



CPT/Inf (2002) 24

**Response of the Ukrainian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Ukraine**

from 10 to 26 September 2000

The Ukrainian Government has agreed to the publication of the CPT's report on its visit to Ukraine in September 2000 (see CPT/Inf (2002) 23) and of its response. The response, translated into English by the Ukrainian authorities, is set out in this document.

The Ukrainian text of the response will soon be available on the CPT's website (www.cpt.coe.int)

Strasbourg, 9 October 2002

**Response of the Ukrainian Government
to the report of the European Committee
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REPORT
ON THE ACTION TAKING UPON THE CPT's RECOMMENDATIONS AND
REMARKS SET OUT IN THE REPORT TO THE UKRAINIAN GOVERNMENT
ON THE VISIT OF THE CPT TO UKRAINE
FROM 10 TO 26 SEPTEMBER 2000

The report to the Ukrainian government on the visit to Ukraine carried out by the European Committee for the prevention of torture from 10 to 26 September 2000 has been carefully studied by the State department for execution of punishments, the Ministry of Interior, the Ministry of Health and the Ministry of Defense of Ukraine. On execution of the recommendations stated in the above-mentioned Report, the complex of organizational and practical measures has been elaborated and is carried out to eliminate the defects revealed. The given report has been worked through by the Ombudsman of Ukraine.

The State department for execution of punishments of Ukraine has already given the preliminary information on some recommendations and remarks stated by the CPT's members referred to in this Report.

A. Establishments under the authority of the Ministry for Internal Affairs of Ukraine.

The Ministry of Internal Affairs of Ukraine (MIA) considered the Report of CPT concerning the results of its visit to Ukraine on 10–26 September of 2000.

Be informed the following:

Concerning point 7.

During the visit on September 20, 2000 in spite of authorization given by the MIA of Ukraine on September 6, 2000 N 4643 on access to the establishments, where arrested and persons in custody are held, the members of the delegation were not allowed the access for over an hour to the Militia Central Holding Facility (ITT) in Sevastopol. That is why the MIA of Ukraine informed the leadership of internal affairs bodies on the provisions of the Article 8 of the Convention on prevention tortures and inhuman treatment ... provided **an unlimited right of access at any time to any place of deprivation of liberty.**

Concerning points 16, 31, 32, 33.

On June 21 2001 the Law of Ukraine N2533-111 (entered into force from 29/06/2001) the changes were adopted to the Criminal Procedure Code of Ukraine to Article 106, which provides the order of detention the person suspected of committing a crime by the body of inquiry.

“The body of inquiry is entitled to detain the person suspected of committing a crime punishable by deprivation of liberty in the following cases:

- 1) if a person was caught at the place of crime committing or directly after it committing;
- 2) when witnesses, including the victims, directly indicate to this person that has committed the crime;
- 3) when obvious traces of the crime have been discovered on the suspect or his/her clothing, in his/her premises.

If there are another data serving as the grounds (basis) to suspect a person of crime committing this person can be detained only in the event if he/she was trying to escape, or who has no permanent place of residence, or if the suspect was not identified.

The inquiry body is to draw up a record of each case of detention of a person suspected of crime committing with the designation of the reasons and motives for detention, day, hour, year, month, place of detention, detainee's explanation, time of drawing up the record on explanation the suspect his rights, provided in the second part of this Code, to meet with defence council from the moment of detention. The record is signed by the official, who has drawn it up and as well as the detainee.

The record's copy with the list of rights and obligations is handled to the detainee immediately and is forwarded to the Prosecutor. Upon the Prosecutor's requirement the documents which served the grounds for detention, are addressed to the Prosecutor as well.

The inquiry body informs immediately one of the relatives of the person suspected of committing crime.

Within seventy two hours after detention the inquiry body:

1) releases the detainee if the suspicion of committing crime hasn't been confirmed, the term of detention established by law has expired or the the detention was conducted with the violations of the requirements envisaged by the parts first and second of this article;

2) releases the detainee and chooses the preventive measure, not connected with form of taking into custody;

3) takes(delivers) the detainee to the judge with the decree on application to him the preventive measure in the form of taking into custody.

In the event of an appeal against detention before the trial the detainee's complaint will be immediately forwarded by the chief of the preliminary detention to the court. The complaint is considered by the judge simultaneously with application of the inquiry body on choosing the preventive measure. If the complaint was received after choosing the preventive measure, it would be considered by the judge within three days from the date of its receipt. If the application was not received or it was received after the expiration of seventy two hours from the moment of detention, the complaint against detention would be examined by the judge within five days from the moment of its receipt.

The complaint is examined in accordance with the requirements, envisaged by the Article 165-2 of the above mentioned Code. In accordance with the results of the complaint examination the judge adopts the statement on lawfulness of detention or satisfaction of the complaint and recognition of the detention to be unlawful. The copy of this statement is addressed to the Prosecutor, body of inquiry, the detainee and the chief of the establishment of pre-trial detention centre .

Upon the judge statement within seven days from the date of it adoption the appeal may be made by the Prosecutor, the person concerning which the statement has been adopted or his/her defence counsellor or his/her legal representative. The filling of an appeal doesn't stop the execution of the court statement.

Detention of the person suspected of committing crime cannot last more than seventy-two hours.

If within the term of detention, established by the law, the judge decree on applying preventive measure to the detainee in the form of taking into custody or the decree on his release has not been received in the establishment of pre-trial detention center, the chief of the pre-trial detention center releases this person and draws up a record about it and

forwards the notification on the person's release to the official or body, carried up the detention".

Concerning point 17.

At the stage of pre-trial investigation of the case the inquiry body, investigator, prosecutor chooses the preventive measure, not connected with the detention. If the inquiry body, investigator considers that there are grounds to choose the preventive measure in the form of taking into custody, he makes the (decree) statement agreed by the prosecutor to the court. The prosecutor is entitled to make the same statement. In the event of considering this issue the prosecutor is obliged to examine all the materials, that had served the grounds for detention, to control the legality of receiving evidences, its wholeness for accusation.

The statement is to be considered during seventy two hours from the moment of detention of suspected or accused person. If in the petition it is raised the issue on taking the person on liberty, the judge will be entitled to give the allowance on taking the detained or accused into custody and delivery him to the court with guards. In this case the detention can not last more than seventy two hours, and if the person is outside the settlement boundaries, where the court acts the detention can not last no more than forty eight hours from the moment of detainee's delivery to this settlement.

