



BLUNT FORCE
TORTURE AND POLICE IMPUNITY
IN UKRAINE

AMNESTY
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In 2011, Ukraine celebrates its 20th year of independence from the Soviet Union. While successive governments have made progress in improving the country's human rights record, they have failed to make Ukraine's police force accountable under law. The people of Ukraine are paying a heavy price for their government's reluctance to fund and reform a system drained of public confidence and out of step with international standards.

A police force that puts an emphasis on power rather than accountability, and enforcing obedience rather than protecting individuals' rights, fosters a culture of impunity and encourages widespread corruption.

The police frequently abuse their power by detaining people who might be coerced into paying officers a bribe. The consequences for not paying, or failing – whether innocent or guilty – to confess, are often beatings, torture and imprisonment.

Responding in a press statement to the publication of Amnesty International's 2010 briefing, *Put deeds before words: Deliver human rights for Ukraine* (Index: EUR 50/004/2010), a member of Ukraine's presidential administration said that "the promotion and unconditional protection of human rights were under the direct control of President Viktor Yanukovich". The President must take action to address the issue of police impunity now.

THE PRICE OF FREEDOM

Torture, corruption and impunity feed off each other and must be tackled together. A clear message must be sent to police officers that every allegation of a human rights violation will be investigated and the complainants protected against retaliation.

YAKOV STROGAN: ABDUCTION, TORTURE AND EXTORTION

On 15 August 2010 Yakov Strogan and his wife Anna were returning from a barbecue when he became involved in an argument with a neighbour. Later the same evening the neighbour called at the Strogans' apartment, which led to a fight between the two men. Anna witnessed the fight, and reported that the two men kicked and shoved each other for no more than five minutes, before her husband returned home. The fight reportedly ended when the neighbour fell on some broken glass. However, the neighbour's wife then called Anna and told her that her husband was covered in blood and that she would seek revenge.

Later that night, men in civilian clothing called at the Strogans' door. When the family did not answer, the men spent five hours trying to break into the apartment. When Yakov answered the door in the early morning, he was immediately seized by men who said they were officers from Kievskiy District police station in Kharkiv.

Yakov Strogan reported that he was taken to a forest where the police officers beat him for several hours and repeatedly ran an electric current through his genitals.

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 in a flat in Kharkiv. Anna Strogan went to the police station to try and locate her husband, but was told that he was not there. She was also told that he had been accused of attempted murder, and that their neighbour was in hospital with 14 stab wounds.

Police introduced Anna to a lawyer, who offered to secure her husband's release in exchange for \$10,000. She did not have the money, but continued to talk to the lawyer and demanded to see her husband before paying.

She was allowed to see her husband as he sat in the back of an unmarked car outside the police station. He was in a terrible condition:

"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."

Anna Strogan

Anna started receiving threatening telephone calls as well as calls from her husband begging her to pay the money. In spite of the fear and stress, another lawyer persuaded her to wait three days, as the police would then be legally obliged to bring Yakov Strogan before a judge or release him.

"These three days were horrible for me, because I did not know where my husband was, I did not know what they were doing to him... Knowing our police, I could only imagine. My feelings were very blurred; I felt

anger, hate towards the police, towards our authorities, despair that we are such vulnerable people.”

Anna Strogan

After his release, Yakov lodged a complaint against the police and his injuries were documented by a forensic examiner. Despite the medical evidence, on 29 October the regional prosecutor refused to open a criminal investigation into the allegations, giving the standard reply that “there was no evidence of a crime”.

Subsequently, Yakov widely publicized his complaint. In apparent retaliation, police arrested him again on 9 December 2010, beat him again, and formally charged him with attempted murder, despite the fact that his neighbour, who has since recovered, had only shallow lacerations of the kind one would get from falling on broken glass. After his second beating, Yakov Strogan required medical treatment for a brain injury. As of 2 August 2011, he was still being held in Kharkiv Remand Prison.

“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.”

Anna Strogan



Above: Yakov Strogan appears in court after being tortured by Kharkiv police.

Below: Anna Strogan.

