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State-led violence in Ukraine's 2004 elections and orange revolution

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ABSTRACT

The Ukrainian opposition faced one of the greatest degrees of state-backed violence in the second wave of democratization of post-communist states with only Serbia experiencing similar cases of assassinations and repression of the youth Otpor NGO. In the 2004 Ukrainian elections the opposition maintained a strategy of non-violence over the longest protest period of 17 days but was prepared to use force if it had been attacked. The regime attempted to suppress the Orange Revolution using security forces. Covert and overt Russian external support was extensive and in the case of Ukraine and Georgia the European Union (EU) did not intervene with a membership offer that had the effect of emboldening the opposition in Central-Eastern Europe. This article surveys five state-backed violent strategies used in Ukraine's 2004 elections: inciting regional and inter-ethnic conflict, assassinations, violence against the opposition, counter-revolution and use of the security forces. The article does not cover external Russian-backed violence in the 2004 elections unique to Ukraine that the author has covered elsewhere.

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'They can't take down everyone, they can't shoot everybody, they can't attack everyone with tanks'.
Marina Zakharvuk (Page, 2004).

Ukraine's October–December 2004 presidential elections could have turned violent on a number of occasions. Parliamentary speaker Volodymyr Lytvyn confided that, 'we were a step away from a coalition which would have been followed by something like a civil war, God forbid' (Novyi Kanal Television, December 9, 2004). 'I say with all responsibility that we stood on the edge of civil war', Lytvyn believes, taking much of the credit for Ukraine's Orange Revolution not turning violent (Ukrayinska Pravda, November 7, 2005, <http://www.pravda.com.ua/news/2005/11/7/3015879>). The authorities' strategy of violence ('directed chaos') during the July–October 2004 Ukrainian presidential election campaign sought to provoke a violent counter-response by the opposition, which it failed to do. This failure led to desperate strategies of state-backed violence as mass protests against the fraudulent election of the authorities' candidate, Viktor Yanukovych, unfurled into the Orange Revolution. A violent crackdown on the Orange Revolution was promoted by regime hardliners but these failed, when attempted, or failed to materialize, and the opposition stuck to a strategy of non-violence.

The focus of this article is the strategies pursued by the Ukrainian and Russian authorities that two Ukrainian political consultants, Olexiy Haran and Rostyslav Pawlenko, who worked for the Viktor Yushchenko campaign described as 'directed chaos' (Ukrayinska Pravda, October 27, 2004, <http://www.pravda.com.ua/news/2004/10/27/3003584>). The strategy of 'directed chaos' was defined by Russian political technologists working for the authorities as, 'Apocalyptic scenarios for the possible future must not be presented as utopian, but become a reality. Our task is to destabilize the situation in the regions, involving political games, but not the everyday economy and drag Yushchenko into this game' (Ukrayinska Pravda, June 25 and July 1, 2004, <http://www.pravda.com.ua/news/2004/06/25/3000773/>, <http://www.pravda.com.ua/news/2004/07/1/3000877>).

The 'directed chaos' strategy of violence pursued by the authorities was varied. With competing centers involved in running the authorities' election campaign, ranging from the presidential administration, the Russian Club (based at Kyiv's Premier Palace Hotel), the official campaign headed by Sergei Tigipko and shadow underground campaign headed by Andriy Kluyev, it is likely that these different centers did not always coordinate their actions. The article focuses upon how state-led 'directed chaos' was undertaken in five ways. The first aim of 'directed chaos' was to inflame regional and inter-ethnic conflict hoping to build on experience gained by the successful Leonid Kuchma campaign in the 1994 presidential elections. The second aim was to remove the main threat to the authorities' candidate, Viktor Yanukovych, coming from opposition candidate, Viktor Yushchenko, by poisoning and a bombing the latter. A third aim was to organize local acts of violence in Trans-Carpathia, Donetsk and possibly elsewhere that could be then blamed on the Yushchenko coalition, giving the authorities an excuse to introduce a state of emergency by the National Security and Defense Council (NSD). A fourth strategy was to mobilize a counter-revolution by emulating Romanian miners sent to Bucharest on three occasions in the 1990s to attack the opposition. Yanukovych supporters were brought to Kyiv where violence could have been provoked between them and Orange Revolution supporters (www.glavred.info, April 5, 2005). Finally, to use the security forces on November 28, 2004 to violently suppress the Orange Revolution.

The ability to launch a crackdown depended on the continued loyalty of the security forces that was in doubt as the Orange Revolution progressed. The successful use of the security forces would be the result of three factors: (1) Kuchma's willingness as an outgoing president to have his term in office end in bloodshed (2) the willingness of the Kuchma leadership to become international outcasts and (3) the fear that a clampdown would backfire, the opposition could come out on top in any violent struggle leading to the arrest of Kuchma and his possible violent death at the hands of revengeful protestors radicalized by bloodshed.

Regional and inter-ethnic conflict

A November 2003 document prepared by Russian so-called political technologists working for the head of the presidential administration, Viktor Medvedchuk, was leaked to the Ukrainian media (*Ukrayinska Pravda*, June 25, 2004, <http://www.pravda.com.ua/news/2004/06/25/3000773/>). The report outlined how President Kuchma could win a third term by discrediting his main opponent as a 'nationalist' and an inciter of inter-ethnic conflict. Incitement of regional and inter-ethnic tensions was a major strategy adopted by the Yanukovych shadow campaign and Russian political technologists. It drew on the success of Kuchma's 1994 election campaign where he was able to mobilize Russophones in eastern and southern Ukraine against the allegedly 'nationalist' Leonid Kravchuk. The Security Service of Ukraine (SBU) secretly taped a conversation between a member of the Yanukovych shadow campaign and a Russian political technologist that discussed the strategy:

Kyiv: But, excuse me, to split up the country into two parts, having provoked a civil war – is that worse, better, or what?
Moscow: Then who in his headquarters coordinated these things with Pavlovskii?
Kyiv: Kluyev, Prutnik' (*Wilson*, 2005: 102)

The opposition warned that the authorities would incite conflict and to pit western against eastern Ukraine (*Ukrayinska Pravda*, November 3, 12 and 24, 2003, <http://www.pravda.com.ua/news/2003/11/3/2996278/>, <http://www.pravda.com.ua/news/2003/11/12/2996440/>, <http://www.pravda.com.ua/news/2003/11/24/2996624/>). "Our Ukraine's" deputy Mykola Tomenko publicly discussed secret instructions to the media from the presidential administration known as *temnyky* (Kipiani, 2005) that outlined plans for inciting instability, followed by a State of Emergency, leading to an indefinite postponement of the elections (*Ukrayinska Pravda*, November 7, 2003, <http://www.pravda.com.ua/news/2003/11/7/2996339/>). Another objective was to depict Yushchenko's election as president leading to chronic instability. In October 2003 a Yushchenko rally in Donetsk was plastered with billboards depicting him giving a Nazi salute and he had to be accompanied by the Security Service (SBU)'s anti-terrorist Alpha special forces. The message sent to Ukrainian voters was that Donetsk did not like Yushchenko and his election as president in 2004 would bring instability to Ukraine.