After receiving the petition, the judge examines the materials of the criminal case, handled by the body inquiry, investigator, prosecutor. He inquires the suspected or accused person, and if necessary takes the explanation of the person, investigating the case, listens to the prosecutor's and counciler's for defence thought in the case if he /she appears, and makes the statement:

- 1) on refusal to apply the preventive measure if there are no grounds to do so;
- 2) on choosing the preventive measure to the suspected or accused person in the form of taking into custody.

Having refused in choosing the preventive measure in the form of taking into custody the court is entitled to choose to the suspected, accused person the preventive measure, not connected with detention.

The prosecutor, suspected or accused person, his defence counsellor or legal representative can appeal to the court on the judge's statement within three days from the moment it decision. Reference to the appeal court does not stop the performance of judge's statement.

If for choosing of preventive measure for the person is necessary to examine the data on the detainee or to clear up other circumstances, which are important for taking the decision on this issue, the judge is entitled to prolong the detention to ten days, and upon appeal of the suspected or accused person the judge is entitled to prolong the detention to fifteen days, the correspondent statement is made on this fact. In the event of

rising such necessity and considering this issue concerning the person, which has not been taken to the custody, the judge is entitled to suspend its consideration for the term to ten days and takes the measures to guarantee the proper behaviour of this person or to apprehend the suspected, accused person for this term by his statement.

From the number of detainees in accordance with the Article 115 of the Criminal Procedure Code for 3 months after introduction of the changes to the legislation in 2001, concretely from June 29, 2001 (16085 persons), the investigators addressed to the court with 13167 statements on choosing the preventive measure-taking into custody, that composes 81.9 per cent of detainees. crimes It was addressed to the court with statements concerning 8600 persons or 81.5% for detainees committed serious crimes (53.4% to all detained) from this number of persons for committing serious and hard crimes.

It means that investigators independently choose the preventive measure not connected with loosing of liberty to 2,918 persons or 18.1% of detainees (for almost every fifth). From this number 1,263 persons or 43.2% released by the investigators committed serious and hard crimes. It composes 12% from the total number of persons, detained for committing such crimes.

The largest number of detainees were released by the investigators of regional department in Odessa region, concretely 521 persons (including 176 for committing serious and hard crimes); in the city of Kyiv - 266 persons (including 121 persons committed serious crimes), in the Crimea - accordingly 192 (148), in the Mykolaiv region - 188 (42), Kherson region - 154 (68), Kharkiv - 126 (68), Zaporizhya region - 116 (52). From the total amount of detainees the courts selected the preventive measure, taking into custody for 10,522 persons or 65.4 % of detainees. Comparitively with the last year it means for 3,606 persons or 26% less than last year.

Within the same period of the last year the prosecutors arrested 14,128 persons or 73% of detainees.

It means that from the start of the legislation changes acting the preventive measure as taking into custody was applied on 26% less, than in 2000. The indicator of detainees decreased to 7.6%.

We'll note that in 1998 the annual indicator of detainees was 71.5%, in 1999 and 2000 it was the same - 72.4%. It means that during three years the percentage deviation is not more than 0.9%.

During 9 months of 2000 72.7% of detainees were inharanted (for the period from July to September of 2000 this indicator was 71.5%) and for 9 months of the current year is 69.6%, that is on 3.2% less.

That's why we can conclude that the annual indicator of detainees in the current year if that tendency continues, is to be stable in the limits of 67%, that on 5.4% less than last year. **The changes in the legislation concerning the order of persons detention and taking them into**

custody concretely have influenced upon the indicators of detainees number.

Concerning point 18

In the mentioned report, it was stated that in all regions of Ukraine the militia personnel uses the forbidden measures of physical influence with the purpose of enforcing the persons to testify or to give the necessary evidences or to receive recognition in committing crimes.

Unfortunately the same facts have taken place in the activities of criminal search sub-divisions, simultanuously they have not spreaded so widely, as it has been mentioned in the CPT report.

Within the current year the criminal search personal have committed 10 crimes, connected with .abuse of authority or official position including 7 who directly during the inquiry, detention of suspected persons or usage of firearms, special means or physical force against offenders.

On the above mentioned facts the criminal cases have been initiated and performed the official inner investigations on the basis of its results the guilty persons have been taken to the responsibility.

Besides with the aim of prevention of the similar facts in the future the leadership of the Ministry of Internal Affairs have elaborated and consequently are elaborating the set of organizational and practical measures.

In particular, in accordance with the decision N 1 of May 12, 2001 of the Board of the MIA which was aimed at the prevention of the facts of inflicting injuries, as well as the operative reaction on such offences, it was elaborated the new order of the priority informing the internal affairs bodies about the facts of appealing to the forensic expertise institutions of those people who received injuries as a result of the illegal actions of the militia officers.

That is why at the internal affairs bodies it is forbidden to deliver and keep such people (with the visible signs of injuries), as well as those who make official complaints that they have suffered injuries as a result of the illegal actions of the militia officers. It is necessary to deliver such people to the medical facilities in order to make corresponding examination and provide them necessary aid. If after the examination such persons are allowed by medical workers (in writing) to be brought by the militia to the internal affairs bodies, they are delivered there.

Several measures on prevention of illegal actions of the militia officers are carried out by the Principal Department of Criminal Investigation of the Ministry of Internal Affairs of Ukraine.

In particular, the officers of the Principal Department of Criminal Investigation of the Ministry of Internal Affairs of Ukraine make regular visits to the regional departments of the Ministry of Internal Affairs of Ukraine every week. During such visits they pay special attention to the facts of guaranteeing all the legal rights of the apprehended persons (detainees) and perform inner investigations concerning the rightfulness of

implication of fire-arms and special means, which are envisaged by the current legislation.

Concerning the point 19

Thorough inner investigation was carried out on the facts of receiving by ITT of the Donetsk Regional Department of the Ministry of Internal Affairs of Ukraine the persons suffered injuries.

