



Mr Thorbjørn Jagland
Secretary General
Council of Europe

Brussels, 14 October 2011
Our Ref: B1107

Dear Secretary General,

Amnesty International report: *No evidence of a crime: Paying the price for police impunity in Ukraine*

On 12 October, Amnesty International published the report *No Evidence of a Crime: Paying the Price for police impunity in Ukraine* (AI Index: EUR 50/009/2011).

On the same day, the Committee of Ministers underlined Ukraine's specific responsibility as its chair to ensure that the obligations and commitments placed on member states by the Statute of the Council of Europe and the European Convention on Human Rights are respected. The Committee of Ministers asked that you pursue dialogue with the Ukrainian authorities on, inter alia, "ways of developing an independent judiciary and implementing a legislative framework in line with Council of Europe standards possibly through intensifying efforts under relevant provisions of the recently adopted Action Plan for Ukraine". We note that the Action Plan includes, as key sectors of intervention, the fight against ill-treatment and impunity, and support for reforming the Public Prosecutor's Office.

Our report reveals that, despite considerable progress in establishing the rule of law in Ukraine and bringing its laws and practices in line with international human rights standards, many people in Ukraine still face arbitrary detention, torture and other ill-treatment, and other human rights violations at the hands of the police. Failures in effectively investigating allegations of such violations and in bringing disciplinary and criminal proceedings against those responsible has led to a climate of impunity, undermining the principle that no one, including the police, is above the law, and leaving victims without an effective remedy and reparation.

The report proposes various recommendations to help Ukraine overcome the problem of impunity for human rights violations by the police and to fulfill its international human rights obligations in relation to police impunity, investigations, police procedures and safeguards for detainees.

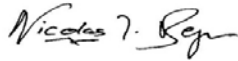
In view of your dialogue with the Ukrainian authorities pursuant to the Committee of Ministers Decision of 12 October, we hope you will have the opportunity to raise the issues in the report, and particularly underline the urgent need for Ukraine to:

- Carry out radical reform of police practice to ensure greater accountability of individual police officers and of the institution of the police as a whole.
- Establish a fully-resourced independent agency to investigate all allegations of human rights violations by law enforcement officers including the police, as recommended by the Council of Europe's Commissioner for Human Rights. The Council of Europe has long sought the reform of the General Prosecutor's office. In our report, we demonstrate that the General Prosecutor and his regional officers are unable to carry out prompt, effective and impartial investigations into allegations of torture and other ill-treatment by police officers.

- Ensure Ukraine fulfils its obligations as a state party to the Optional Protocol to the UN Convention against Torture by setting up a national preventive mechanism (NPM) to monitor places of detention. The NPM should be established through a transparent process including broad consultation with civil society. It should be functionally independent, include relevant experts and be adequately funded. It should have the mandate to make regular and unannounced visits to all places of detention.
- Reduce the number of people held in pre-trial custody and ensure non-custodial measures are used whenever possible. In accordance with the right to liberty and the presumption of innocence, people awaiting trial on criminal charges should not, as a general rule, be held in custody.

We remain available to provide any further information you may require.

Yours sincerely,



Dr. Nicolas J. Beger
Director

Cc:

Chair of the Committee of Ministers
Permanent Representations to the Council of Europe
President of the Parliamentary Assembly of the Council of Europe
Chair of the PACE Monitoring Committee
Council of Europe Commissioner for Human Rights
President of the European Committee for the Prevention of Torture