A November 2003 strategy paper states, 'Our aim is to destabilize the situation in the regions (through political intrigues, not by harming the economy), to drag Yushchenko into these processes, and through the media severely point out that responsibility for dealing with this situation rests upon the Council of Ministers and parliament' (*Ukrayinska Pravda*, June 25, 2004, <http://www.pravda.com.ua/news/2004/06/25/3000773/>). Conflict could be provoked between Tatars and Russian or Ukrainian groups in the Crimea, 'pro-Russian' forces would complain that Ukraine is unable to defend the interests of Slavs in the Crimea and would demand Russia's protection and intervention. Serhiy Markov, director of the Moscow-based Institute of Political Research who was based in Ukraine during the 2004 elections, accused Crimean Tatars – who usually voted for Yushchenko and his Our Ukraine bloc – of being trained to storm official buildings on election night (*Ukrayinska Pravda*, June 28, 2004, <http://www.pravda.com.ua/news/2004/06/28/3000788/>). The opposition leaked details to the Ukrainian media of plans to declare a State of Emergency in the Crimea following ethnic conflict (*Ukrayinska Pravda*, March 27, 2004, <http://www.pravda.com.ua/news/2004/03/27/2998906/>). In March 2004, inter-ethnic conflict in the Crimea was deliberately provoked during a visit by international philanthropist George Soros to attend a human rights conference at the invitation of Tatar groups (*Itar-Tass*, March 26, 2004). The Ukrainian media speculated that the presidential administration was behind the Crimean clashes. This was confirmed by leaked *temnyky* from the presidential administration that outlined plans for a smear campaign against Soros. On March 24, 2004, President Kuchma ordered Prosecutor-General Gennadii Vasyliiev, Interior Minister (MVS) Bilokin and SBU chairman Ihor Smeshko to visit the Crimea that reinforced public perceptions of instability (*Kuzio*, 2004b). Two

other proposals laid out a strategy for inciting discord in Polish–Ukrainian relations. Possible approaches would be to escalate the dispute over cemeteries of soldiers in Lviv or fan Ukrainian–Russian religious conflicts. In the latter case, the aim would be to identify Yushchenko as being aligned with the ‘anti-Russian’ Ukrainian Orthodox Church–Kyiv Patriarch.

The authorities drew on virtual nationalist groups and skinheads for their plans to incite instability and violent clashes (Kuzio, 2004a). Pro-regime political parties controlled and financed four virtual nationalist groups: the Ukrainian National Assembly (UNA), the Organization of Ukrainian Nationalists in Ukraine (OUNvU), Rukh for Unity (RukhzaY), and Brotherhood (Bratstvo) (Kuzio, 2003). Bratstvo leader Dmytro Korchynsky was a commentator on the Social Democratic United Party (SDPUo)–controlled 1 + 1 television channel where he subjected Yushchenko to daily attacks. OUNvU leader Andriy Chornovil was a member of the SDPUo Social Justice faction in the Lviv *oblast* council headed by Serhiy Medvedchuk, Viktor’s Medvedchuk’s brother. In the March 2002 elections these pro-presidential nationalist groups backed Kuchma’s For a United Ukraine bloc and in the 2004 elections OUNvU was one of the first parties to announce its support for Prime Minister Yanukovich’s presidential bid (Ukrayinska Pravda, December 9, 2003, <http://www.pravda.com.ua/news/2003/12/9/2996900>). UNA declared its support for Yushchenko with the aim of discrediting him. Three hundred UNA members wearing SS-style black uniforms and carrying flags with SS-style inscriptions attended a rally in Kyiv where they gave anti-Semitic speeches and the UNA announced its support for Yushchenko. Three television channels controlled by the SDPUo repeatedly aired the ‘pro-Yushchenko’ rally, highlighting the fascist UNA as Yushchenko supporters (UT-1, Television, June 26, 2004).

Skinheads and organized crime enforcers were first used in autumn 2003 when they targeted Yushchenko and Our Ukraine in Donetsk. In March 2004, during a by-election in Donetsk, paramilitary Cossacks and ‘big guys in black jackets’ claimed to be *druzhynnyky* (People’s Volunteer Militia). These Cossacks and ‘big guys’ blocked access to vote counting by the Committee for Voters NGO and other observers. The result was a landslide for the candidate backed by the authorities that was even greater than expected; Donetsk had traditionally blocked access to the opposition and given inflated higher results to the authorities, as seen in the 2002 elections when the pro-Kuchma For a United Ukraine bloc came first in only one region – Donetsk. Yanukovich was governor of Donetsk from 1997 to 2002. In April 2004, skinhead organized crime enforcers were used against the opposition in the Mukachevo mayoral elections which led to the first election violence that year (Ukrayinska Pravda, April 19, 2004, <http://www.pravda.com.ua/news/2004/04/19/2999336>).

Some elements of the security forces, particularly the Ministry of Internal Affairs (or Ministerstvo Vnutrishnikh Sprav – MVS in Ukrainian), assisted the campaign of violence. A long time SBU officer, Valeriy Krawchenko, who defected to Germany in February 2004 condemned the return to the use of Soviet-era tactics against the opposition in Ukraine that included surveillance and repression of the opposition (Ukrayinska Pravda, April 12, 13, 14, 15, 16, 19, 21, 22, 23, 2004, <http://www.pravda.com.ua/news/2004/04/12/2999200/>, <http://www.pravda.com.ua/news/2004/04/13/2999210/>, <http://www.pravda.com.ua/news/2004/04/14/2999249/>, <http://www.pravda.com.ua/news/2004/04/15/2999282/>, <http://www.pravda.com.ua/news/2004/04/16/2999305/>, <http://www.pravda.com.ua/news/2004/04/19/2999336/>, <http://www.pravda.com.ua/news/2004/04/21/2999392/>, <http://www.pravda.com.ua/news/2004/04/22/2999436/>, <http://www.pravda.com.ua/news/2004/04/23/2999469/>; Zerkalo Nedeli/Dzerkalo Tyzhnia, March 19, May 15, 2004). The Yushchenko campaign took control of an MVS officer who had been following and video taping them in the Crimea (Kuzio, 2004b). The National Security and Defense Council (NRBO) was the state institution tasked with dealing with internal and external threats to Ukraine’s national security and it became the venue for heated debates in the first week after round two between hardliners and softliners in the Kuchma camp over how to cope with mass protests. On November 27, 2004, a day before the fateful NRBO meeting that decided to send MVS Internal Troops to Kyiv to suppress the Orange Revolution (see later), Yanukovich gathered together ten governors from Eastern and Southern Ukraine where he had won first place in rounds 1 and 2 of the elections. Yanukovich demanded to know directly from Kuchma: ‘Leonid Danylowich, here are those governors who fulfilled your instructions. We won the presidential elections; this was your aim and that of your team which they fulfilled. And so why are you inactive? Why, have you betrayed our team? ... If you have ‘dumped’ us then say so!’ (Leonov, 2005). Yanukovich demanded that Kuchma order security forces to unblock government buildings and to arrange for him to be inaugurated president. The first demand was met a day later when MVS Internal Troops were sent unsuccessfully to Kyiv. The second demand was not heeded and would have been in defiance of a Supreme Court ruling that suspended the Central Election Commission (CVK), pending an investigation of election fraud.

Feeling betrayed by Kuchma and his Kyiv-backed allies, and unable for an entire week to enter his own government building due to a blockade by Orange Revolution crowds, Yanukovich abandoned Kyiv and retreated to Donetsk (Ukrayinska Pravda, November 28, 2004, <http://www.pravda.com.ua/news/2004/11/28/3004773>; Kuzio, 2004d). Yanukovich attended an ‘All-Ukrainian Congress of Deputies’ held in Severodonetsk, Donetsk oblast, which was widely touted as a ‘separatist congress’ attended by local council deputies from Russophone regions of eastern and southern Ukraine. A keynote speaker was Moscow Mayor Yuri Luzhkov who has long been a vocal advocate of Russian sovereignty over Sevastopol. The congress gave its support for a ‘federal South-Eastern republic based in Kharkiv’ (Ukrayinska Pravda, November 28, 2004, <http://www.pravda.com.ua/news/2004/11/28/3004773>), Yanukovich threatened to call for a referendum on this issue if Yushchenko was allowed to become president (Kuzio, 2004d, 2005a,b,c; Oxford Analytica, December 2, 2004).