It was cleared up that on the 16th of September, 2000 during the CPT delegation's visit to that detention centre 47 persons were under arrest there. Two of them had been delivered to the detention centre already with the signs of injuries on their bodies. One of them was the previously convicted several times Mr. (x) , born in Donetsk in, suspected of committing crime, envisaged by the article 229-6, part 2 of the Criminal Code of Ukraine. Another injured person was the previously convicted several times Mr. (x) , born in Donetsk in ... , suspected in committing crime, envisaged by the article 143 of the Criminal Code of Ukraine. After they were delivered to the detention centre they were examined by the officer on duty and the medical attendant who registered their injuries in the corresponding medical book of that institution. (x) and (x) wrote their explanations concerning their injuries. They explained that they fell before they were arrested and that was the reason of their injuries. They did not have any complaints against the militia officers and wrote that their health was normal. So, they were accepted to be kept at the detention centre as there were no contra-indications in that case. As the CPT delegation did not give concrete information about the plaintiffs it was not possible to carry out the inner investigation and to take necessary measures.

Concerning point 20.

In accordance with the article 14 of the Law of Ukraine "On Militia" and article 18 of the Law of Ukraine "On the Preliminary Detention" special means, in particular rubber sticks, can be used by the staff of the detention centre in case of detainees' physical resistance, violence, riot or countering legal demands of the administration, if it was not possible to resolve such problems by other means.

In case of receiving detainees' complaints against the militia officers the inner investigations concerning the corresponding staff. The guilty officers are prosecuted in accordance with current legislation.

Concerning point 22.

Following the CPT recommendations the Ministry of Internal Affairs of Ukraine informed its regional Departments about the inadmissibility of

(x) In accordance with Article 11, paragraph 3 of the Convention, the personal data of the detained persons have been deleted.

bad and inhuman treatment towards the detainees and responsibility of the officers who behave badly or commit such offences. It is obligatory to make thorough examination of all the detainees who are delivered to the detention centres. All the detected injuries are to be registered in the corresponding books. During freeing any detainee the officers who initiated his/her detention and were responsible for keeping him/her under arrest are obliged to receive from such detainee the written statement concerning his/her complaints in particular about the beating or other physical influence during the detention. After receiving the corresponding complaints medical examination must be carried out and in case of detecting injuries inner investigation must be carried out as well.

Concerning point 23.

In order to promote the selection of the citizens of Ukraine to be the officers of the internal affairs bodies and to increase their level of professionalism the new order of selection was introduced since January, 2000. It envisages the selection using the previous professional and psychological examination of all the candidates. After successful examination the candidates are forwarded to the training centres and other educational institutions of the Ministry of Internal Affairs of Ukraine where they pass exams. At that period of selection psychologists carry out the professional psychological diagnosis in order to detect the real motivation of the candidates, their professional, emotional and other features, which are necessary to study and fulfil the duties of the selected specialization.

After the successful exams they study at the corresponding training facilities in accordance with the training programs, which are practically orientated for obtaining necessary skills. Special practical course is one of the principal training elements. During such course cadets are trained how to behave correctly in different situations (communication skills). Their psychological stability, attention and logical thinking is promoted. The main attention during all the training period is paid to the necessity to respect human rights in the process of performing the militia duties. Cadets are instructed to follow strictly the constitutional rights and liberties, as well as international human rights standards of behaviour with the population, in particular with the detainees. After graduating the training facilities young militia officers are ready to implement their knowledge in the practical activities. During two months they serve as practical students (without full responsibility) and have their tutors who are selected among the most experienced officers.

Besides, they continue their studies using the system of so called "service training" for all the officers of the internal affairs bodies according to the themes of the corresponding training plans. During such training their skills are gradually promoted especially in detecting, documenting

and investigating crimes, seizing the evidences, public order maintenance and securing self protection.

In accordance with the article 143 of the Criminal Procedure Code of Ukraine the investigator must interrogate the suspect immediately after his/her arrival to the investigator and not later than during the first 24 hours after the suspect is officially accused in committing some crime.

The interrogation must be carried out during the day time and only as the exception - during the night time.

The accused person has the right to demand the presence of the lawyer during all the interrogation and in cases, envisaged in the part 1 of the article 45 of the Criminal Procedure Code of Ukraine the presence of a lawyer is obligatory.

The accused person can be interrogated in the place of his/her location or at the special premise where the preliminary investigation is carried out.

The investigator must take measures in order that the accused persons of the same criminal case would not communicate during their interrogation. During the interrogation only one accused person can be interrogated at the same time in the same place.

At the beginning of the interrogation the investigator must ask the accused person if he/she accepts his/her accusation and after that propose him/her to give testimonies on the essence of the accusation. The investigator listens to the statement of the accused person and asks him/her questions. It is forbidden to make such questions, which include the answer or a part of answer on it, as well as any suggest.

Concerning points 26, 31, 36.

In accordance with the Regulations on the order of medical and sanitary service in the Militia Central Holding Facilities all the detainees during the arrival there are asked by the officer on duty to tell about their health problems in order to detect those who need urgent medical care. If such complaints are received or features and signs of some illness are detected the officer on duty must call for the ambulance team.

Corresponding information on the results of such inquiry and examination of the detainees and about the provided medical aid to those detainees, who need it, is included into the register book of preliminary examination and provided medical aid. Such register includes the following information:

- The name and surname of the detainee.
- Date of his/her birth.
- Date of his/her delivery to the facility.
- Complaints.
- What health problems are detected.
- The measures taken in that connection.

- a) Time of the call for the ambulance team and time of its arrival.
- b) What kind of medical aid is provided to the detainee.
- c) To what medical institution he/she is forwarded (in case of hospitalization).
- d) Recommendation to the staff on duty.

It must be signed by the corresponding Militia Central Holding Facility's chief officer on duty.

Concerning the point 27.

The procedure of performing investigation beyond the pre-trial detention prison is not described in details by the current legislation of Ukraine. Nevertheless, investigators have the right to demand to bring the detainees out of the pre-trial detention prison if the investigation can not be carried out in the corresponding facility. For example, if it is necessary to recreate the crime circumstances and situation just in the crime scene.

Concerning the point 28.

In accordance with the Law of Ukraine "On preliminary detention" the apprehended persons must be searched. The order of carrying out the search is regulated by the part 3 of the article 184 of the Criminal Procedure Code of Ukraine. It is obligatory that the search is conducted by the same sex persons, including the same sex witnesses. The search of the persons in the premises of the internal affairs bodies must be conducted in the separate rooms and in accordance with the above mentioned provision. The Ministry of Internal Affairs of Ukraine takes necessary measures in order to guarantee the implementation of the current legislation's demands in that sphere.

Concerning points 34, 35.

