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UKRAINE: THE UKRAINIAN GOVERNMENT SHOULD IMPLEMENT AS A PRIORITY THE RECOMMENDATIONS OF THE UN COMMITTEE AGAINST TORTURE

Amnesty International today urged the Ukrainian Government to implement the recommendations of the United Nations Committee against Torture which on 29 April examined the third periodic report submitted by Ukraine.

The findings of the Committee against Torture confirmed Amnesty International's concerns regarding the continuing practice of the use of torture and ill-treatment of suspects in detention by law enforcement officials -- resulting in death in a number of cases, lack of an effective system of independent institutions able to review individual complaints by victims, lack of provisions for court review of the legality of arrest and detention in Ukrainian legislation, and absence of the crime of torture in the national legislation.

The Committee expressed concern about the failure of the Ukrainian authorities to institute an immediate moratorium on executions -- in violation of the country's commitments upon accession to the Council of Europe -- and the high level of executions in Ukraine. With 169 prisoners executed in 1996, Ukraine is second only to China for known executions.

The Ukraine was also criticized for the systematic use of torture of new recruits in the armed forces, conditions of pre-trial detention which amount to inhuman or degrading treatment, the failure of the authorities to ensure access to a lawyer of the detainee's own choice, and the lack of an effective machinery for the prompt examination of prisoners' complaints.

The process of harmonizing domestic legislation with human rights was judged to be progressing slowly, and the police and prison personnel were said to lack training. Furthermore, the Committee questioned the lack of an effective system for compensation of victims of torture.

Amnesty International met the Ukrainian Government delegation in Geneva to discuss the measures planned by the authorities. The organization strongly supports the recommendation of the Committee that Ukraine adopt a comprehensive action plan to stop torture, which should include:

- adoption of legislative acts of direct applicability, which will implement the Constitutional provision prohibiting torture, and particularly a new Criminal Code which should make acts of torture a criminal offence, punishable by appropriate punishments;
- adoption of a new Criminal Procedural Code, which should ensure the right of the accused to defence at all time during the criminal procedure;
- establishment of effective and independent control by the courts over the arrest, taking into custody and the pre-trial detention of suspects, ensuring the prevention of torture on all levels of the criminal procedure;
- ensuring civilian and judicial control over the law enforcement bodies;
- establishment of independent institutions to conduct prompt and impartial reviews of all complaints of the use of torture and ill-treatment;

- the dissemination of information, including through the mass media, about the norms of the Convention against Torture;
- training and education of law enforcement officials and prison personnel, and especially medical personnel, about the prohibition of torture as provided by the norms of the Convention against Torture;
- prohibition in the national legislation of the interrogation of detainees in the absence of a lawyer of their own choice and also while detained *incommunicado*;
- decreasing the length of pre-trial detention, currently a maximum of 18 months;
- signing and ratifying Protocol No. 6 of the European Convention on Human Rights and Fundamental Freedoms, relating to the abolition of the death penalty;
- radical reform of all places of detention, including prison colonies, and ensuring full compliance with the norms of the Convention against torture;
- a permanent moratorium on executions;
- legal guarantees for full redress and compensation of victims of torture, including moral damages.

Background

The UN Committee against Torture is a body of 10 experts elected by the States Parties to the Convention against Torture to monitor the way these states implement their obligations set out in the Convention. The experts act in their personal capacity and are not meant to represent any government. At their twice-yearly meetings in Geneva the experts review written reports from states on how the Convention has been implemented, by questioning government representatives and issuing written conclusions. The Committee also decides on any complaints from individuals that their government has violated the Convention, and carries out other investigations.

Amnesty International had submitted its own report to the members of the Committee against Torture detailing its concerns about allegations of the use of torture and ill-treatment in Ukraine. Amnesty International submits its concerns about torture and ill-treatment in a number of the countries being examined by the Committee against Torture at each session. At this session, in addition to the document on Ukraine, the organization provided material on Mexico, Denmark, Paraguay, Sweden and Israel..

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