newsagents benefited from it. Even the regional papers were taken over by local “celebrities” representing the interests of local business groups. The bigger, more influential, national papers still indicated their independence in their titles, but they actually started supporting campaigns and policy of the parties interconnected with the foreign capital investments in Slovakia. A typical example was the campaign in order to discredit **Vladimír Mečiar** organised in the media during the second half of the nineties by the opposition consisting of right-wing oriented politicians, journalists and intellectuals. This controversial politician became famous for his refusal to the transfers and sales of strategic enterprises to the foreign owners. The papers not participating in this campaign got the attribute “pro-governmental”⁹. Being influenced by long-lasting media campaign not many Slovaks were

⁸ *Nové slovo, Kultúrny život, Zmena, Národná obroda, Slovenská republika, Nový čas, Pravda, Sme.*

⁹ *Literárny týždenník.*

conscious of who and whose interests stand in the background of the matter. The efficiency of the discreditation campaign was so strong that the citizens did not consider these facts when his followers started with the privatisation of the Slovak economy for the prices which were suspiciously low and the sale commissions were astonishing.

The expectations that the Slovak television might become public were not fulfilled either. Since the time when **Mikuláš Dzurinda** became the Prime Minister (1998) live TV broadcasting of the Parliament sessions was cancelled, timing of their records was postponed until late night hours and, moreover, they were censored. The Slovak Television gradually became the megaphone of the governmental political parties and the device for the manipulation of the citizens. The new-born commercial TV channels (*Markíza* and *JOJ*) presented the same or similar attitude. The news which was politically neutral and professional newsreaders was replaced by politicians. Democracy in TV broadcasting changed into the sophisticated word duels, but in fact they were the media games which pretended to be democratic. The Slovak citizens have been confronted with various political and corruption scandals for 20 years, but nobody took responsibility for that, nobody was accused or interrogated. If eventually some politicians appeared in the law-court, not the public or civil laws were endangered but the interests of their political opponents. And the ordinary citizen was the one who lost, surrounded by these media and political games. Whereas citizens were supposed to keep on tightening their belts to achieve improvements, the politicians never missed any chance to make money in immoral way. For instance, the Minister avoided the law of public tenders by publicizing terms of the tender on the noticeboard of his Ministry. Day by day the new affairs were released in press: suspiciously underrated prices on sales of the emissions, similarly suspicious sale of waste material-sieves of platinum, unbelievably high compensation after having been employed for a very short period of time in top positions of *Slovenská teplárenská spoločnosť* (so called golden handshakes), purchases of military arsenal which would never be used due to incompatibility – worth millions and so on. Slovak political scene has been filled with similar financial transactions and scandals during the last 20 years. What all of them have in common is that the ministers, top executive officials, except for some of them, still retain their top positions. And the ordinary citizens just watched, listened to it and... kept silent.

More than 20 years after the first steps of newly-born democracy in Slovakia a scandal named “Gorilla” reminded Slovaks of their current condition of a total

anaesthesia. This, so far the most massive corruption affair made Slovaks realize that democracy does not mean cheap tabloids, pointless TV shows and soap-operas available to everyone; that giving opinions while sitting at home in front of TV screen is not sufficient. And so after the Gorilla scandal had broke out, thousands of Slovak citizens left their homes and came to show their anger and disappointment, to protest against the arrogance of political and state authorities. They came despite the temperatures 20 degrees Celsius below zero. More than 10 thousand people took part in the second demonstration in Bratislava on February 3, 2012. One especially relevant aspect of “Gorilla-gate” should be pointed out. It is the fact that the public was informed about the entire affair including planned protest activities and other events through the Internet exclusively. The citizens were provided regularly updated information about its development by daily papers and especially by the civic association “Protest Gorilla”. As for TV channels, the cause was more or less ignored by them, TV TA3 being an exception. The news and the reports were laconic and economical, they reminded of the weather forecast more than journalism, so uninvolved they were. When looking back at the broadcasting structure during the protest meetings it is obvious that they paid more attention to the aggressive behaviour of a small group of extreme radicals than to the protest itself. Even though the incidents happened after the official demonstration and the organizers expressed their categorical disapproval with them, the TV news kept presenting images of angry youngsters rattling the gate of Government Office or trying to climb over the roadblocks. But the speakers formulating the civil announcements and requirements were deliberately ignored. Moreover, police interventions during the most massive protest meeting in the streets of Bratislava were ignored as well. The public was informed only from the internet website *Protest Gorilla online TV*. According to its participants the scenario of the demonstrations was very similar to the one used in 1989. The harsh police force intervention against the peaceful protesters took place in the narrow lane where there was no chance for the crowd to disperse. In order to displace the first row the police used tear gas and the truncheons. The press conferences, except for the ones organized by the association “Protest Gorilla” were full of useless and pointless questions, the performances of the journalists, members of the Parliament and the speakers involved were cautious, influenced by the approaching elections¹⁰. The Czech television was interested in the events