In accordance with the article 44 of the Criminal Procedure Code of Ukraine the lawyer can be involved in the investigation process during any stage of the proceedings. Close relatives of the accused person, his/her guardian or assistant are allowed to take part in the investigation process as a defence counsel since the accused person is provided the possibility to get acquainted with all the materials of the preliminary investigation. In those cases, when the participation of the lawyer is obligatory in accordance with the article 45 of the Criminal Procedure Code of Ukraine, the guardian or assistant are allowed to take part in the investigation as the defence counsels only at the same time with the lawyer or some other specialist in providing legal assistance personally or on behalf of the corresponding legal person.

The admittance of a defence counsel to take part in the investigation can be given by the investigator, prosecutor or judge.

Besides, in accordance with the article 45 of the Criminal Procedure Code of Ukraine the participation of a defence counsel during the investigation and first trial is obligatory in the following cases:

- 1) if the suspected or accused persons are under 18 years old,
- 2) if the suspected or accused persons are invalids (blind, deaf, dumb etc.) and can not defend themselves,
- 3) if the suspected or accused persons are not able to understand and speak the language, which is used during the investigation,
- 4) if the sanction of the corresponding article of the Criminal Code of Ukraine envisages long-life imprisonment,
- 5) if the suspected or accused persons have some mental disease,
- 6) if the sanction envisages the use of obligatory measures of educational nature.

The defence counsel can be invited by the suspected or accused persons, the person under trial or the convicted person. The investigator or the court must give the detainee the possibility to establish contacts with a defence counsel or with somebody who can invite a defence counsel by the suspected by the suspected or accused persons, the person under trial or the convicted person.

The suspected or accused persons, the person under trial or the convicted person can invite several defence counsels.

The person who carries up the inquiry, the investigator or the court can appoint the defence council according to the law through the bar association. The requirement of a person, who conducts the inquiry, the investigator, the court on appointment the defence council is obligatory to the head of the advocates' (bars') association.

The defence council is appointed in the following cases:

- 1) when pursuant to the requirements of parts first and second of Article 45 of Criminal Procedure Code the participation of a defence council is mandatory, but the suspect, accused or the person under the trial does not want or can not invite a defence council.
- 2) When a suspect, accused or the person under the trial wants to invite a defence counsel, but for the lack of money or for other objective reasons he/she can not do that. In the event it is necessary to conduct urgent investigative or other procedure action with the participation of a defence council or the the appearance of the chosen defence counsel is impossible, the inquirer, investigator is entitled to appoint by the decree a defence council temporarily till the chosen defence counsel appears.

In the event it is not necessary to conduct urgent investigative or other procedure actions and the appearance of the defence council,

chosen by the accused or a person under the trial is impossible within seventy two hours, the inquirer, investigator or the court is entitled to suggest that the suspect, accused or the person under the trial to invite another defence counsel. If even this defence counsel is unable to appear for the participation in the case within twenty four hours as well as as in the event when a suspect, accused or a person under the trial within the same term does not invite another defence counsel, the inquirer, investigator or the judge by a decree and the court by its ruling appoint the defence counsel themselves.

A suspect, accused or a person under the trial are entitled at any time to refuse from suggested or proposed the defence counsel. The refusal can be accepted only upon the initiative of a suspect, accused or a person under the trial and does not deprive the right to invite any defence counsel in the further stages of the process.

In the case of refusal from a defence counsel the inquirer, the investigator shall draw up a record designating the reasons for the refusal and the court shall make a note to that effect in the record of the court session. An inquirer, investigator, the judge shall issue a decree on accepting or dismissing the refusal from a defence counsel, and the court – its ruling.

From the moment of his/ her being admitted to participate in a case the defender shall be entitled to:

- 1) have a confidential meeting with the suspect or accused prior to his first interrogation, and after the first interrogation have the same meetings not limited as to the number and duration;
- 2) have meetings with the convicted person or with a person to whom coercive measures of medical or educational character have been applied;
- 3) be apprised to the materials that give grounds for the detention of the suspect or choosing of the preventive measure or arraignment, and after the end of pre-trial investigation – of all the materials of the case;
- 4) be present during the interrogations of a suspect or an accused as well as during the conduct of other investigative actions with their participation or upon their solicitation or the solicitation of the defence counsel, whereas during the conduct of other investigative actions – with the permission of the inquirer or investigator;
- 5) with the permission of the inquirer or investigator apply scientific and technical means during the conduct of investigative actions in which the defence counsel participates and while being apprised of the materials of the case – with the permission of the inquirer or the investigator, as well as apply them in court session - if it is the public hearing of the case – with the permission of the judge or the court;
- 6) participate in court sessions;

- 7) during a court session pose questions to accused, victims, witnesses, expert, specialist, plaintiff and defendant, participate in the investigation of the other proofs;
- 8) give proofs, file petitions and challenges, express his opinion in court concerning the petitions of other participants of the trial, appeal against the actions and decisions of the inquirer, investigator, prosecutor and the court;
- 9) speak in judicial debates;
- 10) be apprised of the protocol of the court session and make comments on it;
- 11) know of the prosecutor's protests, appellate on the case and rebut them;
- 12) participate in the court sessions during the appellate;
- 13) gather information about the facts that can be used as evidences in case, including requests and acquisition of documents or copies thereof from citizens or legal persons; at enterprises, institutions, organizations, citizens' associations be apprised of the necessary documents except those the secrecy of which shall be protected by Law, and receive written opinions of the experts with regard to the issues that require special knowledge, and interview the citizens.

The defence counsel shall be obliged to arrive on time for the participation in the conduct of the investigative and other procedural actions in which his/ her participation is mandatory. In the event of the defence counsel's failure to appear in the appointed time the defence counsel has to inform beforehand the inquirer, investigator, the prosecutor and the court about this and the reasons of his/ her failure to appear.

In the event of defence counsel's failure to appear the investigative action which is not mandatory for the defender to participate, shall be conducted without his/ her participation

Concerning the point 38.

The article 107 of the Code of Criminal Procedure of Ukraine envisages that in case of detention of the suspect or choosing custody as a preventive measure for him/ her his interrogation shall be conducted immediately and if it is impossible to interrogate him/ her immediately – it shall be conducted not later than in twenty-four hours after his apprehension. During the interrogation of such suspect the presence of defence counsel is mandatory except for the cases when he refuses from it and his refuse has been accepted.

A suspect shall be informed about his/ her rights before the interrogation, as well as he/ she shall be informed what crime he/ she is suspected of, which is noted in the record of his/ her interrogation.

