

UKRAINIAN PARLIAMENT COMMISSIONER
FOR HUMAN RIGHTS

INFRINGEMENT OF HUMAN RIGHTS AND FREEDOMS IN
UKRAINE

The events of
November 2013 – February 2014

SPECIAL REPORT

2014

UKRAINIAN PARLIAMENT COMMISSIONER

FOR HUMAN RIGHTS

SPECIAL REPORT

OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS
ON THE INFRINGEMENT OF HUMAN RIGHTS AND FREEDOMS DURING THE
EVENTS THAT TOOK PLACE IN UKRAINE BETWEEN 21 NOVEMBER 2013
AND 22 FEBRUARY 2014

Kyiv, 2014

OPENING STATEMENT

This special report contains the materials received and accumulated by Ukrainian Parliament Commissioner for Human Rights under the proceedings started on 30 November 2013.

During this brief period of time, Ukraine saw the events of not only unprecedented importance, but also of tragic nature, given the large number of victims and the scope of human rights infringement. As the Commissioner, I did not remain a mere observer neither of the active mass protests, nor of the actions undertaken by the authorities. Both the staff members of the Secretariat of Commissioner and our partners from non-governmental organizations took numerous actions and measures to restore the infringed rights of certain participants of mass protests.

However, I believe that the main task of the Ombudsperson is not only to record the revealed infringement or to help a certain individual, but to provide recommendations for developing guidelines and rules that would make it impossible for such infringement to be repeated in the future.

This special report has been prepared namely for this purpose. It is based on the analysis of revealed infringement of rights of certain individuals presented in chronological order and includes a list of systemic problems noted in the activities of the law enforcement bodies, along with recommendations aimed at preventing such infringement.

I hope that these recommendations will be taken into account both by the Parliament of Ukraine and the authorities.

I am grateful for the help of non-governmental organizations and activists that we received during the proceedings and the preparation of this report.

I am sure that Ukrainian society will draw conclusions from the events of the past three months, which will allow for improving the observance of human rights of each particular individual.

Valeriia Lutkovska,

Ukrainian Parliament Commissioner for Human Rights

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Activities aimed at securing human rights and freedoms during the mass protests in November 2013 – February 2014

November 2013

On 21 November 2013, following the decision of the Cabinet of Ministers of Ukraine to suspend the process of preparation to signing the EU Association Agreement between Ukraine and the EU, protests of youth and students started on Maidan Nezalezhnosti sq. in Kyiv. The protesters were staying in the square 24 hours a day.

However, on the night between 29 and 30 November, the police stopped the peaceful assembly by means of brutal force. The videos of the events of that night available in public access show that the amount of physical force used by the police was absolutely inadequate. More than thirty protesters were detained.

Already at 6 a.m. on 30 November, following the information received from human rights activists, two representatives of the Commissioner arrived at the Shevchenkivske district station of Kyiv Main Department of the Ministry of Internal Affairs to meet with the detainees in person and investigate the particulars of the events. During their visit, the representatives of the Commissioner had conversations with all the detainees as well as the MPs who had already arrived at the MIA district unit earlier, in particular, with Andrii Shevchenko. All the detainees were released on the same day.

Later, we received information about a large number of students and youth staying at Mykhailivskyi Cathedral as they were pursued there by the law enforcement officers.



Upon their arrival to Mykhailivskyi Cathedral, the representatives of the Commissioner together with the activists of the Association of Ukrainian Human Rights Monitors in Law Enforcement immediately started making the lists of missing persons, collecting information about those who were injured during the dispersal of the peaceful assembly, and questioning the injured protesters who were taking cover on the territory of Mykhailivskyi Cathedral. Later, when the bus bringing “Berkut” police troops, arrived at the entrance of the Cathedral, representatives of the Secretariat of the Commissioner together with human rights activists started negotiations with the commanding officers of the police unit, warning them against possible unlawful actions towards the students. Subsequently, Members of Parliament came to Mykhailivskyi Cathedral and joined in on the negotiations with “Berkut”. With our united efforts, we succeeded in convincing the law enforcement officers to leave the premises of the Cathedral. At about 6 p.m., on the same day we received worrying information from a number of activists about the possible use of force during the impromptu meeting on Mykhailivskyi square. Given the real possibility that the law enforcement officers would resort to active measures that night, the Commissioner decided to be present on Mykhailivskyi square in person, together with

the employees of the Secretariat, and to meet with civic activists. Luckily, that night there were no unlawful actions on the part of neither the participants of the assembly, nor the law enforcement agencies.

Upon analyzing and summarizing all the received information, Ukrainian Parliament Commissioner for Human Rights on her own initiative started the proceedings about the events that occurred in the night between 29 and 30 November 2013 in Kyiv. The proceedings had the following purposes: to ensure transparency and efficiency of the investigation, raise public awareness on the responsibility of those who infringed the law, and to initiate an appropriate investigation by the Office of Prosecutor General of Ukraine with regard to the lawfulness of the police actions, use of special means, detention of individuals and bringing them to the police station.

In fact, the Ombudsperson of Ukraine was the first official in the country who officially stated her position on the events of 30 November in Kyiv. The Commissioner addressed those who count themselves victims of the use of force by the police on 30 November 2013 and asked them to file a petition to the Commissioner.

Besides, the Commissioner addressed the Members of Parliament of Ukraine to consider and adopt the law on peaceful assembly, as the European Court of Human Rights requires in its two judgments on the issue. The proposed law would provide clear rules for all participants of peaceful assemblies, and especially for the police officers. In particular, the law would envisage an exhaustive list of grounds for interference in the exercise of the right to peaceful assembly and set strict rules regulating the use of special means during the crackdown on assemblies¹.

¹ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=1980:statement-of-the-commissioner-for-human-rights-regarding-the-events-at-the-maidan-nezalezhnosti-in-the-night-of-30-november-2013-&catid=14:2010-12-07-14-44-26&Itemid=75



PRESS



Statement of the Commissioner for Human Rights regarding the events at the Maidan Nezalezhnosti in the night of 30 November 2013

Saturday, 30 November 2013 16:54



Права людини

In view of the events that occurred in the night of 30 November 2013 at the Maidan Nezalezhnosti in Kyiv, the Ukrainian Parliament Commissioner for Human Rights states the following.

The Constitution of Ukraine guarantees to everyone the right to assemble peacefully without weapon and hold meetings, rallies and demonstrations.

Similar guaranties are provided for by Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which is an integral part of the national legislation of Ukraine.

However, in the night of 30 November 2013 police officers used brutal force to disperse the peaceful assembly. The videos of these events, that are accessible to public, testify that physical force used by the police was excessive.

Therefore, the Ukrainian Parliament Commissioner for Human Rights on her own initiative started the proceedings on the basis of reports in the media about the events that occurred in the night of 30 November 2013 at the Maidan Nezalezhnosti in Kyiv.

The purpose of the proceedings is to initiate an appropriate investigation by the Office of the Prosecutor General of Ukraine of the lawfulness of the police actions, use of special means, detention of persons and bringing them to the police station as well as to ensure transparency and efficiency of the investigation and raise public awareness on the responsibility of those who infringed the law.

As the issue of the use of special means should be considered both in a whole and in every specific situation, I would like to address to those, who count themselves victims of the use of force by the police on 30 November 2013, to file a petition to the Commissioner. The petitions will be accepted in any convenient way, including e-mail: hotline@ombudsman.gov.ua, the Facebook page: <https://www.facebook.com/ombudsmanUA>. Such petitions can be also submitted to the Public Reception Office of the Commissioner for Human Rights on Monday, 2 December 2013, from 9.00 at Kyiv, str. Instytutska 21/8.

Moreover, I would like to ask once again the people's deputies of Ukraine to consider and adopt the Law on Peaceful Assembly, as the European Court of Human Rights requires in its two judgments on the issue, which would provide for clear rules for all participants of peaceful assemblies, and especially - for the police officers, in particular envisaging an exhaustive list of grounds for interference in the exercise of the right to peaceful assembly, and set strict rules regulating the use of special means during the dispersal of assemblies.

December 2013

Unfortunately, the events developed further, when on the next day, 1 December 2013, there was another confrontation between the protesters and police officers on Bankova str. After several hours of clashes, the police brutally dispersed the participants of the protest. The dispersal was accompanied by serious violations of human rights and freedoms by law enforcement officers.

In particular, mass media broadcasted the videos that document the use of torture by the officers of special police force “Berkut” towards people who were already lying on the ground and did not offer resistance and towards those individuals who were already detained and hand-cuffed.

On 2 December 2013, the Commissioner filed a submission to the Prosecutor General of Ukraine with the purpose to immediately react to the above-mentioned events, within the frames of the proceedings initiated earlier. The submission asked to guarantee objective and unbiased investigation of the facts of unlawful and excessive use of physical force and special means by the officers of police special force “Berkut” during the events of 30 November and 1 December, which resulted in bodily injuries to the participants of a peaceful assembly and journalists.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

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2 December 2013

To the Prosecutor General's Office of Ukraine

V.P.Pshonka

Submission

by the Ukrainian Parliament Commissioner for Human Rights

Re: the unlawful dispersion of a peaceful assembly by police officers and use of force

Dear Mr. Pshonka,

Ukrainian Parliament Commissioner for Human Rights started the proceedings on violation of human rights and freedoms based on item 1 of part 1 of article 16 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" about the use of special means by the officers of special police "Berkut" (hereinafter "Berkut") on 30 November and 1 December towards the participants of mass events on Maidan Nezalezhnosti sq. in Kyiv.

According to Article 39 of the Constitution of Ukraine, everyone is guaranteed the right to assemble peacefully and without arms and to hold rallies, meetings, processions and demonstrations.

The same is guaranteed by Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 21 of the International Covenant of Civic and Political Rights that are both a part of national legislation of Ukraine.

However, on the night between 29 and 30 November 2013, the police officers used brutal force and dispersed the peaceful assembly. The videos of the events of that night available in public access prove that the amount of force used by the police officers was excessive.

There was also excessive use of force and special means by the police officers towards the citizens during the events of 1 December 2013 on Bankova str. in Kyiv as well. In particular, the media have broadcasted a video that documents the beating of individuals apprehended during the 1 December 2013 disturbances on Bankova str. by "Berkut" officers. **According to the videos, the police officers were using brutal force (punching and kicking) and special means (rubber batons) towards the citizens, who did not offer resistance, were beating those citizens who were already on the ground, as well as lone passers by who were far from the epicenter of events.**

Part 4 Article 12 of the Law of Ukraine "On the Police" stipulates that in cases when it is impossible to avoid the use of force, it must not exceed the degree necessary for fulfillment of the duties of police, and the possibility of causing harm to health of offenders or other individuals must be minimized. If any harm is caused, police must ensure that the necessary medical aid is administered to the injured individuals within the shortest possible time.

According to sub-item c of item 12 of the “Rules of use of special means during protection of public order”, approved by the resolution # 49 of the Council of Ministers of Ukrainian SSR on 27 February 1991, stun munitions must be used as means of securing special operations performed only according to the written instructions. Besides, according to item 15 of the above-mentioned Rules, distracting stun munitions must be used not closer than 2 m from the individuals. The videos of the events on 1 December 2013 show that such munitions were thrown directly into the crowd.

The above-mentioned facts serve as proof of the violation of Articles 12, 13, 14 of the Law of Ukraine “On Militia” and the “Rules of use of special means during protection of public order”, approved by the resolution #49 of the Council of Ministers of URSR on 27 February 1991.

European Court of Human Rights (hereinafter ECHR) emphasized multiple times that the use of force by law enforcement officers should correspond to **necessity, lawfulness, and adequacy** criteria. According to ECHR practice, each individual event of the use of force must be **efficiently investigated, so as to determine all the particulars of the case and, if human rights violations are found, bring those guilty of such violations to justice.**

Based on the above-mentioned facts and in accordance with Article 101 of the Constitution of Ukraine and item 3 Article 3, Articles 15 and 22 of the Law of Ukraine ‘On Ukrainian Parliament Commissioner for Human Rights’, I am

REQUESTING:

to guarantee objective and unbiased investigation of the facts of unlawful and excessive use of physical force and special means by the officers of police special force “Berkut” during the events of 30 November and 1 December 2013, which resulted in numerous bodily injuries to the participants of a peaceful assembly and journalists, and to inform the Commissioner about the outcomes of such investigation.

Sincerely,

V.V. Lutkovska

In response to this submission the Office of Prosecutor General of Ukraine informed the Commissioner about starting criminal proceedings on the grounds of a criminal offence prescribed in part 2 of Article 365 of the Criminal Code of Ukraine. At the same time, it has to be noted that the response was provided only on 25 December 2013, which violated the law on the terms of providing response to the Commissioner. Besides, the response did not include information on any particular actions taken by the Office of Prosecutor General.



OFFICE OF PROSECUTOR GENERAL OF UKRAINE

01011, Kyiv, 13/15 Riznytska Str.

25 December 2013 # 15/1-33984-13
To # 1-2234/ from 02.12.13
A224089-13-79

**To Ukrainian Parliament
Commissioner for Human Rights
V.V.Lutkovska**

Dear Ms. Lutkovska,

The Office of Prosecutor General of Ukraine has considered your appeal about the excessive use of force by the police officers towards the protesters in Kyiv city on 30 November and 1 December 2013.

I would like to inform you that the Central Investigation Department of the Prosecutor General's Office of Ukraine is conducting a pre-trial investigation in criminal proceedings about the abuse of authority by the police officers, during the events of 30 November 2013 on Maidan Nezalezhnosti sq. in Kyiv city on the grounds of an offense prescribed in part 2 of Article 365 of the Criminal Code of Ukraine.

To investigate the facts of abuse of authority by the police officers during the events of 1 December 2013 in Kyiv city downtown, the Investigation Department started criminal proceedings on the grounds of criminal offense prescribed in part 2 of Article 365 of the Criminal Code of Ukraine on 2 December 2013.

The monitoring of mass media messages during the investigation has established the facts of inflicting bodily injuries to the journalists by the police officers.

Taking into account such circumstances, the above-mentioned information is submitted to the Unified Register of Pre-Trial Investigations under part 1 of Article 171 of the Criminal Code of Ukraine and the mentioned criminal proceedings are combined with the criminal proceedings that are being investigated by the investigation department of the Prosecutor's Office of Kyiv city.

Currently, investigative actions are brought out in the mentioned criminal proceedings, which will result in the evaluation of the actions of the police officers as required by the Criminal Procedure Code of Ukraine.

The course of the investigation is closely monitored by the top executives of the Prosecutor General's Office of Ukraine.

Sincerely,

**Deputy Prosecutor General of Ukraine
V.Voytsyshen**

Secretariat of the Ukrainian Parliament
Commissioner for Human Rights

27 December 2013

Incoming # 2723-13. On 1 page(s)



Prosecutor's Office of Ukraine

KYIV CITY PROSECUTOR'S OFFICE

03150, Kyiv-150, 45/9 Predslavynska Str.

Fax: 524-82-90

27 January 2014 #06/1-19648-14

**To the Representative of the Commissioner –
Director of the Department for Realization of the
National Preventive Mechanism
Iu.L.Bielousov**

Dear Mr. Bielousov,

The Kyiv City Prosecutor's Office has considered your appeal about the actions of the unidentified representatives of the internal affairs bodies of Ukraine during the protests of 30 November 2013 on Maidan Nezalezhnosti sq. in the city of Kyiv that according to your opinion were unlawful.

I would like to inform you that taking into account the necessity to confirm information about the abuse of authority by the police officers during the events of 30 November 2013 on Maidan Nezalezhnosti sq. in the city of Kyiv that was broadcasted in mass media, Kyiv City Prosecutor's Office already submitted this information (#4201311000000) to the Unified Register of Pre-Trial Investigations under preliminary legal qualification, prescribed in part 2 of Article 365 of the Criminal Code of Ukraine, on 30 November 2013.

The above-mentioned criminal proceedings were transferred for further pre-trial investigation to the Prosecutor General's Office of Ukraine on 2 December 2013.

Sincerely,

Kyiv City Prosecutor

M. Beskyshkyi

Secretariat of the Ukrainian Parliament
Commissioner for Human Rights

30 January 2014

Incoming # 213-14. On 1 page(s)

On 3 December 2013 the Commissioner for Human Rights visited the temporary holding facility and Kyiv city Shevchenkivskyi District Court in person to check if the rights of the individuals who were apprehended on 1 December, on Bankova str. were ensured. There she met and communicated with all ten apprehended individuals, while they were held in the cells for defendants. The apprehended individuals complained of having been beaten by “Berkut” special force officers and the extended delay in providing medical care.

One of the apprehended individuals asked to inform his loved ones about his apprehension, the other asked to contact his wife and ask her to send him new glasses, as his glasses had been broken during apprehension. Employees of the Secretariat immediately informed the relatives of the apprehended individuals about this.

At the special meeting of the Ukrainian Parliament Committee for Human Rights and Interethnic Relations held on the events of 30 November and 1 December 2013, the Commissioner provided the Members of Parliament and present mass media with first information on the results of the proceedings on these events. Besides, the necessity to strictly adhere to the right to legal aid of the apprehended individuals was emphasized, as during the visits to individuals apprehended on 1 December it was revealed that legal aid was provided not to all individuals and not to the fullest extent. The need of apprehended individuals for special medical treatment and special medication was also mentioned, in particular, due to injury to the eyes. Thanks to the intervention of the Commissioner, the individual who was apprehended on 1 December and required medical treatment for his eyes, was transported from Lukianivske detention facility to Oleksandrivska hospital, and the members of parliament who were patronizing this person received a list of necessary medication.

On 4 December the Commissioner addressed the Minister for Internal Affairs, Mr. Vitalii Zakharchenko, with the official letter, where she asked the Minister to pay particular attention to the need to follow the regulations adopted by the Eighth UN Congress regarding the use of force and firearms by the law enforcement officials. In particular, the following items are applicable:

- Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result;
- Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - (b) Minimize damage and injury, and respect and preserve human life;
 - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

The Commissioner also mentioned that she was day and night receiving the appeals with requests to confirm or disprove information about disappearance, death or bodily injuries of certain protesters. Accordingly, Ms. Valeriia Lutkovska suggested the Minister to provide the Secretariat of the Commissioner with operative information regarding confirmation or disproof of certain information in mass and social media, and also to designate a person or a number of people who would be communicating with the representatives of the Commissioner day and night.



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04 December 2013

**To the Minister of Internal Affairs of Ukraine
V.Iu.Zakharchenko**

Dear Mr. Zakharchenko,

The Secretariat of the Ukrainian Parliament Commissioner for Human Rights and I personally share your concern about unbalanced coverage of the latest events in our country in mass and social media, as well as about the facts of violent, aggressive and unlawful actions that take place during mass meetings.

In my comments and interviews I have repeatedly emphasized the unacceptability of such actions both on the part of the protesters and police officers.

The Constitution of Ukraine, the European Convention on Human Rights and other international legal documents specifically guarantee the right to peaceful assembly and provide for the right of the state to limit the realization of right to assembly in case of danger to public order or attempts to overthrow the constitutional order by force.

Therefore, when articulating my position on unacceptability of violation of the right of citizens to peaceful assembly, I always emphasize the peaceful nature of mass meetings. At the same time, taking over administrative buildings by force, attacking police officers and acting aggressively towards certain people who take part in mass meetings deserve public condemnation as unacceptable, and guilty individuals must be identified and held accountable for their actions.

The Ambassadors of the EU and the USA share this position, and in their joint statement they condemn the attack on administrative buildings during the demonstrations in Kyiv last Sunday and call for peaceful protests.

Besides, communicating with civic activists and politicians, I always emphasize that police officers are citizens of our state just like everyone else, they also have families and children, and their relatives are waiting to see them at home, alive and unharmed. I repeatedly asked the protesters and civic activists not to fall prey to provocations and not to provoke committing of unlawful actions themselves.

However, I would like to draw your attention to the main principles of the use of force and firearms by the law enforcement officials, adopted by the Eighth UN Congress:

“– Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result;

– Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

The Office of the Commissioner and I personally also share your concern about the manipulations in information space and in social media that have, unfortunately, become widespread. The office of the Commissioner is constantly in touch with civic activists and attempts to help establish the truth and prevent the sharing of untrue and sometimes outright provocative information in every way possible.

The Secretariat of the Commissioner is day and night receiving the appeals with requests to confirm or disprove information about disappearance, death or bodily injuries of certain protesters. Through close interaction with the employees of your agency, the facilities of the Ministry of Healthcare and Prosecutor General's Office, we help civic activists to deal with the inflow of various rumors and information, distinguish between truthful and outright provocative information, find friends, acquaintances and relatives of the protesters.

