

THE SECURITY SERVICE OF UKRAINE (SBU)

Dr. Taras Kuzio

(Centre for Political and Regional Studies,
Canadian Institute for Ukrainian Studies, University of Alberta)

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Soviet political cultural tenets of xenophobia, spy-mania and conspiracy theories run throughout the working culture of the Russian and Ukrainian successor intelligence agencies to the Soviet KGB and foreigners (diplomats, journalists, businesspersons and human rights activists) are often assumed to be Western spies. Such mind sets were evident in legislation adopted in Russia and Ukraine that defined foundations and NGO's that received foreign (i.e. Western, not Russian) funding as 'foreign agents.' The Russian FSB (Federal Security Service) and SBU believe democratic revolutions are carried out by CIA spies and the Russian leadership and they are suspicious, deeply paranoid, have little understanding of the outside world, are provincial, inward looking and xenophobic.

In September 1991, a closed session of the Ukrainian parliament dissolved the KGB and announced its transformation into the SBU coming under the direct command of the President; parliament has never exerted control under the 1996 presidential or 2006 parliamentary constitutions. The structure of the SBU has remained largely similar to that of the KGB; the exceptions were the removal of the Border Troops and directorate for the protection of senior state officials, which became two independent institutions.

The SBU maintained control over the Alpha anti-terrorist force, which has two units named Storm and Protection with bases in Ukrainian *oblast* centres. Alpha officers receive training in parachute jumping, mountaineering, sniping, amphibious landing, and storming buildings. The Ninth Directorate of the KGB was separated from the SBU and became the UDO (Directorate on State Protection) analogous to the U.S. Secret Service with the task of protecting senior Ukrainian elites. UDO was re-integrated with the SBU following the 2000-20001 Kuchmagate scandal that emerged when tapes made by UDO officer Mykola Melnychenko in the presidential office were released to the public.

With 30,000 officers, six times more than the combined British MI5 (domestic) and MI6 ([SIS] external) secret services; the SBU continues to remain as bloated in size as the Soviet Ukrainian KGB. The majority of its 30,000 officers therefore have concentrated on domestic security and their tasks were dependent on who was in power in Kyiv and at the regional level. In 2004, the SBU's Intelligence Department was reorganised into an independent institution, the Foreign Intelligence Service of Ukraine which has increased its personnel from 3, 100 to 4,000 since 2010. The Foreign Intelligence Service has therefore twice the number of personnel in the Canadian Secret Intelligence Service (CSIS) and is larger than Britain's MI6 (SIS). President Yushchenko transformed the SBU Department of government communications into an independent agency, the Ukrainian State Service of Special Communications and Protection of Information (*DerzhSpetsZvyazok*).

A Central Board that coordinates the activities of other departments as well as issuing instructions to regional branches heads the SBU. The Central Board includes the apparatus of SBU Chairperson and departments in intelligence, counter-intelligence with responsibility for the armed forces, military intelligence, protection of statehood, corruption and organised crime, information-analytical analysis, technical operations and operative-documentation services,

investigation, government communications, administrative, financial, and medical, and human resources offices.

The March 1992 Law on ‘The Security Service’ outlines its main responsibilities as defending Ukraine’s state sovereignty, constitutional order and territorial integrity. The SBU supports the organs of the Ukrainian state in their activities and implements decisions by the President, parliament, and government. The SBU Department for the Struggle against Corruption and Organised Crime (‘Department K’) has responsibility for combating economic crime and preventing the penetration of upper echelons of power by ‘mafia structures.’

In 1988-1997, there was a massive explosion of crime in Ukraine, especially related to property crime (theft, robbery, swindling, and extortion) and economic crime (bribery, counterfeit, and trading in illegal goods). With the SBU and the President so closely integrated it is impossible for the SBU to initiate criminal cases against senior officials who are in power. Meanwhile, the SBU’s bloated size has not ensured its effectiveness in filing charges for abuse of office against senior members of Ukraine's ruling elites, except when these charges have been politically motivated selective use of justice.