A suspect shall be entitled to: know what crime he/ she is suspected of; give evidence and refuse from giving evidence and answering the questions; have a defence counsel and have a meeting with him prior to the first interrogation; present evidence; file petitions and challenges; demand the check up by the court or prosecutor of lawfulness of his/ her apprehension; lodge complaints against the actions and decrees of an inquirer, investigator and prosecutor, and within certain grounds – request for security measures.

A note shall be made about the explanation of his/ her rights to a suspect in the record of detention or resolution on applying a preventive measure.

The Ministry of Internal Affairs of Ukraine has worked out a series of methodical recommendations and directives as for conducting interrogations of the detained and accused. At the same time “the code of conduct for the officials who conduct the interviews” in our opinion should have mandatory character, that is why the main demands should be laid down directly in the Code of Criminal Procedure of Ukraine which draft is being considered by the Verkhovna Rada (Parliament).

Concerning the point 39.

In accordance with the Instruction on functioning of the militia central holding facilities, detainees and persons who were taken into custody are admitted twenty-four-hours by the officer on duty who studies and checks the reasons for taking those persons to the militia central holding facility, interviews the person and compares his answers with the facts from the record of apprehension and other documents, register the detained person or the person who was taken in custody in the Book of registration of persons that are kept in the militia holding facilities (custody register). Including:

- name and surname of a person,
- date of his/ her birth,
- place of his/ her birth,
- name of the agency, name and surname and rank of the official who apprehended or took the person into custody,
- on the grounds of which document the person was taken to the militia body,
- date and time of apprehension or taking into custody (the hour and the minutes should be noted),

- what crime he/she is suspected or accused of (the article of the Criminal Code of Ukraine should be noted),
- date of his/her last taking to the militia body,
- criminal records (if he/she was ever kept in the establishments of deprivation of liberty),
- date, time and reasons of release,
- if the person taken into custody was sent to the pre-trial detention prison, exchange point, other agency.

The departmental legislative documents are being worked up now which regulate the order of taking detained and arrested persons to the militia holding facilities and the proposals made by European Committee against Tortures will be taken into account.

To the pp. 44, 46.

According to the Order of the Ministry of Internal Affairs of Ukraine of 18 August 2001 No 485 "On measures of further improvement of activity of duty service of law enforcement agencies" it was defined that the rooms for detained in administrative order must have natural light and ventilation, there must be benches (depending on the size of the room) which are connected to the floor. The benches should be made from wood without covering 0,35 m high from the level of the floor, 0,4 m wide, painted with oil paint. Electric lamp (light) is installed in the recess in the wall under the door and is covered by the small metal netting. Besides in the duty subdivision there must always be first-aid set with all the necessary medicines.

Up to now the work is being conducted on improvement of legislative and regulations basis, on establishing the new rules for equipping the above mentioned category of premises.

To the p. 47.

There are 13 cells with the total area of 135,9 m² in Vinnitsa militia central holding facility. (The average area of the cell is 10 or 11 m²). All the cells are equipped with the individual beds (total number 43), electronic sockets, antenna joint and the shelves for TV-sets. All detainees are provided with mattresses, blankets and clean bed-linen. There is a shower room in the institution that makes it possible for the person to have a warm shower when he comes to the ITT and while staying there at least once every seven days. By means of reconstruction the outside exercise yard was built with the total area of 51 m². There is a person who occupies the position of a medical attendant, urgent measures are taken for providing medical care and the proper level of hygiene in the institution.

To the p. 48.

During last years in the cells of Kyiv ITT the sanitary facilities were equipped with the partitioned cabins, all the cells were redecorated and sanitary facilities were partly replaced by the new, the individual electric boiler-house was put into operation which allowed proper temperature regime in the cells, another outdoor exercise yard was additionally built, the electric lights were replaced for better lightening, access to natural light and fresh air was extended.

For the purpose of improvement conditions of detention the phased repair of sells was started in the ITT but for the lack of financing up to now renovation has been finished only in two cells with the capacity of 2 and 4 persons. These cells are equipped with partitioned bedrooms, furniture, TV-sets, mattresses, blankets and bed-linen. In those sells detained and arrested persons who come to ITT are kept with equal reasons (on general basis).

Renovation of other cells will be made step by step depending on financing.

To the p. 50

Overcrowding of the cells in the ITTs visited is connected with the fact that pre-trial prisons (SIZOs) of the State Department on Execution of Punishment of Ukraine are not able to take special contingent from the ITTs because of their own overcrowding. Namely arrested persons from Sebastopol ITT should be moved to Simferopol pre-trial prison but the latter according to the limit in its population is not able to take that quantity of persons, that is why it became necessary to build a per-trial prison in Sebastopol. But up to now this question has not been solved. Besides we need bigger ITT in Kyiv but because of the lack of financing it is impossible to launch the construction.

To the p. 51.

For the purpose of extension access to natural light the work is on its final stage as for removal of jalousies from cell windows. According to the Recommendations made by CPT the Ministry of Internal Affairs takes measures as for equipping ITTs with ventilation with mechanical exciter. Nowadays more than half of all ITTs are equipped with such kind of ventilation (55,2%), 364 ITTs have sufficient bed-linen (73,3%). Providing other ITTs with the mentioned equipment is under control. Up to now 84,5% of ITTs have been equipped with the exercise yards and detainees have a possibility of outdoor exercise every day. The activity is being continued as for equipping other ITTs with exercise yards by means of reconstructing and re-planning of the available territories, but reconstruction and refurbishing, equipping the establishments with new

techniques and material and social support for the special contingent need time and considerable capital investments (financing).

To the p. 52.

Because of insufficient government financing of law enforcement agencies hot meals three-times a day have been organized only in half of ITTs, in the others hot meal is served two times or once a day, which is supplemented by food parcels from relatives. In these cases food parcels are accepted without any restrictions.

To the p. 53.

As it was mentioned above (to the p. 50), overcrowding in the ITTs visited by CPT and prolonged period of custody is caused by the fact that pre-trial prisons of the State Department on Execution of Punishment (SIZOs) because of their own overcrowding are not able to take the special contingent which belongs to them from ITTs. That is why some detainees are kept in ITTs longer than it is specified in the legislation.

To the p. 54, 55, 57.

Recommendations by European Committee against Tortures stated in the Report on the results of the visit to Ukraine were sent by the Ministry of Internal Affairs of Ukraine (the letter N 10/3-4365 of 18 June 2001) to the Principal Departments and Departments of the Ministry of Interior in the regions of Ukraine with the demand of their indisputable fulfillment including organizing of medical examination at the medical establishments of Health Care for the persons detained in ITTs, providing them with food and beddings.

