

AMNESTY INTERNATIONAL MEDIA BRIEFING

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UKRAINE: EURO 2012 JEOPARDISED BY CRIMINAL POLICE FORCE



“They said they would torture me. I did not believe them, but then they forced me to sit and held me down on the chair. One approached me, while another held my legs. They put a plastic bag over my head. They held me down as I started to suffocate. They said ‘here is half a breath of air’ and would open the bag for a split second to allow me to come to, and then immediately suffocate me again. And well, as I began to suffocate I bit through the bag to breathe. After a little while they began to panic over why I had not yet suffocated. Once they saw that I had bitten through the bag, they punched me, and then they put two bags over my head at the same time. I thought I was going to die.”

Svetlana Pomilyaiko, torture victim

HOST NATION MUST ACT NOW TO PREVENT POLICE BRUTALITY DURING COMPETITION

Amnesty International is reiterating its call for reform of the Ukrainian police force ahead of Euro 2012 following the severe beating and robbery of two young men by six officers in Lviv on 21 April. Lviv will host three matches featuring Germany, Portugal and Denmark during the competition.

With only 38 days left until Euro 2012 kicks off, the Ukrainian government must send a clear message to police that such abuses will no longer be tolerated in the country, by publicly committing to the establishment of an independent body for investigating complaints against the police.

At the opening of parliament in February 2012 President Yanukovich hailed Euro 2012 as “an important and symbolic event that will open Ukraine for Europe and the world in a new way”, and called on lawmakers to support the process of integration with the EU.

Since gaining independence from the Soviet Union in 1991 Ukraine has done much to bring the country's laws and institutions into line with international human rights standards, but there are still many areas where Ukraine is failing to protect the rights of people on its territory.

Amnesty International has repeatedly highlighted violations of the right to a fair trial, torture and ill-treatment in police custody, the failure to protect asylum-seekers and migrants, racism and harassment and prosecution of human rights defenders.

Football fans enjoying the newly built stadiums in Kyiv, Donetsk, Lviv and Kharkiv may be surprised to know how residents of those cities have been subjected to torture and ill-treatment and other violations at the hands of the police (see below for cases).

People who come into contact with the police in Ukraine are at risk of suffering a range of human rights violations, ranging from racist abuse to torture.

Torture and other ill-treatment

Torture and ill-treatment is facilitated by high levels of corruption and structural shortcomings which encourage a culture of impunity among officials. Close functional and personal links between the prosecutors responsible for investigating crimes by police and the officers themselves result in non-existent or flawed investigations - even when medical or other credible evidence exists to support the allegations.

LVIV

Population: 760,000

Stadium: New Lviv Stadium, capacity: 30,000

Fixtures:

GROUP STAGE

Saturday, 9 June Germany v Portugal (1945)

Wednesday, 13 June Denmark v Portugal (1700)

Sunday, 17 June Denmark v Germany (1945)

"I thought they wanted to kill me, because they were kicking and punching me and beating me with a baton all over my body, they particularly tried to hit me hardest around the kidneys and liver. Then these "law enforcers" took my wallet out of the right hand side inner pocket of my jacket and removed 250 dollars and about 200 Hryvnya. Then the "law enforcers" went on with their criminal actions and pulling my arms behind me they handcuffed me and threw me to the ground. They continued to punch, kick and beat me with rubber batons, probably getting a great deal of enjoyment out of it."

Ihor Savchyshyn, victim of police brutality

On 21 April 2012, **Ihor Savchyshyn and Andrei Semenyuk** were robbed and severely beaten by police officers in Lviv in western Ukraine.

They had just ordered beer in a bar at 5am when staff asked them to leave. As they had just ordered and the bar advertised that it was open until 6am the two men refused to leave and several minutes later two police security guards arrived.

The police officers swore at the men and then started to hit them to force them to leave. The men did not fight back but attempted to remain in the bar by clinging onto the table. The

police called four more officers and all six officers were caught on CCTV stealing \$2,075 from the men and assaulting them.

Police punched and kicked Ihor Savchyshyn and Andrei Semenyuk, before spraying them with tear gas, handcuffing them and striking the pair repeatedly with batons as they lay in restraints on the floor. They were taken to Sykhivskiy police station at 6am and police then kept them in custody without medical care or access to a lawyer for 12 hours, until 6pm, when police told them to leave. Police gave them no explanation for their detention.

As neither were able to walk, an ambulance was called to take them to a nearby hospital. Local prosecutors refused to open a criminal case against the officers until the victims' lawyer gave an interview to a local television channel, prompting the arrest of five of the policemen on 25 April. The other officer admitted himself to hospital the same day, claiming that he had been injured by the two men four days earlier.

In its October 2011 briefing, *Ukraine: Blunt Force: Torture and Police Impunity*, Amnesty International documented numerous cases in which police had tortured people in an attempt to extort money, extract a confession, or simply because of the victims' ethnic origin or sexual orientation.