It was not coincidental that the separatist congress took place in Severodonetsk on November 28, 2004, the same day as the NRBO meeting. At the time, Ukrainian commentators were skeptical that the separatist congress was a serious threat of separatism and instead believed that it was established, ‘to instill pressure on the *Maidan* and the West, nothing more. No real separatist movement would be permitted’ (Kuzio, 2005a). The congress could only have taken place with the tacit support of Kuchma whose loyal governors played an organizing role in it: ‘Wrong were those who argued that the president had nothing to do with the eastern governors’ separatist initiatives and blamed them entirely on Moscow themes’ (Mostova, Zerkalo

Nedeli/Dzerkalo Tyzhnia, December 17, 2004). The 'separatist Congress' applied pressure on Yushchenko to negotiate a compromise agreement at the EU-sponsored three round-tables. The fabricated separatist threat led to Western pressure on Yushchenko to agree to constitutional reforms during round-table negotiations; in other words, 'Severodonetsk fulfilled its purpose...' (Guzhba et al., 2005). The separatist threat, coupled with the strength of support for Yanukovych in eastern Ukraine and the continued loyalty of governors in that region, placed pressure on Yushchenko to negotiate a resolution to the crisis. This, in turn, was assisted by Yushchenko's relative moderate disposition compared to Tymoshenko who opposed the concept of round-tables in December 2004 and when initiated again by President Yushchenko in August 2006. Kuchma received two outcomes favorable to himself: immunity and constitutional reforms that he had failed to railroad through parliament in April 2004. The West, which seriously believed in the threat of civil war (*The Guardian*, November 24, 2004; *La Presse*, December 7, 2004), pressured Yushchenko to agree to Kuchma's 'compromise' in return for Kuchma's ditching of Yanukovych and Yushchenko receiving a 'guarantee' of his election in the re-run second round on December 26, 2004.

Assassination attempts

There were two known plots to eliminate Yushchenko during the 2004 election campaign: the poisoning and a bomb attempt. The main aim was to assassinate or incapacitate Yushchenko and thereby remove him from the elections. If the assassination plots had been successful they could have led to counter violence by Yushchenko's supporters that would have led to imposition of a State of Emergency. Yushchenko's private bodyguard Yevhen Chervonenko refused to disclose how his team had foiled assassination attempts except to admit, 'We provoked the authorities into making mistakes' (*Fakty i Komentarii*, July 8, 2005). Chervonenko claimed that there were more than two assassination attempts that he and his team had foiled (*The Times*, April 1, 2005). Opposition sympathizers in the security forces leaked information to the Yushchenko campaign. Yushchenko's state provided bodyguard, Petro Pliuta, confided that 'honest (SBU) officers,' 'tried to inform us to enable us to take relevant measures. Unfortunately their actions ran counter to their superior's position.' (*Ukrayina Moloda*, March 25, 2005).

Yushchenko's near-fatal poisoning on September 5–6, 2004 nearly succeeded as Yushchenko arrived at the Vienna clinic where he was treated with only 12 hours to spare before he could have died. Yushchenko lost a month of campaign time ahead of the elections on October 31 that permitted Yanukovych's popularity to catch up with him. In December 2004, West European medical experts pointed to a poison cocktail of dioxin and alpha-fetoprotein that assisted the dioxin in spreading quickly (*Ukrayinska Pravda*, June 13, 2005, <http://www.pravda.com.ua/articles/2005/06/13/3010596/>; *Lancet*, August 1, 2009).

During Yushchenko's presidency accusations were made of the involvement of Kuchma's entourage and then his own, notably Davyd Zhvannia. The poisoning allegedly took place during the dinner with the SBU chairman Ihor Smeshko and SBU deputy chairman Volodymyr Satsiuk on September 5, 2005 where Yushchenko was accompanied by Zhvannia (*Ukrayinska Pravda*, June 13 and 14, 2005, <http://www.pravda.com.ua/articles/2005/06/13/3010596/>, <http://www.pravda.com.ua/news/2005/06/14/3010643>). The poisoning has never been resolved and in March 2009, parliament revived a commission that had existed in fall 2004 to investigate the poisoning but its purpose seemed less to find the culprits than to further discredit Yushchenko's claims that he was actually poisoned ahead of the presidential elections. It continues to remain unclear if the purpose was to assassinate Yushchenko or merely incapacitate him to provide grounds for the opposition to claim, as they did, that Yushchenko was unfit to be president. SBU chairman Oleksandr Turchynov revealed in 2005 that the SBU was investigating a link between Yushchenko's poisoning and others undertakings in Ukraine during the Kuchma era (*Ukrayinska Pravda*, June 24, 2005, <http://www.pravda.com.ua/news/2005/06/24/3010991/>). Medvedchuk argued that one would have had to be a 'complete idiot' to invite Yushchenko to a SBU dacha to poison him (*Ukrayinska Pravda*, June 17, 2005, <http://www.pravda.com.ua/articles/2005/06/17/3010778>).

A second attempt to assassinate Yushchenko was made through a planned bombing of his election headquarters. Two men arrested in connection with the plot had false Russian passports and were in a car with Russian license plates with three kilos of plastic explosives (*Fakty i Komentarii*, May 27, 2005). If the bomb had gone off as planned, the entire three-story Yushchenko headquarters would have been destroyed (Kuzio, 2005c). The MVS noticed a car with Russian license plates and asked the two occupants for their documents. Both passengers were arrested and a subsequent investigation unmasked them as Mikhail M. Shugay and Marat B. Moskvitin, Russian citizens from the Moscow region. Their only contact in Moscow had been a certain "Surguchov" who had hired them in September 2004 for the bombing operation against Yushchenko and his ally, Tymoshenko. The terrorists were to receive \$50,000 after the bomb plot was completed. After smuggling the explosives through the Russian-Ukrainian border, both FSB operatives set up a safe house in the village of Dudarkiv, 15 km from Kyiv. A search of these premises found pistols, radio equipment, and bomb-making instructions. Both men were convicted in 2006 but the investigation and trial was largely kept out of the Ukrainian media with the intention of not inflaming relations with Russia.

Local violence and state of emergency

Regime hardliners Medvedchuk, Donetsk governor Anatoliy Blyzniuk and Odesa Mayor Ruslan Bodelan lobbied the November 27 and 28 meetings of the NRBO meeting in support of a hardline and the imposition of a State of Emergency (*Ukrayinska Pravda*, December 22, 2004, <http://www.pravda.com.ua/news/2004/12/22/3005617>). Plans were made to spur a state of emergency by blaming the opposition for using violence through the use of physical attacks undertaken by criminals (skinhead organized crime enforcers) masquerading as the 'opposition' in Donetsk and Uzhhorod (Wilson, 2005). The

Uzhhorod provocation was to take place in an environment where the rule of law had *de facto* broken down. Governor and SDPUo leader Ivan Rizak conspired with the Trans-Carpathian MVS head General Vasyl Vartsab to prevent the holding of a free and fair election in the oblast. Organized crime skinheads gathered in Uzhhorod's Avanguard football stadium to initiate the provocation. These members of organized crime had long worked for the local SDPUo authorities and were actively involved in orchestrating violence in the Mukachevo mayoral election in April 2004. The planned provocation aimed to use organized crime skinheads to attack peaceful protestors supporting the Orange Revolution to 'teach them a lesson' and the ensuing fracas would have given the executive the excuse to launch a State of Emergency (www.maidan.org, March 5, 2005).

The planned provocation was only halted by medium level MVS Sokil *spetsnaz* (Directorate to combat Organized Crime) and Berkut riot police. The first group of organized crime skinheads was arrested near the Avanguard stadium when 40 unarmed police officers confronted 150 heavily armed organized crime skinheads who refused to give up their weapons. The leader of the organized crime clan ordered them to shoot the police, and eight shots did go off, but nobody was injured. All 150 skinheads then dispersed, with a large number concealing themselves in the Trans-Carpathian state administration building and over night they were smuggled across the Ukrainian-Slovak border with the assistance of regional governor and SDPUo head Rizak (www.maidan.org, March 5, 2005). A wide array of lethal weapons, including modern Kalashnikov rifles, explosives, hand pistols, grenades, MVS uniforms and identification documents, gas masks, baseball bats and Yanukovych election campaign materials, were confiscated from the skinheads (*Ukrayinska Pravda*, December 25, 2004, <http://www.pravda.com.ua/articles/2004/12/25/3005707/>). Twenty eight cars were impounded in the MVS Automobile Inspectorate (DAI) but Rizak and pro-regime police officers interceded and ordered their release. Criminal charges were brought against the loyalists within the MVS who had halted the provocation while organized crime skinheads were protected by the local governor and senior MVS officers in Trans-Carpathia and Kyiv (www.maidan.org, March 5, 2005). Trans-Carpathian MVS head General Vartsab protected the organized crime skinheads from prosecution and disarmed pro-opposition MVS units.

