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## Ukraine: Make the police accountable and stamp out torture

The Ukrainian authorities must seize the current political opportunity to stop the high level of torture and other ill treatment being carried out by its police force by creating a genuinely independent, impartial and effective institution to investigate complaints against the police, Amnesty International said in a report published today.

“Beatings and torture continue unabated in the Ukraine in spite of the new Criminal Procedure Code adopted by the government late last year. No concrete steps have been taken to set up an independent police accountability mechanism, allowing the police to get away with shocking levels of mistreatment of detainees,” said David Diaz-Jogeix, Europe and Central Asia Deputy Programme Director.

In a new report, [\*Ukraine: Don't stop halfway: Government must use new Criminal Procedure Code to end torture\*](#), Amnesty International examines new cases of torture and other ill-treatment and calls on the government to seize the opportunity created by the new Criminal Procedure Code to establish a State Investigation Bureau as an effective deterrent to would-be torturers among the police.

The report brings to light new cases of police torture, highlighting how issues raised in previous reports are continuing in the Ukraine. Out of 114,474 complaints made to prosecutors about police treatment in 2012, only 1,750 were investigated, leading to only 320 prosecution cases being opened against 438 police officers.

The Prosecutor's office is failing to conduct effective investigations into allegations of torture and other ill-treatment. Prosecutors work with police officers to solve ordinary crimes on a daily basis creating an inherent conflict of interest in asking them to investigate complaints against the police.

Amnesty International has recommended that a fully resourced independent agency to investigate all allegations of human rights violations by law enforcement officers should be established.

“Abuse by officials can only be prevented when they know they will be held to account for their actions and risk disciplinary or criminal punishment if they are found to be responsible for torture or other ill treatment,” said Diaz-Jogeix.

The new Criminal Procedure Code, introduced in November 2012, has the potential to curb widespread torture as it reduces the length of time suspects can be detained without charge, rendering them vulnerable to abuse or pressure by police officers. Confessions made to police while in custody outside the court are also no longer admissible in court.

The Code envisages the creation of a State Investigation Bureau, which, if properly established, has the potential to ensure prompt, effective and impartial investigations into allegations of serious human rights violations committed by police officers.

“The creation of an independent police accountability mechanism would usher in a new era for Ukraine's

criminal justice system: an era in which the rights of detainees are respected and officials are held to account for unlawful actions,” said Diaz-Jogeix.

“This creates - in equal measure - an opportunity and a challenge for the Ukrainian people. They need to understand how the proposed new Code protects their rights and they need to have the courage to stand up and demand those rights.”

#### Cases

Vitaliy Levchenko and Andrei Melnichenko had been working on a construction site in the southern city of Ladyzhyn without pay for three months. On 20 November 2012 they went to demand their pay from the manager. Security guards called the police who allegedly started beating the workers with batons and later took them to the police stations in handcuffs where the beating and other ill-treatment continued. Andrei’s eardrum was perforated and both of Vitaliy’s arms were broken. Both suffered multiple bruises. They filed a complaint against the police but in February 2013 the case was closed, based on a police explanation that Vitaliy broke his arms banging on a door and Andrei had fallen over.

On 16 October 2012 Olexander Popov was snatched from the street and pushed into a car by men who told him they were police. They handcuffed him, put a plastic bag over his head and drove him to a forest. There they electrocuted him for several hours, using different voltages, intermittently through his feet and little fingers. After several hours of torture Olexander was taken to Mariupol City police station where detectives interviewed him about the murder of a person they called ‘Akhman’ whom he did not know. After his release doctors identified and documented bruises caused by at least 12 different blows with a blunt object. Olexander submitted a complaint to the Mariupol Prosecutor’s office accusing the Mariupol police of torture. In March 2013 the investigating prosecutor closed the case on the basis that the police officers’ testimony contradicted the testimony of Olexander.

On 18 April 2012 Artem Geraymovych-Megalyas was detained in Simferopol, Crimea, for failing to answer a court summons relating to a stolen drill and two mobile phones. In Zheleznodorozhnyi District police station police officers beat him, demanding that he confess to a range of crimes. Artem says one officer tore his nose with a metal hook. Artem lost consciousness and woke up in hospital a week later. The police claimed that a mentally-ill detainee had attacked Artem with a metal pipe and initiated a criminal case against him. Artem remained in hospital until June while medics treated several injuries to his brain, fractures to his skull, and attempted to repair his face. On 1 November he submitted a complaint to the Prosecutor’s office accusing the police of torture. The Prosecutor’s office rejected the complaint for lack of ‘evidence of a crime’. Artem is permanently disfigured and suffers from depression and post-traumatic stress. He is currently in hospital and unable to speak properly. He says that he would be able to identify the police he says tortured him, but has not been given the opportunity to do so.