Moreover, civic activists themselves, understanding the dangers of information manipulation, address us with suggestions to create a permanent Information Centre based on the official page of the Commissioner on Facebook social network or on the website of the Commissioner that would serve as a credible source of information for civic activists. Therefore, I would like to take this opportunity to suggest that you provide the Secretariat of the Commissioner with operative information regarding confirmation or disproof of certain information in mass and social media, and also designate a person or a number of people who will be communicating with the representatives of the Commissioner day and night and help promptly react to or deal with the information received from the protesters and civic activists.

Sincerely,

V.V. Lutkovska

On 5 December 2013, the employees of the Secretariat of the Commissioner visited Kyiv city emergency hospital to confirm the information broadcasted in mass media about 20 students from Maidan Nezalezhnosti sq. being held there and treated for poisoning, the hospital being blocked by police officers, and relatives prevented from visiting the students.

It was revealed that the information about blocking of the hospital by the police officers and 20 students being held there was not true. The misunderstanding had occurred because the special hospital rooms have been located in toxicology department for many years. However, the police was guarding only the special hospital rooms, while other patients of the department are receiving treatment as usual.

During the visit, it was established that 10 people were currently treated in the hospital for various injuries inflicted during the events of 30 November and 1 December 2013 in Kyiv, 6 of them in the special room under police guard, as those individuals were held in custody.

In the conversations with the representatives of the Secretariat all injured apprehended individuals informed the representatives that they experienced no problems in communication with their relatives and had no complaints against the staff of the hospital. At the same time, the citizens who were held in the special hospital rooms had a number of complaints about violation of the law during criminal proceedings, as well as about beating and cruelty on the part of law

enforcement officers. The received information was immediately submitted to the Prosecutor General's Office for the respective investigation.

On 6 December 2013, the group of employees of the Department for Realization of the National Preventive Mechanism of the Secretariat of Ukrainian Parliament Commissioner for Human Rights together with civic activists Volodymyr Pyvovarov and Taras Hataliak visited the temporary holding facility in Kyiv city without notice to confirm information about danger to life and health of civic activist Andrii Dzyndzia, who at the time was kept at the holding facility.

Upon arrival to the holding facility it was established that Andrii had already been placed in the paddy wagon to be transported to court. The monitors managed to stop the transportation process and talk to Andrii. The member of the monitoring group (the doctor with experience in forensic medical examination) examined Andrii for bodily injuries. The examination revealed no visible bodily injuries.

The analysis of medical documents showed that yesterday, on 5 December 2013, at Kyiv city emergency hospital Andrii had an X-ray examination of skull and thoracic bones, which revealed no pathological changes.

The Centre for Free Legal Aid organized the meeting of Andrii with a lawyer.

Starting on 10 December 2013, information communication framework "Secretariat of the Commissioner – civic society institutions – Ministry of Internal Affairs" started working. Coordination Centre for providing free legal aid joined the cooperation later. Working closely in shifts day and night with the representatives of civic society institutions, the employees of the Secretariat of the Commissioner started promptly processing the information that was coming from civic activists.

On the night between 10 and 11 December, the law enforcement officers attempted to push the peaceful protesters out from the territory of Maidan Nezalezhnosti sq. At about 5 a.m., the Commissioner, along with the group of employees of the Secretariat, arrived to Maidan Nezalezhnosti sq with the purpose to immediately react to possible human rights and freedoms violations.

As there was information about apprehension of the protesters, the employees of the Secretariat paid monitoring visits to a number of district police stations and medical facilities of Kyiv city, as well as to temporary holding facility. It was revealed that nine individuals who had been apprehended on Maidan Nezalezhnosti sq. were brought to Shevchenkivske district police station. By the time the employees of the Secretariat arrived, one of the apprehended individuals was taken to the hospital in an ambulance due to the emergency need for hospitalization because of the inflicted bodily injuries. Protocols on administrative offense under Article 173 of Code of Administrative Offences of Ukraine were drawn up for other eight individuals, who were detained in the district station for over three hours. On demand of the representatives of the Commissioner, apprehended individuals were released on the obligation to arrive at Shevchenkivskyi District Court on the designated day and time to participate in the hearing of their administrative cases. It was also established that four individuals sought medical treatment at the Romodanov Neurosurgery Institute. However, all the injured individuals refused hospitalization and received treatment as outpatients. On that day nobody sought treatment of

bodily injuries inflicted during the events on Maidan Nezalezhnosti at Kyiv city emergency hospital

Besides, as there was information that the police was carrying out measures to ensure enforcement proceedings, the Commissioner submitted the request to the State Executive Service of Ukraine with the purpose to find out the legal grounds for carrying out these proceedings at nighttime.

The Commissioner drew the attention of the Head of State Executive Service to the fact that according to Article 29 part 3 of the Law of Ukraine “On Enforcement Proceedings”, carrying out enforcement actions at nighttime is acceptable only if non-enforcement of the judgment poses danger to life and health of citizens or if enforcement actions started before 10 p.m. need to be continued. However, the latter is possible only if the state enforcement officer informs about this the head of the department he or she is directly subordinate to no later than the next working day after such actions were carried out.



UKRAINIAN PARLIAMENT

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11 December 2013

**To the Head of State Executive Service
of Ukraine
V.O.Dudinov**

Dear Mr. Dudinov,

I would like to inform you about the ongoing proceedings of the Commissioner for Human Rights on respect for human rights and freedoms of citizens during the events of 30 November 2013 on Maidan Nezalezhnosti in Kyiv, as well as other recent events related to peaceful assembly of the protesters.

In particular the respect for rights of peaceful protesters is being investigated within the above-mentioned proceedings, looking at the clearing of the carriageway of the streets in the vicinity of Maidan Nezalezhnosti using heavy machinery that was carried out on 10 December at nighttime.

Article 29 of the Law of Ukraine "On Enforcement Proceedings" establishes that enforcement actions are carried out by the state enforcement officers on working days not earlier than 6 a.m. and not later than 10 p.m. unless otherwise provided in this Article. Carrying out enforcement actions at nighttime is acceptable in case non-enforcement of the judgment poses danger to life and health of citizens or in case enforcement actions started before 10 p.m. need to be continued. However, the latter is possible only if the state enforcement officer informs about this the head of the department he or she is directly subordinate to no later than the next working day after such actions were carried out.

Given the above-mentioned norm and the public significance of all events on Maidan Nezalezhnosti sq. in Kyiv and in pursuance of Article 101 of the Constitution of Ukraine and Articles 17, 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", I request to immediately inform me of legal grounds to carry out the above-mentioned measures at nighttime.

Sincerely,

V.V. Lutkovska



UKRAINE

THE STATE EXECUTIVE SERVICE OF UKRAINE

73 Artema Str., Kyiv, 04053, tel./fax: (044) 486-65-18

e-mail: dvs-dilovod@minjust.gov.ua USREOU Code 37471975

25 December 2013 #13-0-01-136/33

To # _____

**To Ukrainian Parliament Commissioner for
Human Rights
V.V. Lutkovska**

Re: the results of consideration of the letter

Dear Ms. Lutkovska,

The State Executive Service has considered your letter from 11.12.2013 #1-2316/13-31 about the measures taken to clear the carriageway of the streets in the vicinity of Maidan Nezalezhnosti in Kyiv city at nighttime on 10 December 2013, and within our authority we would like to inform you of the following.

According to information available to the State Executive Service, the judgments on carrying out the above-mentioned measures were enforced by the city of Kyiv bodies of State Executive Service.

The State Executive Service of Ukraine did not directly carry out enforcement actions on clearing the carriageway of the streets in the vicinity of Maidan Nezalezhnosti in Kyiv city.

As the State Executive Service of Ukraine does not possess sufficient information on the issues mentioned in your letter, we have forwarded a respective inquiry to the Main Department of Justice of Kyiv city.

We will additionally inform you when the above-mentioned information will be received by the State Executive Service of Ukraine.

Sincerely,

Head of the State Executive Service of Ukraine

V.O.Dudinov

Kotsiubynskyi 4866584

Secretariat of the Ukrainian Parliament
Commissioner for Human Rights

30 January 2014

Incoming # 213-14. On 1 page(s)

On the night of 18 December 2013, the Secretariat of the Commissioner received information from "Euromaidan SOS" hotline that law enforcement officers apprehend in large numbers the supporters of Euromaidan on Kyiv railway station and abuse them. For immediate confirmation of this information, the group of the employees of the Secretariat along with civic activists arrived at the railway station. Conversations with young people who were awaiting their trains at the railway station did not confirm the apprehension of activists. The employees of the Secretariat also checked the line police station on Kyiv-Pasazhyrskyi railway station, examined the staff only space and viewed the videos recorded by security cameras. The result of the monitoring revealed no confirmation of the information about apprehension of activists.

On 25 December 2013, mass media reported on inflicted bodily injuries of Kharkiv Euromaidan activist Dmytro Pylypets. Within the started proceedings the request was forwarded to the Main Department of Ministry of Internal Affairs in Kharkiv oblast asking to inform the Commissioner on the measures taken within the started criminal proceedings.

Information about submitting data to the Unified Register of Pre-Trial Investigations and starting the investigation was received in response to the request.

**Main Department
of the MIA of Ukraine
in Kharkiv oblast
INVESTIGATION DEPARTMENT**
61023, Kharkiv,
entr. 2, 14 Vesnina Str.
27.12.2013 # 39/6189
1.-2349/13-08
26.12.2013

**To Ukrainian Parliament Commissioner
on Human Rights
V.V. Lutkovska**
21/8 Instytutska Str.,
01008, Kyiv

Dear Ms. Lutkovska,

The top executives of the Main Department of MIA of Ukraine in Kharkiv oblast have considered your request on providing information about the submission of information about inflicting of bodily injuries to Dmytro P. to Unified Register of Pre-Trial Investigations.

On 24.12.2013 at about 9.15 p.m. the on-duty unit of Kyivskiy district station of Kharkiv Police Department of Main Department of MIA of Ukraine in Kharkiv oblast received information from "102" hotline operator about the attack of unidentified individuals at 27 Ivanova str., Kharkiv city, on D.lu.P. on hooligan motives and inflicted bodily injuries to P.: numerous incised wounds of left and right sides of gluteal area and right hand.

On 24.12.2013 the investigator of the Investigation Department of Kyiv district station of Kharkiv Police Department of Main Department of MIA of Ukraine in Kharkiv oblast started criminal proceedings #12013220490006685 on the grounds of criminal offence prescribed in part 1 of Article 122 of the Criminal Code of Ukraine and #12013220490006686 on the grounds of criminal offence prescribed in part 4 of Article 296 of the CC of Ukraine based on the above-mentioned fact.

On 24.12.2013 Kyiv district Prosecutor's Office in Kharkiv city united the materials of criminal proceedings #12013220490006685 and #12013220490006686 in single proceedings under common number #12013220490006685.

On 27.12.2013 Kharkiv oblast Prosecutor's Office ruled that further pre-trial investigation on the above-mentioned criminal proceedings is to be carried out by investigation department of Kharkiv Police Department of Main Department of MIA of Ukraine in Kharkiv oblast.

Currently the necessary investigative (detective) actions aimed at speedy, full, and unbiased investigation of the circumstances of the committed criminal offense are brought out under criminal proceedings #12013220490006685.

The course of pre-trial investigation #12013220490006685 and making a lawful and grounded judgment in these proceedings are under constant supervision of the top executives of the Main Department of MIA of Ukraine in Kharkiv oblast.

Secretariat of the Ukrainian Parliament
Commissioner for Human Rights

08 January 2014

Incoming # 4-14. On 4 page(s)

We are also forwarding you a copy of the extract from the United Register of Pre-Trial Investigations on criminal proceedings #12013220490006685.

Sincerely,

**First Deputy Head of the Main Department of MIA –
Head of Investigation Department of the Main Department of MIA
of Ukraine in Kharkiv oblast
police colonel**

M.I. Fomenko

At the end of December, the Secretariat of the Commissioner started receiving an increasing number of appeals about pressure on the civil society activists, damage caused to the belongings and property of the participants and organizers of the peaceful demonstrations, journalists as well as reports about attacks on them.

As of 27 December 2013 the Secretariat of the Commissioner received dozens of appeals on:

- attacks on the organizers, co-organizers and activists of the local demonstrations in Feodosiia, Ivano-Frankivsk, Dnipropetrovsk, Kharkiv, Zhytomyr, Ternopil;
- damage caused to property and cars that belong to the activists of demonstrations in Simferopol, Luhansk, Uzhhorod, Odesa oblast and Kharkiv;
- cruel beating of journalists and mass media representatives in Kyiv, Kyiv oblast, Zhytomyr.

On 25 December 2013 at about 2 a.m. the activists of Association of Ukrainian Human Rights Monitors on law-enforcement informed the representatives of the Office of the Commissioner for Human Rights who were at the time working in shifts day and night about the events that happened to the famous journalist Tetiana Chornovil.

Accordingly, on 27 December 2013 the Commissioner for Human Rights appealed to the Prosecutor General of Ukraine and the Minister of Internal Affairs of Ukraine with the request to **ensure efficient, objective and transparent investigations of all cases concerning the attacks on journalists and peaceful protests activists, the damage caused to their property and cars and bring the perpetrators to justice.**

The Commissioner noted that *“the representatives of civil society institutes, human rights community justly point out that mentioned facts are perceived by the society as a sign of possible implementation of the strategy of intimidation of the peaceful protests activists. Unfortunately, the impunity of the perpetrators of these unlawful acts only strengthens this idea in society.”*²

² http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2007:statement-of-the-ukrainian-parliament-commissioner-for-human-rights-on-the-events-that-are-recently-taking-place-in-kyiv-and-different-regions-of-ukraine&catid=14:2010-12-07-14-44-26&Itemid=75

Ukrainian Parliament
Commissioner
for Human Rights

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Statement of the Ukrainian Parliament Commissioner for Human Rights on the events that are recently taking place in Kyiv and different regions of Ukraine

Friday, 27 December 2013 16:20


Права людини

The Commissioner for Human Rights expresses her deep concern with regard to the growing pressure on the civil society activists, numerous reported attacks on the participants and organizers of the peaceful demonstrations, journalists as well as damage caused to their belongings and property.

For the period from 30 November 2013 the Secretariat of the Ukrainian Parliament Commissioner for Human Rights received dozens of petitions on:

- attacks on the organizers, co-organizers and activists of the local demonstrations – in Feodosiyya, Ivano-Frankivsk, Dnipropetrovsk, Kharkiv, Zhytomyr, Ternopil;
- damage caused to property and cars that belong to the activists of demonstrations in Simferopol, Lugansk, Uzhgorod, Odessa and Kharkiv;
- cruel beating of journalists and Mass Media representatives in Kyiv, Kyiv region, Zhytomyr.

Reports, petitions and information that came from the human rights organizations' representatives concerning these events are added to the relevant proceedings on violations of the rights to peaceful assembly, to freedom of expression, to receive and disseminate information, to life and personal integrity, being under my personal control.

The representatives of civil society institutes, human rights community justly point out that mentioned facts are perceived by the society as a sign of possible implementation of the strategy of intimidation of the peaceful protests activists. Unfortunately, the impunity of the perpetrators of these unlawful acts only strengthens this idea in society.

In this regard, I appeal to the Prosecutor General of Ukraine and the Minister of Internal Affairs of Ukraine with a request to ensure efficient, objective and transparent investigations of all cases concerning the attacks on journalists and peaceful protests activists, the damage caused to their property and cars and to bring the perpetrators to justice. As the impunity provokes and breeds new crimes.

At the same time, I draw the attention of journalists, civil society activists and representatives of Mass Media to the inadmissibility of violation of the right to privacy and personal data protection. It should be always remembered, that in any case the person is innocent until a guilty verdict is rendered by court. Thus, the dissemination of information on some persons' guilt by committing unlawful acts, and publication of their personal data, not only violate journalistic ethics but also contains the elements of criminal acts.

I would like to express my gratitude to all civil society associations and human rights defenders that jointly with the staff of the Secretariat of the Commissioner for Human Rights have been actively working within the framework of the information communication mechanism in the format "Civil society activists – Office of the Ukrainian Parliament Commissioner for Human Rights – Ministry of Internal Affairs". These days, in close cooperation with representatives of civil society the officers of the Secretariat of the Commissioner have been quickly analyzing information received from civil society activists, collecting and studying the facts of the events 24/7.

I call to all participants of mass actions and civil society activists, regardless of their social, political or geopolitical preferences, to refrain from violence against their opponents and from calls for coercive actions, because this is the ideas that win but not the force.

From the right of force we should return to the force of law.

At the same time, the Commissioner drew the attention of journalists, civil society activists and representatives of mass media to the inadmissibility of violation of the right to privacy and personal data protection, as the right to privacy is one of the key human rights, according to the European Convention for Human Rights. The dissemination of personal information of an individual via Internet without their consent, moreover, the dissemination of personal information of the members of their families and children is unacceptable and does not correspond to European human rights norms.

The reports, appeals and information received from the representatives of human rights organizations regarding these events were attached to respective proceedings on violation of rights to peaceful assembly, freedom of expression, access and dissemination of information, life and security of person.

January 2014

To ensure uninterrupted monitoring of respect to human rights and freedoms, the Commissioner established rotation of the employees of the Secretariat during holidays and days off between 1 and 7 January 2014. The rotation included the employees of the Department for Realization of the National Preventive Mechanism, Department for Observance of Procedural Legislation, and Department for Communication Policy and Public Relations. The situations remained peaceful during these days.

On 10 January 2014, there were clashes between the protesters and law enforcement officers in the vicinity of Kyiv oblast Kyivo-Sviatoshynskiy district court and later in the vicinity of Sviatoshynske district police station. As a result, 11 individuals with different degree of bodily injuries were transported by emergency medical care transport to Kyiv city clinical hospital # 17 and Kyiv oblast hospital. The results of further investigation by the employees of the Secretariat of the Commissioner for Human Rights revealed that as of 4 p.m. on 11 January, 4 individuals out of those individuals who had bodily injuries were staying in treatment facilities:

- 2 individuals in Kyiv oblast clinical hospital;
- 1 individual (a police officer) in the Central hospital of the Ministry of Internal Affairs of Ukraine;
- 1 individual in a private hospital.

According to the authorities of Kyiv city clinical hospital #17 and Kyiv city clinical hospital for emergency medical care, individuals who were brought to the hospital by ambulances or sought help at the hospitals on their own, received the necessary outpatient or inpatient medical care and were discharged home.

The results of individual conversations with the injured individuals conducted by the employees of the Secretariat of the Commissioner revealed no complaints about providing the medical care. Also, although there was prior information regarding the refusal of hospitalization, at the time of the inspection the individual in question was registered as inpatient.

The events of 10-11 January urged the Commissioner for Human Rights once again to remind both the representatives of authorities and the protesters that the Constitution of Ukraine acknowledges the life and health of a person, as well as their and dignity, as the highest social value³.

³ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2013:the-statement-of-the-commissioner-for-human-rights-concerning-events-near-kyievo-svyatoshinsky-district-court-of-kyiv-region&catid=14:2010-12-07-14-44-26&Itemid=75

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Commissioner
for Human Rights**

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March

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The statement of the Commissioner for Human Rights concerning events near Kyievo-Svyatoshinsky district court of Kyiv Region

Wednesday, 15 January 2014 09:46

The events occurring on January 10 of this year under Kyievo-Svyatoshinsky district court of Kyiv Region and subsequently near Svyatoshinsky district division of militia, compel me to remind once again both to authorities, and participants of mass actions that the Constitution of Ukraine recognizes life and health of the person, his honor and dignity as the highest social value.

Each person has the right for respect, and nobody can incur the actions humiliating his dignity. Nobody can intervene in private and family life, except the cases foreseen by the Constitution of Ukraine. Notwithstanding the above he is the representative of law enforcement bodies, the prosecutor, the judge or the public activist.

I note that establishment in Ukraine of the European standards in the sphere of protection of human rights was proclaimed among main goals of a peaceful assembly "Euromaydan".

Unfortunately, some actions of activists and participants of mass actions not only don't respond to the proclaimed purposes of a peaceful assembly, but also directly contradict the European principles in the sphere of protection of human rights. And certain mass actions within "Euromaydan" at all don't respond to the European criteria of "peaceful assemblies".

The right for a privacy is one of key human rights according to the European convention on human rights. Distribution in the Internet of personal data of the person without his consent and furthermore distribution of personal information of members of his family and children is inadmissible and doesn't respond to the European standards in the sphere of protection of human rights.