These events showed the degree to which organized crime and pro-regime parties of power worked together under Kuchma. Volodymyr Paulio ('Chalyi'), president of the Uzhhorod football club Zakarpattya and head of organized crime in the region that operated out of the Avanguard stadium, had close business links to Governor Rizak. One report claimed that, 'Zakarpattya's Volodymyr Paulio headquartered as many as 200 armed gang members at his club's stadium' (http://www.reportingproject.net/football/sub_lavrov.html). Then SDPUo member Nestor Shufrych is reported to be an owner, or co-owner, of the Zakarpattya club. Shufrych switched to Yanukovych and the Party of Regions after Yushchenko was elected and was elected to parliament by the party in 2006 and 2007. He was Minister of Emergency Situations in the 2006–2007 Yanukovych government and in July 2010 was appointed deputy secretary of the NRBO. Organized crime boss Paulio was the Father-in-Law of First Deputy Governor Ivan Chubirka who was, in turn, married to the sister of presidential administration head Viktor Medvedchuk's wife (www.obozrevatel.com, January 13, 2005). The close inter-connection of organized crime and politics was a reflection of how Kuchma had given the SDPUo the task of acting as his party of power in western Ukraine. Trans-Carpathia became an SDPUo stronghold from 1998, when the SDPUo first entered parliament, and up to Yushchenko's election in 2004. In 2002, when Our Ukraine won the elections, and the presidential elections three years later, the SDPUo and Our Ukraine fought for control of Trans-Carpathia.

Paulio was arrested in December 2004 and charged with thirty counts of organized crime activity. SDPUo member Paulio, 'is the clearest illustration of the close cooperation of the former authorities with the criminal world' (Marty, 2006). Paulio confessed to have taken orders from Rizak to organize attacks against Our Ukraine student activists in the elections on November 13, 2004 and to have prepared the organized crime members in the Avanguard stadium for the provocation (www.maidan.org, March 5, 2005). Paulio and Rizak were arrested on multiple charges in spring 2005 but were subsequently released after only spending a short period in confinement.

Counter-revolution

Yanukovych threatened that he could not control his supporters and that they would arrive in Kyiv *en masse* to block Yushchenko's election victory. 'If this legal nihilism continues, I will not be able to stop people', Yanukovych warned (*Washington Post*, December 17, 2004). Tigipko threatened Polish negotiators with sending 20,000 miners to Kyiv, 'to disperse the blockades of ministries and enable the work of the nationally elected President Yanukovych' (*Gazeta Wyborcza*, April 3, 2005). Such threats proved to be empty. Deputy presidential administration head Vasyl Baziv believed that the threat to transport 20–35,000 Yanukovych's supporters was a 'bluff' (*Ukrayinska Pravda*, December 16, 2004, <http://www.pravda.com.ua/news/2004/12/16/3005415>).

The Yanukovych campaign did transport a small number of supporters to Kyiv but they never arrived in numbers large enough to offset the Orange protestors because they never totaled more than 15,000–20,000. Yanukovych supporters were coal miners or other workers from his home base of Donetsk who were given \$100 for expenses and to cover transportation costs (*The Times*, November 27, 2004). Ukrainian television, sympathetic to the opposition, such as Channel 5, played up images of drunken and hungry Yanukovych supporters in Kyiv attending the November 26, 2004 rally at Kyiv's main train station. Dispatching Yanukovych supporters to Kyiv backfired as no clashes were reported with Orange supporters and some defected to the Orange camp where they were given warm clothing, food, and shelter. One study concluded that living in railway wagons, eating Ministry of Defense dry rations, often drunk and exhibiting weak discipline: 'Many even forgot the purpose of their trip.' The organizers, 'did nothing: no food, place to stay, in practice nothing'. One report found that, 'Hungry, tired, partly drunk, they were quickly pacified by the Kyivan crowd – mainly women handing out food, warm tea and

convincing them to switch their support to the Orange Revolution' (*Gazeta Wyborcza*, April 3, 2005). The dispatch of Yanukovich's supporters to Kyiv was not a voluntary civil society action but one managed by the authorities (*Ukrayinska Pravda*, May 13, 2005, <http://www.pravda.com.ua/news/2005/05/13/3009637>). 'While the "Orange" supporters came (largely) on their own, the 'blue-whites' were brought in...', one commentator pointed out (Rakhmanin, 2004). Dried military meals were illegally 'sold' by the Ministry of Defense at an inflated cost of 300,000 *hryvni* (US\$60,000) to the Yanukovich campaign who traveled to Kyiv.

The explanation for the divided strength of Ukraine's civil society rests in the country's path dependence. Civil society is weaker in eastern Ukraine, which voted largely for Yanukovich, than in western and central Ukraine which voted for Yushchenko. 62 percent of Yushchenko's voters believed that NGO's are necessary for civil society compared to only 35 percent of Yanukovich voters. Three times as many Yushchenko voters believed citizens should undertake action to protect their rights (Buerkle et al., 2005). Demonstrations in Donetsk 'are organized by the authorities' and not by civil society (*La Presse*, December 7, 2004). The Yanukovich campaign had to contend with not only a weaker civil society in eastern Ukraine but the age group of Yanukovich supporters. Yushchenko's voters tended to be younger and more highly educated, precisely the groups who are more mobile and active in civil society and able to withstand the winter cold. Yanukovich voters meanwhile, tended to be over 55 and with lower levels of education, two groups less active in civil society. A final factor was that not all east Ukrainian businessmen agreed that their workers being sent to Kyiv for use in unspecified counter-revolutionary acts. Volodymyr Boyko, director of the Illich metallurgical plant in Donetsk oblast, refused to permit his workers to be sent to undertake 'provocations' in Kyiv (*Ukrayinska Pravda*, January 26, 2006).

The objective of sending Yanukovich supporters to Kyiv remains unclear as they were insufficient to quell the Orange Revolution protests and Yanukovich had ruled out their use to unblock government buildings. Yanukovich was reluctant to follow Romanian President Ion Iliescu in using coalminers as unofficial paramilitaries against the opposition (Guzhba et al., 2005; Vasi, 2004). Violence against Yushchenko supporters outside the CVK prior to round 1 was undertaken by organized crime skinheads, who had been transported by the MVS to Kyiv. They were the same individuals who paraded in Kyiv as 'members' of the nationalist Ukrainian National Assembly which had held 'pro-Yushchenko' rallies in Kyiv with the aim of portraying him as an extremist 'nationalist' and 'fascist' (*Ukrayina Moloda*, March 11, 2005).

Yanukovich wavered about using skinheads and they were kept in buses outside Kyiv, prevented from entering the city by President Kuchma (*Gazeta Wyborcza*, April 3, 2005). Yanukovich recalled how, 'They simply awaited the signal to defend our choice. With great regret I called upon them to return to Donetsk, but I said that we will quickly return' (*Ukrayinska Pravda*, December 3, 2005, <http://www.pravda.com.ua/news/2005/12/3/3026772>). Regime hardliners were pushing Yanukovich to take a tougher stance. His allies asked him: 'Why do we not go to the *Maidan* and finally smash the faces of the 'Orangites'?' (*Segodnya*, November 21, 2005) Yanukovich desisted because, 'If we stood to the end, then blood would have flowed. We were not ready for this' (*Segodnya*, November 21, 2005). Kuchma and Yanukovich had been both surprised by the number of participants in the Orange Revolution protests. Yanukovich did not act like the 'bandit' he had been portrayed by the Yushchenko campaign, 'but as a typical Soviet *khazyain* who finds it difficult to adopt any kind of political decision...' (*Segodnya*, November 21, 2005). Not only did Kuchma waver between supporting hardliners and softliners but Yanukovich himself remained unsure whether he wished to take responsibility for unforeseen events that could end up in violence. Typically for post-Soviet politicians such as Kuchma and Yanukovich they refused to take responsibility for their actions leading to arguments as to which Ukrainian leader in a position of authority should give the order to use violence. An added factor was that the large size of the Orange Revolution crowds made Ukraine's leaders uncertain that the use of violence would actually succeed and, if it did not, if it would backfire and lead to them being physically assaulted. The opposition did prepare for an eventuality of violence in two ways and this information had been leaked purposefully to the authorities.

