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Ukraine

Covering events from January - December 2004

Allegations of torture and ill-treatment in police detention were widespread. Demonstrations were banned and protesters were detained and harassed. Racist attacks were reported throughout the country. Investigations into the "disappearance" of Georgiy Gongadze made no progress.

Background

The second round of the presidential elections in November was followed by civil unrest and mass protests after the opposition leader, Viktor Yushchenko, refused to accept the official results. The Organization for Security and Co-operation in Europe (OSCE) stated that the elections "did not meet a considerable number of OSCE, Council of Europe and other European standards for democratic elections." In particular, the rights to peaceful assembly and freedom of association were violated and there was an overwhelming bias in favour of the government candidate, Viktor Yanukovich, in the state-controlled media. A third round of the elections on 26 December resulted in an apparent win for Viktor Yushchenko, but the official announcement of the results could only be made after Viktor Yanukovich had completed the appeal process.

Torture and ill-treatment

In December the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published the report of its visit to Ukraine in 2002. This repeated the conclusion of previous reports of visits in 1998 and 2000 that people deprived of their liberty by the Militia run a significant risk of being physically ill-treated at the time of their apprehension or while in custody. Conditions in temporary holding facilities (ITT) run by the Ministry of the Interior were described as intolerable, and overcrowding remained a problem. Access to fresh air was limited and standards of hygiene inadequate. High rates of infection with tuberculosis were reported.

- Beslan Kutarba and Revaz Kishikashvili were detained by police officers from the Nakhimovsky police station in Sevastopol on the Crimean peninsula, southern Ukraine, in August. They were accused of petty theft and breaking and entering, a crime to which they reportedly confessed. Their lawyers were concerned that their confessions had been extracted under torture. The men received no medical attention and had limited access to families and lawyers. They remained in the temporary detention centre in Sevastopol at the end of the year; their lawyer reported that their conditions had improved and they were no longer being ill-treated. The local Procurator and the office of the Ministry of the Interior in Sevastopol denied the torture allegations, although no prompt, comprehensive and impartial investigation into them was carried out.
- Andrey Ovsianikov, a detainee who contracted tuberculosis (TB) in the temporary holding facility in Sevastopol, finally received treatment in March when he was admitted to hospital as a result of the efforts of his family and the Sevastopol Human Rights Group. He had been arrested in June 2003 on suspicion of drug dealing and was subsequently diagnosed as having TB, but not informed of this and only found out by chance in November 2003 when his health worsened. On 30 June 2004 he was returned to the temporary holding facility, where he remained at the end of the year.
- On 28 July, 10 young members of a revolutionary communist group who had been arrested in December 2002 were found guilty of involvement in an attempted coup, banditry and attempted murder and sentenced to between six and 14 years' imprisonment. The defendants alleged that they were tortured during the criminal investigation. One member of the group, a 17-year-old woman, was reportedly raped in detention. No investigation was carried out into the allegations. An 11th member of the group died in suspicious circumstances in November 2003.



Ukraine

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Head of state: Leonid Kuchma

Head of government: Viktor Yanukovich

Death penalty: Abolitionist for all crimes

International Criminal Court: signed

UN Women's Convention and its Optional Protocol: ratified

Further information

[Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2004: Ukraine](#)
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‘Disappearance’ of Georgiy Gongadze

Pressure on the Ukrainian government to identify those responsible for the “disappearance” in September 2000 of investigative journalist Georgiy Gongadze increased, but no real progress was made. In March the head of the Parliamentary Investigative Commission working on the case called for President Kuchma’s impeachment for “serious, violent crimes”. In June the UK-based *Independent* newspaper published leaked documents alleging that high-ranking government officials had blocked the investigation into the “disappearance” and that Georgiy Gongadze had been under surveillance by the Ministry of the Interior before his abduction. In June the Prosecutor General’s Office announced that a convicted murderer had confessed to the journalist’s killing.

Freedom of expression and association

Opposition supporters were detained in the run-up to the first round of the presidential elections in October; some protesters were ill-treated by police.

- Members of the youth opposition organization Pora (It is time) were arbitrarily detained and harassed. Aleksander Tsitsenko was detained by masked police on 21 October in Kirovograd as he was collecting leaflets and stickers. He was released without charge on 25 October. Twenty-year-old Andriy Kulibaba was detained on 20 October in Vinnytsya and sentenced to 10 days in detention for “intentional disobedience to demands of the police”. The sentence was later reduced to a fine and he was released on 23 October. Aleksander Pugach, aged 18, was detained in Vinnytsya on 21 October for refusing to give his name to the police, but was acquitted of that offence. Minutes later, as he stood on the steps of the courthouse, he was detained again for “hooliganism”. All charges against all three men were subsequently dropped, but Pora members continued to be targeted prior to the elections.

Refugees

In June the Parliamentary Assembly of the Council of Europe recommended that Ukraine observe the fundamental principles of international law concerning the protection of refugees and asylum-seekers, and show commitment and political will in tackling the problems of migration. Refugee law in Ukraine breaches international standards by imposing a strict time limit of between three and five days after arrival during which asylum-seekers may submit applications.

Violence against women

Trafficking for sexual exploitation remained a serious concern, with Turkey and Russia continuing to be the destination of most of the women and girls trafficked from Ukraine. The government has taken steps to address the problem and prosecutions increased after Article 149 of the Criminal Code – which establishes trafficking as an offence – was introduced in 1998. However, conviction rates remained low. Judges often lacked experience of the issue and witness protection was rarely offered to trafficked women and girls. Although a special department was established within the Ministry of the Interior to deal with trafficking, law enforcement officers often lacked resources and training.

Discrimination

Anti-Semitic and racist attacks were reported in various parts of Ukraine. Members of the Jewish community in Donetsk, for example, reported a dramatic increase in anti-Semitic acts in 2004. Police continued to deny that attacks on Jewish cemeteries and places of worship were racially motivated. In Odessa attacks on foreign nationals, particularly those from Africa, increased; many were attributed to “skinhead” gangs.

AI country visits

AI delegates visited Ukraine in June.

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