I call public activists and participants of peaceful protest actions to listen to words of representatives of "Automaydan" in these words the issue is that each person has to be protected from infringement of the life, health or a personal liberty and during participation in protest actions to use exclusively lawful ways of solutions of conflict situations.

The only really effective way of fight for human rights is legal. And in the legal plane during implementation of proceedings of the Ukrainian Parliament Commissioner for human rights concerning observance of rights of Mr. Bevz S. V., Mr. Mosychuka I.V. and Mr. Shpara V. M. a number of effective measures was undertaken.

Among them – monitoring of observance of procedural rights of defendants within it the representative of the Commissioner for Human Rights was present during court sessions of Kyievo-Svyatoshinsky district court of Kyiv Region including at the closed court sessions.

On the basis of the previous results of such monitoring, still on July 15, 2012 I applied to the Head of the Highest qualification commission of judges of Ukraine with proposal to verify a condition of fulfillment by the judge of Kyievo-Svyatoshinsky district court of Kyiv Region Mr. Burbela Y.S. of official duties and the oath of the judge, and also requirements of the article 6 of the Convention on protection of human rights and fundamental freedoms while considering criminal case concerning Mr. Bevz S. V. Mr. Mosychuka I.V. and Mr. Shpara V. M. and in the presence of

The Commissioner asked civic activists and peaceful protesters to listen to representatives of “Automaidan” initiative who remind that every person must be protected from infringement of their life, health and personal liberties and that only lawful ways of conflict solving must be used during the protests.

The Commissioner for Human Rights also drew attention of the top executives of the law enforcement to the fact that the actions of police officers must correspond to the main principles of the use of force by law enforcement officials adopted by Eighth UN Congress on the Prevention of Crime and Treatment of Offenders.

Starting from 13 January 2014, the Commissioner has received 14 appeals of the participants of Automaidan about the actions of the officers of State Automobile Inspectorate (SAI) of MIA, including searching for activists, collection of confidential information, home visits, unlawful summons to State Automobile Inspectorate stations, and bringing to administrative liability on

the grounds of falsified materials of administrative proceedings in violations of substantive and procedural law.

Proceedings of the Commissioner in the case of violation of human rights and freedoms were started on the facts mentioned in the appeals. Within the started proceedings, appeals were sent to Prosecutor General's Office of Ukraine to check these facts and reach the judgments in the manner and way prescribed by the law of Ukraine.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

21/8 Instytutska Street,
Kyiv, 01008, Ukraine

E-mail: omb@ombudsman.gov.ua
<http://www.ombudsman.gov.ua>

Tel.: +38 044 253-22-03
Fax: +38 044 226-34-27

#19/7-K225609.14/26, Sh225643.14/26,
H225684.14/13, D225694.14/26, M225700.14/26,
K225710.14/26, R225821.14/26, K225918.14/10,
D225993.14/26, P226028.14/06, T226079.14/10,
H226088.14/13 – 08.

29 January 2014

The Office of the Prosecutor General of Ukraine
13/15 Riznytska str., 01011, Kyiv

The Ukrainian Parliament Commissioner for Human Rights received deputy appeals from Oleksandr O.H., in the interests of Mykhailo D. and Mark Z.K., the statement from Hanna V.D. about the committed criminal offences, and complaints of Oleksii V.Sh., Tetiana V.K., Andrii B.R., Viktor V.K., Hanna V.D., Zoriana Z.M., Ievhen V.K., Arsenii M.T., and Serhii L.P. on the actions of the State Automobile Inspection MIA of Ukraine officers, such as searching for them, collection of confidential information, home visits and summons to the State Automobile Inspection stations under the pretext of bringing to responsibility for committing offences that, according to the authors of the appeals, they did not commit.

The appellants claim that the actions of law enforcement officers and their use of falsified materials violate the right not to be forced to do what is not stipulated by law.

Proceedings of the Commissioner in the case of violation of human rights and freedoms were started on the facts mentioned in the appeals.

Based on the above, on the ground of Article 19 of the Constitution of Ukraine, Articles 1, 13, 17 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4, 6.6 of the Provision on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2012, I am forwarding deputy appeals from Oleksandr O.H., in the interests of Mykhailo D. and Mark Z.K., the statement from Hanna V. D. about the committed criminal offences, and complaints of Oleksii V.Sh., Tetiana V.K., Andrii B.R., Viktor V.K., Hanna V.D., Zoriana Z.M., Ievhen V.K., Arsenii M.T., and Serhii L.P. for checking these facts and reaching the judgments in the manner and way prescribed by the law of Ukraine.

As required by Article 22 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", I am asking to inform the Commissioner about the measures taken and judgments made.

Attachments:

- a copy of the deputy appeal of Oleksandr O.H. in the interests of Mykhailo D., on 2 pages, in 1 copy;*
- a copy of the deputy appeal of Oleksandr O.H. in the interests of Mark Z.K., on 3 pages, in 1 copy;*
- a copy of the statement of Hanna V.D. about the committed criminal offences, on 6 pages, in 1 copy;*
- a copy of the complaint of Oleksii V.Sh., on 2 pages, in 1 copy;*
- a copy of the complaint of Tetiana V.K., on 2 pages, in 1 copy;*
- a copy of the complaint of Andrii B.R., on 2 pages, in 1 copy;*
- a copy of the complaint of Viktor V.K., on 2 pages, in 1 copy;*
- a copy of the complaint of Hanna V.D., on 2 pages, in 1 copy;*
- a copy of the complaint of Zoriana Z.M., on 2 pages, in 1 copy;*
- a copy of the complaint of Ievhen V.K., on 2 pages, in 1 copy;*
- a copy of the complaint of Arsenii M.T., on 2 pages, in 1 copy;*
- a copy of the complaint of Serhii L.P., on 3 pages, in 1 copy.*

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

The reply received from the Prosecutor General's Office said that respective regional Prosecutor's Offices servicing the areas of actions that are subject to the appeals were assigned to check the appeals of Automaidan participants.



Prosecutor's Office of Ukraine

Supervision continued

[signature]

17.02.2014

THE OFFICE OF THE PROSECUTOR GENERAL

13/15 Riznytska Str., Kyiv-11, 01011

fax: 280-26-03

07 February 14 #06/1-11632-14

_____ dated _____

**To the Representative
of the Commissioner – director
of the Department for Realization
of the National Preventive Mechanism
Iu.L.Bielousov**

Dear Mr. Bielousov,

Your appeal in the interests of O.O.H., H.V.D. and others about the actions of the law enforcement officers were forwarded to Prosecutor's Offices in Lviv, Kyiv, and Zhytomyr oblasts and the Kyiv City Prosecutor's Office, so that their review was organized according to the requirements of current legislation. The respective Prosecutor's Offices will inform you of the results as prescribed by law.

Prosecutor General's Office of Ukraine has taken the course of managing your appeal under supervision.

Sincerely,

**Deputy Head of the Main Department
of Supervision over Criminal Proceedings
of the Investigative Bodies
of the Prosecutor's Office**

A. Petrunia

To Inc. #H225684.14/13

10 February 2014

on 1 page

In addition, in order to evaluate the actions of the State Automobile Inspection officers within the proceedings of the Commissioner, the inquiry was sent to the Head of the State Automobile Inspection Department of MIA of Ukraine demanding explanation of the substantive and legislative ground of actions of every police officer whose actions were the subject of appeal. The copies of materials of administrative proceedings concerning the authors of appeals were included as well.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

21/8 Instytutska Street,
Kyiv, 01008, Ukraine
#19/7-K225609.14/26, Sh225643.14/26,
H225684.14/13, D225694.14/26, M225700.14/26,
K225710.14/26, R225821.14/26, K225918.14/10,
D225993.14/26, P226028.14/06, T226079.14/10,
H226088.14/13 – 08.

E-mail: omb@ombudsman.gov.ua
<http://www.ombudsman.gov.ua>

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Fax: +38 044 226-34-27

29 January 2014

**To the Head of State Automobile Inspection Department
of the Ministry of Internal Affairs of Ukraine
V.I.Astapkovych**

6,2 Lukianivska str., Kyiv, 04071

Dear Mr. Astapkovych,

The Ukrainian Parliament Commissioner for Human Rights is receiving deputy appeals and numerous complaints from citizens on the actions of the State Automobile Inspection (SAI) officers, such as searching for them, collection of confidential information, home visits and summons to the SAI stations under the pretext of bringing to responsibility for committing offences that, according to the authors of the appeals, they did not commit.

Based on the facts, described in the above-mentioned appeals, and mass media publications on the matter, the Commissioner started proceedings in the case of violation of human and citizen rights.

Based on the above, on the ground of Article 19 of the Constitution of Ukraine, Articles 1, 13, 17 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4, 6.6 of the Provision on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2012, I am asking that by 20 February 2014 you provide the Commissioner for Human Rights with case files of administrative proceedings concerning:

1. Oleksiy V.Sh., summoned to SAI station of Sviatoshynske district station of the Main Department of the MIA of Ukraine in Kyiv city, to show up at 10.00 on 08 January 2014;
2. Tetiana V.K, summoned to SAI station of Obolonske district station of MDMIA of Ukraine in Kyiv city, to show up at 14.00 on 09 January 2014;
3. Andrii B.R., summoned to STI station of Obolonske district station of MDMIA of Ukraine in Kyiv city, to show up at 14.20 on 09 January 2014;
4. Viktor V.K., summoned to SAI station of Obolonske district station of MDMIA of Ukraine in Kyiv city, to show up at 14.50 on 09 January 2014;

5. Hanna V.D., summoned to SAI station of Holosiivske district station of MDMIA of Ukraine in Kyiv city, to show up at 10.00 on 10 January 2014;
6. Zoriana Z.M., summoned to SAI station of Lviv city station of MDMIA of Ukraine in Lviv oblast, to show up at 10.00 on 09 January 2014;
7. Mykhailo D., visited by officers of SAI MDMIA of Ukraine in Lviv oblast at his place of residence on 04 January 2014;
8. Mark Z.K., summoned to SAI station of Lviv city station of MDMIA of Ukraine in Lviv oblast, to show up at 10.00 on 11 January 2014;
9. Ievhen V.K., summoned to SAI station of Irpin city station of MDMIA of Ukraine in Kyiv oblast, to show up at 14.00 on 07 January 2014;
10. Arsenii M.T., on whom SAI officers drew up a protocol series AH2 #242887 on 9 January 2014 about the offence that he allegedly committed on 29 January 2013;
11. Serhii L., on whom SAI officers drew up a protocol series AB2 #426544 on 9 January 2014 about the offence that he allegedly committed on 29 January 2013.

In addition to this, I am asking you to provide the Commissioner for Human Rights with **explanations of substantive and legislative ground of actions and judgments** of every police officer whose actions were the subject of appeal.

Attachments:

- a copy of the complaint of Oleksiy V. Sh., on 2 pages, in 1 copy;
- a copy of the complaint of Tetiana V. K., on 2 pages, in 1 copy;
- a copy of the complaint of Andrii B. R., on 2 pages, in 1 copy;
- a copy of the complaint of Viktor V. K., on 2 pages, in 1 copy;
- a copy of the complaint of Hanna V. D., on 2 pages, in 1 copy;
- a copy of the complaint of Zoriana Z. M., on 2 pages, in 1 copy;
- a copy of the deputy appeal of Oleksandr O. H. in the interests of Mykhailo D., on 2 pages, in 1 copy;
- a copy of the deputy appeal of Oleksandr O. H. in the interests of Mark Z. K., on 3 pages, in 1 copy;
- a copy of the complaint of Ievhen V. K., on 2 pages, in 1 copy;
- a copy of the complaint of Arsenii M. T., on 2 pages, in 1 copy;
- a copy of the complaint of Serhii L. P., on 3 pages, in 1 copy.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

The reply of the head of the State Automobile Inspection department of the MIA of Ukraine to the above-mentioned appeal was received and, according of the Commissioner, it indicates serious violation of the duty to cooperate with the Commissioner. A respective appeal of the Commissioner to the Minister of Internal Affairs is being drafted.

MIA OF UKRAINE

STATE TRAFFIC

INSPECTORATE DEPARTMENT

04071, Ukraine, Kyiv, 62 Lukianivska Str.,

Tel.: (38044) 272-36-60, 272-37-56,

Fax: (38044) 272-47-53



Supervision continued

[signature]

17.02.2014

8 February 2014

#4/3-2492

To # _____ dated _____

The Verkhovna Rada of Ukraine

To the Representative of the Commissioner
Director of the Department for Realization
of the National Preventive Mechanism

Iu.L.Bielousov

Dear Mr. Bielousov,

The State Automobile Inspection Department of the MIA of Ukraine has reviewed your appeal dated #19/7-K225609.14/26, Sh225643.14/26, H225684.14/13, D225694.14/26, M225700.14/26, K225710.14/26, R225821.14/26, K225918.14/10, D225993.14/26, P226028.14/06, T226079.14/10 as of 19 January 2014 within the competence, with the necessity to provide you with copies of case files of administrative proceedings on individuals you designated and explanations of the substantive and legislative ground of actions and judgments of every police officer whose actions were the subject of appeal.

Upon reviewing your appeal, we would like to inform you that the SAI Department of the MIA of Ukraine is not the holder of the requested documents and information about legislative grounds of actions of certain police officers, as administrative files on individuals you mentioned are being reviewed by respective judicial institutions, and intervention into their work goes beyond the competence of the SAI of the MIA.

We would like to draw your attention to the fact that according to item 10 of the Regulation on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2014, state authorities, local government authorities, associations of citizens, businesses, institutions and organizations regardless of ownership, officials and officers addressed by the representative of the Commissioner, should cooperate with them and provide them the required help, in particular, provide information and explanations of the substantive and legislative grounds for their actions and judgments. At the same time, there are no appeals to the actions and judgments of the officers of the SAI Department of the MIA of Ukraine in the copies of the complaints that you have forwarded us.

Besides, we would like to inform you that the provisions of the law of Ukraine "On Appeals of Citizens" do not prescribe review of the copies of the citizens' complaints. Therefore, to organize the review of these appeals,

To Inc. #K225609.14/26

11 February 2014

on 2 page(s)

providing of the required explanation and restoring the rights of citizens that according to the appealers were violated, we suggest that in accordance with Article 7 of this Law you forward them to appropriate internal affairs bodies that have the competence to deal with the raised issues.

Also, should you decide to address us with further inquiries, we kindly ask you to take into account that the SAI Department of the MIA of Ukraine is the structural subdivision of the Ministry of Internal Affairs of Ukraine and does not have the status of internal affairs body or state authority.

Sincerely,

The Head of the Department

V.I.Astapkovich

Further reaction of the state authorities on the appeals of Automaidan participants is under supervision of the Commissioner.

Another round of confrontation took place on 19 January 2014, when clashes between the protesters and the police officers started on Hrushevskoho str., which caused injuries to dozens of individuals from both sides.

On the same day the Commissioner addressed both sides of the conflict with the appeal to cease any use of force⁴.

⁴ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2021:the-commissioner-for-human-rights-urges-all-parties-to-cess-immediately-forced-actions-&catid=14:2010-12-07-14-44-26&Itemid=75

Ukrainian Parliament
Commissioner
for Human Rights

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PRESS

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The Commissioner for Human Rights urges all parties to cease immediately forced actions

Tuesday, 21 January 2014 09:43

I express deep concern concerning the events occurring on Grushevsky Street in the center of Kyiv City, and I condemn manifestations of violence on the results of them dozen of participants of mass actions and employees of law enforcement bodies already suffered.

I urge all parties to cease immediately and further to refrain from any forced or provoking violence actions.

Among the reasons which became the catalyst of violent acts, and amendments in the legislation adopted by the parliament on January 16, 2014 are widely mentioned which concern basic rights and freedoms of the person.

Certainly, drafts of normative legal acts which directly concern such sensitive sphere as the rights and freedoms of the person, have to be a subject of large public discussion even if their some norms are similar to that which are in force in EU countries.

The latest events are a sharp evidence that non-compliance with this practice can lead to mentioned consequences. However arguments of force, bludgeons and stone blocks not only don't approach us to the solution of the conflict but only it aggravates and narrows a field for search of difficult compromises.

I am convinced, the only exit from the crisis situation which is in the society, is open and public political dialogue with participation of all interested parties. Welcoming an initiative concerning creation of the working group for consideration of issues for settlement of political crisis, I express the readiness to join the proposed public dialogue and I urge representatives of civil society to use this opportunity for search of ways of the peace solution of the conflicts.

In her Statement the Commissioner said that she believes *“the only way out of the crisis that developed in the society is an open and public political dialogue involving all interested parties. I welcome the initiative on creating the working group on consideration of the issues arising from political crisis management, and I confirm that I am ready to join the suggested public dialogue. I also ask the representatives of civil society to use this possibility to search for ways of peaceful resolution of conflicts”*.

In addition to this, the head of Secretariat of the Commissioner sent the inquiry to the Head of the Main Department of MIA of Ukraine in Kyiv city on the same day, demanding to urgently provide the Commissioner with exhaustive information about all individuals who were apprehended by police officers during 19-20 January 2014, as well as verify information about apprehension and undue treatment towards mass media representatives.



SECRETARIAT

of the Ukrainian Parliament Commissioner for Human Rights

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20 January 2014

**To the Head of MDMIA
of Ukraine in Kyiv city a.i.
V.B. Mazan**

15, Volodymyrska str., Kyiv, 01601

Dear Mr. Mazan,

The Ukrainian Parliament Commissioner for Human Rights has started proceedings regarding the events that have been taking place on Hrushevskoho str. in Kyiv city starting from 19 January 2014.

Accordingly, based on Article 101 of the Constitution of Ukraine and Articles 1, 13, 22 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", I am requesting to **immediately** provide the information on the following issues:

- the total number of individuals apprehended in connection with the above-mentioned events;
- the actual place and time of apprehension of every apprehended individual;
- the place of detention of every apprehended individual;
- the judgments made on every apprehended individual;
- compliance with the procedure of informing Centre for free secondary legal aid about the cases of apprehension of individuals, approved by the Resolution of the Cabinet of Ministers of Ukraine #1363 as of 28.12.2011, regarding each of the apprehended individuals.

I am separately requesting you to **immediately** verify numerous media reports about apprehension of the employees of mass media, in particular, reports about extended detention in one of the paddy wagons on Hrushevskoho str. of "Radio Svoboda" crew (cameraman Ihor I. and journalist Dmytro B.).

Please, provide the information to the reception of Ukrainian Parliament Commissioner for Human Rights by 18.00 on 20 January 2014 via tel./fax # 044 226 34 27.

Sincerely,

Head of the Secretariat

B.V. Kryklyvenko

However, the reply that was reportedly sent from the MIA on 20 January 2014 reached the Secretariat of the Commissioner only on 17 February 2014. This matter is being investigated with the purpose to use response measures.



Measures taken

[signature] 24.02.2014

**MIA OF UKRAINE
MAIN DEPARTMENT
IN KYIV CITY
INVESTIGATIONS DEPARTMENT**
15 Volodymyrska str., Kyiv, 01601
20 January 2014, #12/2-885
To: #2-90/14-08 dated 20 January 2014

To the Head of the Secretariat
of Ukrainian Parliament Commissioner
for Human Rights
B.V.Kryklyvenko
21/8 Instytutska Str., Kyiv, 01008

Re: review of the inquiry

Dear Mr. Kryklyvenko,

Your letter #2-90/14-08 as of 20 January 2014 on providing information regarding the events on Hrushevskoho str. in Kyiv city starting from 19 January 2014 by order of the top executives of the Main Department of the MIA of Ukraine in Kyiv city was reviewed in the Investigations Department.

The results of checking the information outlined in the inquiry showed that as of 18.00 on 20 January 2014 within criminal proceedings about riots on Hrushevskoho str. in Kyiv city investigated by Investigations Department of Main Department of the MIA of Ukraine, 22 suspects were apprehended in connection with the above-mentioned events according to the procedure prescribed in Article 208 of the Criminal Procedure Code of Ukraine.

The apprehended individuals are detained in, respectively, Desnianske, Dniprovske and Darnytske district police stations.

Sincerely,

Deputy Head of the Department

O.M. Sheremet

Starting from 20 January 2014, the employees of the Secretariat of the Commissioner for Human Rights started paying daily monitoring visits to internal affairs bodies and subdivisions and treatment facilities of the city to check information about possible violation of rights and freedoms of individuals who were apprehended in connection with the events on Hrushevskoho str. Kyiv City Prosecutor's Office was immediately informed about every fact of the revealed violations to enable appropriate response measures.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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25 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyskyi**

45/9 Predslavynska Str., Kyiv, 03151

Dear Mr. Beskyskyi,

On 20 and 23 January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to Darnytske district station of Main Department of the MIA of Ukraine in Kyiv city in order to monitor the activity of bodies and subdivisions of Main Department of the MIA of Ukraine in Kyiv city in terms of compliance with the requirements of the Constitution of Ukraine, national laws, international Conventions and standards on treatment of apprehended and brought to stations individuals, respect to their rights related to restriction of personal liberty.