First, readiness of the opposition to use violence if they were attacked as the Yushchenko campaign anticipated and prepared for violence by the authorities. After Yushchenko's poisoning in September 2004, few in his campaign were in any doubt that the authorities would resort to *any* tactics to block his election. Yushchenko's personal security detail was led by former minister of Transportation Chervonenko and included 55 former SBU, military *spetsnaz*, and MVS personnel. Chervonenko claimed that they had an, 'elaborate system of reconnaissance, intelligence, and physical protection' (*The Times*, April 1, 2005). Chervonenko also built up a team of hundreds of 'battle-ready' individuals, including many athletes. 'All were armed. Many of them legally held various weapons, including hunting weapons', he said (*Ukrayinska Pravda*, March 29, 2005, <http://www.pravda.com.ua/articles/2005/03/29/3008309/>). According to Chervonenko, 'We would not have allowed troops into the center of Kyiv without a fight' (*Ukrayinska Pravda*, March 29, 2005, <http://www.pravda.com.ua/articles/2005/03/29/3008309/>). Part of Chervonenko's 'battle-ready' individuals was a mobile group of 30 former officers of the SBU's Alpha anti-terrorist special force units under the direct control of the National Salvation Committee, the nerve centre of the Orange Revolution. As one officer recalled, 'it was planned that we would be thrown into the most dangerous areas' (*Ukrayina Moloda*, November 22, 2004).

Other paramilitary, informal units sprung up on a voluntary basis during the Orange Revolution. Oleksandr Popov, active in the Ukraine without Kuchma NGO, organized a *Nichna Varta* (Night Guard) of 200 volunteers and 70 vehicles. He recruited his volunteers after discussing the idea of a *Nichna Varta* on the pro-'black' Pora (It's Time)¹ www.maidan.org.ua web site as

¹ The Pora youth NGO was divided into two wings with one using black symbols similar to Otpor and Kmara and another wing, working closer with the Yushchenko campaign, using yellow symbols.

a response to the influx of miners and organized crime skinheads from eastern Ukraine. Membership soared between rounds one and the repeal of round two (October 31–December 26, 2004) because *Nichna Varta* became: ‘fashionable and popular’, Popov recalled (*Ukrayinska Pravda*, January 27, 2006, <http://www.pravda.com.ua/articles/2006/01/27/3057173>). By the repeat second round *Nichna Varta* had two operational centers, one on each bank of the Dnipro River, and included businessmen and former military officers. Congress of Ukrainian Nationalists (KUN) leader Oleksiy Ivchenko claimed to have led the *Narodna Hvardia* (Peoples Guard) during the Orange Revolution that was drawn from KUN paramilitaries, although little has been disclosed about its activities (www.cun.org.ua).

Second, arresting and putting on trial President Kuchma and other senior figures from the Kuchma regime. The opposition organized a squad of four to arrest Kuchma in the event that the authorities attempted a violent crackdown (Levytsky, 2005). Senior adviser Serhiy Levochkin told Kuchma during one of the round-table negotiations that the Pora NGO had surrounded his residence in the exclusive elite Kyiv suburb of Koncha Zaspas. As Yushchenko campaign leader Taras Stetskiy recalled: ‘...Kuchma finally realized there and then that we could get him physically, that a few thousand hot-tempered guys could climb over his fence’ (*Zerkalo Nedeli/Dzerkalo Tyzhnia*, December 17, 2004). When parliament was stormed by Orange Revolution protestors on December 1, 2004, pro-regime deputies feared that the former would come to arrest or attack them. Parliamentary speaker Lytvyn asked Orange Revolution organizer Yuriy Lutsenko: ‘What do I do now?’ Stetskiy remembered seeing, ‘the deputies’ faces – they were scared to death’ (*Zerkalo Nedeli/Dzerkalo Tyzhnia*, December 17, 2004).

Security forces

In frameworks used to analyze how democratic revolutions take place, the inability of the security forces to remain united in support of the regime is a key factor. Democratic revolutions have only succeeded where the security forces were no longer loyal or were at the very least neutral. In May 2005 in Uzbekistan the security forces remained loyal to the regime and suppressed an uprising. McFaul outlined a seven-factor framework to explain the causes of democratic revolutions and his seventh factor was a split among the ‘guys with guns’, meaning the state’s military, police, and security forces. A segment of these must distance itself far enough from the incumbents to show that the option of violent repression is risky if not untenable’. In (Serbia [2000], Georgia [2003], Ukraine [2004]) such a split developed, though its size as well as the threat of violence varied from case to case (McFaul, 2005: 14). During the Orange Revolution the loyalty of the security forces rapidly disintegrated and the authorities were unable to call upon them to suppress the protests. One attempt to use the security forces on November 28 failed therefore causing doubt about their usefulness. The same phenomenon had taken place during the Serbian and Georgian democratic revolutions when security forces either defected to the opposition or declared their neutrality.

The Yushchenko campaign was buoyed by secret negotiations with the MVS and the military that had been held in the months leading up to the Orange Revolution; some personnel of which stated their willingness to defend protestors in Kyiv if the authorities launched a violent clampdown. According to former SBU Chairman Turchynov Oleksandr, during the 18 months prior to the 2004 election a ‘special contact unit’ had worked with Kyiv’s military units (*The Guardian*, May 27, 2005). This move had created opposition sympathizers in the armed forces who were ready to obey orders from Yushchenko’s Committee for National Salvation (Binnendijk and Marovic, 2006). The Yushchenko campaign had established close ties to the SBU and Ministry of Defense, including ground forces command and military intelligence. Contacts with MVS *spetsnaz*, in contrast to the regular MVS, was weaker. Tymoshenko, Yevhen Zhovtiak, Lutsenko, and KUN leader Olexiy Ivchenko were in charge of liaison with the security forces.

Pre-election contacts and networking had the desired effect of reducing support for hardline positions within the security forces. During Ukraine’s Orange Revolution, parliamentary speaker Lytvyn and SBU Chairman Smeshko argued against using force, as they believed it would lead to greater unrest that would constitute a threat to national security. In the second round of the elections, MVS officers had already appeared on Channel 5 television stating their unwillingness to use violence against protestors. Kyiv Berkut Major Hennadiy Abramchuk, who appeared in one of these appeals, was replaced one day later. By November 25–26, 2004 when the political situation in Kyiv began tipping in Yushchenko’s favor, the SBU, armed forces, and MVS did not have the stomach to repress hundreds of thousands of protestors. Their reluctance was based on disquiet at a decade of Kuchma’s rule and the widespread public doubt that Yanukovych had won the second round.

During the first three days after the second round vote, a breakdown in command and control left most MVS officers confused as to who was in charge. When asked this question, a Berkut officer guarding the presidential administration replied, ‘I don’t know whether Kuchma or Yushchenko is now president’ (*Kyiv Post*, November 25, 2004). On November 26–27, 2004, MVS cadets and officers were seen arguing with Berkut policemen guarding the presidential administration. Six hundred cadets from the MVS Academy told Berkut riot control officers that the elections had been completely fraudulent and encouraged them to join the Orange Revolution (*Zerkalo Nedeli/Dzerkalo Tyzhnia*, November 27, 2004). Leading Kyiv MVS officers admitted that the majority of Kyiv’s MVS officers were pro-Yushchenko (*BBC World News*, November 28, 2004). Different *rayon* departments of Kyiv’s MVS, such as Sviatoslyn, began to defect in domino fashion to Yushchenko immediately after round two (www.razom.org.ua, November 27, 2004). The seriousness with which these MVS defections were taken could be seen in MVS Minister Bilokin’s demand that his officers obey the law and not declare their support for either candidate (*Ukrayinska Pravda*, November 26, 2004, <http://www.pravda.com.ua/news/2004/11/26/3004712/>). In western Ukraine large numbers of officers and lower ranks from the MVS directorate to Combat Organized Crime defected to Yushchenko’s Committee for National Salvation. MVS personnel in other units in Trans-Carpathia defected to the Committee

and by the second day after round two Lviv's MVS officers were wearing pro-Yushchenko and orange armbands (www.maidan.org.ua, November 26, 2004). Outside the presidential administration building, the MVS *spetsnaz* Berkut was subjected to blockades by Orange Revolution supporters who chanted: 'The Militia is With the People'. Not surprisingly most of them admitted to having voted for Yushchenko (*Channel 5 Television*, November 22, 2005).