NO INDEPENDENT INVESTIGATION

The current system which uses the local prosecutor's office to investigate police ill-treatment is clearly failing. An independent agency is needed to promptly and impartially investigate allegations of police wrongdoing.

SERGEI FESIK: IN THE WRONG PLACE AT THE WRONG TIME

On 12 January 2008, Sergei Fesik was outside a café in Kharkiv, having a cigarette. He was stopped by police officers who asked him for his ID. As he did not have it on him, the police arrested him and took him to Moskovskiy District police station, where he was detained in a police cell.

Sergei waited there until midnight, when he became concerned that he might not be able to get to work the following day. He used his mobile phone to call his manager to ask him to bring his identity documents. When the police noticed him using his phone, they asked him to hand it over. He refused, and demanded to know why he was being detained.

Sergei told Amnesty International that two police then entered his cell, grabbed his head and slammed it against the bars. They handcuffed him, took his mobile phone and dragged him out of the cell. More officers threw him to the floor and attacked him while he was handcuffed, kicking him and punching him. He said that he lost consciousness several times during the beating, which seemed to last for hours. Finally he regained consciousness to find there were several different police officers



in the room, who stood him up and washed the blood from his face, gave him his phone back, and brought him to an ambulance, where his manager and family were waiting.

The hospital documented his injuries: he had a dislocated shoulder, numerous bruises and has suffered from chronic pain in his pelvis ever since.

On 14 January 2008, Sergei Fesik complained about his treatment to the Moskovskiy District Prosecutor in Kharkiv. On 19 January the prosecutor initiated a criminal case against the officers concerned for misuse of office. But Sergei was given no further information about the case.

After writing several more complaints, on 12 September 2010 Sergei Fesik was eventually called to an interview at the District Prosecutor's office. Sergei told Amnesty International that the investigator then asked him to come to the police station next door, where he was presented with a report stating that he had been beaten by unknown people on the street and that he had only accused the police because he was drunk.

He refused to sign the statement, but the police officers present started to shout and threaten him. Fearing another beating or worse, Sergei signed the report.

Sergei Fesik in hospital after being beaten by Kharkiv police. He was detained for not having his identity documents on him.

"When he printed out the statement, it said that I had been beaten on the street, that the perpetrators were not police officers. I refused to sign it. Then, police officers who were there told me: 'The investigator asked you to sign the document, then sign the document!' So, I signed the statement, I had to get out of the police station. We have such police that they are capable of anything."

Sergei Fesik

Sergei Fesik subsequently wrote a complaint to the prosecutor of a different district in Kharkiv and has put in a claim for damages against the Moskovskiy District Prosecutor's office. The case is ongoing.

"So, I signed the statement, I had to get out of the police station. We have such police that they are capable of anything."

DEATHS IN CUSTODY

Ukraine is failing to protect the lives of those in custody. The failure to effectively investigate deaths in custody violates Article 2 of the European Convention, which guarantees the right to life.

A National Preventive Mechanism is needed to prevent and expose human rights violations in detention. A National Preventive Mechanism would establish a system of visits or inspection to all places of detention to monitor the treatment of and conditions for detainees, and to make recommendations regarding the prevention of ill-treatment.



IHOR INDILO

Student Ihor Indilo died in Shevchenkivsky police station in Kyiv on 17 May 2010. He had been celebrating his 20th birthday and was arrested at 8.15pm. Police say he was drunk and started to pick a fight with a security guard. He and a friend were filmed on CCTV walking without difficulty into Shevchenkivsky police station at 8.38pm.

Ihor was interrogated and at 8.52pm an ambulance was called to the interview room because he was unconscious. Police did not tell the ambulance crew why he was unconscious. The attending doctor said that Ihor was unresponsive until they touched his head, at which point he became defensively aggressive.

The ambulance crew left after Ihor regained consciousness, but without examining him thoroughly. At 9.49pm CCTV shows police officers dragging Ihor into a cell and leaving him on the floor. Despite his extremely

erratic movements, police left him unattended in the cell until they discovered his body at 4.51am.

Ihor's parents were informed of his death by the police, and asked to collect his body. They were told that he had choked to death, but when they saw his body they noticed numerous bruises. The autopsy report revealed Ihor Indilo had died as a result of a fractured skull and internal bleeding, and that the injuries were the result of contact with a blunt object.