Thus, on 23 January 2014 it was established that individuals who had been brought to district stations with bodily injuries that, according to them, had been inflicted during apprehension, when they were brutally beaten by police officers, did not receive timely medical care, namely:

R., brought to the station at 04.10 a.m., hospitalized to Kyiv city emergency hospital at 10.25 a.m.;
Sh., brought to the station at 04.10 a.m., hospitalized to Kyiv city emergency hospital at 10.30 a.m.;
K., brought to the station at 04.10 a.m., hospitalized to Kyiv city emergency hospital at 11.25 a.m.;
S., brought to the station at 04.10 a.m., hospitalized to Kyiv city emergency hospital at 08.48 a.m.

The European Court of Human Rights repeatedly stressed that the use of force by the law enforcement officers should comply with the criteria of necessity, legality and proportionality. According to the practice of European Human Rights Court, there must be efficient investigation of every event of use of force that would allow finding out all the circumstances of the case, and, in case of establishing any human rights violations, bring the guilty individuals to justice.

I would like to inform you that according to the results of the preliminary monitoring visit to Darnytske district station of the Main Department of the MIA of Ukraine in the city of Kyiv, a letter was forwarded to the Prosecutor General's Office of Ukraine (a copy is attached).

Based on the above and on the ground of Article 101 of the Constitution of Ukraine, item 3 Article 3 and Articles 15, 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4, 6.6 of the Regulation on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2012, I am requesting you to conduct impartial and non-biased investigation on the above-mentioned facts, and inform the Commissioner about the results of such investigation.

Annex, 1 page

**Sincerely,
Representative of the Commissioner –**

**Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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25 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

45/9 Predslavynska Str., Kyiv, 03150

Dear Mr. Beskyshkyi,

On 23 January, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to Obolonske district station of the Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights in the activities of law enforcement agencies.

The visit revealed a number of systematic violations of human rights in the activity of the district station in question.

The right to legal aid is being violated. Contrary to the requirements of Articles 208, 215 of the Criminal Procedure Code of Ukraine, the Procedure of informing Centres for free secondary legal aid, adopted by the Resolution of the Cabinet of Ministers of Ukraine #1363 as of 28 December 2011, authorized officers who perform apprehension, did not inform the body authorized by the law to provide free legal aid **immediately after such apprehension.**

In particular, the Centre for free legal aid was informed about the apprehension of:

- A., in **13 hours 45 minutes** after the actual apprehension;
- P., in **7 hours 30 minutes** after the actual apprehension;
- P., in **7 hours 30 minutes** after the actual apprehension;
- S., in **9 hours 30 minutes** after the actual apprehension;
- M., in **9 hours 10 minutes** after the actual apprehension.

–

The time of informing the Centre is not indicated for S. at all; it is only mentioned that the lawyer arrived in 10 hours 40 minutes after the actual apprehension.

In violation of the requirements of item 6.6.2 of the Instructions approved by the order of MIA #181 as of 28 April, the duty officer of Obolonske district station does not check whether The Centre of free legal aid is informed about the apprehension of the individual brought to the station, and does not inform the Centre himself, documenting the fact of informing.

Torture and other cruel, inhuman or degrading treatment.

The citizens are being detained in police vans for a long time after apprehension, under subzero air temperatures, without access to drinking water or the opportunity to relieve themselves. In particular, such individuals were kept in police vans from the moment of actual apprehension until being brought to the pre-trial investigation authorities:

- A., for 11 hours 15 minutes;

- P., for 7 hours;
- P., for 11 hours;
- S., for 6 hours 30 minutes;
- M., for 6 hours;
- S., for 6 hours 40 minutes.

The requirements of part 5 of Article 208 of the Criminal Procedure Code of Ukraine prescribing to mention the place, date and exact time (hours and minutes) of apprehension in the protocol **are being violated**, as they, according to the provisions of Article 209 of this Code.

For instance, according to the protocol of apprehension of S., the actual apprehension time is stated as 1 p.m. 22 January 2014, whereas in the separate clarification comment to the protocol the lawyer and the apprehended individual himself state that the time of actual apprehension was 10 a.m. 22 January 2014.

In the protocols of apprehension of A., S., and P. the **places of their actual apprehension are not mentioned at all**.

The requirements of Article 212 of the Criminal Procedure Code of Ukraine are being violated. The officer responsible for apprehended individuals was not appointed in the subdivision of pre-trial investigation of Obolonske district station of the Main Department of the MIA of Ukraine in Kyiv city, and the requirements of part 3 of this Article on ensuring the rights of apprehended individuals are not followed.

Taking into account all of the above, based on Article 101 of the Constitution of Ukraine, Articles 1, 3, 13, 17, 22 of the Law of Ukraine “On Ukrainian Parliament Commissioner for Human Rights”, and Article 20 of the Law of Ukraine “On Prosecutor’s Office”, I request you to check the state of ensuring human rights in the activities of Obolonske district station of Main Department of the MIA of Ukraine of Ukraine in Kyiv city and take prosecutor’s response measures according to the effective legislation.

I request you to inform the Ukrainian Parliament Commissioner for Human Rights within the deadline stipulated by the law about the measures that were taken and judgments that were made and attach the copies of the respective documents.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

The Obolonskyi district Prosecutor’s Office performed the verification as requested in the above-mentioned letter, and, according to the results of this check, the filing was submitted to the Head of the Obolonske district station of the Main department of the MIA of Ukraine in Kyiv city on elimination of violation of the requirements of the law about ensuring the constitutional rights of the apprehended individuals in the places of application of coercive measures.



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27 January 2014

To the Prosecutor of Kyiv City
M.H.Beskyshkyi

45/9 Predslavynska Str., Kyiv, 03150

Dear Mr. Beskyshkyi,

On 23 January, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Sviatoshynske district station of Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights in the activities of law enforcement agencies.

The visit revealed a number of systematic violations of human rights in the activity of the district station in question.

The right to legal aid is being violated. Contrary to the requirements of Articles 208 and 215 of the Criminal Procedure Code of Ukraine, the Procedure of informing centers for free secondary legal aid, adopted by the Resolution of the Cabinet of Ministers of Ukraine #1363 as of 28 December 2011, authorized officers performing apprehension, did not inform the body authorized by the law to provide free legal aid **immediately after such apprehension**. In particular, the Centre for free legal aid was informed about the apprehension of:

- K. **in 09 hours 5 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- O. **in 3 hours 49 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- Kh. **in 1 hour 45 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- H. **in 3 hours 05 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- B. **in 1 hour 15 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- Ts. **in 2 hours 45 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents;
- S. **in 2 hours 45 minutes** after being brought to district station, no information about the actual time of apprehension is available in any documents.

In violation of the requirements of item 6.6.2 of the Instructions approved by the order of MIA #181 as of 28 April, the duty officer of the Sviatoshynske district station did not check whether the Centre for free legal aid was informed about the apprehension of the individual brought to the station, and did not inform the Centre himself, documenting the fact of informing.

The requirements of part 5 of Article 208 of the Criminal Procedure Code of Ukraine that prescribe to mention the place, date and exact time (hours and minutes) of apprehension in the protocol, according to the provisions of **Article 209** of this Code **are being violated**.

For instance, according to the protocol of apprehension of K., the actual apprehension time was stated as 9.40 p.m. 22 January 2014, whereas in oral explanation the apprehended individual himself stated that the time of actual apprehension was 10 a.m. 22 January 2014.

Taking into account all of the above, based on Article 101 of the Constitution of Ukraine, Articles 1, 3, 13, 17, 22 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", and Article 20 of the Law of Ukraine "On Prosecutor's Office", I request you to verify the observance of human rights in the activities of the Sviatoshynske district station of the Main Department of the MIA of Ukraine in Kyiv city and to respond according to the effective legislation.

I request you to inform the Ukrainian Parliament Commissioner for Human Rights within the deadline stipulated by the law about the measures that were taken and judgments that were made and attach the copies of the respective documents.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



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27 January 2014

To the Prosecutor of Kyiv City
M.H.Beskyshkyi

45/9 Predslavynska Str., Kyiv, 03150

Dear Mr. Beskyshkyi,

On 20 January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Dniprovsk district station of the Main Department of the MIA of Ukraine in Kyiv city in order to monitor the activity of bodies and subdivisions of the Main Department of the MIA of Ukraine in Kyiv city in terms of compliance with the requirements of the Constitution of Ukraine, national laws, international Conventions and standards on treatment of apprehended and brought to stations individuals, and respect to their rights related to restriction of personal liberty.

The results of the monitoring visit revealed numerous facts of violation of rights of the citizens prescribed in part 2 of Article 294 of the Criminal Code of Ukraine. Specific infractions included violate right to legal aid, improper treatment and beating of the apprehended on suspicion of criminal offence, by the police officers, in particular:

- V., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was not informed**;
- I., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was not informed**;
- Kh., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was not informed**;
- K., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was informed only at 2.05 p.m.** In addition to this, K. had bodily injuries, he **received no** medical treatment, he was placed at the temporary holding facility of MDMIA of Ukraine in Kyiv city, and on January 21st, 2014 was hospitalized to the medical facility by ambulance (a copy of the report is attached);
- O., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was informed at 1.50 p.m.**;
- Sh., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was informed only at 3.30 p.m.**;
- S., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was informed only at 6.20 p.m.**;
- K., who was apprehended and brought to district station at 06.30 a.m. on 20 January 2014. Kyiv City Centre for Free Secondary Legal Aid **was informed only at 6.30 p.m.**.

Prosecutor of the Kyiv City Prosecutor's Office A.A.Nahorny and the head of pre-trial investigations body of Dniprovske district station of MDMIA of Ukraine in Kyiv V.I.Iatsenko were informed about the revealed shortcomings with the purpose to restore the violated human and citizen rights.

Upon the analysis of findings of the verification, it should be stated that the authorized officers of the Dniprovske district station of the Main Department of MIA in Kyiv city violated the following legislative acts: provisions of law on criminal proceedings, the Resolution of the Cabinet of Ministers of Ukraine #1363 "On Approval of the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Providing Free Secondary Legal Aid" passed as of 28 December 2011. They also violated the sectoral legal acts of the MIA of Ukraine, namely of the Instruction on organization on activity of duty units and departments of internal affairs of Ukraine that is aimed at protection of interests of the society and the state from illegal infringements that was approved by the Order of the MIA of Ukraine #181 as of 28 April 2009. As a result, the law enforcement officers deprived the detainees of the right to legal aid, committed misconduct and practiced long-term and unjustified detention of the apprehended individuals into office premises of police district station.

Taking into account all of the above, I am requesting you to investigate the above-mentioned facts and reach the judgments in the manner and way prescribed by the law of Ukraine, based on Article 101 of the Constitution of Ukraine, item 3 Article 3 and Articles 15, 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4 of the Regulation on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2012.

According to the requirement of Article 22 of the Law, I am requesting you to inform the Commissioner about the measures that were taken and judgment that was made.

- Annex: - a copy of the Journal of individuals brought to the station, visitors and invited individuals, on 4 pages;*
- a copy of the report of the Head of temporary detention facility of Main Department of MIA of Ukraine in Kyiv city, on 1 page;
- a copy of the Journal of informing of the centers for free legal aid, on 3 pages;
- a copy of the letter from Kyiv City Centre for Free Secondary Legal Aid dated 20 January 2014, on 4 pages.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

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27 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyskyi**

45/9 Predslavynska Str., Kyiv, 03150

Dear Mr. Beskyskyi,

On 23 January, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Desnianske district station of Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights in the activities of law enforcement agencies.

The visit revealed a number of violations of human rights in the activity of the district station that was visited.

The right to legal aid that is prescribed by Article 20 of the Criminal Procedure Code of Ukraine according to the procedure, adopted by the Resolution of the Cabinet of Ministers of Ukraine #1363 as of 28 December 2011 **is being violated** by untimely informing of the Kyiv City Centre for Free Secondary Legal Aid. Also, the requirements of pt. 5 Article 208, pt. 3 Article 210, Articles 212, 213 of the Criminal Procedure Code of Ukraine are not complied with, authorized officers who perform apprehension, do not inform the body authorized by the law to provide free legal aid **immediately after the actual apprehension according to the provision of Article 209 of the Criminal Procedure Code of Ukraine.**

In particular:

- Kyiv City Centre for Free Secondary Legal Aid was not informed after the actual apprehension of M.;
- Kyiv City Centre for Free Secondary Legal Aid was not informed after the actual apprehension of N.;
- Kyiv City Centre for Free Secondary Legal Aid was informed about the apprehension of M. **from the moment of procedural apprehension**, which violates the requirements of part 4 of Article 213 of the Criminal Procedure Code of Ukraine;
- Kyiv City Centre for Free Secondary Legal Aid was not informed after the actual apprehension of S.;
- Kyiv City Centre for Free Secondary Legal Aid was not informed after the actual apprehension of Ch..

The protocols of apprehension of the above-mentioned individuals were drawn not taking into account the requirements of part 5 of Article 208 of the Criminal Procedure Code of Ukraine. In particular, the protocol does not mention the place, date and exact time of apprehension, according to the requirements of Article 209 of the Criminal Procedure Code of Ukraine.

In violation of the requirements of item 6.6.2 of the Instructions approved by the Order #181 of MIA as of 28 April 2009, the duty officer of the Desnianske district station did not check whether the Centre for free secondary legal aid was informed about the apprehension of the individual brought to the station, and did not inform the Centre himself, documenting the fact of informing.

In addition to that, during the interview with S. and M., they claimed that during apprehension on Instytutska Street in Kyiv city the officers of special police force “Berkut” used special means of active defense which lead to bodily injuries to the apprehended individuals.

Taking into account all of the above, based on Article 101 of the Constitution of Ukraine, Articles 13, 22 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights," I request you to verify the observance of human rights in the activities of the Desnianske district station of the Main Department of the MIA of Ukraine in Kyiv city and respond according to the effective legislation.

I request you to inform the Ukrainian Parliament Commissioner for Human Rights within the deadline stipulated by the law about the measures that were taken and judgments that were made and attach the copies of the respective documents.

Annex, 9 pages

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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29 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

45/9 Predslavynska Str., Kyiv, 03151

Dear Mr. Beskyshkyi,

On 20 January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Desnianske district station of the Main Department of the MIA of Ukraine in the city of Kyiv in order to monitor the activity of bodies and subdivisions of the Main Department of the MIA of Ukraine in Kyiv.

Multiple violations of the right to protection and undue conduct towards the detainees were observed as the result of the monitoring visit. In particular, the law enforcement officers did not inform the Centre for free legal aid about the apprehension of the following individuals:

- D., brought to the district station at 07.50 a.m. (20 January 2014);
- M., brought to the station at 07.50 a.m. (20 January 2014);
- K., brought to the station at 07.50 a.m. (20 January 2014);
- S., brought to the station at 07.50 a.m. (20 January 2014).

The protocols on apprehension of these individuals do not comply with part 5 of Article 208 of the Criminal Procedure Code of Ukraine. In particular, they do not specify the place, date and exact time of the apprehension, although the provisions of Article 209 of the Criminal Procedure Code of Ukraine so require.

Upon the analysis of findings of the verification, it should be stated that the authorized officers of the Desnianske district station of the Main Department of MIA in Kyiv city violated the following legal acts: the provisions of law on criminal proceedings and of the Resolution of the Cabinet of Ministers of Ukraine #1363 "On Approval of the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Free Secondary Legal Aid" as of 28 December 2011, and sectoral legal acts of the MIA of Ukraine, namely of the Instruction on organization on activity of duty units and departments of internal affairs of Ukraine that is aimed at protection of interests of the society and the state from illegal infringements that was approved by the Order of the MIA of Ukraine #181 as of 28 April 2009.

Based on the above and on the ground of Article 101 of the Constitution of Ukraine, item 3 Article 3 and Articles 15 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4, 6.6 of the Regulation on the Representatives of Ukrainian Parliament Commissioner for Human Rights, approved by the Order of the Commissioner for Human Rights #7/8-12 as of 26 July 2012, I am requesting you to conduct impartial and non-biased investigation on the above-mentioned facts.

In accordance with Article 22 of the Law, I request you to inform the Commissioner about the measures that were taken and judgments that were made.

Annex, 6 pages

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



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29 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

45/9 Predslavynska Str., Kyiv, 03151

Dear Mr. Beskyshkyi,

On 28 January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Podilske district station of Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights in the activities of law enforcement agencies.

Upon the result of the monitoring visit, multiple violations of human rights in the activities of law enforcement agencies were identified.

Law enforcement officers used torture and other cruel and degrading treatments, which were a brutal violation of the Constitution of Ukraine and Laws of Ukraine, as well as international instruments ratified by Ukraine.

In particular, M. and minors L., D. and O. who suffered bodily injuries from law enforcement officers were detained in a special van and were not provided with health care during a long time (some three hours) after arriving to police district station, while the air temperature was subzero; the minors were deprived of water and the possibility to relieve themselves.

Minors L., D., and O., who were receiving in-patient treatment in the National children specialized hospital "OHMATDYT due to bodily injuries, reported in conversation that they had been apprehended by officers of internal troops unit #3057 and the officers of special police force "Berkut" at the crossroad of Instytutska and Shovkovychna streets in Kyiv without any grounds for that. According to the minors, law enforcement officers committed physical and psychological violence against them, and they were humiliating the human dignity of minors. After that, the minors were brought to the Podilske police district station.

The right to legal aid is being violated. In violation of Article 208 of the Criminal Procedure Code of Ukraine and the Procedure of Resolution of the Cabinet of Ministers of Ukraine #1363 "On Approval the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Free Secondary Legal Aid" as of 28 December 2011, the authorized officers who apprehended minors did not inform the Centre for providing free secondary legal aid **immediately** after the apprehension.

Notably, the Centre for free legal aid was informed about the apprehension of the following individuals:

- L. - the Centre was informed in **6 hours 15 minutes** after actual apprehension;
- D. - the Centre was informed in **6 hours 15 minutes** after actual apprehension;
- M. - the Centre was informed in **6 hours 15 minutes** after actual apprehension;
- O. - the Centre was informed in **6 hours 15 minutes** after actual apprehension;

- Kh.- the Centre was informed in **3 hours 15 minutes** after actual apprehension;
- P. - the Centre was informed in **3 hours 15 minutes** after actual apprehension;

The duty officer of the Podilske district unit did not verify whether the Centre for free providing legal aid was informed about the apprehended individuals brought to the police station and did not inform it by himself, documenting the fact of informing, although the provisions of item 6.6.2 of the Instruction approved by the Order of the MIA #181 as of 28 April 2009 require so.

In violation of the provisions of part 2 of Article 213 of the Code of Criminal Procedure of Ukraine, the authorized official who apprehended minors L., D. and O., did not immediately inform the parents, foster parents, or guardians about the apprehension.

The provisions of Article 212 of the Code of Criminal Procedure of Ukraine are not being implemented. The officer responsible for detention of the apprehended individuals does not perform the provisions on observing their rights, as stipulated by part 3 of this Article.

Based on the above and on the grounds of Article 101 of the Constitution of Ukraine and Articles 1, 3, 13, 17 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", I am requesting you to conduct the verification of observance of human rights in the activities of the Podilske district station of Main Department of the MIA of Ukraine in Kyiv city and check the facts of undue conduct of the officers of internal troops unit #3057 and the officers of special police force "Berkut", and take the measures of prosecutor's reaction in line with law of Ukraine.

I also request you to inform the Commissioner for Human Rights about the measures taken and judgments that were made within the deadline stipulated by the law, and attach the copies of the respective verification documents.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

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29 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

45/9 Predslavynska Str., Kyiv, 03151

Dear Mr. Beskyshkyi,

On 28 January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights paid a monitoring visit to the Pecherske district station of Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights in the activities of law enforcement agencies.

