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Ukraine: Decisive action against torture yet to be taken

"If you don't fight the wrongdoing, it will just give rise to more."

Mikhailo Koval from Chernihiv, victim of alleged ill-treatment

Law enforcement officers routinely extract confessions and testimonies from detainees through force, often resorting to torture, Amnesty International said today as it unveiled its report *Ukraine: Time for action: Torture and ill-treatment in police detention*. The report focuses on the effective impunity for acts of torture and ill-treatment perpetrated by the police in Ukraine.

"A suspect, a witness or a bystander -- all can be at risk of being tortured or otherwise ill-treated by police," Heather McGill, Amnesty International's researcher on Ukraine said.

"All forms of torture or other ill-treatment are unequivocally prohibited at all times and in all circumstances under international human rights law. However, in Ukraine allegations of torture are rarely investigated and if such investigations are carried out, most often they are flawed. As a result few police officers implicated in acts of torture and ill-treatment are punished and the victims rarely receive reparation."

Amnesty International's report highlights some of the weaknesses in the criminal justice system that give rise to torture and ill-treatment, including poor conditions in pre-trial detention centres and the lack of safeguards for detainees. One legacy of Soviet times is the emphasis in police work on very high targets for crime solving rather than on crime prevention. The Ukrainian authorities admit that police officers abuse their power because they try to achieve high crime disclosure by any means. As a result, police officers have resorted primarily on obtaining so-called "confessions" in order to achieve these targets, relying on the use of force to obtain the "confessions". Police ill-treatment is exacerbated by a high level of corruption -- police officers are known to beat detainees in order to extract money.

The report makes 20 recommendations to the Ukrainian authorities aimed at upholding the absolute prohibition of torture and other ill-treatment in police custody and preventing impunity.

There is no comprehensive official information to give a clear picture of the extent of torture and ill-treatment in police custody in Ukraine. However, a study carried out by the Kharkiv Institute for Social Research found that 62.4 per cent of those interviewed who had been in police detention were subjected to ill-treatment on arrest: 44.6 per cent had their arms, legs or necks twisted; 32.8 per cent were punched

or kicked; and 3.8 per cent claimed to have been tortured and ill-treated using special equipment.

The cases that have come to Amnesty International's attention in the period of 2001 to June 2005 contain allegations that detainees have been suspended from metal bars (a method known as "lom" or "the crowbar"), forced to wear gas masks so that they partially suffocate (a very common form of torture in all countries of the former Soviet Union, known as "slonik" or "little elephant"), beaten with fists or kicked, or beaten with other items such as heavy books, for example, the Code of Criminal Procedure, or filled water bottles, that do not leave marks on the body. In other cases psychological pressure has reportedly been used, such as threats of rape, threats of convictions for other crimes, or, as in one case -- separating a mother from her sick baby.

"Many victims do not lodge complaints because they are scared or don't trust the system. Those who are persistent and brave enough to seek justice may find themselves once more victims of intimidation and reprisals. They rarely receive compensation," Heather McGill said.

"Any government that wishes to fight torture and ill-treatment must ensure that all allegations of such human rights violations are duly investigated according to international standards of promptness, thoroughness and objectivity, that the guilty are punished and the victims compensated."

President Viktor Yushchenko has made clear his desire to bring Ukraine closer to membership of the European Union. Government officials have made encouraging statements about changes in the criminal justice system that will bring it in line with international human rights standards. However, allegations of torture and ill-treatment in police detention persist.

"If the government of Ukraine is serious about reaching an associated agreement with the European Union by 2007, it must start immediately on reform in the criminal justice system, root out torture and ensure justice for the victims," Heather McGill said.

See: *Ukraine: Time for action: Torture and ill-treatment in police detention* (AI Index: EUR 50/004/2005)
<http://web.amnesty.org/library/index/engEUR500042005>

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