KHARKIV

Population: 1.5 million

Stadium: Metalist Stadium, 30,000

Fixtures:

GROUP STAGE

Saturday, 9 June Holland v Denmark (1700)

Wednesday, 13 June Holland v Germany (1945)

Sunday, 17 June Portugal v Holland (1945)

"I could see that his nose was broken, and that he had bruises all over his face and what I could see of his body. He was in tears when he asked me to pay the money for his release."

Anna Strogan, wife of torture victim.

Yakov Strogan was detained by police officers from Kievskiy police station in Kharkiv, eastern Ukraine, on 16 August 2010 after an argument with a neighbour.

He was taken to a wood where police officers tortured him. After the ordeal, he told journalists how they threatened to cut him with a selection of knives and ran an electric current through his genitals using a car battery. When he passed out from the pain, police woke him up by pouring a toxic ammonia solution down his throat and nostrils.

He was then held incommunicado for four days in a flat. Anna Strogan went to the police station to try and find her husband, the head of Kievskiy District police station introduced her to a lawyer who offered to secure his release in exchange for \$10,000.

Anna Strogan could not pay, but continued to talk to the lawyer and demanded to see her husband before paying. She was allowed to see her husband in the back of an unmarked car outside the police station.

She saw that he had been badly beaten, but only realised the extent of the torture that her husband was being subjected to when she was handed his clothing, and she saw it was blood-stained, torn, and that he had soiled his trousers.

After three days the police were obliged to bring her husband before a judge and Yakov Strogan was released. He lodged a complaint about his torture, providing medical evidence. On 29 October 2010 the regional prosecutor refused to open a criminal investigation into his allegations giving the standard reply that there was “no evidence of a crime”.

Yakov Strogan then took part in a press conference and publicized his complaint. Following the conference, he was detained again on 9 December 2010, beaten again by the police and charged with attempted murder. Amnesty International believes that his re-arrest was in retaliation for his complaint about torture. He was finally released on bail on 12 March 2012, but an investigation has still not been launched into his torture complaint.

DONETSK

Population: 975,000

Stadium: Donbass Arena, 50,000

Fixtures:

GROUP STAGE

Monday, 11 June France v England (1700)

Friday, 15 June Ukraine v France (1945)

Tuesday, 19 June England v Ukraine (1945)

QUARTER-FINAL

Saturday, 23 June Winner C v Runner-up D (1945)

SEMI-FINAL

Wednesday, 27 June Winner QF1 v Winner QF3 (1945)

“It is almost impossible to claim your rights in Ukraine. In this case I was able to get the policeman who beat me punished, but I invested an enormous amount of money and time. There were 11 court hearings, and I spent a lot of money on lawyers. Not everybody can do this. In the end I didn’t get any compensation.”

Roman Zuyiev, victim of homophobic beating by police

Roman Zuyiev was beaten up in his own home on 24 January 2010 by an off duty police officer in Donetsk. The attack was apparently in retaliation for the fact that the officer’s brother had earlier been beaten up outside a gay club attended by Roman Zuyiev, who had nothing to do with the attack on the officer’s brother.

The police officer reportedly punched Roman Zuyiev in the face until he fell down and then kicked him in the head several times, while using homophobic terms of abuse.

After Roman Zuyiev had complained the following day to his local police station, the police officer tried to convince Roman Zuyiev to withdraw his complaint and invited him to his home to discuss matters.

When he arrived at the policeman’s home, Roman was confronted by two further policemen who threatened to plant narcotics on him if he did not withdraw his complaint. Roman Zuyiev promised to withdraw his complaint, but they retained his passport, keys and two mobile phones as a guarantee.

The next day Roman Zuyiev phoned the Deputy Director of the police station, explained what had happened, and was asked to come to the police station. The officer who had beaten him and confiscated his belongings was summoned and returned his possessions.

On 30 January, the internal police investigation was closed and the decision was taken not to start a criminal investigation because “the conflict had arisen out of personal dislike”. Roman Zuiyev had to lodge a complaint with district prosecutor’s office before a criminal case was opened on 30 March 2010.

In October 2010, the officer was sentenced to two years of restricted freedom for causing “intentional bodily injury of medium gravity”. He was required not to leave the country during that time, and to report regularly to the police, but was not jailed.

He was also required to pay Roman Zuiyev 1,695 Hryvna (150 Euros) in material damage and 10,000 Hryvna (884 Euros) in moral damages. He left the police force of his own accord before the sentence was pronounced. Roman Zuiyev never received the compensation owed to him and he is now bringing another case against the police for discrimination against him as a gay man.

KYIV

Population 2.6 million
Stadium: Olympic Stadium, capacity 60,000

Fixtures:

GROUP STAGE

Monday, 11 June Ukraine v Sweden (1945)

Friday, 15 June Sweden v England (1700)

Tuesday, 19 June Sweden v France (1945)

QUARTER-FINAL

Sunday, 24 June 24 Winner D v Runner-up C (1945)

FINAL

Sunday, 1 July Winner SF1 v Winner SF2 (1945)

Student **Ihor Indilo** died in custody in Shevchenkivsky police station in Kyiv on 17 May 2010. He had been arrested on 16 May 2010 after a disagreement with a security guard at the dormitory where he lived about a missing ID card.

