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Ukraine: Sorry is not enough: Police impunity must end!

Since the beginning of the EuroMaydan demonstrations on 21 November 2013, Amnesty International has documented numerous cases of violations of the right to peaceful assembly, excessive use of force by law enforcement officers, unfair trials and harassment of those who have lodged complaints with the authorities. The organisation has also observed what appears to be the violent targeting of journalists by law enforcement officials as well as violations of the right to freedom of expression amongst journalists and some media outlets which have been prevented from covering the EuroMaydan events, and of students who have come under pressure for their participation in the events.

On 16 January, in chaotic conditions which violated parliamentary procedure, the Ukrainian parliament passed repressive legislation which severely curtailed the rights to freedom of assembly, association and expression, including by requiring NGOs receiving foreign funding to register as “foreign agents”, criminalizing libel, and giving police additional powers to control the conduct of demonstrations, including the requirement to secure police permission for the use of helmets, uniforms and other equipment. President Yanukovich signed the new laws into force on 18 January distancing Ukraine yet further from its international human rights obligations. This new law fanned the flames of protest. Parliament repealed the repressive laws on 31 January, but protests in Kyiv and other cities are continuing.

Hundreds of people have been wounded, some very seriously, as a result of interventions by law enforcement officers during the protests. There have been at least four fatalities and another man died of pneumonia after being sprayed with a water cannon in sub-zero temperatures. Some protestors have been abducted by unknown assailants, and subjected to torture and other ill-treatment – one was found dead. The recent shocking footage of a EuroMaydan protestor being stripped, humiliated and beaten by Ukrainian law enforcement officers brought international attention to the issue of torture and ill-treatment and police impunity in Ukraine.

In the case of the protestor who was stripped and beaten, the Ukrainian Minister of Internal Affairs took the unusual step of issuing a public apology for the incident, but sorry is not enough. The reality is that individuals who complain about police ill-treatment have little chance of getting their complaints heard, let alone acted upon. There are no official statistics for the number of people that have complained about torture and other ill-treatment since the beginning of the EuroMaydan demonstrations. Amnesty International has interviewed over 20 such individuals and none of them has received any assurance or indication from the authorities that their complaints are being investigated.

Mykhaylo Nyskohuz, a 17 year-old student from Chervonohrad in Western Ukraine, was beaten by riot police on 20 January in Kyiv. He claims that he was watching and filming the events on his mobile phone from the side when at 9.30 pm he was detained by four riot police officers. They beat him then forced him to walk down a corridor of officers, along with other detained protestors, and beat him as he was passed down the corridor. After that he was forced to lie on the icy ground while riot police tried to strip him while continuing to beat him. They also forced him to sing patriotic songs. He was finally taken to hospital, and had suffered a broken arm, broken fingers, head injuries, a knife wound to his buttocks and bruising. He has lodged a complaint with the Kyiv City Prosecutor concerning the torture and other ill-treatment. On 21 January, he was informed that he is suspected of participating in “mass disturbances” under Article 294 of the Criminal

Code, and on 22 January, Solomyanskiy District Court put him under house arrest. He is currently being treated for his injuries in Chervonohrad.

Oleg Sobchenko, a 33 year-old stone mason from Cherkassy, south of Kyiv, was beaten by riot police officers when he was peacefully demonstrating in Cherkassy on 27 January. He is currently in hiding. His friend, Pavlo, told Amnesty International that Oleg Sobchenko was shielding female protestors as they attempted to reach their cars after the demonstration turned violent when he was hit from behind by riot police officers. He lost consciousness and remembers he was beaten on the ground before riot police transferred him to a bus with dozens of other protestors. He described the floor of the bus as being slippery with blood. He was beaten and transferred to another vehicle before being taken to hospital. Seeing that many people were being arrested around him at the hospital, he escaped from the hospital with the help of friends. He has suffered numerous injuries: concussion, damage to a knee joint and a shoulder joint, a skull fracture above his left eye, and a damaged retina. He has numerous cuts including a 10cm scar under his left eye and bruising. He will require surgery on his knee and his eye.

In the absence of an independent agency responsible for receiving and investigating complaints about ill-treatment by police and other law enforcement agencies, there are no comprehensive statistics about the scale of the problem. While some people submit complaints about their ill-treatment to the Prosecutor's Office or the police itself, many do not as they have little faith that the existing system can deliver justice; some fear repercussions for complaining. Based on the numerous incidents reported in the media, social surveys, and complaints received by human rights NGOs, it is estimated that thousands of Ukrainians are subjected to torture and other ill-treatment by police and other law enforcement officials every year, without redress. Police impunity is a longstanding concern of Amnesty International, and over the past year there has been growing public outrage and frustration at lack of progress in tackling the problem.

As a state party to the UN Convention against Torture and the European Convention on Human Rights, the Ukrainian authorities have an obligation to ensure that all allegations of torture and other ill-treatment by the police, are promptly, effectively and independently investigated.

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