

URGENT ACTION

REMAND PRISONER DENIED MEDICAL TREATMENT

A Georgian citizen, Mamuka Samushia, is being held in a Ukrainian remand prison, where he is being denied vital medical care. On 18 February a judge refused his request to be transferred to hospital for treatment.

Mamuka Samushia has been detained in Kyiv remand prison No.13 for two years on charges of burglary. According to the medical director of the prison, he has a large cyst on his pancreas, which has worsened considerably over the last few weeks. His lawyer, a translator and two other lawyers saw him on 18 February in court and said they were shocked at how his condition had worsened since they last saw him, a few weeks earlier. He has constant pain in his stomach. He can no longer eat, is unable to sit or stand, and is vomiting blood and passing blood in his bowel movements. The prison medical director suspects that the cyst may be cancerous, or it may rupture and cause septicaemia (infection in the blood or blood poisoning). Mamuka Samushia has been held in the prison medical unit since November, but the medical unit has only the most basic equipment, and is quite unable to treat him adequately. He urgently needs examination of, and treatment for, the pancreatic cyst.

Another detainee at the prison, Tamaz Kardava, died of liver failure on 7 April 2010. He too had been charged with burglary, and was refused medical treatment by the same judge (see UA 75/10, 1 April 2010, EUR 50/007/2010, <http://www.amnesty.org/en/library/info/EUR50/005/2010/en> and follow-up).

The denial of medical care may be considered to be torture and other ill-treatment. In the case of *Melnik v. Ukraine* (App. No.72286/01, March 28, 2006), the European Court of Human Rights found that there had been a violation of Article 3 (torture or inhuman or degrading treatment or punishment) because of a failure to provide adequate medical care. The UN Standard Minimum Rules for the Treatment of Prisoners require that "sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals" (para. 22 [2]).

PLEASE WRITE IMMEDIATELY in Ukrainian, Russian or your own language:

- Expressing concern for remand prisoner Mamuka Samushia, and noting that another remand prisoner, Tamaz Kardava, died on 7 April 2010 as a result of being denied adequate medical treatment;
- Urging the authorities to ensure that Mamuka Samushia is immediately moved to a hospital outside the prison system, so he can receive adequate medical treatment;
- Reminding the authorities that they are obliged by the UN Standard Minimum Rules for the Treatment of Prisoners to ensure that detainees can receive all necessary medical care.

PLEASE SEND APPEALS BEFORE 4 APRIL 2011 TO:

Prosecutor General
Viktor Pshonka
Vul Riznitska 13/15
01601 Kyiv, Ukraine
Fax: + 380 44 280 2851
Salutation: Dear Prosecutor

Director, State Department for the Execution of Sentences
Oleksandr Lysytskov
Vul. Melnikova 81
04050 Kyiv, Ukraine
Fax: +380 44 461 8600
Email: reception@kvs.gov.ua
Salutation: Dear Oleksandr Lysytskov

And copies to:
Ombudsman
Nina Karpachova
Vul Instytutaska 21/8
01008 Kyiv, Ukraine
Email: omb@ombudsman.kiev.ua
Salutation: Dear Ombudsman

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

According to official figures from the Department for the Execution of Sentences, 739 people died in prisons in Ukraine during 2010. NGOs estimate that more than half of those deaths were due to a lack of medical treatment or improper treatment. A further 50 people died while in detention in local police stations.

Amnesty International has previously raised concerns about access to medical care for prisoners in Ukraine. Local NGOs and lawyers report that poor medical care for prisoners is a widespread problem and that there are no effective legal remedies to challenge this. In a meeting with the State Department for the Execution of Sentences in January 2010, Amnesty International delegates were informed that prisons and prison hospitals are supplied with basic necessary drugs to deal with most illnesses, but that the budget is limited.

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