We would like to inform you that in accordance with the "Departmental Engineering Standards" (DES No 2.2 – 1996) access to natural light is being defined by the ratio of the area of lightening apertures to the floor-space and it must not be less than 1:8, electric lightening on the table level in cells – 50 Lux.

Besides we inform you that according to the Instructions issued by Donetsk Regional Department of the Ministry of Interior of Ukraine of 08.11.2000 No 316 the forensic- psychiatric assessment of the persons under criminal amenability is now made in the renovated Centre for Forensic and Psychiatric Examination of Donetsk regional psychiatric clinical hospital.

**Deputy State Secretary
to the Ministry of Internal Affairs
of Ukraine
Koliada**

Petro

B. Establishments under the authority of the State department for execution of punishments of Ukraine.

The report to the Ukrainian government on the visit to Ukraine carried out by the European Committee for the prevention of torture from 10 to 26 September 2000 was carefully worked through in the State Department. The operative meeting of the Department's direction and the expanded meetings of the Regional Administrations' directions and Administration of the Department in the Autonomous republic of Crimea were held in order to organize the work and to take urgent measures on execution of recommendations and remarks of the CPT. The appropriate plans were developed in Kiev and Kharkov regions concerning the elimination of the revealed deficiencies and the improvement of the penitentiary establishments' activity. The performance of these plans is monthly considered at the operative meetings of the Regional Administrations' directions.

The course of realizations of the CPT's recommendations is on the constant control of both the Ukrainian Government and the Department's direction.

We hereby inform that some organizational and practical measures have been already taken, and those demanding significant financial expenses or long time are in stage of realization.

1. Preliminary remarks

(to paragraphs 58-59)

The government of Ukraine takes complex of measures aimed at optimization and reduction of the prison population, makes more active the cooperation with the law enforcement bodies (courts, Public prosecutor's offices, regional administrations of the Ministry of Justice).

With this purpose 5.07.2001 Ukrainian Parliament adopted the Law of Ukraine "On amnesty" which resulted in early release of 28,800 persons from penitentiary establishments, 15,300 of which have had the non-served part of their sentences modified into the conditional sentence with probation period.

In connection with the cessation of transitive provisions of the Constitution of Ukraine since July, 1 this year, anyone can be arrested only after court's order and, as a result, the monthly reception of the new-arrested people in the pre-trial establishments (SIZOs) has considerably decreased and now this figure is about 1,200 against 8,400 persons for each month of the first half-year.

It has positively influenced on the overcrowding of prison establishments. Thus, on 1 September 2001 the total number of detainees in the pre-trial establishments (SIZOs) has decreased to 40,600 persons (with the capacity of 37,000 places) and in the colonies - to 155,400 convicted (with the capacity of 174,500 places).

Since 1 September 2001 with the entry into force of the new Criminal code of Ukraine and accordingly to its final and transitive provisions, courts should review the verdicts of persons sentenced under the Criminal code of 1960 that, by preliminary data, will allow to release from punishment almost 5,000 persons.

Taking into consideration the measures taken, the amendments brought to the Code of criminal procedure of Ukraine, the adoption of the Law "On the judicial system of Ukraine" and the new Criminal - executive (Penal) code of Ukraine which is already submitted on consideration to Verhovna Rada (Parliament) of Ukraine, it is supposed to reduce considerably the number of prison population in penitentiary establishments which, in its turn, will have a positive effect on improvement of detention conditions of both arrested and convicted persons.

In previous report dated of 10.01.2001 the Government of Ukraine authorized the State Department to inform the Committee on provisions of the Law of Ukraine "On amendments to the Corrective-Labor Code of Ukraine" (entered into force on 01.09.2001) which had been elaborated considering the provisions of the Constitution of Ukraine, the international standards on treatment of prisoners, the international agreements on protection of human rights and freedoms. The number of changes has been introduced into this Code directed, first of all, on bringing the detention conditions of prisoners in conformity with the Ukrainian Constitution provisions, further development of the process of humanization of punishment, improvement of logistics and health care services in prisons. These changes foresee for abolishing of the censorship of correspondence, increasing the organization level of general education and vocational training of prisoners. The specified changes will assist as a whole the normalization of situation in penitentiary establishments and the further bringing of detention conditions in conformity with the international norms and standards.

Moreover, the program on strengthening the material base of bodies and establishments of penitentiary system for years 2000 - 2004 approved by the Government of Ukraine provides for:

- improvement of conditions of detention of prisoners due to additional 12,000 places;
- creation of special establishments for lifers.

During eight months of this year 2001 the Ukrainian Government assigned 1.6 million hryvnas on realization of the specified measures and, in addition, it was involved 1.2 million hryvnas earned by the Department on its own production. Due to it, 412 places for lifers were created, including: 236 places in Vinnytsia prison and 176 places in Zhitomir prison. 158 places were equipped in Novgorod-Siverskyi SIZO and in the near future the following colonies will be entered into operation: Galytska colony with capacity of 360 places, Litynska colony with capacity of 750 places, Gorodotska colony with capacity of 500 places and Konotopska colony with capacity of 500 places. Besides, the new building with capacity of 1000 places in Kharkov SIZO is under construction and the design of the new building with capacity of 1000 places in Vilniansk SIZO is under proceed now.

At the same time, isolated sectors were created in nine corrective establishments (##39, 52, 70, 60, 47, 96, 56, 58, and 44) with capacity of 1,115 places for creation the appropriate conditions of detention for people sentenced to "tyrma" regime, which actually hold 931 persons.

(to paragraph 60)

The provision of food for prisoners is organized and is carried out accordingly to the norms authorized by the Cabinet of ministers of Ukraine in 1992. At the same time, through limitation of assignments from the State budget, some food stuffs, namely, meat, fish, fats are given out not in full, but they are replaced by others, equivalent by caloric content.

Bearing in mind the difficult economic situation of the State and with purpose of the self-sufficiency of food for prison population, 11 agricultural colonies, the semi-open zone in Sumy colony (#116) and the agricultural farm "October" in Donetsk region with the total sum of 48,300 hectares of land have been created in the system of the Ukrainian State department for execution of punishments.

