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Head of state: **Viktor Yanukovich**

Head of government: **Mykola Azarov**

Torture and other ill-treatment remained widespread, and impunity for such acts continued. Failings in the criminal justice system led to lengthy periods of pre-trial detention, and a lack of safeguards for detainees. Refugees and asylum-seekers risked detention and forcible return to countries where they faced human rights violations. The rights of LGBTI individuals were at risk.

Torture and other ill-treatment

There were continuing reports of torture and other ill-treatment in police detention. In a report on a visit to Ukraine in 2011, published in November, the Council of Europe Committee for the Prevention of Torture stated that it had been "inundated with allegations from detained persons" who had been subjected to physical or psychological ill-treatment by police officers. Shevchenkivskiy police station in Kyiv was singled out as being particularly "problematic".

On 18 September, Parliament passed legislation allowing the Parliamentary Commissioner for Human Rights' Office to carry out the functions of a National Preventive Mechanism, in fulfilment of Ukraine's obligations under the Optional Protocol to the UN Convention against Torture.

- Mikhail Belikov, a retired miner, was tortured by police officers from Petrovskiy District police station in Donetsk on 17 June. He was approached by three duty police officers in a park for drinking in public. He reported that he was beaten in the park and then taken to the Petrovskiy District sub-police station, where a fourth duty police officer raped him with a police baton while three other policemen held him down. A more senior officer told him to forget what had happened, and asked him to pay 1,500 hryvna (€144) to be released. He agreed to pay and was released without charge. That night his condition worsened considerably. He was taken to hospital where doctors found that he had suffered serious internal injuries, and he would require a temporary colostomy. At the end of the year, three

police officers were on trial for five separate incidents of beating and extortion, going back to 2009, including the torture of Mikhail Belikov. Two of the officers were charged with torture, under Article 127 of the Criminal Code.

Impunity

In October, members of the UN Human Rights Council's Universal Periodic Review of Ukraine's human rights situation recommended that Ukraine should create an independent body to investigate cases of torture and guarantee compensation to victims. Ukraine had not replied to this and the other 145 recommendations made to it by the Review before the end of the year. Victims of torture and other ill-treatment continued to experience difficulty in getting their complaints investigated. Punishments handed down by the courts often did not reflect the gravity of the crime.

- On 5 January, police officer Serhiy Prikhodko received a five-year suspended sentence for abuse of office for causing the death of Ihor Indylo in police custody in Shevchenkivskiy police station in Kyiv in May 2010. A second police officer, Serhiy Kovalenko, had been amnestied in December 2011 on the basis that he had a young child. On 14 May, the Kyiv Appeal Court cancelled both the suspended sentence and the amnesty, and returned the case for further investigation. On 29 October the Kyiv Appeal Court again asked for additional investigation.
- On 23 March, Ihor Zavadskiy, a celebrated accordion player, was detained in Kyiv and subjected to torture and other ill-treatment by police officers. He alleged that he was thrown to the ground outside his home and beaten by a group of plain-clothes police officers, who searched him, took his mobile phone, and searched his apartment without a warrant, and that he was then subjected to further torture and other ill-treatment at Shevchenkivskiy police station in Kyiv. Three police officers beat him and one of them squeezed his testicles causing extreme pain. At one point he lost consciousness when he was thrown to the ground, hitting his head on the floor. Police officers insisted on interrogating him without a lawyer; he did not see a lawyer until 27 March. He was subsequently charged with "violent unnatural gratification of sexual desire" and "debauchery of minors". He lodged a complaint with the district prosecutor about the torture and other ill-treatment on 2 April. He was only informed on 3 July that a decision had been taken on 6 April not to start a criminal investigation into the torture allegations. The Shevchenkivskiy District Court overturned the prosecutor's decision on 31 July, and returned the case for additional investigation. At the end of the year there was no information about the progress of the investigation. The case against Ihor Zavadskiy was ongoing.

Refugees and asylum-seekers

Ukraine continued to breach its international human rights obligations under the UN Refugee Convention by complying with extradition requests even in cases where the individuals concerned were recognized refugees or asylum-seekers.

- On 20 September, the Ukrainian authorities returned Ruslan Suleymanov to Uzbekistan, in violation of Ukraine's obligations under the UN Convention against Torture, and the UN Refugee Convention. He remained in pre-trial detention in Tashkent, the capital of Uzbekistan, at the end of the year. Ruslan Suleymanov had moved to Ukraine in November 2010, fearing an unfair trial, torture and other ill-treatment in Uzbekistan, after the construction company he worked for was targeted by rival business interests. He was detained in Ukraine on 25 February 2011, and in May 2011 the General Prosecutor's Office confirmed his extradition to Uzbekistan to stand trial for alleged economic crimes. Although his application for asylum in Ukraine was rejected, he had been recognized by UNHCR, the UN refugee agency, as a refugee, and they were actively seeking his resettlement.