During the monitoring, it was identified that the apprehended individuals were not registered properly. It resulted in infringement of their right to liberty and to legal aid. Upon the verification of the charge of quarters book, it was found out that during 10-28 January 2014, 20 individuals were apprehended upon suspicion of having committed a crime and 44 individuals were apprehended for having committed administrative offences. Nonetheless, **the Centre for providing free legal aid was not informed about it**, as proved by the absence of respective records in the Register of informing the Centre for providing free legal aid. Herein, the Register of the record of individuals brought, invitees and visitors **did not have any record about the individuals apprehended and brought** to police station. These individuals were either not registered at all or were marked as the "invited individuals" or "individuals who arrived upon request". **It might showcase the attempt to conceal the fact of apprehension.**

As the result of the monitoring visit, multiple unacceptable violations of human rights were identified in the activities of law enforcement agencies.

Law enforcement officers are using torture and other cruel and degrading treatments, which is a brutal violation of the Constitution of Ukraine and Laws of Ukraine, as well as international instruments ratified by Ukraine.

Based on the above and on the grounds of Article 101 of the Constitution of Ukraine and Articles 1, 3, 13, 17 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", I am requesting you to conduct the verification of the above-mentioned information and take the measures of prosecutor's reaction in line with law of Ukraine.

I also request you to inform the Commissioner for Human Rights about the measures taken and judgments that were made within the deadline stipulated by the law, and attach the copies of the respective verification documents.

Annexes:

- 1) *Copy of report of duty officer covering the time from 9 a.m. January 10th to 9 a.m. 11 January;*
- 2) *Copy of report of duty officer covering the time from 9 a.m. January 11th to 9 a.m. 12 January;*
- 3) *Copy of report of duty officer covering the time from 9 a.m. January 12th to 9 a.m. 13 January;*

- 4) *Copy of report of duty officer covering the time from 9 a.m. January 14th to 9 a.m. 15 January;*
- 5) *Copy of report of duty officer covering the time from 9 a.m. January 15th to 9 a.m. 16 January;*
- 6) *Copy of report of duty officer covering the time from 9 a.m. January 16th to 9 a.m. 17 January;*
- 7) *Copy of report of duty officer covering the time from 9 a.m. January 17th to 9 a.m. 18 January;*
- 8) *Copy of report of duty officer covering the time from 9 a.m. January 18th to 9 a.m. 19 January;*
- 9) *Copy of report of duty officer covering the time from 9 a.m. January 19th to 9 a.m. 20 January;*
- 10) *Copy of report of duty officer covering the time from 9 a.m. January 20th to 9 a.m. 21 January;*
- 11) *Copy of report of duty officer covering the time from 9 a.m. January 24th to 9 a.m. 25 January;*
- 12) *Copy of the excerpt from the Register of informing the Centre for providing free legal aid, 2-4 pages.*

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

During the monitoring mission to the Darnytske police district station on 20 January 2012, it was identified that the journalists of “Radio Svoboda” Dmytro M. Barkar and Ivan Sh. Iskhakov had been apprehended. They were covering the news at Hrushevskoho str. close to V.Lobanovskiy stadium. The journalists were apprehended by officers of special police force “Berkut” on 20 January around 8 a.m., and **during the apprehension they suffered bodily injuries**. After the apprehension, they were placed in a police van, where they were detained **for over four hours** before being brought to the Darnytske district station of the Main Department of the MIA in Kyiv city.

Upon this fact, the Commissioner immediately informed the Kyiv City Prosecutor’s Office of and the Prosecutor General’s Office in Ukraine in order to take appropriate measures in response.

In addition, the employees of Secretariat were regularly monitoring the information about the number and conditions of apprehension of individuals in Kyiv downtown, as well as about the number of individuals who applied for care or were brought to Kyiv health care facilities due to bodily injuries. The efficiency of such efforts was improved significantly through the fruitful cooperation with Coordination Centre for Provision of Legal Aid.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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21 January 2014

To Prosecutor General's Office of Ukraine

The employees of the Unit for Special Proceedings of the Secretariat of Commissioner made a monitoring visit to the Darnytske district station of the Main Department of MIA in Kyiv city on 20 January 2012 in order to verify how the human rights and freedoms were observed in this unit.

During the monitoring visit, the employees questioned a journalist of "Radio Svoboda" Dmytro M. B., born in 1977. He informed them that on the morning of 20 January 2014, he and his colleague Ivan Sh. I. were covering the news at Hrushevskoho str. close to V.Lobanovskyi stadium.

According to Dmytro B., they were apprehended by the officers of special police force "Berkut" on 20 January around 8 a.m., and **they suffered bodily injuries during the apprehension**. After the apprehension, they were placed in a police van, where they were detained for **over four hours** before being brought to the Darnytske district station of the Main Department of the MIA in Kyiv city.

At the moment of conversation, Dmytro B. **had bodily injuries on his face**.

With this being said and in pursuance of paragraph 1 of part 1 of Article 16 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner started the proceedings on violation of human rights and freedoms.

The European Court of Human Rights repeatedly stressed that the use of force by the law enforcement officers should comply with the criteria of necessity, legality and proportionality. According to the jurisprudence of the European Court of Human Rights, each case of the use of force should be efficiently investigated in order to clarify all circumstances of the case, and, if the violation of rights is identified, to bring the offenders to liability.

Based on the above and in pursuance of Article 101 of the Constitution of Ukraine, item 3 of Article 3, and Articles 15 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", I request to ensure the carrying out of an impartial and non-biased investigation of the bodily injuries committed by law enforcement officers of special police force "Berkut" against journalists of "Radio Svoboda" Dmytro M. B. and Ivan Sh. I., while they were performing their professional duties. I also request to inform the Commissioner about the results of investigation.

Annex, 3 pages

Sincerely,

Iu.L.Bielousov

The prosecutor's office of Kyiv city attached this letter to the case file #4201410000000127 that the prosecutor's office of Kyiv city had entered into Unified Register of Pre-Trial Investigations upon abuse of power and service duties committed by law enforcement officers against journalists during mass protests at Hrushevskoho str. in Kyiv city, based on the elements of crime stipulated by Article 365 of the Criminal Code of Ukraine. Within the framework of these proceedings, D.Barkar and I.Iskhakov were involved as the victims.

In the course of the monitoring visit to the Dniprovske police district station on 20 January 2012, it was identified that during the apprehension, the law enforcement officers committed multiple infringements of the rights to protection, misconduct and excessively used physical force. In order to restore the violated human rights, the employees of the Secretariat of Commissioner immediately informed the prosecutor of the Kyiv City Prosecutor's Office of A. A. Nahorny and the head of pre-trial investigation authority of the Dniprovske district station of the Main Department of the MIA in Kyiv city V.I.Iatsenko.



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21 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

Dear Mr. Beskyshkyi,

The employees of the Secretariat of Ukrainian Parliament Commissioner for Human Rights made a monitoring visit to the Dniprovsk district station of the Main Department of the MIA in Kyiv city on 20 January 2012 in order to verify how the provision of the Constitution of Ukraine, domestic law and international Conventions and instruments setting the rules of conduct with detainees are implemented and how their rights are observed in terms of violations of personal freedom in this unit.

Upon the results of the monitoring visit, it was identified that the law enforcement officers committed multiple infringements of the rights to protection, misconduct and excessively used physical force against the detainees who were suspected in committing criminal offense stipulated by part 2 of Article 294 of the Criminal Code of Ukraine, namely:

Ostap V. B., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information **was not provided** to Kyiv City Centre for Free Secondary Legal Aid;

Andrii M. I., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information **was not provided** to Kyiv City Centre for Free Secondary Legal Aid;

Iurii A. Kh., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information **was not provided** to Kyiv City Centre for Free Secondary Legal Aid;

Vadym V. K., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information was provided to Kyiv City Centre for Free Secondary Legal Aid only at 2.05 p.m. In addition, this detainee had bodily injuries, but the health care **was not provided** to him. He was brought out to pre-trial detention center of the Main Department of the MIA in Kyiv city, and on 21 January 2014, he was taken to the health care facility of the city of Kyiv emergency hospital.

Danylo D. O., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information was provided to the Kyiv City Centre for Free Secondary Legal Aid only at 1.50 p.m.

Oleksandr S. Sh., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information was provided to the Kyiv City Centre for Free Secondary Legal Aid only at 3.30 p.m.

Anton V. S., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information was provided to the Kyiv City Centre for Free Secondary Legal Aid only at 6.20 p.m.

Andrii V. K., who was apprehended and brought out to police district station on 20 January 2014 at 6.30 a.m. The respective information was provided to the Kyiv City Centre for Free Secondary Legal Aid only at 6.30 p.m.

The employees of the Secretariat immediately informed the prosecutor of the Kyiv City Prosecutor's Office A.A.Nahorni and the head of pre-trial investigation authority of the Dniprovsk district station of the Main Department of the MIA in Kyiv city V.I.Yatsenko.

Upon the analysis of findings of the verification, it should be stated that the authorized officers of the Dniprovsk district station of the Main Department of the MIA in Kyiv city violated the following legal acts: provisions of law on criminal proceedings and of the Resolution of the Cabinet of Ministers of Ukraine #1363 "On Approval of the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Free Secondary Legal Aid" as of 28 December 2011, and sectoral legal acts of the MIA of Ukraine, namely of the Instruction on organization on activity of duty units and departments of internal affairs of Ukraine that is aimed at protection of interests of the society and the state from illegal infringements that was approved by the Order of the MIA of Ukraine #181 as of 28 April 2009. As a result, the law enforcement officers deprived the detainees of the right to legal aid, committed misconduct and practiced long-term and unjustified detention of the apprehended individuals into office premises of police district station.

Based on the above and in pursuance of Article 101 of the Constitution of Ukraine, item 3 of Article 3, and Articles 15 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3 and 6.4 of the Regulation on Representatives of Ukrainian Parliament Commissioner for Human Rights #7/8-12 as of 26 July 2012, I request you to verify these facts and make the respective judgment within the framework of the law of Ukraine.

According to Article 22 of the Law, I request you to provide information about the measures taken and judgments made.

*Annex: Copy of the Register of the record of individuals brought, invitees and visitors, 4 pages
Copy of the note of Head of Pre-trial Detention Centre of Main Department of MIA in Kyiv city, 1 page
Copy of the Register of informing the Centre for providing free secondary legal aid, 3 pages
Copy of the Letter of Kyiv Centre for providing free secondary legal aid as of 20 January 2014, 4 pages*

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

On 21 January 2014, the Commissioner for Human Rights V.Lutkovska started the proceedings under the fact of disappearance of famous civic activist Ihor Lutsenko.

Within the framework of these proceedings, the representatives of the Office of the Commissioner visited the law enforcement units and departments of the MIA in Kyiv city where they inspected the offices and premises, including the offices and premises of the Main Department of the MIA in Kyiv city, as well as the Oleksandrivska clinical hospital, in order to identify the circumstances of disappearance of I.Lutsenko and Iu.Verbytskyi.

In addition, the Commissioner had a phone conversation with the Minister for Internal Affairs, and the Commissioner expressed her deep concern with disappearance of Ihor Lutsenko. The Minister for Internal Affairs confirmed the readiness to take all necessary measures to find the civic activist and proposed to study and promptly respond to the information about possible location of Ihor Lutsenko through tri-lateral information communication framework "Secretariat

of the Commissioner – civic society institutions – Ministry of Internal Affairs” that had already proved effective.

Then, the Commissioner requested everyone who could have any information about possible location of Ihor Lutsenko to inform the Secretariat by all means possible.

On 22 and 23 January 2014, the visits were paid to Kyiv city emergency hospital. During these visits, the employees of Secretariat interviewed the detained participants of mass protests who stayed in police custody.

The majority of detainees (17 persons in total) informed the employees of Secretariat that during the apprehension, they had suffered bodily injuries from law enforcement officers. In addition, they were not provided with health care that they needed in a timely manner. The review of medical and service records, showed that the health care was not provided to detainees who suffered bodily injuries from law enforcement officers, and they were taken to Kyiv city emergency hospital in 7-14 hours after being apprehended.

The letter #8-145/14-110 about these human rights infringements was sent to the prosecutor office of Kyiv on 25 January 2014. On 4 February 2014, the prosecutor’s office started the pre-trial investigation on criminal proceedings #42014100000001255⁵.

⁵ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2020:the-commissioner-for-human-rights-carries-out-collection-of-information-concerning-possible-violations-of-the-rights-and-freedoms-of-the-person-in-connection-with-the-latest-events-in-kyiv&catid=14:2010-12-07-14-44-26&Itemid=75



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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25 January 2014

**To the Prosecutor of Kyiv City
M.H.Beskyshkyi**

Dear Mr. Beskyshkyi,

The employees of the Secretariat of Ukrainian Parliament Commissioner for Human Rights made visits to the Kyiv city emergency hospital on 22-23 January 2014. During these visits, the employees of Secretariat interviewed the detained participants of mass protests who stayed in police custody.

The majority of detainees informed the employees of the Secretariat that during the apprehension, they had suffered bodily injuries from law enforcement officers. In addition, they were not provided with health care that they needed in a timely manner. After review of medical and service record, it was identified that the health care was not provided to detainees who suffered from bodily injuries from law enforcement officers, and they were taken to this hospital in 7-14 hours after being apprehended.

According to the jurisprudence of the European Court of Human Rights, untimely provision or failure to provide necessary health care shall be acknowledged as violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

According to part 3 of item 6 of Article 212 of the Criminal Procedure Code of Ukraine, the official responsible for detainees is obliged to provide immediate and appropriate health care and ensure that the health care practitioner documents all bodily injuries or health deterioration of the detainees.

With this being said, I request you to carry out a verification of this information and enter the respective data into the Unified Register of Pre-Trial Investigations and take the respective prosecutor's measures of response.

Annex, 3 pages

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

Ukrainian Parliament
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Tuesday, 21 January 2014 09:42

The Commissioner for Human Rights carries out collection of information concerning possible violations of the rights and freedoms of the person in connection with the latest events in Kyiv

The Ukrainian Parliament Commissioner for Human Rights verifies information concerning illegal detentions of citizens in connection with their possible participation in mass riots on Grushevsky Street.

Within verification inquiries were sent to the Main Department of the Ministry of Internal Affairs of Ukraine in Kyiv concerning quantity and circumstances of detention of persons, in connection with events in the capital center, and also to the Department of health care of the Kyiv City State Administration concerning number of the persons which have requested for the assistance in healthcare institutions of Kyiv in connection with detentions and injuries.

Besides, now employees of the Secretariat of the Commissioner visit bodies and divisions of internal affairs for the purpose of verification of information concerning illegal detentions.

The events that took place in the morning of 22 January on Hrushevskoho str. in Kyiv showcased the drastic escalation of bloody violence on both parts. After beatings and mutilations, the direct confrontation led to first casualties: some protesters died.

With this regard, the Commissioner expressed her deep condolences to the relatives of victims and forcefully condemned any signs of violation both on the part of protesters and on part of law enforcement officers. She also **requested that the Prosecutor General of Ukraine immediately carry out an impartial investigation of the loss of life, and requested the top management of the MIA to consistently observe the law**⁶.

⁶ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2023:ms-valeriya-lutkovska-qno-political-struggle-does-cost-human-life&q&catid=14:2010-12-07-14-44-26&Itemid=75

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Ms. Valeriya Lutkovska: "No political struggle does cost human life"

Thursday, 23 January 2014 10:00

Events of morning of today near Grushevsky Street in the Kyiv City testify cardinal escalation of bloody violence from both parties.

After beatings and mutilations the first losses of human life of participants of direct opposition are put on the altar of the conflict: some protesters of the meeting were died.

Expressing deep condolences to the family and relatives of victims, I resolutely condemn any manifestations of violence, both from participants of mass actions, and from militiamen.

Once again I will remind that according to the Fundamental principles of use of force and firearms by employees of law enforcement bodies, employees of law enforcement bodies while fulfilling their duties have to as far as it is possible, to apply nonviolent means before resorting to use of force and firearms. They can use force and firearms only when other means are inefficient or have no chances of achievement of desirable result.

Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- minimize damage and injury, and respect and preserve human life;
- ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Exceptional circumstances, such as internal political instability or any other emergency situation, shouldn't be a justification for any withdrawal from these fundamental principles (point 8).

I pay attention of militiamen, that even in cases when mass meeting loses signs of peace, militiamen have to act only within the current legislation, use necessary force for its termination taking into account the principle of proportionality, minimize harm for life and health, not to allow use of violence for already detained.

In this regard, I request:

In her request, the Commissioner once again reiterated to the top management of the MIA, that the law enforcement officers should act within the framework of the effective legislation exclusively, even if the mass protests stopped being peaceful. The use of force should be proportionate to the need to stop non-peaceful protests. Law enforcement officers should do everything to minimize the harm for the life and health of people and never use violence to individuals who have been already apprehended.

As the mass media started to publish controversial information on the reasons for casualties among participants of mass protests on Hrushevskoho str. on 22 January 2014, the Commissioner tasked the employees of Unit for Expert Analytical Study of Medical Issues of the Department for Realization of the National Preventive Mechanism to take part in the investigatory measures: view of corpses of dead activists Serhii Nigoian and Mykhailo

Zhyznievskii in the mortuary of Kyiv clinical bureau of forensic tests and being present at forensic medical examination of their bodies.

The employees of the Secretariat who have higher medical education and solid experience of forensic and criminalistic examination made sure that all the provisions of effective law were observed during the forensic examination: internal and external view of corpse, identification, analysis and documentation of bodily injuries, and withdrawal of items and sending them to additional forensic and expert examinations.

At the same time, the employees of the Secretariat drew the attention of investigators to the fact that in order to identify all the circumstances of loss of life, timing and the mechanisms of bodily injuries, and the opportunities of causing injuries at particular circumstances comprehensively, it is very important to carry out detailed observation of the scene of event and of the clothes, as it may give a lot of valuable information.

On 31 January 2014, the respective requests were sent immediately to the administration of the Main Departments of the MIA in Kyiv city and Kyiv oblast in order to verify the information about over two dozens of unidentified dead bodies with the signs of violent death that were allegedly brought to the mortuaries of Kyiv and Kyiv oblast from the locations of mass protests in Kyiv downtown.



MIA OF UKRAINE
MAIN DEPARTMENT IN KYIV CITY
Department of criminal investigation
15 Volodymyrska str.,
Kyiv, 01061, Ukraine
4 February 2014 # 4/10-1621
To: #2-215/14-103 as of 31 January 2014

Head of the Secretariat of Ukrainian Parliament
Commissioner for Human Rights
B.V.Kryklyvenko
(for the attention of K.V.Zaporozhtsev)
21/8 Instytutska str.
Kyiv, 01008, Ukraine

Re: establishment of unidentified individuals with the signs of violent death

Dear Mr. Kryklyvenko,

I inform you hereby that upon the request and in pursuance of Article 13 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", we provide the information about unidentified individuals with the signs of violent death who were found at the area of service of police district stations of the Main Department of the MIA of Ukraine in Kyiv city and brought to forensic examination during 2013 and January 2014.

#	Gender and age of unidentified individual	Date when the dead body was found	Location where the dead body was found	Reason of death
1	Female, 23 y.o.	7 April 2013	15, Brest-Lytovske road	Bodily injury due to traffic accident
2	Female, 30 y.o.	2 June 2013	8, Zholudeva str.	Craniocerebral injury
3	Female, 60 y.o.	13 January 2014	6, Povitroflotskyi ave.	Bodily injury due to traffic accident
4	Male, 55 y.o.	21 January 2014	7, Vokzalna str.	Grave bodily injury

Sincerely,

Head

Police colonel

O.V.Lashyn

Savchenko 2719060



MIA OF UKRAINE
MAIN DEPARTMENT IN KYIV OBLAST
15 Volodymyrska str.,
Kyiv, 01061, Ukraine
#11-257 as of 5 February 2014

Head of the Secretariat of Ukrainian Parliament
Commissioner for Human Rights
B.V.Kryklyvenko

In response to your request #2-214/14-103 as of 31 January 2014 we inform you that 3 unidentified dead bodies with signs of violent death were found on the territory of Kyiv oblast, namely:

#	Gender and age of unidentified individual	Date when the dead body was found	Location where the dead body was found	Reason of death
1	Male, 40-45 y.o.	22 December 2013	Mararivskyi district, township Makariv	Heart disease
2	Male, 40-45 y.o.	19 December 2013	Vyshhorodskyi district, Vyshhorod	Heart disease
3	Male, 40-45 y.o.	5 January 2014	Vasylkivskyi district, village Glevaha	Hypothermia

Sincerely,

Head *a.i.*

Police colonel

A.M.Kyslyi

This allegation was not confirmed by the respective responses.