The above-mentioned establishments specialize on planting of cereals, sunflowers and cattle-breeding. The current year these establishments considerably increased the area of cultivation of vegetables; the equipment for processing of crop production has been set in operation.

For nine months of this year the agricultural colonies have been delivered the agricultural products (oil, flour, cereals, potatoes, vegetables, dairy products etc.) to penitentiary establishments on a total sum of 1,9 million hryvnas.

In 2001 the physical weight of the gross grain yield of the agricultural colonies is 25,800 tons, 8,000 tons of which is planned to be delivered for needs of the penitentiary system; it will enable to provide on 86 percents the penal establishments of those regions where agricultural colonies are located.

On 01.09.2001 these establishments contains 5,100 heads of cattle, including 2,000 cows, 4,300 pigs, 10,200 chickens. Realization of meat in alive weight for 9 months this year makes – 312.2 tons, milk – 2,569 tons.

Besides, 124 auxiliary farms were created at corrective colonies of Department with 9,500 hectares of land. These farms are planning to deliver for the provision of food for prisoners: vegetables - 7,300 tons, potatoes - 4,500 tons, seeds of sunflower - 336 tons, cereals - 4,500 tons, etc. from this year's harvest.

The baking of bread is organized in 160 establishments by their own capacities with the purpose of use of the received corn crop and reduction of expenses for food of prisoners. This action has allowed to provide the need in bread of arrested and condemned in full and to reduce expenses only for 8 months of this year almost on 9.7 million hryvnas. At each establishment manufacture of macaroni products has allowed to save in the current year about 700 thousands hryvnas. The saved means were used for improvement of the detention conditions and the health services of the persons, deprived of their liberty.

Despite of the certain positive tendencies in questions of the organization of appropriate food of prisoners, the Department has developed the Complex program concerning improvement of food maintenance of prison population for years 2001-2005, the realization course of which is under the constant control.

(to paragraph 61)

With the purpose of ensuring the current legislation requirements concerning providing the prisoners with work, bringing the conditions of their detention to conformity with requirements of the minimal European norms and standards, stabilization of the penitentiary establishments financing, the Cabinet of ministers of Ukraine has adopted the Orders ## 1454-96 and 73-2000 "On primary measures for ensuring the activity of the penitentiary system and the state support of its further reforming". According to their requirements, the Administration of the State Department in the Autonomous republic of Crimea, the Region Administrations of the Department together with the Region State Administrations have developed and approved programs for 2001 on engaging the industrial potential of penitentiary establishments in the economy of regions. These programs provide the increase of volumes of production as a whole throughout the Department up to 104.3 million hryvnas, including at the expense of the organizations which receive financing from local budgets - 8.3 million hryvnas, thus it is planned to involve in work about 12,000 prisoners.

For eight months of this year, due to placing of regional orders for prison production, the penitentiary establishments have made production on a total sum of 62.9 million hryvnas, thus 15,900 prisoners were engaged with work, including due to local budgets - 6.0 million hryvnas.

Despite of transition of the State economy to the market conditions, the Order of the Cabinet of ministers of Ukraine # 1634-2001 stipulates giving the priority to the enterprises of penitentiary system in execution of the State orders for needs of budgetary organizations.

The enterprises of penitentiary system by their own forces supply the clothing for both employees and prisoners (uniform for the personnel, clothing for prisoners, bed-clothes, etc.). The total sum of production supplied makes 6,027 million hryvnas from the beginning of this year.

The Corrective-Labor Code of Ukraine (article 7) determines the general educational as one of the basic means for correction of the persons deprived of their liberty. Article 53 of the Constitution of Ukraine, the Law of Ukraine "On the general secondary education" guarantees to citizens of Ukraine available and free general secondary education. Realization of the Basic directions of the social policy for the period till 2004, approved by the Ukrainian Cabinet of ministers' Order #1370 dated of 31.08.2000, provides restoration of the net of secondary schools in penal establishments and ensures their functioning.

To guarantee the constitutional right of persons deprived of their liberty to general secondary education, and according to the article 59 of the Corrective-Labor Code of Ukraine, the Government takes necessary measures for creation of the net of general educational institutions at the corrective colonies.

During 2000/2001 academic year the secondary schools have been created in 78 penal establishments, in which 4644 persons studied.

Educational process at schools in corrective colonies is provided with 405 teachers.

76 separate premises and 145 class-rooms had been equipped for the organization of educational process.

During 2000/2001 academic year 595 prisoners have taken the external studies, 201 of which have received their education certificates.

Raising the general educational level of prisoners meets the international standards on treatment of prisoners and appreciably contributes to the provision of prisoners with purposeful activities, the acceleration of process of their social adaptation after release and the prevention of recidivism.

2. Ill-treatment

(to paragraph 63)

With the purpose of prevention of the physical ill-treatment of prisoners by the personnel of penitentiary establishments, the Department's direction issued and directed to all regions the instruction to do not tolerate any forms of ill-treatment of prisoners and to take severe measures of punishment for officers guilty of it.

We have to inform that the employees are brought to a severe disciplinary responsibility when the facts of ill-treatment of arrested persons occur.

According to the current national legislation, the practice of placing an adult prisoner in cells with the minors is reviewed. An adult prisoner can be placed in cell with minors only in the exceptional cases under the sanction of the public prosecutor and only with those minors who have the most negative behavior in order to prevent offences and breaking of the inner rules.

On execution of recommendations of paragraph 62, a thorough enquiry has been carried out in Vinnytsia prison #176 and in Simferopol SIZO #15 relatively 30.06.2001 and 20.10.2000. The facts of physical ill-treatment of arrested and sentenced persons by staff of these establishments have not found the confirmation. 39 prisoners with the term of detention from 2 months to 2 years were interrogated in SIZO. All interrogated persons informed that they have not been witnesses of such facts and have not even heard about it. As to Vinnytsia prison, since 1999 the special measures have been applied to prisoners 37 times, it has been made in severe conformity with the current legislation with the appropriate acts registered. The prosecutor of Vinnytsia region Prosecutor's office checked up the legality of these measures.

Moreover, the directions of these establishments constantly emphasize on obligatory observance of legality in case of application of the special measures to prisoners.

3. Prisoners sentenced to life imprisonment

(to paragraphs 66, 68)

According to the Law of Ukraine "On amendments to Criminal, Criminal –Procedure and Corrective-labor Codes of Ukraine" on 22.02.2000, which abolished the death penalty and introduced the life imprisonment, the courts reviewed the cases concerning 412 persons. At present 568 such sentenced are kept in Vinnytsia and Zhitomir prisons.