Police then claimed that there had been no ill-treatment and that Ihor Indilo died as a result of falling from a bench in the cell because he was drunk. The bench was 50 cm from the ground.

A criminal investigation into the death was started on 28 May 2010, and in August, President Viktor Yanukovich informed the parents that the General Prosecutor would personally ensure the objectivity of the

An anniversary vigil for Ihor Indilo, a student who died in police custody 17 May 2010.

investigation. After a year, the family was still waiting for answers to the outstanding questions: what, exactly, could have caused the injuries that led to Ihor Indilo's death and who is responsible?

The autopsy report revealed Ihor Indilo had died as a result of a fractured skull and internal bleeding, and that the injuries were the result of contact with a blunt object.

RACISM

Discriminatory practices by the police continue. Complaints of discriminatory behaviour should be investigated thoroughly and effectively, and the perpetrators should be disciplined or prosecuted as appropriate.

FIRDOVSI SAFAROV: POLICE RACISM

Firdovsi Safarov is a Ukrainian citizen of Azeri ethnic origin, who has been living in Ukraine since 1985 and runs a grocery shop near Mohiliov Podilsky. He is married with two children and has no criminal record. On 26 March 2011 he was taking his old car to the scrap heap, when he was stopped by five police officers including the Chief of the district police station.

Firdovsi told Amnesty International that the Chief asked him who the old car belonged to. When he replied that it was his, the Chief punched him in the head and said: "Black arsehole. What are you doing here?" Firdovsi was taken to the police station where police officers continued beating him at intervals until about 1am when he was released.

He reported that the Chief repeatedly struck him on his spine and head with a police baton, while throwing racist insults. When the Chief grew tired, other police officers would take over. Firdovsi was kept in handcuffs for the duration of the beating.

Firdovsi Safarov stated that at one point the Chief asked him to pay \$3,000 to be released, but as he said he did not have the money, he was beaten again. At one point he was forced to sit at a desk upon which his head was banged repeatedly. He was



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Dina Groysman

Firdovsi Safarov recovers in hospital after he was subjected to a racist attack by police.

also forced to strip naked four times for a strip search in the presence of witnesses.

Firdovsi finally signed a statement saying that he had arrived at the police station already beaten and with torn clothing, and he also signed two other blank sheets of paper. He has subsequently withdrawn these statements and lodged a complaint about the ill-treatment.

After the prosecutor's office twice refused to open a criminal case, in July 2011 a court ordered them to open an investigation.

Firdovsi was hospitalized for two weeks as a result of the injuries he sustained and continues to suffer headaches and has difficulty walking. He was subsequently charged with the administrative offence of resisting police officers but was acquitted.

IMPUNITY

Prosecutors are reluctant to prosecute their colleagues in the police even when there is sufficient evidence of wrongdoing to result in the police force taking disciplinary measures against their employees. Criminal wrongdoing by the police must be promptly prosecuted under an appropriate criminal charge and not simply dealt with internally by the police.

SVITLANA POMILYAIKO AND ALYONA P.: THREE YEARS ON, STILL WAITING FOR JUSTICE

On 8 November 2008, Svitlana Pomilyaiko and Alyona P. (whose name has been changed to preserve her anonymity) were called to Ordzhonikidze police station in Kharkiv to be questioned as witnesses to a theft at their workplace.

They were taken to different floors of the police station. Svitlana Pomilyaiko told

Amnesty International that she was tied to a chair with her arms behind her back and police officers threatened that something would happen to her 17-year-old son if she did not confess to the theft. She refused, and two officers held her down by her shoulders and legs while a third tied a plastic bag over her head, suffocating her.

“I thought I was going to die and I thought how ridiculous it was to die like this.”

She was able to bite through the plastic bag, but the police officers noticed, beat her and put a second plastic bag over the first. She lost consciousness several times and remembered waking up the last time and seeing a policeman playing a card game on the computer. Despite her fear and humiliation, she refused to sign the confession. After her interrogation, one of the police officers congratulated her for her endurance.