Attempts to drum up support for hardline positions within the security forces nevertheless continued. Kuchma had given a strident speech at the Crimean headquarters of an MVS *spetsnaz* unit on August 25, 2004 warning against a Georgian-style revolution (Kuzio, 2004c). Television showed footage of these units training to counter riots and disorder with 'rioters' smashing windows, resisting the MVS and overturning buses (*Channel 5 Television*, October 25, 2004). President Kuchma's distrust of the political sympathies of Kyiv's MVS *spetsnaz* led him to order nearly 20,000 (UNIAN, October 30, 2004) of Crimean and Donetsk MVS Bars units, Tytan (who had transported organized crime skinheads to the CVK in October 2004), Sokil and Berkut *spetsnaz* units to be transported to Kyiv and stationed at the presidential administration building (Zerkalo Nedeli/Dzerkalo Tyzhnia, December 17, 2004; *Ukrayinska Pravda*, April 12, 2005). Crimean MVS *spetsnaz* acknowledged their readiness to use violence against Orange Revolution protestors and many of them believed rumours that Yushchenko was allied to Crimean Tatars (*Segodnya*, November 21, 2005).

The then Minister of Interior Bilokin said that the Crimean *spetsnaz* and Donetsk 'Omon' (Berkut) would have fulfilled a command to use force against the Orange Revolution as both units were '100 percent reliable' (www.obozrevatel.com, February 16 and 22, 2007, <http://www.obozrevatel.com/news/2007/2/15/156487.htm>, <http://www.obozrevatel.com/news/2007/2/20/157176.htm>). The Crimean *spetsnaz*, which was wrongly described as 'Russian *spetsnaz*' in the Ukrainian and Western media, was based on former National Guard elite units which had been transferred to the MVS in 2000 after the National Guard had been disbanded (Kuzio, 2000). Crimean and Donetsk *spetsnaz* units prevented the presidential administration falling into the hands of the Yushchenko campaign. The Crimean and Donetsk MVS *spetsnaz* had orders to shoot if demonstrators broke through the unarmed Kyiv Berkut MVS *spetsnaz* forces which held the first lines outside the presidential administration building.

Yulia Tymoshenko led crowds to the building on November 23 where they stood all night and she entered the building and emerged unscathed after negotiations. That night Orange Revolution protestors were defiant because they knew that the CVK would declare Yanukovich to be elected on the following day. The radical wing of the Yushchenko campaign led by Tymoshenko supported taking control of the presidential administration building ahead of the CVK official announcement of the election result. Tymoshenko, and younger radicals in the Yushchenko campaign, many of whom were Pora members and veterans of earlier anti-regime protests in the late Soviet era and 'Ukraine without Kuchma' movement of 2000–2001, supported Tymoshenko's proposals to storm the presidential administration building. Different psychological tactics on the MVS *spetsnaz* stationed at the building were used, such as bringing flowers which were adorned on their shields. Other tactics were discussed as to how to by-pass the MVS *spetsnaz* and enter the presidential administration building. MP Taras Stetskiiv (Our Ukraine–People's Self-Defense) revealed that he had 4000 volunteers who were, 'ready for anything and only waited for a signal' to storm the presidential administration building. They: 'were ready to take any risk and were perfectly aware of any consequences' (Zerkalo Nedeli/Dzerkalo Tyzhnia, December 17, 2004). Pora members would have followed Tymoshenko's order to storm the presidential administration building (*Channel 5 Television*, November 22, 2005).

Three factors held Orange Revolution protestors back from storming the presidential administration. First, it would give added sustenance to views already widespread in eastern Ukraine that Orange Revolutionaries were 'aggressive western Ukrainian nationalists' (Zerkalo Nedeli/Dzerkalo Tyzhnia, December 17, 2004). Stetskiiv admitted that Ukraine's Orange Revolution was restrained in comparison to the Serbian and Georgian revolutions, 'by the fear of the split in Ukraine' (Zerkalo Nedeli/Dzerkalo Tyzhnia, December 17, 2004). Second, fear that the armed Crimean and Donetsk MVS *spetsnaz* stationed right behind the unarmed Kyiv Berkut riot control police would have used violence to repress any assault on the building, leading to bloodshed. Former MVS Minister Lutsenko, then an Orange Revolution organizer, recalled that: 'The presidential administration building could not have been taken without colossal bloodshed'. This, in turn, could have given the pretext to introduce a State of Emergency, permitting the authorities to institutionalize Yanukovich as a president (Leonov, 2005). Third, Yushchenko overruled Tymoshenko and opposed the forcible takeover of the presidential administration building. Commander of Ukraine's MVS Internal Troops, Lt-Gen. Mykola Popkov admitted that the opposition had managed the crowds in a professional and tolerant manner (*Kievskiy Telegraf*, November 25, 2005). Yushchenko only supported: 'a complete legal and peaceful method of gaining power' (*Gazeta Wyborcza*, April 3, 2005) As Stetskiiv admitted: 'Every day, Yushchenko preached peacefulness, elegance, and non-violence to people and this influenced them. He hammered into his own head and the heads of his people the inadmissibility of any bloodshed' (Zerkalo Nedeli/Tyzhnia, December 17, 2004).

The military either stayed neutral or supported Yushchenko. Defense Minister Oleksandr Kuzmuk reassured demonstrators that they should, 'Have no doubts that the army will always defend the interests of the people' (*Financial Times*, November 25, 2004). Kuzmuk's concern could be seen when he warned the opposition against attempts at winning over the military, complaining about deputies visiting military garrisons and agitating officers to not obey any 'criminal orders' issued against the Yushchenko campaign (*Inter TV*, November 26, 2004). General Mykhailo Kutsyn, commander of Ukraine's Western Operational Command, stated his unwillingness to use his military units against the 'people,' or the Orange Revolution, and military units under his command declared their loyalty for Yushchenko.

On November 25, 2004, Kuzmuk's predecessor, General Yevhen Marchuk (a former SBU chairman and secretary of the NRBO), made a stunning statement to Channel 5 television, calling upon the SBU, MVS, and military to not obey 'orders given by word of mouth' to suppress the Orange Revolution. Former Defense Minister General Vitaliy Radetsky told Orange Revolution

crowds, the 'Slogan for today is the Army is with the people!' (www.razom.org.ua, November 29, 2004). Both Marchuk and Radetsky called upon President Kuchma to admit that widespread election fraud had taken place. The independent Armed Forces trade union issued an appeal calling upon their fellow military officers to demand the removal of the Yanukovich government and the appointment of a new Defense Minister. Yushchenko issued a statement addressed to Customs Service and Border Troops, calling upon them to halt 'oligarchs' fleeing Ukraine with contraband and finance (www.yuschenko.com.ua, November 26, 2004). In western Ukraine the State Tax Administration, which has its own police units, defected quite early to Yushchenko. Military units of the Ministry of Emergency Situations also declared their support for Yushchenko.

