

URGENT ACTION

TORTURE VICTIM FACES PROSECUTION IN UKRAINE

A man who was seriously injured by a police officer has been accused of causing the injuries himself, and may face five years' imprisonment for "attacking a police officer".

Oleg Melnik, aged 27, was returning home in the evening of 1 April, with his horse and cart, to the village of Ostakivtsy, in south-west Ukraine, when two policemen stopped him and asked about a neighbour. When Oleg Melnik asked them why they wanted to know, they pulled him from his cart and forced him into the police car. Police were reportedly carrying out an investigation into a series of thefts in the village, but they did not explain this to Oleg Melnik. At the police station in the town of Nemirov, 15km away, he was made to wait in an office for two hours and police refused to tell him why he was being held. When he took out his mobile phone to call a lawyer one of the policemen held his right arm while the other tried to grab his phone by twisting his left arm behind his back. The policeman jerked his arm so violently that he broke it. Hearing Oleg Melnik's screams another policeman came into the room, and Oleg Melnik was taken to the local hospital where the policeman who had broken his arm paid for an X-ray and for his arm to be put in a cast. At about 2am he was brought back to the police station and, under threat of imprisonment and further beating, signed a statement that he had no complaints against the police. His mother, who had been waiting at the police station, signed a similar statement. He was released without charge. Later that day when his condition worsened his parents took him to the hospital in the city of Vinnytsya, where doctors found the bone in his arm was shattered, and later inserted a metal pin to fix it. Oleg Melnik has been classed as disabled because he will not fully recover the use of his arm.

On 3 April his mother sent complaints to the local and regional prosecutors, and the General Prosecutor's office in Kyiv, but on 15 April the local prosecutor sent a standard refusal. The family decided to go public and took part in a press conference in Vinnytsya with the Vinnytsya Human Rights group, and after this, the prosecutor opened a criminal investigation into the torture allegations. In June, word was passed to the family that the policeman was prepared to pay all the medical costs for Oleg Melnik, but the family refused. On 21 June the prosecutor opened a criminal case against Oleg Melnik for attacking a policeman: Oleg Melnik was charged with punching the police officer in the chest breaking his arm in the process. The criminal investigation against the policeman was stopped.

Please write immediately in Russian, Ukrainian or your own language:

- Reminding the authorities that they have an obligation as a state party to the Convention against torture to carry out a prompt and impartial investigation into all allegations of torture, and to protect complainants against intimidation;
- Urging them to reopen the investigation into the allegation that Oleg Melnik was tortured in Nemirov police station on 1 April;
- Call on them to investigate the legal basis for the charges against Oleg Melnik and to drop them if they are an attempt to prevent his allegations being investigated;
- Calling on them to investigate his allegation that he was never told why he was being taken to the police station;

PLEASE SEND APPEALS BEFORE 12 DECEMBER 2011 TO:

Prosecutor General
Viktor Pavlovich Pshonka
Riznitska Str. 13/15
01601 Kyiv_Ukraine
Fax: + 380 44 280 2851
Salutation: Dear General Prosecutor

Minister for Internal Affairs
Anatoly Vladimirovich Mogilev
Akademika Bogomoltsa Str. 10
01024 Kyiv_Ukraine
Fax: +380 44 256 16 33
Email: mvsinfo@mvsinfo.gov.ua
Salutation: Dear Minister

And copies to:
Ombudsman
Nina Karpachova
Vul Instytutaska 21/8
01008 Kyiv, Ukraine

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

There is effective impunity in Ukraine for the high level of criminal misconduct, including torture and extortion, by the police in the course of their work. Structural shortcomings, high levels of corruption, close functional and other links between prosecutors and police, non-existent or flawed investigations into criminal acts committed by the police even when medical or other credible evidence exists to support the allegations, harassment and intimidation of complainants, and the subsequent low level of prosecutions all fuel this lack of accountability for human rights violations committed by the police.

Name: Oleg Melnik
Gender: M

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