In addition, the Secretariat maintained regular monitoring of information about the individuals who suffered injuries during mass protests in Kyiv downtown and who were brought by ambulances or applied to health care facilities of Kyiv by themselves. This monitoring was taking place both through the Ministry of Health Care and Department of Health Care of Kyiv City State Administration and visits of the employees of Secretariat to health care facilities of the Kyiv city.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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20 January 2014

**To the Director of Department of Health Care
Of executive authority of Kyiv City Council
(Kyiv City State Administration)
V.A.Mokhoriev**

Dear Mr. Mokhoriev,

In pursuance of Article 17 of the Law of Ukraine “On Ukrainian Parliament Commissioner for Human Rights”, the Commissioner carried out the proceedings aimed at protecting human rights during mass protests at Hrushevskoho str. in Kyiv city.

According to Article 13 of this Law, I request to immediately provide to the Commissioner with the information about individuals who were brought by ambulances or applied to health care facilities of Kyiv city by themselves due to the above-mentioned protests (starting from 19 January 2014).

The information to be provided should specify the name of health care facility, surname, name and patronymic of an injured individual, age, the way of getting to the health care facility, and clinical diagnosis of this individual. This information is intended for official use only; thus, the provision of the Law “On the Protection of Personal Data” will be observed accordingly.

I request to direct the attention of your subordinates to the fact that failure to execute legitimate requirements of the Ukrainian Parliament Commissioner for Human Rights or impeding her to perform her duties, or providing her with knowingly false information, as well as breaching the terms for providing information stipulated by the law shall entail liability set forth by Article 188⁴⁰ of the Code of Administrative Offences of Ukraine.

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

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12 February 2014

**To the First Deputy Minister
For Health Care of Ukraine
O.Iu.Kachur**

Dear Mr. Kachur,

In pursuance of Article 17 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", the Commissioner carried out the proceedings aimed at protecting human rights during the "Euromaidan" protests that were taking place in Kyiv and other regions of Ukraine.

According to Article 13 of this Law, I request to immediately provide to the Commissioner the information about individuals who are now receiving in-patient care in health care facilities due to bodily injuries suffered during the protests mentioned above. The information should be provided according to the template (see annex).

The information to be provided should specify the name of health care facility, surname, name and patronymic of an injured individual, age, the way of getting to the health care facility and clinical diagnosis of this individual. This information is intended for official use only; thus, the provision of the Law "On the Protection of Personal Data" will be observed accordingly.

I request to direct the attention of your subordinates to the fact that failure to execute legitimate requirements of the Ukrainian Parliament Commissioner for Human Rights or impeding her to perform her duties, or providing her with knowingly false information, as well as breaching the terms for providing information stipulated by the law shall entail liability set forth by Article 188⁴⁰ of the Code of Administrative Offences of Ukraine.

Annex, 1 page

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov



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30 December 2013

To the Ministry of Internal Affairs
10, Akademician Bohomoltsia str.
Kyiv, 01601

According to the mass media reports, the law enforcement officers of the Ministry of Internal Affairs of Ukraine received numerous injuries during the protection of the “Euromaidan peaceful assembly” during 29 November – 12 December 2013. Some of them were even admitted to hospitals due to these injuries.

In conformity with Article 3, 49 and 101 of the Constitution of Ukraine, Articles 13, 19¹ and 22 of the Law of Ukraine “On Ukrainian Parliament Commissioner for Human Rights” and on order to ensure appropriate parliamentary control over the observance of constitutional human rights and freedoms, I request the MIA to provide statistical data about law enforcement officers of the MIA of Ukraine who suffered injuries and received health care in the health care facilities of the MIA. Please, provide the data according to the following template.

Unit of MIA (name, location)	Number of officers	Date when health care was provided	Health care facility	Diagnosis (briefly)	Duration and particularities of treatment (in- patient/outpatient)	Circumstances of suffering injury (briefly)

Sincerely,

**Representative of the Commissioner –
Director of the Department for Realization
of the National Preventive Mechanism**

Iu.L.Bielousov

On 23 January 2014, the employees of the Secretariat immediately verified the information about the attempts of law enforcement officers to take the injured protesters out of the Oleksandrivska hospital. The staff of the Secretariat met the chief doctor of this hospital. He informed them that at that moment, some 30 persons who suffered injuries during protests at Hrushevskoho str. were staying in the hospital. There were no attempts to forcefully take them out of the health care facility, and everyone received appropriate treatment.

It was also found out that after disappearance of Ihor Lutsenko and Iurii Verbytskyi, the administration of the health care facility called the Pecherske police district station and requested to ensure protection of the Oleksandrivska hospital. After that, the group of policemen was

serving duty in the hospital day and night. According to Iu.Bielousov, the Representative of Ukrainian Parliament Commissioner for Human Rights for realization of the National preventive mechanism, the presence of the law enforcement officers in the hospital probably became the reason for rumors that police was taking patients-protesters out of the Oleksandrivska hospital.

On the same day, 23 January 2014, a breaking video showing shameful humiliation of human dignity was uploaded to the Internet. On this video, the law enforcement officers stripped an activist of mass protests Mykhailo Havryliuk, resident of Chernivetska oblast to the skin and took photos with him naked.

The Commissioner for Human Rights expressed her **resentment with the actions of law enforcement officers and stated that such action could not be justified under any circumstances. She immediately addressed the Minister for Internal Affairs and requested that the top administration of the MIA provide appropriate response to this action, carry out internal investigation, prosecute those guilty, and prevent it from taking place in the future**⁷.

⁷ Translator's note: The respective page is not available at the Commissioner's web-site in English, therefore it is translated in the text of report

Valeria Lutkovska: Shameful infringement of human rights cannot be justified

Thursday, 23 January 2014



It is hard to find a word after watching the breaking video that demonstrates shameful humiliation of human dignity on the Internet page of *Ukrainian Pravda*.

Such action could not be justified under any circumstances.

I immediately addressed the Minister for Internal Affairs and requested that the top administration of the MIA provide appropriate response to this action, carry out internal investigation, prosecute those guilty, and prevent it from taking place in the future.

But I believe that the statements and publications in mass media are not enough.



Therefore, this night I had a meeting with heads of police units at Hrushevskoho str. in person.

During the meeting, I stressed that human rights should never be violated; I reiterated that improper conduct was never allowed and repeated the obligations of law enforcement officials with regard to detainees who stay under full control of law enforcement agencies.

When communicating with law enforcement officers, I made a particular emphasis on the fact that the impunity of such crimes led to more grave infringements of human rights and contributed to the distrust for law enforcement agencies.



At the same time, I should stress that the heads of police units had condemned such actions and had assured me that they would inform their subordinates accordingly.

The reaction of the Minister for Internal Affairs was immediate.

In addition, on the same night, the Commissioner had a meeting in person with heads of police units “Berkut” and of internal troops that stood guard at Hrushevskoho str. During the meeting, the Commissioner stressed that human rights should never be violated; I reiterated that improper conduct was never allowed and repeated the obligations of law enforcement officials with regard to detainees who stay under full control of law enforcement agencies. When communicating with law enforcement officers, the Commissioner made a particular emphasis on the fact that the impunity of such crimes led to more grave infringements of human rights and contributed to the distrust for law enforcement agencies⁸.

On 6 February, the corresponding request was sent to the Minister for Internal Affairs. The Minister was requested to inform the Commissioner about the findings of internal check.

⁸ Translator’s note: The respective page is not available at the Commissioner’s web-site in English.



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6 November 2013

To the Minister for Internal Affairs
V.Iu.Zakharchenko
10, Akademician Bohomoltsia str.
Kyiv, 01601

Dear Mr. Zakharchenko,

According to Article 16 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights" and upon the mass media reports about undue conduct of law enforcement officers against Mykhailo H. that took place on 22 January 2014 at Hrushevskoho str. in Kyiv, the Commissioner for Human Rights started a proceedings on infringement of human rights and freedoms.

On 23 January 2014, the official web-site of the MIA of Ukraine announced that the internal investigation of this infringement was opened.

In this regard and in pursuance of Article 101 of the Constitution of Ukraine and Articles 1, 13 and 22 of Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", I request to the MIA to provide information about the findings of internal investigation and have the copies of documents and conclusion of internal investigation attached.

Sincerely,

V.V.Lutkovska



**MINISTRY
OF INTERNAL AFFAIRS OF UKRAINE**
10, Akademician Bohomoltsia str.
Kyiv, 01024
Tel. 256-03-33, www.mvs.gov.ua
3019/3p as of 19 February 2014
To: 1-275/14-08 as of 6 February 2014

Ukrainian Parliament
Commissioner for Human Rights
V.V.Lutkovska

Re: consideration of request

Dear Ms. Lutkovska,

The Ministry of Internal Affairs has considered your request on illegal actions of individual law enforcement officers against M.V.Havryliuk.

We inform you that the internal investigation was carried out in this regard, and the respective materials were submitted to the Prosecutor General's Office in Ukraine for consideration on the merits and taking a judgment according to the law.

We also inform you that, on 27 January 2014 the Kyiv City Prosecutor's Office has opened criminal proceedings #420141000000092 with regard to illegal actions against M.V.Havryliuk based on the elements of crime stipulated by Article 365 of the Criminal Code of Ukraine.

Sincerely,

Minister

V.Iu.Zakharchenko

Due to the events that were taking place in Cherkaska oblast throughout 23-27 January, V.Batchayev, the Regional coordinator for public relations on human rights of the Commissioner for Human Rights in Cherkaska oblast, made numerous visits to the Sosnivske district station of Department of the Ministry of Internal Affairs in Cherkaska oblast, 3rd Cherkasy city emergency hospital, Cherkasy oblast children hospital, Cherkasy pre-trial detention centre, etc.

It was identified that 32 individuals had been brought to the Sosnivske district station of Department of the MIA on 15 January 2014, among them 19 minors. Then, 30 of them were released even without completing a record of administrative apprehension. Two citizens, among them 1 minor, were detained according to Article 208 of the Criminal Procedure Code of Ukraine for resisting the police.

On 26 January 2014 the apprehended individuals were interviewed in the Sosnivske district station of Department of the MIA and – after their release – in first-aid station of 3rd Cherkasy city emergency hospital. In these conversations some young people claimed that they had suffered from unjustified severity from officers of special police force “Berkut” when they had

been apprehended, although the protesters had not committed any crime and had not resisted the police. They reported that they had been apprehended just for staying in the downtown area at night, even though such behaviour is absolutely usual, as many entertainment centres for youth are located downtown. The young people had visited these centres during that weekend. At the same time, the apprehended individuals had no claims with regard to how law enforcement officers treated them directly in the Sosnivske district station of Department of the MIA.

During the conversation with the Regional coordinator, O.L.Fedorchuk, chief doctor of 3rd Cherkasy city emergency hospital strongly denied that the employees of first-aid station of this hospital had refused to register the citizens who applied for health care and had failed to provide the respective medical certificates to them.

On 27 January, the Regional coordinator met with A.Hryshchenko, the Head of Department of State Penitentiary Service in Cherkaska oblast. The meeting concerned individuals detained in Cherkasy city throughout 23-25 January 2014⁹.

⁹ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2029:results-of-monitoring-of-the-regional-coordinator-of-the-commissioner-in-the-cherkassy-region-concerning-events-of-january-23-25&catid=14:2010-12-07-14-44-26&Itemid=75

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Tuesday, 28 January 2014 15:13

Results of monitoring of the regional coordinator of the Commissioner in the Cherkassy Region concerning events of January 23-25

On January 27, 2014 the meeting of the regional coordinator for public relations of the Commissioner for Human Rights in the Cherkassy Region Mr. Volodymyr Batchayev with the head of department of the State penitentiary service in the Cherkassy Region Mr. Anatoly Gryshchenko concerning the persons detained in the city of Cherkassy on January 23-25 this year was held.

Four parents of detained persons in Cherkassy applied to the regional representative within January 23-25 this year. They expressed concern of rather possible exerting pressure on their children, both administration of the Cherkassk pre-trial detention facility where they are, and from cellmates.

During a meeting Mr. Volodymyr Batchayev informed of expressed fears of parents. In response the head of department of the State penitentiary service in the Cherkassy Region informed that as of 27.01.2014 all persons detained according to articles concerning mass riots and resistance to law enforcement officers, are detained separately from other categories of prisoners.

Besides, he assured that the administration of a pre-trial detention center treats this category of detainees without any prejudices, asked to calm parents and assured that it will not be oppressions concerning these young people, and he has enough powers in order to ensure it.

Also regional representative of the Commissioner in the Cherkassy Region visited a pre-trial detention center and personally met with 4 persons concerning these men he received applies. Young men confirmed that they are detained separately. There were no complaints to a state of health, detainees asked to calm parents and expressed hope for change by the appellate court of a measure of restraint from detention to more humane.

From 25 till January 27 the regional representative received applies with the petition for establishment of a place of detention of nine persons – all of them are found. Among them there are no persons who were mutilated or strongly beaten. Two persons upon request of Mr. Volodymyr Batchayev were provided with medical assistance.

On January 26 the regional representative of the Commissioner in the Cherkassy Region was on duty in injury care center together with representatives of public organizations with whom close cooperation was adjusted.

Among the main found violations the regional representative noted excessive use of force directly during arresting and longtime detention in district division.

During the skirmish between the participants of mass protests near Dnipropetrovsk Oblast State Administration that took place on 26 January 2014, both the protesters and law enforcement officers suffered bodily injuries of varying gravity. Over 30 protesters were apprehended, and next day the court decided to put 21 protesters under custody.

The Head of the Regional office of the Commissioner for Human Rights in Dnipropetrovsk oblast had a meeting with apprehended persons. According to them, after being brought to police district station, law enforcement officers had not used physical violence against them, they had been provided with free legal aid, the relatives had been informed about the apprehension, and the expert from forensic bureau made examination in order to find signs of bodily injuries.

At the same time, the protesters noted that they had been deprived of nutrition before being apprehended and being brought to the pre-trial detention centre. In addition, 9-10 individuals were detained in a metal box in the premises of the Babushkynskyi district court of Dnipropetrovsk city, although the box fits only 6 sitting persons.

It was also identified that eight persons had received significant heavy injuries during mass protests near Dnipropetrovsk Oblast State Administration on 26 January 2014. They were admitted to the Dnipropetrovsk oblast I.Mechnykov clinical hospital.

In order to carry out efficient investigation of this fact, the respective request was submitted to the prosecutor of Dnipropetrovska oblast. Unfortunately, no response has been received so far.



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31 December 2014

To the prosecutor of Dnipropetrovska oblast
N.V.Marchuk
38, K.Marksa ave.
Dnipropetrovsk, 49044

Dear Ms. Marchuk,

Upon the results of mass protests near Dnipropetrovsk Oblast State Administration that took place on 26 January 2014 and in accordance with item 3 of Article 16 and Article 17 of the Law of Ukraine "On Ukrainian Parliament Commissioner for Human Rights", the Commissioner opened the proceedings on infringement of human rights and freedoms.

According to our information, there are at least eight persons who received significant heavy injuries during mass protests and were admitted to the Dnipropetrovsk oblast I.Mechnykov clinical hospital. As of 30 January 2014, five persons in a moderately grave condition were still receiving treatment in neurosurgery department.

Based on the above and in pursuance of Article 101 of the Constitution of Ukraine, item 6 of Article 13, and Articles 16 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", and on items 6.3, 6.4 and 6.6 of the Regulation on Representatives of Ukrainian Parliament Commissioner for Human Rights #7/8-12 as of 26 July 2012, I request you to verify these facts and make the corresponding judgment within the framework of the law of Ukraine.

Taking into account high publicity of the above-mentioned events, I request that you have the investigation under personal control, to ensure that it is non-biased, comprehensive and impartial. I also request that you inform the Commissioner for Human Rights about its findings.

Annex, 2 pages

Sincerely,

Iu.L.Bielousov

On 27 January 2014, the information about typical violations of the rights of the detained persons collected during January 2014 was published on the web-site of the Commissioner.



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Monday, 27 January 2014 11:58

Latest information concerning events in the country for the days off

In recent days according to order of the Commissioner for Human Rights the staff of the Secretariat visited several times Damiytskiy, Desnyanskiy, Dneprovsky, Obolonsky, Svyatoshinsky, Solomensky and Shevchenkovsky district departments of militia of Kyiv, and also Main department and the Temporary detention facility. The Representative of the Commissioner for realization of the national preventive mechanism Mr. Yuriy Bielousov declared this thesis.

According to the Representative of the Commissioner numerous visits to emergency medical service hospital, Aleksandrovsky hospital and the 17th hospital were carried out. It is possible to outline from typical violations of the rights of the detained persons the following:

- failure to inform or untimely informing of the centers for providing free legal assistance concerning detention of persons;
- the longtime detention in paddywagons;
- untimely providing medical care;
- disproportionate use of force while detaining or use of force to the already detained persons.

All collected information according to each visit after its generalization was sent to prosecutor's office of Kyiv for the corresponding reacting. Considering system nature of the revealed violations, submissions to the Ministry of Internal Affairs and the General Prosecutor's Office of Ukraine are prepared.

"From 30 arrested in the night from Saturday to Sunday (from 25 to January 26) in Sosnovsky district division of militia in Cherkassy two people were detained according to article 208 of the Criminal Procedure Code. They are placed in a temporary detention facility, the others are released", – the regional coordinator for public relations of the Commissioner for Human Rights in the Cherkassy Region Mr. Volodymyr Batchayev informed who all night long, till 6th morning was engaged in this case.

In turn, the regional coordinator for public relations of the Commissioner for Human Rights in the Zaporozhzhia Region Mr. Volodymyr Pavlenko informed that in the night from Sunday to Monday (from 26 to January 27) 55 people were arrested by law-enforcement bodies, from them 46 are detained according to Article 208 of the Criminal Procedure Code. According to him, 6 people, one of which employee of militia asked for medical care. From 46 detainees two were provided with medical assistance.

In order to verify the information concerning the alleged pressure against the participants of mass protests in Kyiv pre-trial detention centre, the visit was made to this facility on 27 January 2014. The conditions of detention of 42 persons in custody were checked, and the information concerning any pressure in the pre-trial detention centre was not confirmed¹⁰.

¹⁰ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2027:information-concerning-pressure-on-the-detained-participants-of-mass-actions-in-a-pre-trial-detention-Centre-wasnt-confirmed&catid=14:2010-12-07-14-44-26&Itemid=75

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Monday, 27 January 2014 12:34

Information concerning pressure on the detained participants of mass actions in a pre-trial detention center wasn't confirmed

Information, which was disseminated in some mass media, concerning pressure on the detained participants of mass actions who are in a pre-trial detention center No. 13 (Lukyanivske), wasn't confirmed.

For the purpose of verification of messages concerning the possible pressure upon detainees, employees of the Secretariat of the Commissioner for Human Rights visited Lukyanovskiy pre-trial detention center and selectively personally communicated to detainees. Now in a pre-trial detention center No. 13 there are 42 persons who were detained in connection with participation in mass actions. Complaints to the ill-treatment or a condition of detention in a pre-trial detention center were not received. The Secretariat of the Commissioner and further attentively monitors and quickly reacts to all messages concerning human rights violations during mass actions.

On 24 January 2014, the Commissioner for Human Rights received a notification from “Euromaidan SOS” that the minors who had suffered bodily injuries when being apprehended by officers of internal troops unit #3057 and the officers of special police force “Berkut” were brought to the “OHMATDYT” National children specialized hospital.

Aksana Filipishyna, the Representative of the Commissioner – Director of the Department for Observance of the Rights of Child, Non-discrimination and Gender Equality, and her colleagues immediately visited the hospital and met with children who suffered injuries.

During the conversation, the minors who received in-patient treatment due to bodily injuries reported that they had been apprehended by law enforcement officers at the crossroad of Instytutska and Shovkovychna streets in Kyiv without any grounds for that. According to the minors, law enforcement officers committed violence against them just after the apprehension, and they were humiliating the human dignity of minors. The minors stated that they had been brought to the Podilske police district station only 5 hours after the apprehension. In 6 hours more, they were admitted to hospital.

According to the doctors, the minors were admitted to hospital in moderately grave condition. They had the following diagnoses:

- Minor L.: closed craniocerebral injury, brain concussion, and soft tissue bruise;
- Minor O.: craniocerebral injury, brain concussion, racoma and hematoma of front, hematoma of left temporal region, bruise of right knee joint and of right cnemis, double-sided keratitis, acute rhinitis;
- Minor D.: craniocerebral injury, brain concussion, hematoma of face, bruise of right cnemis.

All children received necessary health care and their parents were informed about their location.

The employees of the Secretariat have also visited the Podilske district station of the Main Department of the MIA in Kyiv city where the children were brought after the apprehension. During the verification, it was discovered that this police district station had committed a lot of violations of the rights of children in its activities.

