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UKRAINE

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Head of state: Viktor Yushchenko (replaced Leonid Kuchma in January)

Head of government: Yuriy Yekhanurov (replaced Yuliya Tymoshenko in September, who replaced Viktor Yanukovich in January)

Death penalty: abolitionist for all crimes

International Criminal Court: signed

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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Torture and ill-treatment in police detention continued to be routine. Anti-Semitic and racist attacks were reported throughout the country. Ukraine continued to be a major source of men, women and children trafficked abroad.

Background

After contested elections, Viktor Yushchenko took office as President on 23 January. In his inaugural speech he promised a "democratic government, a free press and an independent judiciary". On 8 September, after his chief of staff resigned alleging corruption in the government, Viktor Yushchenko dismissed Prime Minister Yuliya Tymoshenko and other cabinet members, and formed a new government headed by Yuriy Yekhanurov.

Torture and ill-treatment

The new government acknowledged that torture and ill-treatment were a problem and took some positive steps. In January, amendments to Article 127 of the Criminal Code concerning torture made it possible to charge state officials with this crime. The General Prosecutor stated in September that 226 cases had been opened against police officers for torture and ill-treatment and that there had been more than 1,000 complaints during the past year. In September Ukraine signed the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Despite these measures, reports indicated that law enforcement officers continued to use torture and ill-treatment routinely and with impunity to extract confessions and information from detainees. Police officers were not adequately trained or equipped to gather evidence and therefore depended on confessions to solve crimes. Cases of torture and ill-treatment were rarely followed up and victims rarely received compensation.

- Maksim Kalinin, aged 16, was allegedly beaten by police on 6 June in Kerch. According to reports, a girl he had argued with telephoned friends in the police to say that he had insulted her. Three police officers arrived shortly after and beat Maksim Kalinin. They then handcuffed him and took him to the local police station where they allegedly beat and threatened him. He was held for 24 hours and then driven home. He required hospital treatment for his injuries. His parents reported the ill-treatment to the prosecutor's office and a court case was started in June against the police officers involved. In December the officers were sentenced to three and four years in prison under Article 365 of the Criminal Code for exceeding their authority.

Poor conditions in pre-trial detention

Conditions in most pre-trial detention facilities failed to meet international standards. Most of the temporary holding facilities (ITTs) of the Ministry of the Interior dated from the 19th century or earlier and were not equipped with adequate sanitary facilities, ventilation or exercise yards. Tuberculosis continued to be widespread. However, a programme of renovation and reconstruction was started. According to the parliamentary Ombudsperson, by February, 139 of the 500 ITTs had been renovated and new ITTs had been built in Kharkiv, Dnipropetrovsk, Kirovohrad, Kyiv and Mariupul.

Racist attacks

There were continuing reports of anti-Semitic and racist attacks across the country. The Union of Councils for Jews in the former Soviet Union reported at least eight attacks against Jews and defacement of synagogues in Ukraine. Synagogues and Jewish community centres were vandalized in Ivano-Frankivsk, Izmail, Zhytomyr, Kyiv and Vinnytsya, and an Armenian church was daubed with anti-Semitic and anti-

Armenian graffiti in Lviv. On several occasions during the year President Yushchenko condemned anti-Semitism and pledged to end it.

- On 26 February Robert Simmons, an African-American US diplomat, was attacked by a group of skinheads in Kiev. His white companion was not touched. A formal complaint was lodged and the Ukrainian authorities initiated an investigation.
- On 28 August Mordechai Molozhenov, a 32-year-old student of Judaism, and another student were attacked by skinheads in an underground passage in Kiev. The skinheads allegedly shouted anti-Semitic abuse during the attack. Mordechai Molozhenov was left in a coma and required brain surgery. He was later treated in hospital in Israel. Three suspects were detained for "hooliganism". The Deputy Minister of Internal Affairs told the Israeli ambassador that the attack had not been motivated by anti-Semitism. President Yushchenko, in a written statement, condemned all forms of racism and xenophobia, and called the incident shameful.

Trafficking in human beings

Ukraine continued to be a major source of men, women and children trafficked abroad, despite government efforts to address the problem. Article 149 of the Criminal Code, which came into force in 2001, criminalizes trafficking. The comprehensive anti-trafficking programme for 2002-2005, which included measures for prevention, prosecution and protection, continued to be implemented. However, a report published in April by the UN Children's Fund (UNICEF), the Organization for Security and Co-operation in Europe, the US Agency for International Aid and the British Council identified weaknesses in the steps being taken to stop trafficking. The report recommended amendments to domestic legislation to address internal trafficking, which was not included in Article 149. It also drew attention to the increasing number of minors being trafficked, and identified domestic violence as a major factor in forcing women to seek work abroad.

Update: 'disappearance' of Georgiy Gongadze

In January President Yushchenko promised that those responsible for the "disappearance" in September 2000 of investigative journalist Georgiy Gongadze would be brought before a court within two months. In March, two suspects were detained and allegedly confessed. On 5 March former Minister of Internal Affairs, Yuri Kravchenko, committed suicide. He was due to be questioned that day in connection with the investigation. On 20 September parliament heard the long-delayed report of the investigating committee, which concluded that Georgiy Gongadze had been murdered, that the crime had been organized by former President Leonid Kuchma and Yuri Kravchenko, and that other high ranking officials had been involved. On 8 November the European Court of Human Rights ruled that Ukraine had violated three articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms in the case of Georgiy Gongadze.

AI country visits

AI delegates visited Ukraine in February, April, September and November to conduct research and meet government officials.

Ukraine
Archive information

Ukraine: Time for Action – Torture and ill-treatment in police detention
(AI Index: EUR 50/004/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005: Ukraine
(AI Index: EUR 01/012/2005)

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