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With or without EU agreement, Ukraine must eradicate torture

The Ukrainian authorities must make real progress toward elimination of torture and other ill-treatment by law enforcement officials in line with the country's international obligations, Amnesty International said, ahead of the signing of the Ukraine-EU Association Agreement.

"Irrespective of the future of the Association Agreement with Ukraine, the EU must go on pushing Ukraine to comply with its international obligations. Ukraine is an important member of the European and international community. The country's authorities have voluntarily signed up to all major international human rights agreements – the absolute ban on torture among them," said Heather McGill, Amnesty International's researcher on Ukraine.

The Association Agreement offers enhanced cooperation in trade, energy, banking and many other areas, and is based on common values, including "democracy and rule of law, respect for human rights and fundamental freedoms, [and] good governance".

The EU had made the eradication of "selective justice" a pre-requisite for signing the agreement on 28 November in Vilnius, capital of Lithuania, which currently holds the EU Presidency. It is expected that the Ukrainian authorities will allow Yuliya Tymoshenko, the imprisoned former prime minister and leader of the opposition party All-Ukrainian Union "Fatherland", to travel to Germany for treatment for a back injury.

Tymoshenko is serving a seven-year sentence for exceeding her official powers by signing a gas deal with Russia at an unfavourable price.

"The case of Yuliya Tymoshenko highlights the lack of fair trials and poor prison conditions in Ukraine, but the political significance of her case should not be allowed to overshadow the systemic problems that deprive thousands of Ukrainians of their rights every day," said Heather McGill.

"Every year thousands of Ukrainians are beaten by the police to extract confessions for crimes that they may not have committed, only to be sent to prison after unfair trials. In the absence of an effective police complaints mechanism, their complaints are frequently ignored.

"The eradication of torture and other ill-treatment requires legislative changes as well as systemic reforms to the criminal justice system. The Ukrainian government has taken important steps, but until each and every allegation of torture is promptly, effectively and independently investigated, and the perpetrators are brought to justice, torturers will continue to act with impunity."

Amnesty International's document, [*Ukraine and the EU: Time to put people first*](#), outlines progress made so far and points out next steps.

The new Criminal Procedural Code that came into force in November 2012 stipulates that confessions made to police outside the court are no longer admissible in court and introduces limited jury trials for

crimes that carry life imprisonment. Oleksander Bondarenko was the first to benefit from this reform in October this year when a court of three jurors and two judges in the north-eastern town of Sumy acquitted him of the murder of two elderly women and released him immediately. The court rejected the prosecution's case as it was based on a confession gained under torture. However, the victim's earlier complaint about the torture was rejected by the prosecutors, and no-one has yet been brought to justice.

But the new code failed to protect two 16-year-old boys in Ternopil, in western Ukraine, from suffering police abuse. Yaroslav Gizhovskiy was detained and beaten repeatedly by police officers for failing to present them with identification documents. A week later Oleksander Kovtun was beaten by the same police officers as he returned home with his mother. An investigation is under way, but the police officers allegedly responsible for the beatings are still on active duty.

"These cases show the long road Ukraine has to go to ensure accountability for ill-treatment by police officers. It is imperative that the Ukrainian authorities set up an independent and effective mechanism to investigate promptly and adequately allegations of torture and other ill-treatment in accordance with the European Court of Human Rights' standards as soon as possible," Heather McGill said.

"The new Criminal Procedural Code provides for a State Investigation Bureau to investigate crimes by officials, including law enforcement officers, so that perpetrators of torture are brought to justice, and victims are offered redress.

"Any delay in setting up such a bureau is unacceptable – and may cost lives. The ongoing impunity for torture and other ill-treatment in Ukraine continues to erode trust in the country's authorities – both within Ukraine itself and around the world."