The most dangerous occasion when violence could have occurred happened on November 28, 2004 during the special meeting of the NRBO where hardliners lobbying for the use of force to suppress the Orange Revolution, the unblocking of government buildings and proclaiming a State of Emergency succeeded and obtained support for the dispatch of MVS Internal Troops to Kyiv. During the NRBO meeting there were calls by hardliners to 'throw grenades' against Orange Revolutionary crowds and to 'poison them with gas' (*Fakty i Komentarii*, July 1, 2005). On the day before the NRBO meeting, additional MVS Internal Troops had been brought to Kyiv from the Crimea; they could be used in a planned assault. MVS Internal Troops in any such operation would have to be from outside Kyiv as Kyiv's MVS was 'demoralized and unreliable' (Leonov, 2005). Planning for any violent suppression of the Orange Revolution would have to focus on one attack only, as a second assault, it was feared, would lead to many MVS officers defecting to the Orange protestors. The authorities felt they could count on the Crimean MVS special forces but not on those from Kyiv. Bars *spetsnaz* within the MVS Internal Troops from the Crimea were the most loyal and would have been less likely to defect.

The use of MVS Internal Troops was nevertheless a risky strategy as many of them could have been encouraged to defect when they learnt that there was no written order for their operation. With no written order any actions that MVS Internal Troops would undertake were illegal and they could be held legally accountable for them. MVS Internal Troops from Yushchenko's western and central Ukrainian strongholds, 'perceived the order with suspicion' (*Ukrayina Moloda*, November 23, 2005). Some MVS *spetsnaz* units conveyed to their contacts in the Yushchenko campaign that they would never fulfill an order to shoot at unarmed Orange Revolution protestors and warned that, 'if you start shooting the people – we'll start shooting you' (Levytsky, 2005). MVS Internal Troops commander Popkov claimed that the movement of MVS Internal Troops on November 28 was merely an 'exercise', and that nobody gave him any order and that he acted on his own initiative (*Segodnya*, December 16, 2004), in response to a threat to storm the presidential administration, a threat that in reality did not exist by then. Vitaly Romanchenko, head of the SBU's military counterintelligence, denied that Popkov's operation was merely a drill and stated that this was actually a real attempt to violently suppress the Orange Revolution (*Segodnya*, January 18, 2005).

At 22.25 on November 28, 2004, 13,000 Internal Troops were placed on full combat alert and issued weapons with live ammunition, rather than the customary batons and shields, 'as an adequate response to threats by Tymoshenko' as well as a 'preventive measure' to halt the storming of the presidential administration building (*Segodnya*, November 19, 2005). At 23.30 they began their movement towards central Kyiv but 25 min later the order was cancelled and they returned to their barracks. Popkov alleges that the 'exercise' was a veiled threat to persuade Tymoshenko not to storm the presidential administration building. It was, 'a bluff to win time' as, 'It was to some extent because I wanted to let those hot heads cool down by doing that...' Popkov went on to elaborate his course of action: 'At that moment it was necessary to take urgent measures to quash the conflict that was flaring up at the outset and prevent any act of provocation' (*Kievskiy Telegraf*, November 25, 2005).

In reality, Popkov had been trumped by other security forces loyal to the Yushchenko campaign. MVS Internal Troops halted their advance on Kyiv because, '[t]he leadership of the infantry of the armed forces of Ukraine warned that they were ready to stand between the people and the Internal Troops moving on Kyiv' (*Ukrayinska Pravda*, April 12, 2005, <http://www.pravda.com.ua/articles/2005/04/12/3008738>). Private taxis also blocked the roads into central Kyiv and Our Ukraine organized the blockade of the roads in Novyi Petrivka and Vasylkov.

MVS special forces bases near Kyiv (*Ukrayina: Proryv do Demokratii*, 2005). General Mykola Petruk, commander of Ukraine's ground forces, sided with the Orange Revolution. Tymoshenko recalls that, 'When Kuchma and his entourage gave the order to distribute weapons to MVS Internal Troops and move on Kyiv I said at the *Maidan* that women and children should leave, and only men should remain'. A young protestor recalled, 'Fear was there but also a one hundred percent feeling that we were right, that truth and God was on our side. There was no question of retreat. There was a calm tension. I was told later that this is what it feels like before a fight' (Trojan, 2005). 'After this I went to pick up those generals who were ready to defend the people of Ukraine with weapons in hand', Tymoshenko recalled. Tymoshenko said that Petruk telephoned one of the heads of the MVS and threatened that if their Internal Troops moved 1 km towards the Orange Revolution's *Maidan*, '62 percent of the army throughout Ukraine's territory will rise up in defense of the *narod*'—people (*Ukrayinska Pravda*, December 7, 2005, <http://www.pravda.com.ua/news/2005/12/7/3029464/>). In addition to the military, the SBU (headed by Smeshko), military intelligence (headed by Oleksandr Halaka and Mykola Melnyk) and military counterintelligence (headed by Romanchenko) worked closely with the Yushchenko campaign.

Kuchma and Yanukovich therefore had few security forces or intelligence services at their disposal. Different wings of the intelligence services sympathized with the Yushchenko campaign by providing it with intelligence on the authorities while working towards ensuring a non-violent resolution of the crisis. MVS Internal Troops leaked information so that their path to Kyiv would be blocked, thereby preventing them from undertaking the violent action against the *Maidan* that they did not wholeheartedly support (*Channel 5 Television*, November 22, 2005). 'The main aim was not to permit violent conflict where power would be transferred through bloodshed, even though it was a difficult political situation', the head of military intelligence, General Halaka explained (*Segodnya*, November 19, 2005).

Frantic telephone calls to Kuchma and Pinchuk by US Secretary of State Colin Powell and US Ambassador to Ukraine John E. Herbst threatened the authorities with sanctions and international pariah status if there was bloodshed. Powell had telephoned Herbst who had contacted Pinchuk after he failed to reach Kuchma (*Ukrayinska Pravda*, June 16, 2005, <http://www.pravda.com.ua/articles/2005/06/16/3010740/>). The US, like the SBU, worked incessantly that night to prevent bloodshed. Russian President Vladimir Putin however adopted a different approach, advising Kuchma to use live rounds to suppress the Orange Revolution (*Ukrayinska Pravda*, June 3, 2005, <http://www.pravda.com.ua/news/2005/06/3/3010327/>).

Who then ordered the deployment of MVS Internal Troops? The decision to send the MVS Internal Troops to Kyiv remains unclear as no written order was ever made. According to senior members of the Orange Revolution coalition, it was Kuchma who gave the verbal order through a third party to Popkov (*Channel 5 Television*, November 23, 2005). Medvedchuk denied that Kuchma had given the order, claiming that, 'No power is worth bloodshed' (*Channel 5 Television*, November 22, 2005). According to the 1996 constitution and Ukrainian legislation, only the president or prime minister have the right to order the use of force, a right that the Commander of MVS Internal Troops does not independently possess. A state of emergency has to be jointly agreed by the president and parliament. According to Orange Revolution organizer Roman Besmertnyi, the order to the MVS Internal Troops commander to advance on Kyiv was given 'vertically' (*Fakty i Komentarii*, July 1, 2005). Besides Kuchma, only the head of government, Prime Minister Yanukovych, had the authority to order MVS Minister Bilokin to send MVS Internal Troops against the Orange Revolution. Yanukovych told former Polish President Lech Walesa, 'An order had already been given to the security forces' (*Observer*, May 1, 2005). But, he denied that he had lobbied for a violent resolution of the crisis. 'I only asked that order be restored. There was no talk of bringing in troops', Yanukovych claimed (*Financial Times*, December 14, 2004). Yanukovych repeatedly complained that Kuchma had not used force to clear government buildings and re-introduce 'constitutional order' but he never explained how the authorities were meant to undertake this strategy without the use of violence (*Washington Post*, December 17, 2004).

Yanukovych's denial that he lobbied for the use of force is not consistent with the recollections of other participants of the NRBO meeting. SBU chief Smeshko stated that Yanukovych had been lobbying Kuchma since November 24, the day the CVK had declared him elected president, and five days ahead of the NRBO meeting, to unblock government buildings and re-introduce 'constitutional order', a euphemism for imposing a State of Emergency (*Channel 5 Television*, July 11, 2005). Yanukovych demanded that Kuchma, 're-introduce the power of the authorities and introduce order' through the introduction of a State of Emergency (*Den*, February 19, 2005). Vasyl Baziv also pointed at Yanukovych and Medvedchuk as the main lobbyists for a violent crackdown (*Ukrayinska Pravda*, December 22, 2004, <http://www.pravda.com.ua/news/2004/12/22/3005617/>). Who gave the order will never be known unless one of those present at NRBO meetings on November 27–28 reveals this publicly; as typical for such situations no paper trail will ever be found. It is likely that this was a collective decision in which Kuchma acted as a broker between hardliners Yanukovych and Medvedchuk who supported the use of MVS Internal Troops and softliners Smeshko and Lytvyn who opposed their use.