He had been out celebrating on the eve of his 20th birthday. Police said he was drunk and aggressive when detained, although the security guard has since testified that he was neither.

Off-duty officer Sergei Prihodko detained Ihor Indilo at about 8.15pm and drove him and a friend to Shevchenkivsky police station, where he was interrogated by Sergei Prihodko and another officer, Sergei Kovalenko, in the presence of the friend. Minutes later, an ambulance was called to the interview room because Ihor Indilo was unconscious, although the crew left without thoroughly examining him or asking what caused the injury.

CCTV footage at 9.49pm shows Sergei Prihodko dragging Ihor Indilo into a cell and leaving him on the floor. The footage shows the student's condition deteriorating through the night; he staggers and falls in the prison cell, until he ceases moving at around 3am. Police left him unattended in the cell until they discovered his body at 4.51am.

Officers claim they checked his pulse and breathing and that he was still alive, but the CCTV footage shows an officer simply discovering his body, dragging him and then rolling him over with his foot.

The authorities have failed to provide an adequate explanation for Ihor Indylo's death. Police claimed Ihor Indilo died as a result of falling from a 50 cm bench in the cell because he was drunk. Indilo does not appear drunk in CCTV footage of him entering the police station.

On 5 January 2012 Sergei Prihodko was charged with "abuse of power that results in pain or denigrates a person's dignity," in relation to having dragged Indylo across the floor. Sergei Kovalenko was charged with "neglect of official duty without grave consequences", in relation to allowing Sergei Prihodko to carry out these actions. Both police officers were given suspended sentences and walked free from the court on 5 January 2012.

Refugees and asylum-seekers

Refugees and asylum-seekers in Ukraine are at risk of return to countries where they could face serious human rights violations. A dysfunctional asylum system fails to consider asylum applications fairly, and by not issuing documentation in a timely fashion leaves asylum-seekers at risk of arrest and detention for up to a year for being illegally resident in Ukraine. In January a group of 60 Somali and Eritrean asylum-seekers who had been detained "for the purposes of deportation" for being illegally present in Ukraine declared a hunger strike. The UNHCR has advised that many Somali asylum-seekers are in need of international protection and has advised against returning Somali nationals to South and Central Somalia. Many of the Somalis and Eritreans detained in Ukraine have been unable to apply for asylum because the migration services offices in many parts of Ukraine have been closed due to internal restructuring, they have not been offered complementary protection in accordance with international standards and have been detained, in many cases, repeatedly, for the purposes of deportation, but with no real prospect of deportation. Many have been subjected to extortion and racist attacks by the police.

Unfair Trials

Despite continuing efforts to reform the justice system, Ukraine cannot guarantee the independence of judges. Judges come under pressure from the General prosecutor's office which can prosecute judges and in 2011 the General Prosecutor's Office requested the dismissal of three judges from Kyiv Appeal court because they refused a prosecutor's request to detain a suspect, on the basis that there were no grounds to hold him. The independence of judges is also threatened by the practice of appointing judges for five years before confirming their appointment for life. On 11 October, Yuliya Tymoshenko, who had been Prime Minister from January to September 2005 and again from December 2007 to March 2010, was sentenced to seven years' imprisonment and barred from holding public office for three years by a Kyiv court for signing a multi-million dollar energy contract with Russia in January 2009. The charges against her were not recognized criminal offences and were politically motivated. The judge in her case was on a temporary contract.

Discrimination

LGBT:

Ukraine decriminalized consensual sexual relations between adult men in 1991, however, Ukrainian homosexuals continue to face high levels of stigma and prejudice in society. This leads to restrictions on their rights to employment, freedom of expression and assembly and family life. They are at risk of extortion and other violations when they come into contact with the police. According to a poll conducted in 2010, 65% of the respondents in Kyiv considered homosexuality to be a perversion or a mental disease. There is no comprehensive non-discrimination legislation in Ukraine, and existing provisions of the criminal code do not refer to sexual preference as possible grounds for discrimination.

"People don't know how to behave towards people who don't look like them."

Asylum-seeker from Zaire

Racism:

Inadequate provisions in the law, poor police responses, and a failure to acknowledge

the gravity of racially motivated crimes have led to virtual impunity for the perpetrators of racist crimes. Some police practices are overtly discriminatory; representatives of ethnic and racial minorities and anybody who looks “different” are liable to be targeted by the police for document checks. These checks are carried out ostensibly to control irregular migration, but they can lead to arbitrary detention, extortion or other abuses at the hands of the police. While the use of such criteria in law enforcement activity does not always amount to discrimination, it is discriminatory if it has no reasonable or objective justification. According to Article 11 of the Law on the Police of Ukraine, the police are authorised to ask for identification documents from any person they suspect of having committed a crime, but many people are stopped by the police simply because of their appearance. Refugees and asylum-seekers are particularly vulnerable to such discriminatory treatment, but Ukrainian citizens of non-Slavic racial origin are also targeted.

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