From 1994, Administration A within the SBU has responsibility for combating terrorism and protection of witnesses and accused brought to court. Whether this SBU department has been efficient in the fulfilment of its duties is doubtful. In 2007, Russian businessperson Maksim Kurochkin, known as ‘Mad Max,’ was assassinated by a sniper shot while he was under Alpha escort. The SBU’s military counter-intelligence has responsibility for combating espionage, terrorism, defence of military bases and corruption in the armed forces. It failed to halt the illegal mass export of Soviet weaponry from Ukraine, especially in the 1990's.

Soviet style surveillance of, and covert operations against, the opposition and journalists has never ceased by the SBU. Ukraine’s bloated non-military security forces continue to expend most of their time combating the opposition, which they do not have legal authority to undertake,

while ignoring corruption (for example, in the energy sector), abuse of office and other important serious crimes. The security forces have ignored or participated in election fraud and on other far fewer occasions, SBU officers have sought to prevent election fraud. The SBU failed to prevent the poisoning of opposition candidate Viktor Yushchenko and by chance found the two Russian bombers who had intended to blow up his election headquarters. Murdered journalist Georgi Gongadze was kept under surveillance by both the SBU *and* police. One of the main factors why Ukraine is unable to follow countries such as Peru, Egypt and Pakistan in criminally prosecuting Presidents, Prime Ministers and senior members of the elites is because the SBU and prosecutor's office defends and protects, not punishes elites.

Since 2010, following the election of Viktor Yanukovich as president, the absence of democratic reforms and over-sight in the SBU came to a head with the revival of KGB style activities. These have included SBU officers physically attacking protesting journalists and hacking into emails of journalists working at independent newspapers. The Stop Censorship NGO reported many of its members were under SBU surveillance, which was confirmed in January 2013 when *Express* newspaper reporter Taras Zozulinsky found a listening device in his apartment.

Fraudulent interviews have been published with Tymoshenko's lawyer Serhiy Vlasenko, fake emails have been sent by opposition parliamentary deputies and fake SMS texts have been sent to opposition deputies announcing parliamentary meetings have been cancelled. Evidence of continued surveillance of opposition politicians, in the tradition of the Soviet KGB, was found during the November 2013 protests when activists detained an SBU van of officers.

Since 2010, Ukrainian participants in events and seminars organised by Western foundations have been approached by the SBU and asked to provide lists of participants and a report of what was discussed. State officials are asked to report to the SBU who they have met on foreign visits during the last decade. Fake opposition web sites were hosted during the 2012 elections and fake

opposition blogs attacking other opposition parties with the purpose of splitting the opposition. Klitschko's personal documents were obtained by hackers and posted on the internet.

Yevzheniya Tymoshenko, daughter of imprisoned Tymoshenko, and Ridge Consulting, a British PR company that worked for Tymoshenko in 2006-2011, had their computers hacked. All of the above SBU activities are of course illegal.

In July 1992, the SBU signed a cooperation agreement with the Russian Federation followed by numerous agreements signed within the CIS that banned the conducting of espionage against member states. The Russian-Ukrainian agreement outlined the readiness of the SBU and FSB to cooperate against international terrorism, exchange intelligence and undertake joint training of staff. This, and other agreements, never led to Russia halting its espionage and subversive operations against Ukraine and other CIS states. The FSB and GRU Russian military intelligence have provided covert support for separatism in the Crimea and Odesa. Under Presidents Kuchma and Yanukovich, the SBU have ignored Russian espionage and subversion.

In the 1990's the SBU was never subjected to lustration to remove senior KGB officers, Presidents has not introduced democratic reforms towards transforming it into a European intelligence service and there remains no democratic over-sight over its actions. The SBU has not become involved in international cooperation unlike the military through NATO's PfP. If the opposition comes to power during the current Euro-Maydan crisis a radical overhaul of the SBU and police will be imperative and Southern Europe which has either gone through authoritarian transitions (Greece, Spain, Portugal) or was forced to reform its intelligence services (Italy) could provide invaluable advice.