

Rt.Hon.Jack Straw
President of the Council of the European Union

24 November 2005
Our ref: B507

Dear Mr. Straw,

EU-Ukraine: Torture and ill-treatment continues unabated

In light of the upcoming EU-Ukraine Summit on 1 December, Amnesty International wishes to draw your attention to the continued reports of torture and ill-treatment in Ukraine, as documented in our attached report *Ukraine, Time for Action: Torture and Ill-treatment in Police Detention*.

In this respect, Amnesty International would like you to use the opportunity provided by the summit to raise the following concerns with the Ukrainian authorities:

Torture and ill-treatment of pre-trial detainees

The reports that Amnesty International continues to receive show that law enforcement officers routinely extract confessions and testimony from detainees through force sometimes resorting to torture. Police officers are not adequately trained and equipped to gather evidence and establish the facts of a case, and as a result rely too heavily on extracting confessions to solve crimes. There are a number of safeguards which could contribute to better protection for detainees particularly during interrogation.

We call upon your good offices to request that the Ukrainian government ensures a lawyer is present during investigation unless the detainee waives that right and that all interrogations are recorded accurately, preferably with the use of video-audio equipment.

Impunity for torture and ill-treatment

Complaints of torture and ill-treatment are rarely followed up and victims rarely receive reparation. Police officers who are under investigation for torture and ill-treatment are rarely suspended and continue to work. In one case, the police officers continued to work despite the existence of an order from the Minister of Interior for their suspension. They have continued to threaten the victim who had complained about ill-treatment. For detailed cases, please see the attached report.

We call upon your good offices to request that the Ukrainian government takes measures to ensure that all allegations about torture and ill-treatment are subject to prompt, thorough and impartial investigation and in particular that prosecutors and judges exercise their competence to initiate investigations whenever there are reasonable grounds to suspect that the person brought before them has been tortured.

Independent monitoring of places of detention

Amnesty International welcomes the pilot project recently conducted by the Ministry of Interior of Ukraine which set up mobile monitoring groups that visited police stations in six different regions. Amnesty International hopes that this experience can serve as the basis for the establishment of an independent national monitoring mechanism as required by the Optional Protocol to the Convention against Torture.

We call upon your good offices to reiterate the EU's request that Ukraine ratifies the Optional Protocol to the Convention against Torture as soon as possible.

I hope that you will have a fruitful exchange of views with your Ukrainian counter-parts on these matters and look forward to hearing the outcome of your deliberations.

With best regards,



Dick Oosting
Director
Amnesty International EU office

Cc.
Javier Solana, High Representative for the Common Foreign and Security Policy,
Secretary-General of the Council of the European Union
Michael Matthiessen, EU HR Javier Solana's Personal Representative for Human Rights