

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

18 August 2011

Index: EUR 50/011/2011

Ukraine: Amnesty International condemns lack of effective investigation into death in custody of 19 year-old student Ihor Indilo

On 17 August 2011 three Kyiv Court of Appeal judges took just fifteen minutes to decide that no further investigation was required into the death in police custody of 19 year-old student Ihor Indilo. In doing so, the court has effectively accepted the police explanation that he sustained the blunt force head injury that caused his death by falling 50cm from a bench in the cell he was detained in.

Amnesty International is concerned that there are serious flaws in the original investigation, which has so far failed to plausibly explain the course of events that led to Ihor Indilo's death. This failure constitutes a violation of "the right to life", provided for by Article 2 of the European Convention on Human Rights, to which Ukraine is a party. Amnesty International calls on the Ukrainian authorities to initiate a prompt, impartial and thorough investigation into Ihor Indilo's death.

On 16 May 2010 Ihor Indilo celebrated the eve of his 20th birthday with friends at the dormitory where he lived. In order to admit his friends to the building he left his ID with the building's security guard. When most of his friends left around 8pm, he asked the security guard for his ID back, but the security guard said that he had already returned it. According to the statement taken by police, the security guard said that at this point Ihor Indilo was drunk and became aggressive, so the guard called off-duty police officer Sergei Prihodko, who lived in the building, for assistance.

However, when the guard later gave testimony in court he said that Ihor Indilo remained reasonable despite the disagreement and the two of them went together to see Sergei Prihodko to ask him to resolve the disagreement. The guard also testified that Ihor Indilo had not seemed particularly drunk at this time.

Sergei Prihodko, although off-duty, detained Ihor Indilo at about 8.15pm and drove him and a friend to Shevchenkivsky police station. Ihor Indilo was filmed on CCTV entering the police station at 8.38pm. He does not appear drunk in the footage.

Ihor Indilo was interrogated by officers Sergei Prihodko and Sergei Kovalenko in the presence of his friend. At 8.52pm an ambulance was called to the interview room because Ihor Indilo was unconscious. Police did not tell the ambulance crew why he was unconscious. The attending doctor said that Ihor Indilo was unresponsive until they touched his head, at which point he became defensively aggressive.

The ambulance crew stated that they brought him round by pushing smelling salts into his nose, and have denied administering any other medical treatment to him, although three puncture wounds such as those one would get from an injection were found on Ihor Indilo's body during the autopsy, which also ruled out his using any drugs.

The ambulance crew left at 9.20pm after Ihor Indilo regained consciousness, but did not examine him thoroughly. The police claim they insisted the ambulance take Ihor Indilo, but the crew refused. The ambulance crew deny this. They later admitted to fabricating

measurements of his pulse and breathing on the call-out form. The crew claim that when they left Ihor Indilo was only able to stand leaning against the wall, which is corroborated by his friend. The police say that Ihor Indilo was walking around. Shortly after the ambulance crew left, Ihor Indilo's friend left the interrogation room and at 9.49pm CCTV shows police officers dragging Ihor Indilo into a cell and leaving him on the floor.

The footage shows Ihor Indilo's condition deteriorating through the night; he staggers and falls in the prison cell, until he ceases moving at around 3am. The footage also shows other detainees trying to examine Ihor Indilo and then talking to someone outside the cell. Despite being aware of Ihor Indilo's extremely erratic movements, police watching left him unattended in the cell until they discovered his body at 4.51am. They later stated they did not call the ambulance during this time because Ihor Indilo did not ask for one. Officers also claim that at 4.51am they checked his pulse and breathing and that Ihor Indilo was still alive, but the CCTV footage shows an officer simply discovering his body, dragging him and then rolling him over.

The following morning Ihor Indilo's parents were informed of his death by the police, and asked to collect his body. They were told that he had choked to death, but when they saw his body they noticed numerous bruises. The autopsy report revealed Ihor Indilo had died as a result of a fractured skull and internal bleeding, and that the injuries were the result of contact with a blunt object. The autopsy also found blood in his stomach, which may have been caused by a blow to the abdomen.

Police then claimed that there had been no ill-treatment and that Ihor Indilo died as a result of falling from a bench in the cell because he was drunk. He can be seen in the CCTV rolling off the bench at 1.23am, but the bench was only 50 cm from the ground.

A criminal investigation into the death was started on 28 May 2010 by the Shevchenkivsky District Prosecutor's office. The office is located in the same building as Shevchenkivsky District police station and the two have a close working relationship.

Although the investigation was opened under Article 365.3 of Ukraine's criminal code, which outlaws abuse of power by officials with grave consequences, Sergei Prihodko and Sergei Kovalenko were both given lesser charges, unrelated in any way to Ihor Indilo's death. Sergei Prihodko is charged with Article 365.2, which outlaws abuse of power (for effecting an arrest while off duty) that results in pain or derogates a person's dignity (for dragging Ihor Indilo along the floor). Sergei Kovalenko is charged with Article 367.1, which outlaws neglect of official duty without grave consequences, in relation to his allowing Sergei Prihodko to carry out these actions.

The Desnyaskiy District Court, where the two men are currently standing trial, was not satisfied with the pre-trial investigation, and asked investigators to go and perform a number of additional investigative tasks, including: questioning witnesses who may have observed the fall; finding additional expert witnesses to resolve inconsistencies in the forensic evidence; obtaining a neurosurgeon or specialist to analyse the CCTV footage of Ihor Indilo in order to determine whether his erratic behaviour was a result of a head injury; and to determine whether the police intimidated Ihor Indilo's friend, Khomenko, into testifying that he had not witnessed any ill-treatment.

However, the Kyiv Prosecutor's Office appealed the court order, and their appeal was upheld by the Kyiv Court of Appeal at the hearing on 17 August.

The investigation has failed to adequately define the extent to which the action or inaction of the police and medical staff contributed to the death of Ihor Indilo. No attempt has been made to resolve contradictions and inconsistencies in the testimonies, as set out above, nor to seek further medical expertise to analyse the CCTV footage and autopsy results.

Amnesty International urges the Ukrainian authorities to undertake a thorough investigation into Ihor Indilo's death, which must resolve these unanswered questions.

End/