

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2007

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Political deadlock, continuing for much of 2007, again hindered Ukraine's implementation of necessary reforms. New laws limiting presidential powers sparked a conflict between parliament and President Victor Yushchenko over cabinet appointments. On April 2 Yushchenko dissolved parliament and called for new elections after dozens of politicians from pro-presidential parties defected to a coalition headed by Yushchenko's political rival, Viktor Yanukovich. The political crisis abated when Yushchenko and Yanukovich agreed to parliamentary elections on September 30. Yanukovich's Party of Regions won the elections, with the Yulia Timoshenko Bloc coming second and Yushchenko's Our Ukraine-People's Self Defense party third.

Torture and ill-treatment remain serious problems. Media generally operate without government interference, but harassment of media outlets and journalists persists. Concerns remain about inadequate protection of the rights of migrants and asylum seekers. The government is not taking adequate steps to address human rights abuses fueling the HIV/AIDS epidemic.

An observer mission led by the Organization for Security and Co-operation in Europe (OSCE) determined that the parliamentary elections mostly met standards for democratic elections and that freedoms of expression and assembly were respected. However, observers noted shortcomings including incomplete voter lists, the elimination of absentee voting for snap elections, the Central Election Commission's lack of independence, and the failure of the Constitutional Court to rule on election-related complaints in a timely manner. In the months prior to the elections there were credible reports of misconduct, including the distribution of unsigned brochures containing false information about political parties.

Ukrainian and international organizations reported incidents of torture and ill-treatment in 2007. Ukraine appeared before the UN Committee Against Torture (CAT) in May, and in its concluding observations the CAT expressed concern about torture and ill-treatment in detention, as well as other violations of detainees' rights, and noted the government's failure to effectively investigate torture complaints. The CAT also noted that Ukraine had returned persons to countries where there are substantial grounds for believing that they would be subjected to torture.

At the request of the Ukrainian authorities, the European Committee for the Prevention of Torture (CPT) in June published the report on its visit to Ukraine in 2005. The report concluded that persons detained by the police face a risk of ill-treatment, in particular during initial questioning. The CPT deplored the continuing practice of holding people for weeks or months in police station lockups, which often are overcrowded and may lack basic material conditions such as drinking water, natural light, mattresses, heat, and toilets. The CPT cited significant improvements in conditions in some temporary holding facilities and prisons, but found that work requirements in the women's prison amounted to inhuman treatment.

Journalists and media outlets continue to work free of direct government interference, but threats and physical attacks against journalists critical of government officials or other prominent figures remain a problem.

For example, on August 14 two unidentified assailants attacked Artem Skoropadsky, a journalist for the Kommersant-Ukraina newspaper, who linked the attack to a story he had written citing controversial remarks by Kyiv Mayor Leonid Chernovetsky. Skoropadsky said the mayor's press department had threatened a libel suit over the story. On February 18 two men beat Anatoly Shinkarenko, news director at the local 9 Kanal television station in Dnipropetrovsk. The attackers threatened the journalist, promising to destroy him if he continued to report on an internal conflict at 51 Kanal, a rival television station.

The trial of three former police officers suspected of kidnapping and murdering investigative journalist Georgy Gongadze in 2000 continues, after being opened in January 2006 and repeatedly delayed. Media freedom activists lament that still no charges have been brought against former senior government officials implicated in organizing Gongadze's killing.

Multiple reforms in recent years still have not led to a clear migration policy or a unified, efficient migration service. Detention conditions for migrants remain poor in most facilities, and fundamental rights to a lawyer, to inform a third party of detention, and to be informed of one's rights are routinely denied. Many asylum seekers in need of protection are denied refugee status on procedural grounds or because migration officials fail to evaluate country-of-origin situations. Many migrants, especially Chechens, remain at risk of being returned to countries where they may face torture or ill-treatment.

On June 18, 2007, the European Union and Ukraine finalized agreements on visa facilitation for Ukrainian nationals and on readmission of irregular migrants who transit Ukraine and are apprehended in the EU. The readmission provisions will become applicable after a transitional period of two years, and a special accelerated procedure will apply to persons apprehended in common border regions. Nongovernmental organizations (NGOs) believe that the readmission agreement fails to provide sufficient human rights safeguards.

The government is not addressing the human rights problems fueling the HIV/AIDS epidemic. The Ukrainian National AIDS Center reported over 6,000 newly registered cases of HIV infection in the first three months of 2007, primarily among injection drug users. NGOs report that police interference with the delivery of HIV prevention information and services continues. Those at highest risk of HIV/AIDS, including drug users and sex workers, are particularly vulnerable to police harassment and are frequently driven away from lifesaving services.

Despite its promises to increase access for drug users to medication-assisted treatment (MAT) with methadone or buprenorphine, which is widely recognized as among the most effective means to treat opiate dependence, the government has failed to expand successful MAT pilot programs to more regions. The Ministry of Interior has publicly opposed medication-assisted treatment.

The Ministry of Health has taken measures to expand provision of antiretroviral therapy for people living with HIV, although not on a scale sufficient to address the need for it. When selecting candidates for antiretroviral therapy, medical institutions frequently discriminate against drug users on the unfounded assumption that they will not adhere to a rigorous course of treatment.

The EU continues to deepen its engagement with Ukraine, seeking to bolster the country's democratic reforms and secure its own economic and energy policies. In the December 2006 progress report on European Neighborhood Policy implementation in Ukraine, the EU noted that political dialogue had intensified, and that Ukraine had made progress toward consolidating respect for human rights and the rule of law, including by removing pressure on the media and civil society. The report also stated that reforms are hindered by endemic corruption, lack of an independent judiciary, and long periods of political instability. During a September 2007 summit in Kyiv, the EU and Ukraine "reaffirmed strong and sustained ties," stressing that Ukraine's strengthening of the rule of law and respect for human rights will lead to closer relations with the EU.

In November Giovanni Fava, an Italian member of the European Parliament, claimed to have information suggesting that in 2005 a Ukrainian airstrip was used by Central Intelligence Agency (CIA)-operated planes involved in the United States government's extraordinary rendition program. Ukrainian authorities deny the allegations.

At its spring session, the Parliamentary Assembly of the Council of Europe held an urgent debate on the functioning of democratic institutions in Ukraine and issued a resolution noting that the April political crisis was a result of "systematic failure by the successive Ukrainian governments to establish coherent policies backed by substantial legal, administrative and economic reforms."

In October 2007 the Council of Europe's human rights commissioner presented the report on his December 2006 visit to Ukraine. The report noted the problem of torture and ill-treatment, the lack of access to a lawyer for detainees, and overcrowding and poor health conditions in pretrial detention facilities. The commissioner called on the Ukrainian authorities to improve access to treatment and social reintegration for people living with HIV. The report also noted as problems violence against women, human trafficking, and abuse of children's rights.

The European Court of Human Rights found Ukraine responsible for subjecting Vladimir Kucheruk to inhuman treatment in a pretrial detention facility in 2002. Officials used rubber truncheons allegedly to subdue Kucheruk, kept him handcuffed for seven days in a disciplinary cell, and denied him proper medical care. Authorities also illegally detained Kucheruk for nearly two weeks in violation of a court order committing him to compulsory psychiatric treatment.

In its June 2007 concluding observations on Ukraine's initial report on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, the UN Committee on the Rights of the Child encouraged Ukraine to adopt an action plan to prevent crimes against children and to establish a juvenile justice system in conformity with international standards.

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