¹⁰ Gorilla Files were released before the early general elections in Slovakia held on March 10, 2012.

more. They invited **Tom Nicholson** to answer the questions of the interested citizens in the interactive talk show called the Hyde Park.

Except for the above mentioned TV channel TA3, other TV channels in Slovakia were incapable of creating any public forum of opinions expressed by both professional journalists and the citizens or any legal pre-conditions for the public discussion. After 3 weeks of the protest meetings the newsreader of the prime-time *Markíza* news announced (24.2.2012) that less and less protesters are taking part in them. He also added that according to the organizers the discrimination in media was the main reason for that. This way the Internet remained the only objective source of information. To mention one more aspect of the affair which is relevant to its content too, it is the protests against the Anti-Counterfeiting Trade Agreement (ACTA)¹¹. The aim of ACTA was to create the mechanism of protection against plagiarism, generics and the copyright violation on the Internet. The Agreement expects building specific control mechanisms in the states where it would be ratified and setting up the sanctions even punishment. The Agreement contains lots of controversial points, which are stated so generally that it could appear dangerous for democracy in the future. ACTA enables ordering, prohibiting and the censorship. It enables to check up and control personal notebooks. These interventions could mean the reduction of civil and democratic rights. It contains e.g. the ban on downloading files from the Internet which would not be used for business purposes but for the educational or cultural ones. The control institutions in the countries which signed ACTA would not be subordinated to the World Intellectual Property Organization (WIPO) or the World Trade Organisation (WTO)¹². The question of who would control the observance of the democratic rights has not been answered yet. The fact that the negotiations with the influential big corporations were kept secret is worrying too. Endangered international safety was claimed to be the official reason for that. ACTA has been supported by the U.S.A. and Japan since 2006, Canada joined in 2008 and Switzerland in Europe. If the European Parliament ratifies ACTA, then the EU Member States will be obliged to implement it into their legislatures. The approval of 5 EU members is sufficient (Husovec, 2012).

¹¹ Available at:
http://en.wikipedia.org/wiki/Anti-Counterfeiting_Trade_Agreement,
<http://www.itnews.sk/spravy/bezpecnost/2012-02-03>.

¹² Available at: <http://www.stopacta.sk/stop-acta/>.

The protests against ACTA in Slovakia became a part of the protests against Gorilla. The slogans STOP ACTA are visible on the images of the amateur photographers taking pictures of the protesting crowds. This fact as well was ignored by the domestic Slovak televisions. What may sound as a paradox is that the Russian journalists commented on TA3 the issue of the free Internet. Russia has not recently been involved in the ACTA, but some of the Russian journalists expect some government limits on the Internet usage during the general elections.¹³ The influential Russian blogger **Anton Nosik** pointed at the attempts to limit the Internet in Kazakhstan, Belarus and China and added that “[...] *there are only 2 ways how the Internet operates. Either it is prohibited or absolutely out of the governmental control*”¹⁴.