Svitlana Pomilyaiko was allowed to leave the police station the following day. Before she could leave she was forced to sign a statement saying she had no complaints against the police officers who had beaten her.

Alyona P. said she was ordered to remove her upper clothing and strapped to a chair with her hands handcuffed behind the chair. Police beat her, partially suffocated her with a plastic bag, and then standing behind her twisted her nipples with pliers. Svitlana Pomilyaiko said that she remembers hearing Alyona P.'s screams when she was being taken through the police station.



Svitlana Pomilyaiko immediately after being released from police custody. Significant bruising is already evident on both arms and around her left eye.

Both women subsequently lodged complaints against the police officers to the Ordzhonikidze District Prosecutor's office.

The Prosecutor asked the police to investigate and the case was handled by both the Internal Security Department and the Staff Inspectorate. The pliers used on Alyona P. were found in the police station. On 26 December 2008, the Head of Kharkiv Regional Police dismissed three senior officers in command of the three policemen suspected of torturing the women, including the Chief of the police station.

The District Prosecutor's office did not investigate until 12 January 2009, and by that time the pliers had been "misplaced". On 22 April 2009, the decision to start a criminal investigation was cancelled by the district court.

Despite Svitlana's continued appeals, in February 2010 the prosecutor closed the criminal case on the basis that "there was no evidence of a crime." After the closure of the criminal case the three officers who had been dismissed applied successfully to a court to be reinstated. The former Chief of

the police station was even promoted. In October 2010, two of the officers sued for damages against members of local and national authorities.

Finally, in December 2010, the Ordzhonikidze District Court reopened the investigation into the torture allegations. Svitlana Pomilyaiko was only informed in June 2011 that the investigation had been restarted, when the prosecutor in charge of the investigation contacted her. He subjected Svitlana to a lie detector test during which she said that she was made to relive the entire experience, yet to every question she was only permitted to reply "yes" or "no". She felt that the questions had been inappropriate.

Furthermore, the prosecutor's office has asked Svitlana to attend a face-to-face meeting with the three police officers who tortured her, in the police station where she was tortured. She told Amnesty International that she feels her safety is threatened and fears that the experience would be very traumatic. But the investigation is unlikely to progress as long as she does not attend the meeting.

“I thought I was going to die and I thought how ridiculous it was to die like this.”

CONCLUSION

According to some estimates, hundreds of thousands of people in Ukraine may be victims of police abuses each year. Violations range from minor infringements of the criminal procedural code, to racial abuse, extortion, torture and other ill-treatment, and deaths in custody.

These abuses are encouraged by a culture of impunity for the police in Ukraine. Complainants who make well-founded allegations of serious human rights abuses all too often receive the standard response "there is no evidence of a crime". The vast majority of cases, however, both grave and minor, are not reported to the authorities at all because victims fear retaliation by the police, or have no faith that any action will be taken.

The government must at last commit to comprehensively reforming the system for overseeing the police. Three key problems must be addressed as a priority – the lack of regular detention monitoring, the lack of independent investigations, and a reluctance to prosecute police officers. Effective reform in these areas is required to eliminate corruption, prevent torture and ill-treatment and ensure accountability for abuses.



See Amnesty International's report: *"No evidence of a crime": Paying the price for police impunity in Ukraine* (Index: EUR 50/009/2011).

Front cover: A holding cell in a police station in Ukraine, where people can be locked up before being charged. © Sergei Svetlitsky / Demotix

TAKE ACTION NOW!

As President Yanukovich has declared he has direct control over the promotion and unconditional protection of human rights, please send him a letter, email or tweet demanding an end to torture at the hands of the police.

Call on him to:

- Create a system for independent monitoring of places of detention (a National Preventive Mechanism);
- Establish a separate agency to investigate all allegations of torture, which must operate independently of the government and the police;
- Promptly prosecute any law enforcement official reasonably suspected of torture or other ill-treatment;

■ Ensure that full investigations are immediately carried out into the allegations of police torture and ill-treatment in the cases of Yakov Strogan, Sergei Fesik, Firdovski Safarov and Svitlana Pomilyaiko; and into the death in custody of Ihor Indilo.

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Salutation: Dear President



Police on duty in central Kharkiv.

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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