In particular, the minors who suffered bodily injuries from law enforcement officers were detained in a special van and were not provided with health care during a long time (some three hours) after arriving to the police district station. The air temperature was subzero; the minors were deprived of water and the possibility to relieve themselves.

In violation of Article 208 of the Code of Criminal Procedure of Ukraine and the Procedure of Resolution of the Cabinet of Ministers of Ukraine #1363 “On Approval the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Free Secondary Legal Aid” as of 28 December 2011, the authorized officers who apprehended minors did not inform the Centre for providing free secondary legal aid immediately after the apprehension.

Notably, the Centre was informed only in 6 hours 15 minutes after the apprehension of minors.

In addition, neither the parents of apprehended minors nor the child guardianship authorities were informed about the apprehension of minors. It is a violation of part 2 of Article 213 of the Code of Criminal Procedure of Ukraine.

Upon the results of monitoring of the activities of police authorities during January 2014, the Commissioner for Human Rights submitted a notification to the Minister for Internal Affairs of Ukraine. The Commissioner drew the attention of the Minister to systemic infringements of human rights and freedoms committed by the law enforcement officers.



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29 January 2014

To the Minister for Internal Affairs of Ukraine
V.Iu.Zakharchenko

Request

of the Ukrainian Parliament Commissioner for Human Rights

Re: observing rights and freedoms of apprehended individuals

Dear Mr. Zakharchenko,

During January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights visited a number of stations and facilities of the Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights and freedoms in the MIA activities.

Throughout January, the employees of the Secretariat paid multiple visits to Darnytske, Desnianske, Dniprovske, Obolonske, Shevchenkivske, and Solomianske police district stations, the pre-trial detention centre, the Main Department of the MIA in Kyiv city, and health care facilities.

During the monitoring, systemic violations of human rights and freedoms were observed. With reference to the jurisprudence of European Court of Human Rights, such violations cannot be considered anything but the following:

1. **Torture, inhuman or degrading treatment.** Such violations include:
 - *Long-time detention of the apprehended individuals (for some hours) in special police vans for brought apprehended and arrested persons with subzero air temperature, depriving the apprehended individuals from access to water and possibility to relieve themselves* (during the monitoring visit to Obolonske district station of the Main Department of MIA in Kyiv city on 23 January it was found out that the apprehended individuals S.V.A. and V.I.P. had been detained **for over 11 hours** after the apprehension before being brought to the pre-trial investigatory authority. M.D.P., V.S., V.M. and S.V.S. were detained **for over 6 hours**;
 - *Non-proportionate use of force on the part of law enforcement officers during the apprehension, as well as the use of force against those who were already apprehended and did not resist the police;*
 - *Untimely provision of health care to apprehended individuals who had signs of bodily injuries* (during the visit to Kyiv city emergency hospital on **24 January 2014** the following information was found out. A.M.K. was apprehended on **20 January at 1 a.m.** near "Arsenalna" metro station, but he was brought to the hospital only at **2.20 p.m. (20 January** with a diagnosis of "**Brain concussion, multiple bruises and racoma of facial soft tissue, and closed fracture of nose bones**". A.B.Sh. was apprehended on 23 January at 4 a.m. on Shchorsa str. and brought to the hospital at 10.45 a.m. (24

January) with the diagnosis of “**Brain concussion. Bruise of head. Bruise of soft tissue of the head, corps, and both hands. Fracture of II metacarpal bone**”.

2. Infringement of the rights of apprehended individuals to protection:

- *Failure to inform Centres for providing free secondary legal aid* (during monitoring visit to **Desnianske police district station** in Kyiv city on **20 January, 2014**, it was identified that as of **11.45 a.m.**, the law enforcement officers failed to inform the Centre for free secondary legal aid about the apprehension of Iu.B.D., D.O. M., S.V.Z., and A.M.K., who were apprehended on 20 January at **6.30 a.m.**);
- *Untimely furnishing the information to Centres for free secondary legal aid* (during monitoring visit to the Sviatoshynske police district station in Kyiv city on 23 January, it was found out that the Centre for free secondary legal aid was informed about the apprehension of O.O.K. **9 hours 5 minutes** after the individual was brought to the police station).

In addition, other infringements that can be considered as the violation of guarantees of protection from undue conduct according to the jurisprudence of the European Committee for the Prevention of Torture were also identified. Namely:

- *Failure to inform the apprehended individuals about their rights after the apprehension;*
- *Failure to inform close relatives, members of family or other persons specified by the apprehended individual about the fact of apprehension and place of detention.*

During the monitoring, the facts of **undue conduct towards the journalists** were also observed. In particular, in the course of monitoring mission to the Darnytske police district station on 20 January 2012, it was identified that the journalists of “Radio Svoboda” Dmytro M. Barkar and Ivan Sh. Iskhakov had been apprehended. They were covering the news at Hrushevskoho str. close to V.Lobanovskyi stadium. The journalists were apprehended by officers of special police force “Berkut” on 20 January around 8 a.m., and **they suffered bodily injuries during the apprehension**. After the apprehension, they were placed in a police van, where they were detained **for over four hours** before being brought to the Darnytske district station of the Main Department of the MIA in Kyiv city.

I would like to draw your particular attention to the fact that in the last days, the Secretariat of the Commissioner received frequent complaints to illegal apprehension of individuals who do not take part in mass protests by officers of the internal troops and officers of special police force “Berkut”.

In particular, on 25 January 2014, during the conversation with minors L., D., and O., who were receiving in-patient treatment in the “OHMATDYT” National children specialized hospital due to bodily injuries, they reported that they had been apprehended by officers of internal troops unit #3057 and the officers of special police force “Berkut” at the crossroad of Instytutska and Shovkovychna streets in Kyiv without any grounds for that. According to the minors, law enforcement officers committed physical and psychological violence against them, and they were humiliating the human dignity of minors. After that, the minors were brought to the Podilske police district station.

During the monitoring visit to the Podilske police district station on 28 January 2014 it was found out that after the above mentioned minors had been brought out to the police station, they were **detained in the police van for almost three hours. It should be added that they had bodily injuries of different gravity**. Law enforcement officers informed the Centre for providing free secondary legal aid about the apprehension of minors only in **6 hours and 15 minutes**.

The officers of internal troops explain such actions by the requirements of the MIA management to apprehend all individuals carrying helmets or caps. The latest incident of this nature took place on 27 January 2014 **just in front of the office of the Secretariat of the Commissioner for Human Rights**.

I emphasize that all the information collected during each monitoring visit and its summary was submitted to the Kyiv City Prosecutor’s Office for the respective response.

I would like to stress that the Commissioner has no doubt that the law enforcement agencies have to perform their important duties to prevent and stop crimes, to protect and safeguard public order, to identify criminal offences, etc. When performing these functions, the law enforcement officers have the right to restrict several human rights. At the same time, every officer shall realize that during the performance of his/her socially important function, he/she shall strictly adhere to the provisions of the law, obtain trust and respect of other citizens and set the pattern of law abidance for them.

Based on the above, taking into account the systemic nature of the identified crimes and in pursuance of Article 101 of the Constitution of Ukraine, item 3 of Article 3, and Articles 15 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights",

I REQUEST

To take immediate measures aimed at prevention of the above-mentioned violations of human rights and freedoms in the activities of law enforcement agencies and inform the Commissioner for Human Rights about the measures taken.

Annex, 44 pages

Sincerely,

V.V.Lutkovska

The Commissioner also submitted a letter to the Prosecutor General of Ukraine that specified the systemic violations of human rights and freedoms in the activities of law enforcement agencies and requested the Prosecutor General to take the investigation of each case of such violations under personal control.



UKRAINIAN PARLIAMENT

COMMISSIONER FOR HUMAN RIGHTS

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30 January 2014

**To the Prosecutor General of Ukraine
V.P.Pshonka**

Dear Mr. Pshonka,

During January 2014, the employees of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights visited a number of stations and facilities of the Main Department of the MIA of Ukraine in Kyiv city in order to monitor the observance of human rights and freedoms in the MIA activities.

Throughout January, the employees of the Secretariat visited Darnitske, Desnianske, Dniprovske, Obolonske, Solomianske, Shevchenkivske, and Solomianske police district stations, pre-trial detention centre, Main Department of the MIA in Kyiv city, and health care facilities multiple times.

During the monitoring, systemic violations of human rights and freedoms were observed. With reference to the jurisprudence of European Court of Human Rights, such violations cannot be considered anything but the following:

1. Torture, inhuman or degrading treatment. Such violations include:

- *Long-time detention of the apprehended individuals (for some hours) in special police vans for brought apprehended and arrested persons with subzero air temperature, depriving the apprehended individuals from access to water and possibility to relieve themselves* (during the monitoring visit to Obolonske district station of the Main Department of MIA in Kyiv city on 23 January it was found out that the apprehended individuals S.V.A. and V.I.P. had been detained **for over 11 hours** after the apprehension before being brought to pre-trial investigatory authority. M.D.P., V.S., V.M. and S.V.S. were detained **for over 6 hours**;
- *Non-proportionate use of force on the part of law enforcement officers during the apprehension, as well as the of force against those who were already apprehended and did not resist to police*;
- *Untimely provision of health care to apprehended individuals who had signs of bodily injuries* (during the visit to Kyiv city emergency hospital on **24 January 2014** the following information was found out. A.M.K. was apprehended on **20 January at 1 a.m.** near "Arsenalna" metro station, but he was brought to the hospital only at **2.20 p.m. (20 January)** with a diagnosis of "**Brain concussion, multiple bruises and racoma of facial soft tissue, and closed fracture of nose bones**". A.B.Sh. was apprehended on 23 January at 4 a.m. on Shchorsa str. and brought to the hospital at 10.45 a.m. (24 January) with a diagnosis of "**Brain concussion. Bruise of head. Bruise of soft tissue of the head, corps, and both hands. Fracture of II metacarpal bone**".

2. Infringement of the rights of apprehended individuals to protection:

- *Failure to inform Centres for providing free secondary legal aid* (during monitoring visit to the **Desnianske police district station** in Kyiv city on **20 January 2014**, it was identified that as of **11.45 a.m.** law enforcement officers failed to inform the Centre for free secondary legal aid about the

apprehension of Iu.B.D., D.O.M., S.V.Z., and A.M.K., who were apprehended on 20 January at **6.30 a.m.**);

- Untimely furnishing the information to Centres for free secondary legal aid (during monitoring visit to the Sviatoshynske police district station in Kyiv city on 23 January, it was found out that the Centre for free secondary legal aid was informed about the apprehension of O.O.K. **9 hours 5 minutes** after the individual was brought to police station).

In addition, other infringements were also identified that can be considered as the violation of guarantees of protection from undue conduct according to the jurisprudence of the European Committee for the Prevention of Torture. Namely:

- *Failure to inform the apprehended individuals about their rights after the apprehension;*
- *Failure to inform close relatives, members of family or other persons specified by the apprehended individual about the fact of apprehension and place of detention.*

During the monitoring, the facts of **undue conduct towards the journalists** were also observed. In particular, in the course of monitoring mission to the Darnytske police district station on January 20th 2014, it was identified that the journalists of “Radio Svoboda” Dmytro M. Barkar and Ivan Sh. Iskhakov had been apprehended. They were covering the news at Hrushevskoho str. close to V.Lobanovskyi stadium. The journalists were apprehended by officers of special police force “Berkut” on January 20th around 8 a.m., and **suffered bodily injuries during the apprehension**. After the apprehension, they were placed in a police van, where they have been detained **for over four hours** before being brought to the Darnytske district station of the Main Department of the MIA in Kyiv city.

I would like to draw your particular attention to the fact that in the last days, the Secretariat of the Commissioner received frequent complaints to officers of the internal troops and officers of special police force “Berkut” illegally apprehending individuals who did not take part in mass protests.

In particular, on 25 January 2014 during the conversation with minors L., D., and O., who were receiving in-patient treatment in the “OHMATDYT” National children specialized hospital due to bodily injuries, they reported that had been apprehended by officers of internal troops unit #3057 and the officers of special police force “Berkut” at the crossroad of Instytutska and Shovkovychna streets in Kyiv without any grounds for that. According to the minors, law enforcement officers committed physical and psychological violence against them, and they were humiliating the human dignity of minors. After that, the minors were brought to the Podilske police district station.

During the monitoring visit to the Podilske police district station on 28 January 2014 it was found out that after the above mentioned minors had been brought out to the police station, they were **detained in the police van for almost three hours. In addition to this, they had bodily injuries of different gravity**. Law enforcement officers informed the Centre for free secondary legal aid about the apprehension of minors only in **6 hours and 15 minutes**.

The officers of internal troops explained such actions by the requirements of the MIA management to apprehend all individuals carrying helmets or caps. The latest incident of this nature took place on 27 January 2014 **just in front of the office of the Secretariat of the Commissioner for Human Rights**.

I would like to stress that the **Commissioner has no doubt that the law enforcement agencies have to perform their important duties to prevent and stop crimes, to protest and safeguard public order, to identify criminal offences, etc.** When performing these functions, the law enforcement officers have the right to restrict several human rights. At the same time, every officer shall realize that during the performance of his/her socially important function, he/she shall strictly adhere to the provisions of the law, obtain trust and respect of other citizens and set the pattern of law abidance for them.

In order to ensure that immediate measures are taken to prevent the above-mentioned violations of human rights and freedoms in the activities of law enforcement agencies, the Commissioner has submitted a request to the Minister for Internal Affairs with regard to observing rights and freedoms of apprehended individuals.

All the information collected during each monitoring visit and its summary was submitted to the prosecutor's office of Kyiv city for the respective response (see annex).

Taking into account the systemic nature of the identified crimes and the great public interest to these events, including at the international level, and in pursuance of Article 101 of the Constitution of Ukraine, item 6 of Article 13 and Article 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", I request you to take the investigation of each case of such violations under your personal control and inform the Commissioner about the findings of investigation.

Annex, 9 pages

Sincerely,

V.V.Lutkovska

It is worth noting that the Commissioner opened separate proceedings due to disappearance of Dmytro Bulatov. Starting from 27 January 2014, the Secretariat of the Commissioner received over 200 notices from citizens of Ukraine and foreigners who were concerned with kidnapping of Dmytro Bulatov and inflicting bodily injuries to him.

Within the framework of proceedings opened by the Commissioner with regard to violation of rights and freedoms of a person, the Commissioner submitted requests concerning the progress of a pre-trial investigation in the criminal proceedings.

In addition, just after Dmytro was found, the representatives of the Commissioner tried to visit him in "Borys" hospital, as well as to verify the information about the attempts of law enforcement officers to forcefully take him out of this facility.

During the visit, the representatives of the Commissioner discovered that the information about the forceful taking out was not true. At the same time, it was identified that the officers of Department for combating organized crime had made two attempts to talk to Dmytro during his stay in the intensive care ward, but the Members of Parliament who were on day and night duty near the doors of this ward prevented them from such conversation. Finally, upon the request of Petro Poroshenko, the unit of the officers of the Darnytske police district station was installed near the doors of the ward in order to ensure personal security of Dmytro Bulatov.

The progress of investigation of the respective criminal case is under the control of Commissioner.



REPRESENTATIVE OF UKRAINIAN PARLIAMENT

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14 February 2014

**To the First Deputy Minister
For Internal Affairs of Ukraine
V.B.Dubovyk**

Dear Mr. Dubovyk,

The Ukrainian Parliament Commissioner for Human Rights received numerous claims from citizens, representatives of domestic and international human rights organizations with regard to disappearance of Dmytro B. on 22 January 2014.

Based on the above-mentioned applications and information and pursuance of item 3 of Article 16 and item 1 of part 3 of Article 17 of Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner opened the proceedings with regard to violation of rights and freedoms of a person.

On 30 January 2014, mass media and the Internet reported that Dmytro B. was found in Vyshenky village of Boryspilskyi district of Kyivska oblast. According to the information of Petro Poroshenko, MP, that was disseminated through mass media Dmytro B. was kidnapped by unidentified individuals. During a long time, he was deprived from freedom and was tortured. After that, he was taken out of the place of his detention and thrown away from the car not far away from the place where he was found later.

According to the information from the Internet, in particular, from the official web-site of the MIA of Ukraine, the investigative department of the Main department of the MIA of Ukraine in Kyivska oblast opened criminal proceedings upon the fact of kidnapping of Dmytro B.. The pre-trial investigation started with regard to criminal offense stipulated by part 2 of Article 146 of the Criminal Code of Ukraine.

In accordance with Article 13 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4 and 6.6 of the Regulation on Representatives of Ukrainian Parliament Commissioner for Human Rights #7/8-12 as of 26 July 2012, I request you to inform the Commissioner for Human Rights about the results of the pre-trial investigation of the above-mentioned criminal case.

Sincerely,

Iu.L.Bielousov

February 2014

On 4 February 2014, the Commissioner for Human Rights had a meeting with the President of Ukraine in person. The meeting aimed at discussing the events that were taking place in Ukraine. The Commissioner drew attention to the international standards setting forth the right to peaceful assembly, prohibition of torture and the need to carry out efficient investigation of all bodily injuries that the citizens suffered from law enforcement officers. Particular emphasis was placed on the necessity to protect the rights of journalists, as the latest developments showcased that their rights had been violated regularly – not only in terms of preventing them from fulfilling their professional duties, but also with regard to their physical immunity. In particular, the Commissioner stressed that it was absolutely inappropriate to use force to stop mass assembly of citizens at Maidan Nezhaleshnosti sq.

On 4 February the specialists of Department for Realization of the National Preventive Mechanism together with civic activists L.S.Samsonova (CF “Svitlana Lukach Charitable Foundation for Held to Disabled Persons”) and R.I.Kravchenko (NGO “Coalition for the Protection of Rights of Disabled Persons and Persons with Mental Disability”) verified the information about the detention of mass protesters in Kyiv city centre for forensic psychiatric examination¹¹.

¹¹ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2037:information-concerning-detention-in-the-kyiv-city-Centre-of-forensic-psychiatric-examination-of-participants-of-mass-actions-wasnt-confirmed&catid=14:2010-12-07-14-44-26&Itemid=75

Ukrainian Parliament
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Information concerning detention in the Kyiv city center of forensic-psychiatric examination of participants of mass actions wasn't confirmed

Thursday, 06 February 2014 15:15

Such conclusion was drawn as a result of monitoring visit to the Kiev city center of forensic-psychiatric examination which was carried out by employees of Department for realization of the national preventive mechanism together with representatives of public organizations Ms. Samsonova (PO "Svetlana Lukach Charity Foundation of the aid to people with disabilities") and Kravchenko R. I. (APO "The Coalition of protection of the rights of disabled people and persons with intellectual inefficiency").

During the visit implementation of the recommendations submitted by results of the previous visit was also verified.

At the time of visit there were 12 persons under examination, 7 in in-patient unit for persons who aren't in custody (among them one woman for a civil case), and 5 in in-patient unit for the detained persons.

In the unit for persons detained, for the purpose of improvement of conditions of stay, repair of rooms at the expense of the funds allocated by the Ministry of Health is carried out.

Due to the carrying out repair work, subexperts are temporarily transferred to female part of the unit (there were not women under examination for the period of visit).

At the same time, monitors revealed that in establishment norms of food aren't observed in full. The walking court yard isn't properly equipped (there is no roof, light is insufficient, there are no benches for rest) therefore persons who are in the center, never for the entire period of stay had opportunities to carry out walk in the fresh air.

Due to the lack of special the room for smoking, subexpert smoke directly in rooms that creates inconveniences for persons who don't smoke. Besides, in in-patient unit for subexperts who aren't in custody, there is an opportunity to take a shower only two times a week that is violation of the established hygienic norms.

After the generalization, information collected during visit, together with recommendations concerning elimination of the revealed violations, will be sent to the Ministry of Health for appropriate reacting.

On 14 February 2014, the employees of the Secretariat of the Commissioner together with representatives of the community monitored the observance of human rights in Kyiv pre-trial detention centre. During the monitoring visit, the particular attention was paid to the observance of the procedure of detention of individuals who were, according to mass media reports, put in this facility during mass protests.

The monitoring group noted that despite some positive developments, the violations of the rights of detained and convicted persons were still taking place. It was also discovered that on the day of monitoring, all persons who had been apprehended during mass protests were released from the pre-trial detention centre due to different reasons.

The situation worsened on 18 February 2014, when the clashes between the protesters and law enforcement officers started at the crossroad of Shovkovychna and Instytutaska streets. The protesters made an attempt to reach the building of the Verkhovna Rada of Ukraine that was supposed to carry out the discussion of resolution calling to resume the effect of 2004 draft of the Constitution of Ukraine.