- On 19 October, Leonid Razvozzhayev, a Russian citizen and aide to Russian opposition MP Ilya Ponomarev, was reportedly abducted by Russian law enforcement officers in Kyiv from outside the offices of the Hebrew Immigration Aid Society, where he had gone for legal assistance and advice in order to apply for asylum in Ukraine. On 22 October, Leonid Razvozzhayev alleged that he was subjected to torture or other ill-treatment upon his return to Russia to force him to incriminate himself and other opposition activists in planning mass disorder. On 25 October, a spokesman for the Ministry of Internal Affairs confirmed that Leonid Razvozzhayev had been abducted "by law enforcement officers or law enforcement officers of another state". He stated that this was not a criminal matter, but "a matter of co-operation between law enforcement agencies, about which I know nothing."

In June, UNHCR, the UN refugee agency, noted that, despite the new 2011 Refugee Law, procedures and legislation still fell short of international standards. In particular, asylum-seekers, who are frequently undocumented, risked detention for up to 12 months for illegally staying in Ukrainian territory.

- In January, 81 people detained in two migrant accommodation centres, the majority of whom were Somali nationals, declared a hunger strike to protest against their detention. They had been detained and sentenced to up to 12 months "for the purposes of deportation", following a police action to control "illegal immigration" at the end of December 2011. No Somali nationals had ever been returned from Ukraine, and forcible returns to Somalia would have been unlawful in all but exceptional circumstances. At least one detainee was registered with the UNHCR as an asylum-seeker, but many more had been unable to apply for asylum as the Regional Migration Services offices in many parts of Ukraine had not functioned for most of 2011. The detainees ended the hunger strike on 17 February, after the State Migration Service assured them that it would re-open its regional offices in Volyn district, in western Ukraine, and start accepting applications for refugee status and related protection. By November 2012, 53 of the detainees had been released.

Justice system

A new Criminal Procedural Code, with significant improvements on the previous one, was given Presidential assent on 14 May. It clarified that detention starts from the moment of apprehension by the police; that detainees have the right to a lawyer and to an independent medical expert from that moment; and clearly stated that pre-trial detention should only be applied in exceptional circumstances, in line with Council of Europe recommendations. It also provided for automatic review of the continuing justification for pre-trial detention at two-monthly intervals. Concerns remained that a lawyer was only mandatory in cases of especially grave crimes that entail a penalty of more than 10 years in prison, and that free legal aid was also only available in cases where a lawyer was mandatory.

- On 27 February, Yuriy Lutsenko, former Minister of Internal Affairs and leader of the People's Self Defence opposition political party, was sentenced to four years' imprisonment and a fine of 643,982 hryvna (€61,621) for misappropriation of state property and abuse of office. Yuriy Lutsenko had been held in pre-trial detention since 26 December 2010. On 3 July the European Court of Human Rights found that Yuriy Lutsenko's pre-trial detention had violated his right to liberty, as well as having been ordered for political reasons in violation of the European Convention on Human Rights. On 17 August, he was found guilty additionally for professional negligence for ordering illegal surveillance of a driver while investigating the poisoning of former President Yushchenko. His sentence remained unchanged.
- A new trial against former Prime Minister Yuliya Tymoshenko for tax evasion was due to start in April, but was postponed for health reasons. The new charges, which were made in October 2011, related to her activities as president of the energy trading company United

Energy Systems of Ukraine (UESU) from 1995 to 1997. She continued to serve a seven-year sentence under politically motivated charges of abuse of office for signing a multi-million dollar energy contract with Russia in January 2009, while she was Prime Minister.

Rights of lesbian, gay, bisexual, transgender and intersex people

In October, Parliament passed the second reading of a draft law "On amendments to some legislative acts (to protect the right of children to a safe information environment)". The Law proposed to ban the production, importation or distribution of publications, film or video materials promoting homosexuality. If enacted, the law would severely restrict the right to freedom of expression of LGBTI individuals.

- On 20 May, the Kyiv Pride march was called off just 30 minutes before it was due to begin after police warned that a large number of nationalist and religious protesters had threatened to interrupt the march. One of the organizers was beaten by a gang of youths and another was sprayed with mace.

International justice

On 24 October, the government stated that Ukraine remained committed to the idea of the establishment of an International Criminal Court. However, no steps were taken to make the necessary legislative changes to implement the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities to which Ukraine acceded on 20 January 2000 and 29 January 2007 respectively.

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