On November 22, 2004, just one day after round two, Prosecutor-General Vasilyev issued a statement that called upon the authorities and the SBU to 'firmly put an end to lawlessness'. Three days later he ordered a criminal case to be launched against Yushchenko and Tymoshenko for their 'seizure of power'. The order was never issued because Deputy Prosecutor General Mykola Holomsha refused to implement it as a consequence of which he was removed on November 29, 2004. After he resigned on December 8, 2004, Vasilyev continued to refuse to describe the protests as a 'revolution', instead calling them 'complete bedlam' (*Donetskiye Novosti*, January 10, 2005). Like his close ally Yanukovych, Vasilyev believed that Yushchenko seized power in a *coup d'état*, Yanukovych was a legally elected president and that the authorities should have re-introduced 'constitutional order'.

What then was President Kuchma's role and was he consistent or duplicitous? On November 27, 2004, a day before the NRBO meeting, Kharkiv governor Kushnariov discussed the crisis with Kuchma by telephone. Kuchma told Kushnariov that 'constitutional order' would be re-introduced soon suggesting that he knew of a pending violent crackdown (*Bez Cenzury*, June 10, 2005). Smeshko credits President Kuchma coming down on the side of a non-violent solution to the crisis. Kuchma's son-in-law Pinchuk also claims that one reason Kuchma refused to use violence was he did not want to leave office with Ukraine 'isolated or drowned in blood' (*Ukrayinska Pravda*, February 12, 2005, <http://www.pravda.com.ua/news/2005/02/12/3007017/>). Kuchma resisted using violence because the resultant bloodshed would have been blamed on him personally (*Vremia Novosti*, March 16, 2005). Kuchma 'guaranteed' that there would be no violent crackdown 'under any circumstances'. 'Being a guarantor of human rights and freedoms, I will do everything I can to prevent any undemocratic developments' (*UNIAN*, November 11, 2004). This seems untrue as ultimately it is inconceivable that an order to dispatch MVS Internal Troops against peaceful and large crowds with the risk of bloodshed could have been undertaken without Kuchma's authorization or blessing.

The SBU had largely stayed out of politics during the election campaign, but following round two the SBU's sympathies became pro-Yushchenko. General Oleksandr Skybynetsky, an adviser to SBU Chairman Smeshko, and four other senior SBU officers, issued an appeal to the security forces not to use force against the opposition and not to obey 'illegal' orders. 'The Ukrainian people refuse to recognize the legitimacy of the presidential elections,' the statement read (*Ukrayinska Pravda*, November 25, 2004, <http://www.pravda.com.ua/news/2004/11/25/3004665/>). Skybynetsky and SBU Lieutenant-General Oleksandr Skypalsky had already issued a statement on the eve of round two of the elections calling upon their fellow SBU officers not to be dragged into the election campaign. During the election campaign the SBU did, 'its utmost not to become involved in political games', Smeshko claimed (*Ukrayina Moloda*, November 3, 2004). Indeed, Marchuk believes that if the SBU had worked against Yushchenko, in the same manner as had the MVS under Bilokin, then Yushchenko would have had

greater difficulties in winning the election (Den, February 19, 2005). Smeshko claimed that the SBU had stayed neutral in the election, unlike the MVS, and that its main aim had been to prevent bloodshed during the transfer of power (Ukrayinska Hazeta, April 13, 2005). Smeshko credited the SBU with being the main security force preventing violence during the Orange Revolution (Chivers, 2005), a role that is exaggerated (Ukrayinska Pravda, July 22, 2005, <http://www.pravda.com.ua/news/2005/07/22/3011900/>). According to Smeshko, this was not easy as, '[a] part of those who still were in power demonstrated a readiness to go for a violent option, even as far as bloodshed, to hold onto power' (Fakty i Komentarii, May 27, 2005). Smeshko reiterated this exaggerated role of the SBU when he claimed: '[d]uring the Orange Revolution, Security Service officials did their utmost to prevent a single drop of blood being shed. There were forces on both sides, in both political movements, which were prepared to pay the price of people's blood for their end result' (Channel 5 Television, July 11, 2005). Smeshko was one of many softliners who halted bloodshed; others included Lytvyn, Yushchenko and the non-violent nature of the Orange Revolution protestors. The large number of Orange Revolution protestors coupled with the support of the majority of the MVS and the military, reduced the likelihood that hardliners would have their way and that bloodshed would therefore take place. Smeshko played a role in preventing descent into violence but he was only one factor out of many.

Although the SBU officially stayed neutral, the majority of SBU officers sympathised with Yushchenko. Eighty percent of officers enrolled in the SBU Academy in Kyiv voted for Yushchenko (Zerkalo Nedeli/Tyzhnia, November 27, 2004). On November 25, the SBU issued a statement affirming their opposition to the official results that had declared a Yanukovich victory and stating their readiness to defend the Orange Revolution protestors. Throughout the elections the Yushchenko campaign had excellent contacts with the SBU and other Ukrainian intelligence agencies that had leaked internal documents from the Yanukovich campaign. Large numbers of audio files illegally made in Yanukovich's election headquarters, them plans for blatant election fraud, were leaked by the SBU to the Yushchenko campaign (Kuzio, 2004e).

The failure of the use of force on November 28, 2004 was the beginning of the end for the authorities and led to further defections by the security forces. During a week of vacillating over how to react to the Orange Revolution the authorities, 'did not know what to do' and overplayed their hand in ordering the use of MVS Internal Troops. After this strategy failed, 'the authorities lost control' because MVS were the authorities' 'last stronghold'. Following the failure to use MVS Internal Troops, 'they had nobody left to support them. In fact, at that moment, the Orange Revolution gained its victory' (Ukrayinska Moloda, November 23, 2005). Following this failure, Kuchma agreed to EU and US demands for round-table negotiations, effectively giving up on Yanukovich (Ukrayinska Pravda, December 22, 2004, <http://www.pravda.com.ua/articles/2004/12/22/3005606>). This was perceived in Donetsk as a 'betrayal' of Yanukovich by the central elites and created a desire for 'revenge' that influenced subsequent Ukrainian politics, as seen in Yanukovich's first year in office in 2010.

Conclusion

This study of state-led violence leads to six conclusions. First, the five components of state-led violence analyzed in this article had little parallel elsewhere except in Serbia. Second, the attempt to assassinate the opposition candidate had no parallel except in Serbia. Third, the attempt to suppress the Orange Revolution on November 28, 2004 with the use of MVS special forces failed, as did similar hardline steps by Serbian President Slobodan Milosevic in the 2000 bulldozer revolution and by Georgian President Eduard Shevardnadze through a state of emergency in the 2003 Rose Revolution. Fourth, the opposition's commitment to a non-violent strategy over the lengthiest street protests did not exclude organizing paramilitary forces and preparing them to counter the state-led violence in order to defend the Orange Revolution as well as capture senior Ukrainian political leaders. Fifth, extensive covert and overt external Russian support for the authorities only took place in Ukraine. Sixth, with the exception of Ukraine and Georgia, the EU intervened in every country that experienced democratic revolution or breakthroughs in 1996–2004 with the inducement of membership that emboldened the opposition, and in the case of Serbia NATO also militarily intervened, except in the case of Ukraine and Georgia. Ukraine was close to violence on a number of occasions both during the election campaign (July–October 2004) and in the Orange Revolution (November–December 2004). Former President Kuchma's role as the 'guarantor' of the constitution was ambiguous and duplicitous, repeatedly professing his interest in a free and fair election he did little to promote it. Few Ukrainians believed that there would be a free and fair election and few Ukrainians trusted the official results, believing instead exit polls.

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