The employees of the Secretariat were documenting the events of the clashes between the protesters and law enforcement officers on 18 February including the excessive use of force by

police during crackdown on protesters at Instutytska str. On the same day, the employees of the Secretariat monitored the events taking place at Hrushevskoho, Lypska, and Sadova streets in order to prevent undue conduct of police towards the apprehended individuals when the latter were detained and placed in police vans.

On the night between 18 and 19 February 2014 and throughout 19 February, the employees of the Secretariat made regular visits to law enforcement agencies of the Main Department of the MIA in Kyiv city, namely, Darnytske, Desnianske, Dniprovske, Obolonske and Podilske police district stations, and territorial station #1 of the Obolonske police district station. These visits aimed to ensure that the rights of apprehended participants of mass protests were observed. Two visits were made both to Desnianske and Dniprovske district stations. In addition, the employees also visited Kyiv city emergency hospital. The employees talked to all detained persons in these facilities in order to document all violations of human rights committed against them.

During the visit to the Dniprovske police station, the employees of the Secretariat of the Commissioner ensured that the lawyers having contracts with their clients got immediate access to two detainees who had been already receiving help of the lawyers of centres for providing secondary legal aid.

In addition, in this police station the representatives of the Commissioner had a conversation with Members of Parliament Lesia Orobets and Oksana Prodan, who had arrived to this station earlier. They also talked with health care practitioners who had been examining the apprehended individuals and providing them health care in the police station.

In particular, during the monitoring visit to the Darnytske police district station the employees of the Secretariat found out that the health care provided to the citizens who had been apprehended, had suffered bodily injuries and had been brought to the police station was untimely. According to these citizens, they suffered bodily injuries during the apprehension and were severely beaten by police. In order to restore the human rights that were violated, the employees of the Secretariat immediately informed O.M.Sainoha, the prosecutor of prosecutor's office of Darnytskyi district in Kyiv city.

Furthermore, the representatives of the Commissioner visited Kyiv city emergency hospital. They had a communication with all persons who were staying in this facility and documented all the infringements of their rights. This information was collected, summarized, and submitted to the Prosecutor's Office of Kyiv City for the respective response.

On 19 February 2014, the employees of the Secretariat visited Holosiivske and Sviatoshynske police district stations in order to identify the number of apprehended/detained individuals and verify whether the detained individuals had received timely secondary legal aid and health care. It was identified that 10 individuals had been brought to the Holosiivske police district station; two of them had suffered visible bodily injuries. The representatives of the Commissioner requested emergency health care. In addition, at the moment of visit, the law enforcement officers had not informed the centre for secondary free legal aid about the apprehension of these individuals. Thus, the employees made a reprimand to the head of police district station, and the centre for secondary free legal aid was informed about the apprehended individuals.

It is worth noting that the law enforcement officers who apprehended the participants of mass protests and used special means with excessive force did not provide necessary care to injured persons and did not call for doctors, although the current law requires so. After the apprehension, these individuals were brought to police vans even though they suffered bodily injuries. They were staying in the police vans during long hours without receiving necessary care. The ambulances were called only after these individuals were brought to police district stations. For example, the employees of the Secretariat arrived to the Desnianske police district station on 19 February 2014 at 0.05 a.m., where they met an apprehended T. and a health care practitioner with him. During a short conversation, T. reported that he had a fracture of his left arm and right leg, and he had been detained with these injuries in the police van for some 9 hours before being brought to the police station. In total, six protesters who were brought to this police station and had suffered from bodily injuries of different gravity, were then admitted to hospital.



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25 February 2014

**To the Prosecutor of Kyiv city
M.H.Beskyshkyi**

Dear Mr. Beskyshkyi,

During the monitoring visits to the Darnytske district station of the Main Department of the MIA of Ukraine in Kyiv city and Kyiv city emergency hospital on 19 February 2014, the employees of the Secretariat of Ukrainian Parliament Commissioner for Human Rights identified that law enforcement officers beaten O.Iu.A., born on 28 January 1975. He was apprehended on 18 February 2014 at 10 p.m. at Maidan Nezhalzhnosti sq. He was brought to the pre-trial investigation authority of the Darnytske police district station on 19 February 2014 at 03.30 a.m., and then he was admitted to Kyiv city emergency hospital only at 11.25 a.m.

The European Court of Human Rights repeatedly stressed that the use of force by the law enforcement officers should comply with the criteria of necessity, legality and proportionality. According to the jurisprudence of the European Court of Human Rights, each case of the use of force should be efficiently investigated in order to clarify all circumstances of the case, and, if the violation of rights is identified, to bring the offenders to liability.

Based on the above and in pursuance of Article 101 of the Constitution of Ukraine, item 3 of Article 3 and Articles 15 and 22 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" and items 6.3, 6.4 and 6.6 of the Regulation on Representatives of Ukrainian Parliament Commissioner for Human Rights #7/8-12 as of 26 July 2012, I request you to carry out an impartial and non-biased investigation of this case and to inform the Commissioner for Human Rights about its results.

Annex, 4 pages

Sincerely,

Iu.L.Bielousov

The fast development of next days, 18-20 February 2014 – resulted in an awful tragedy. According to the official data alone, more than 80 persons died and hundreds of injured persons with gunshot wounds were admitted to the hospitals.

On 20 Februar 2014, the Commissioner made an open statement and called for an immediate stop of the bloodshed on the streets of Kyiv and other cities of Ukraine and preservation of the human life. She stated that it was a crime to use firearms against the protesters on the part of law enforcement officers¹².

Ukrainian Parliament
Commissioner
for Human Rights

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Thursday, 20 February 2014 17:01

Valeriya Lutkovska: "Any international standards don't allow the law enforcement to use firearms to shot to death protestors in order to stop the riots"

An awful tragedy has happened in recent days in the streets of Kyiv and Ukrainian cities.

As of today, according to available information, about fifty people are shot to death, but there is information that the number of victims is much bigger.

Hundreds of people are hospitalized.

Today I personally conducted monitoring of Kyiv hospitals, they are overcrowded. There are dozens of people with gunshot wounds.

In fact, the military actions take place in the streets of the Ukrainian capital.

I appeal to all those involved in these events. Any political crisis can't be a justification in case of death of even one person. Any political conflict is not worth of being killed in its name, became disabled, loose health by hundreds of citizens of Ukraine.

Any international standards don't allow the law enforcement to use firearms to shot to death protestors in order to stop the riots. On the contrary, international documents call for the minimization of damage due to the use of force. Otherwise such actions are a crime.

I understand that the situation is at an impasse, but the state can't be built on the human blood.

In any case, any conflict should be resolved through negotiations, by peaceful means. Through political compromise, mutual real steps of the parties towards each other.

In this regard, I call, I ask to immediately stop the bloodshed in the streets of Kyiv and Ukrainian cities in order to save lives. It is never too late to stop shooting in order to save human life and human destiny.

Starting from 19 February, the employees of the Secretariat started to visit health care facilities in order to draw a real picture of the number of injured persons and observe whether they receive proper health care. In addition, they verified the information that law enforcement officers might take the injured persons directly out of the hospitals.

In particular, on 19 February the employees verified the information that law enforcement officers took injured persons from the Kyiv city clinical hospital #1. It was found out that 10 detainees had been brought from the Dniprovske police district station to this hospital for examination and deciding whether they could be detained in the penitentiary facilities of the

¹² http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2044:valeriya-lutkovska-any-international-standards-dont-allow-the-law-enforcement-to-use-firearms-to-shot-to-death-protestors-in-order-to-stop-the-riots&catid=14:2010-12-07-14-44-26&Itemid=75

MIA. After the examination, one of them was admitted to the hospital, and other nine persons were brought to the pre-trial detention centre, as the doctors said that they did not need in-patient care.

On 20 February, the Commissioner personally visited Kyiv city ambulance hospital (16 persons admitted with gunshot wounds), clinical hospital #17 (22 persons admitted with gunshot wounds, including two police officers), and hospital #12 (15 persons admitted, including 13 persons with gunshot wounds).

During the conversation, the chief doctors expressed their admiration with ordinary Kyiv citizens who regularly brought medicines to these hospitals, which made it possible to provide appropriate health care. Various health care institutions, including the medical university, provided their specialists to support this work.

On 21 January, the employees of the Secretariat immediately verified the information about the death of David Kipiani, citizen of Georgia, from gunshot wounds. It was found that David Kipiani did not have gunshot wounds, and he had indeed died from heart failure.

Another issue that is worth noting is a new phenomenon in Ukraine: the authority organizes counter-protests involving so-called “titushki” (young athletic men who can use physical force against mass protesters and who are usually paid for it), using them for various provocations and sometimes even involving them in the protection of public authorities. In these situations the young men were usually armed with knives, wooden and metal sticks, and bars.

Later during the clashes, everyone could see that not only did law enforcement officers do nothing to prevent severe attacks of “titushki” on the participants of mass protests, but they also used force together with “titushki”, sometimes even killing the citizens. Such examples were documented in many cities, including Kyiv, Dnipropetrovsk, Kharkiv and Cherkasy.

Mykhailo Chaplyha, the Representative of the Commissioner, witnessed such actions of “titushki” in person, when he took part in the First Forum of Euromaidans in Kharkiv in expert capacity upon the invitation of NGO “Alliance-Maidan”.

The OSCE Guiding principles on the freedom of peaceful assembly stipulate that the state should ensure that the public order is protected during such assembly on the human rights basis. Such approach means that the state authorities should first of all implement their duty to support free execution of the right to assembly. The state has a positive obligation to adopt reasonable and appropriate measures that should make sure that no physical violence is used against the participants of peaceful assembly, so that they are not scared with it. In broad, the state has a positive obligation to protect the right to life (Article 6 of ICCPR, Article 2 of ECHR) and the right to the freedom from inhuman and degrading treatment (Article 7 of ICCPR, Article 3 of ECHR). These rights enforce some of the fundamental values that are protected by the international law of human rights and do not have any exemptions. The measures to protect public order during the assembly should be also grounded on the principles of legality, proportionality and non-discrimination.

On 21 February 2014, upon the results of meetings with the representatives of human rights organizations (in particular, the Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement (Association UMDPL), Association of Independent Monitors and Kharkiv Institute for Social Researches), the Commissioner for Human Rights proposed to set up the mechanism for joint proceedings (together with the representatives of NGOs).

In particular, during the discussion of the progress of Memorandum of cooperation between the Commissioner for Human Rights and the Association UMDPL, Vadym Pyvovarov, the Executive director of the Association, noted that two years of successful cooperation make it possible to formally approve the cooperation mechanism and, particularly, the effective cooperation modality with the Unit for Special Proceedings of the Commissioner at the level of legal documents of the Commissioner.

“The international best practices showcase that in order to ensure high efficiency of the proceedings of mass and systemic violations of human rights; it is necessary to engage the representatives of community, human rights activists and experts into such proceedings”, V.Lutkovska said during the meeting.

The modality of joint proceedings will entail cooperation with community on the following directions:

- Identification of systemic violations of human rights;
- Collection and summary of evidence of violations of human rights, drafting conclusions;
- Analysis of the dynamics of observance of human rights in the respective sector;
- Developing draft reaction acts of the Commissioner;
- Control over the execution of the reaction acts of the Commissioner within the framework of legislation.

The first proceedings that are carried out through this modality were the proceedings on the events that took place since 30 November 2013, including deaths, torture, failure to provide timely and appropriate health care and legal aid to detainees, failure to inform relatives about the apprehension, etc.

On 24 February 2014 the Commissioner received information about the findings of investigations and internal investigations neither from the Prosecutor General’s Office nor from the Ministry of Internal Affairs, although the Commissioner requested so. Thus, in order to ensure comprehensive and detailed internal investigation of severe violations of human rights and freedoms on the part of law enforcement officers, Valeriia Lutkovska addressed Oleh Mahnitskyi, an Authorized officer for control over the activities of Prosecutor General’s Office and Arsen Avakov, Minister for Internal Affairs *a.i.* She recommended them to attach the copies of reaction acts of the Commissioner that had been sent previously to the Prosecutor General’s Office and the MIA.

Due to organizational changes that took place recently in the Prosecutor General’s Office and the Ministry of Internal Affairs, the Commissioner for Human Rights expressed hope for impartial and efficient investigation of the proceedings on the events that took place in Kyiv and other regions of Ukraine.

On 25 February 2014, the Commissioner published the Procedure for involvement in the public proceedings of the Commissioner concerning violation of person’s rights and freedoms¹³.

¹³ http://www.ombudsman.gov.ua/en/index.php?option=com_content&view=article&id=2051:the-order-of-involvement-of-the-public-in-proceedings-of-the-commissioner-concerning-violation-of-the-rights-and-freedoms-of-the-person-was-promulgated&catid=14:2010-12-07-14-44-26&Itemid=75



PRESS



The Order of involvement of the public in proceedings of the Commissioner concerning violation of the rights and freedoms of the person was promulgated

Tuesday, 25 February 2014 00:00



In cases of opening of proceedings of the Commissioner for Human Rights concerning resonant human rights violations, the Commissioner will involve in realization of proceedings of representatives of the public and the international experts.

Cooperation with the public will be carried out in the sphere of identification of system human rights violations, collecting of proofs of human rights violations, their generalization and preparation of conclusions. Besides, the public will be involved in the analysis of dynamics of a state of observance of human rights in the sphere defined by proceedings, in preparation of drafts of acts of reacting of the Commissioner and control over implementation of acts of reacting of the Commissioner within the legislation.

After coordination of actions within proceedings the Commissioner will issue if necessary for representatives of public organizations personal powers of attorney for realization of such actions.

The basic principles of the proceedings which is carried out together with the public are objectivity and impartiality, respecting the rule of law, confidentiality and coherence of actions of participants of proceedings.

You can acquaint in details with Order of involvement by the Commissioners for Human Rights of the public in proceedings concerning violation of the rights and freedoms of the person on the official site of the Commissioner in the section "Access to public information".

Recommendations

The violations of human rights specified above, the analysis by the Commissioner for Human Rights and the summary of all systemic pitfalls allow for making the following recommendations:

To the Verkhovna Rada of Ukraine:

1. To adopt the law on the freedom of peaceful assembly as requested by the second judgment of the European Court of Human Rights. This law should set forth clear rules for all participants of peaceful assembly, in particular for law enforcement officers, and specify the exhaustive list of grounds for interference during the implementation of the rights to peaceful assembly. The law should also establish clear and exhaustive reasons for restriction of the right to peaceful assembly subject to the interests protected by part 1 of Article 39 of the Constitution of Ukraine. It should stop administrative prosecution of organizers and participants of peaceful assembly if they did not commit crimes.
2. To introduce amendments to the Law of Ukraine “On the Police” that should provide for individual identification mark for law enforcement officers who perform their duties in service dress, and also establish clear provisions for the use of special means.

To the High Specialized Court on Civil and Criminal Cases

To summarize the jurisprudence of applying Article 206 of the Criminal Procedure Code of Ukraine by courts in order to identify systemic problems that arise when implementing the obligations stipulated by parts 3 and 5 of this Article (they concern the release of persons apprehended without legal grounds for apprehension and without the respective judgment of the investigative judge), and when implementing the obligations stipulated by parts 6 and 7 of this Article (in cases when the person reports that he/she suffered from violence during the apprehension or detention in the authorized governance body, or if his/her appearance, condition of other circumstances give grounds to the investigative judge to reasonably suspect that the provision of the legislation were violated during apprehension or detention in the authorized governance body).

To develop recommendations to the courts of lower ranks in order to prevent the infringement of guarantees stipulated by Article 206 of the Criminal Procedure Code of Ukraine

To the Prosecutor General’s Office of Ukraine

1. To make sure that the efficient investigation is conducted upon each fact of the use of force, special means and arms on the part of law enforcement officers. The investigation is to be conducted with due account of the jurisprudence of the European Court of Human Rights. Each investigation should be able to identify all circumstances of the cases and, if the human rights were violated, to prosecute offenders.
2. To ensure steadfast implementation of the provisions of part 1 of Article 214 of the Criminal Procedure Code of Ukraine with regard to inputting data about the alleged crime committed by law enforcement officers into the Unified Register of Pre-Trial Investigation.

3. To ensure appropriate prosecutor's supervision over observance of the provisions of the Criminal Procedure Code of Ukraine with regard to guaranteeing human rights. To take measures of prosecutor's reaction to each of the following case:

- apprehension of an individual by the authorized officer without the respective judgment of the investigative judge or court and without the circumstances stipulated under part 1 of Article 208 of the Criminal Procedure Code of Ukraine;

- inaccurate documentation of the place, date and exact time (hours and minutes) of the apprehension of an individual in the protocol according to the provisions of Article 209 of the Criminal Procedure Code of Ukraine;

- failure to perform the obligation of investigator stipulated by part 3 of Article 210 of the Criminal Procedure Code of Ukraine. This provision established the verification that should be brought out in order to decide on the liability of officers responsible for untimely bringing apprehended individual to the pre-trial investigation authority;

- failure to immediately provide the apprehended individual with the opportunity to inform close relatives or other persons of his/her choice about the apprehension and location of stay on the part of an official who made apprehension (or failure to provide such information by him/herself in circumstances stipulated by the law), although the provisions of part 1 of Article 213 of the Criminal Procedure Code of Ukraine so require.

- failure to provide immediate information about the apprehension to the organization (body) authorized by the law to provide free legal aid, on the part of authorized officer who made apprehension or an officer responsible for detention of the apprehended individuals in pursuance of parts 4 and 5 of Article 213 of the Criminal Procedure Code of Ukraine.

4. To ensure appropriate control over the legality of apprehension of individuals suspected in committing crimes who were involved into mass actions, and over the availability of reasonable evidence to prove the request for judicial restraint.

To the Ministry for Internal Affairs of Ukraine

1. To install video monitoring at all doors of the law enforcement authorities (without exception), in duty stations, passages, halls, investigative rooms, and to ensure that the videos are stored not less than 1 month.

2. To ensure appropriate record of individuals who stay in the premises of the law enforcement authorities and day-to-day control over the maintenance of register of the record of individuals brought, invitees and visitors in line with the Instruction approved by the Order of the MIA #181 as of 28 April 2009.

3. To organize appropriate performance of the duty to immediately inform the centres for provision of free legal aid about the apprehension of individuals in accordance with Article 213 of the Criminal Procedure Code of Ukraine and the Resolution of the Cabinet of Ministers of Ukraine #1363 "On Approval of the Procedure of Providing Information about Apprehension of Persons to Kyiv City Centre for Free Secondary Legal Aid" as of 28 December 2011.

4. To ensure that the relatives are immediately informed about the administrative apprehension of individuals and apprehension of individuals suspected of having committed a crime.

5. To ensure that no deadlines are missed in detention of individuals in the pre-trial detention centres and in the rooms for individuals apprehended and brought by duty police units.
6. To ensure that the officers responsible for detention of the apprehended individuals appropriately perform their duties stipulated by the provisions of Article 212 and part 5 of Article 213 of the Criminal Procedure Code of Ukraine.
7. To equip the rooms for investigative and other measures in the premises of law enforcement agencies in line with the Regulation approved by the Order of the MIA #1561 as of 18 December 2003.
8. To develop and formally approve the Unified templates of recording documents to be maintained by the officers responsible for detention of the apprehended individuals in line with Article 212 of the Criminal Procedure Code of Ukraine.
9. To stop the practice of detention of individuals in the premises not suitable for it (halls, offices, etc).
10. To develop and formally approve the legal act of the MIA on documenting the provision of health care not only to individuals detained in duty stations and rooms for detainees and apprehended individuals, and also in all other premises of law enforcement authorities.
11. To analyze the progress and efficiency of integrating human rights issues into training, special training and capacity building programmes for law enforcement officers in higher educational institutions of the MIA, and in police colleges. In case of need, to take measures that might be necessary to introduce new training programmes and courses on the issue of observing human rights in law enforcement activities. To provide for mandatory evaluation on the issues of human rights in the system of professional training for law enforcement officers.
12. To ensure that during the comprehensive evaluation of individuals applying for the vacancies in law enforcement agencies, the exam is arranged to verify their knowledge on observing human rights in law enforcement activities.
13. To eliminate cases of engaging civic associations of disputable origin or disputable nature into protection of public order during mass actions, except for the association registered according to the procedure stipulated by the Law of Ukraine #1835-III "On the Participation of Citizens in the Protection of Public Order and State Border" as of 22 June 2000. Such associations may operate only in the community where they are registered.
14. Never allow the members of such civic associations to use special or expedient means, except for means of individual protection and defense allowed by the law, and only if legitimate grounds are available.