When speaking about the investigation of the political scandals Slovak citizens have never been told the truth. Most accusations, if there were any, finished with the suspicious amnesties or they got away with them thanks to the lack of sufficient evidence. The Slovak inhabitants were not satisfactorily informed about the interrogation results of the murders of people involved in top politics or communal politics. As for the Gorilla files, the published information are judged legally as the hypothesis or just planned activities. The legal implications can be taken, according to Minister **Daniel Lipšic**, after the process of investigation has been fully completed¹⁵. **Tom Nicholson** pointed out that some corrections should be made with the issues released on the Internet. These were supposed to be made in his book. After the request of the Penta Group representatives, the judge of the Regional Law Court in Bratislava, on February 12, 2012, however, prevented the author and the Publisher Petit Press to publish and distribute the book (“Vargovi sa nepodarilo stopnúť knihu o Gorile ako Pente”, 2012)¹⁶. In the reasons given by the regional court is stated that there is a threat that *in the book there might be used such words, phrases and formulations which the reader could understand in the way that the plaintiff (Jaroslav Haščák) was proved guilty* (page 15, Resolution) (Mačák, 2012). Let me remind once more that the book was not finished at the time the court of

¹³ According to chief editor of the Liberal Radio *Ekho Moskva* Alexej Venediktov. Interview by Alexej Venediktov on [tv] TA3 News, 28. February, 2012 at 5,43 p.m.

¹⁴ Quoted, interview by Anton Nosik on [tv] TA3 News, 28. February, 2012 at 5,43 p.m.

¹⁵ Daniel Lipšic was the Minister of Justice before March 2012.

¹⁶ The 1st request made by Zoltán Varga was denied by the judge of the same court Kontriková. Both requests were identical. Available at: <http://www.pluska.sk/spravy/kauzy/pusti-gorila-srst-gasparovic-zbavil-mlcanlivosti-sefa-sis.html> /09.02.2012.

justice issued decision and the judge cannot have read it. Soon the strong reactions of the angry public and the journalists appeared. The following day (3.2.2012) the protest against Gorilla was the most powerful. One of the people who commented the ban on the book was the head representative of Transparency International Slovakia (TIS) **Gabriel Šípoš**, who said: *“There is no reason to prohibit the book about “Gorilla-gate”...The judge underrated possible benefit of the debate about the probable corrupt background of the politics here and about the long-lasting, many times confirmed failure of the police, secret agencies and the politicians”* (“Riaditeľ TIS Šípoš dôvod na zákaz knihy o Gorile nevidí”, 2012). It is highly probable that all the relevant files and recordings kept by the SIS agency have already been destroyed. **Tom Nicholson** stated that the employees of the SIS who was involved in Gorilla matter and who initiated the investigation of the frauds in 2008-2009 have already been released from the civil service. The reason of his eviction was treason¹⁷. Current head of SIS **Karol Mitrík** rejected the request of the police to free the agents of the secret service from oath of silence. Similarly the President of the Slovak Republic **Ivan Gašparovič** refused to free the former head of SIS **Karol Mitrík** from oath of silence (“Pustí Gorila srst? Gašparovič zbavil mlčanlivosti šéfa SIS”, 2012).

Gorilla made the image of democracy in Slovakia worse. The files which were released showed undoubtedly that both left and right wing politicians serve their own interests, and not the citizens. Gorilla revealed that parliamentary parties are infected with corruption and the whole state got infected from them. It is the affair of frauds, of unlimited greed, of abusing political power and of unprecedented moral failure. The presumption that the timing of releasing the materials through the Internet was intentional due to the coming general elections is obvious, but this fact does not make their consequences weaker. The results of the general elections in March 2012 were definitely influenced by it. The representatives of the political parties which were discredited in the scandal gained the votes necessary to get into the Parliament, but compared to the preferences these parties (SDKU, SaS) had had before Gorilla was revealed they ended up with such a deficit of votes that they were not able to make a coalition. For their trust and hope which the citizens entrusted to their hands,

¹⁷ Stated by Tom Nicholson in the interactive talk show Hyde Park on [tv] 8ČT24 10.March, 2012 at 0,43 a.m.

they got in reward just unfulfilled promises, increasing unemployment¹⁸ and never-ending and repeated corruption scandals. Gorilla became a bitter experience for our young and still very fragile democracy. It was the experience caused by the inexperience. The Internet played a leading role in it, supporting the freedom of speech, the citizens and democracy. The Slovak scandal called Gorilla is also about the freedom of the Internet. Especially this aspect might be edifying for the advanced European democracies as well. It is good to be vigilant.

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¹⁸ According to Bureau the rate of unemployment (*Ústredie práce a sociálnych vecí*) in Slovakia at the end of the year 2011 reached 13,59% what represents 399800 people unemployed. It has been the highest figure since 2004. Data released: SITA 20.1.2012. Available at:
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