(to paragraph 73)

On the initiative of Department, 11.01.2001 the Ukrainian Parliament Verhovna Rada has adopted the Law of Ukraine "On amendments to the Corrective-Labor Code of Ukraine" which ensure one hour of outdoor exercises per day for prisoners sentenced to life and two hours as means of encouragement. Besides, the lifers are allowed by this Law to receive two parcels in weight up to 30 kg and two visits (up to 4 hours) with their families and relatives, and one additional visit as means of encouragement. The rules on organization of the life imprisonment and on providing the lifers with purposeful activities according to the current legislation have been developed and registered in the Ministry of Justice of Ukraine (#376/5567 on 28.04.2001) and distributed to all penitentiary establishments which hold the lifers.

With the purpose of ensuring adequate access to natural light, the metal shutters have been removed from windows in all cells holding the life-sentenced prisoners; the system of electric lighting was equipped with the device which allows putting it on, if necessary, in order to control the prisoners at night.

As to the cell measuring less than 4 m² of the section 6 in Donetsk SIZO, it is used for keeping the personal things of prisoners and no longer used as a cell.

(to paragraphs 74, 75)

The material conditions of detention of life-sentenced prisoners in Vinnytsia and Zhytomir prisons are regulated by the Rules on organization of the life imprisonment developed accordingly to the Ukrainian Constitution, current legislation, European norms on treatment of prisoners, recommendations of the CPT, approved by the Ministry of Justice of Ukraine (#376/5567 on 28.04.2001) and distributed to all penitentiary establishments.

Life-sentenced prisoners are ensured with one hour of outdoor exercises per day. The access to natural light is ensured in all cells where they are kept (according to the CPT recommendations).

The measures have been taking to improve the ventilation of cells.

The provision of food for prison population is organized and carried out accordingly to the norms laid down by Order of the Cabinet of ministers of Ukraine #336 on 16.06.1992. Only certificated food stuffs are used for cooking meal.

The design of the exercise yards are reviewed with the purpose of enlarging them up to 16 and more square meters.

To develop the positive attitude of staff to prisoners, the Department reorganized the former system of groups into the divisions of social-psychological work that allowed to reorient officers engaged with this work on individual methods of work with prisoners; the positive result of that is the reduction on 60% of offences committed, breaking inner rules and incidents of suicide the current year.

(to paragraph 76)

According to existing practice, handcuffs are put only on those prisoners who represent serious danger to the personnel or other prisoners, when he/she is taking out of the cell or when a staff member enters the cell. Handcuffs are not applied to other categories of prisoners.

(to paragraph 77)

With the purpose of execution of life sentences the Department created a special section for women sentenced to life imprisonment at the Chernyiv corrective colony #44 with appropriate material and sanitary conditions. At present four women condemned to life imprisonment are held in this establishment. Custodial staff is predominantly female.

(to paragraph 78)

The rules governing the placement of sentenced under the special "tyurma" regime are determined by the Corrective-labor Code of Ukraine (articles 45 and 47), only courts may take decisions on such placement.

To give the prisoners possibility to appeal against such decision, 11.01.2001 on the initiative of the State Department Verhovna Rada of Ukraine has adopted the Law of Ukraine "On amendments to the Corrective-labor Code" accordingly to which prisoners have the right to address with applications and complaints to the Ombudsman of Ukraine. Besides, prisoners have the right to address to the national bodies, public organizations and officials. Their applications can not be reviewed and are directed by administration of establishment to the address during 24 hours.

(to paragraph 80)

With the purpose of improvement the conditions of detention for prisoners placed under "tyurma" regime, 11 January 2001 the Law of Ukraine "On amendments to the Corrective-labor Code of Ukraine" has been adopted, according to which prisoners under "tyurma" regime are allowed to receive parcels, one hour of outdoor exercises per day and two hours as way of encouragement. Besides, the sum of money to be spent monthly on food and commodities is twice increased. All prisoners subjected to special "tyurma" regime are allowed to have visits with their families and relatives and to use the phone.

Due to measures taken, the overcrowding in Vinnytsia prison has considerably reduced. Thus, on 1 September 2001 1302 prisoners are kept in Vinnytsia prison with the capacity of 1635 places.

On execution of the CPT's recommendation, the Department has issued the order that increased the weight of parcels from 8 up to 30 kg.

To meet the rights of prisoners subjected under the special "tyurma" regime with those of prisoners in colonies, the amendments were brought to the current legislation that allowed them to have visits and correspondence without restrictions.

5. Conditions of detention of general prison population

(to paragraphs 83, 84, 85)

At the entry in colony every sentenced person is provided with a separate bed and necessary bedclothes.

During the current year prisoners are being provided with personal hygiene and cleaning products in full volume, except for soap that was given out 40 % from the need because of lack of necessary means. At the same time, the soap was on sale in prison shop without restrictions and received from relatives of prisoners. Thus, the problem of providing the prisoners with personal hygiene and cleaning products is practically solved.

In the establishment #85 prisoners are provided with the necessary amount of cleaning products to wash their personal clothes in hot water. Colony has completely used money assigned by the Department in the total sum of 24,000 hryvnas. The refurbishment works in Block 3 have been completed, including the equipment of toilets and washbasins in all divisions of social - psychological work.

The current repair works of dormitories are carried out according to the schedule; toilets are given proper sanitary conditions.

Bathbasins for prisoners have been repaired and their functioning is under constant control.

The essential commodities and personal hygiene products are available for inmates in prison shop in assortment not less than 15 names; prisoners have the opportunity of purchase these goods two times a month.

Prisoners are provided with more cultural and recreational activities in comparison with the first half-year 2000; representatives of social and religious organizations are widely involved.

Sport grounds for prisoners of block 3 are under repair at present, the equipment of other sports grounds will be carried out during the second half-year 2001.

The section for preparation of prisoners for release is functioning in the colony; prisoners are informed on vacant working places and ways of living in the open society after release.

The work on revealing and registering of prisoners of vulnerable groups known to be homosexual is constantly conducted in the colony #85. The facts of forced sexual relations have not been revealed the current year.

The head of Kyiv Regional Administration of the Department and his deputies carries out receptions on personal questions of prisoners of the colony #85 once a month, the direction of establishment - each Thursday, the chiefs of divisions of social – psychological work - every day.

(to paragraph 93)

In order to provide each arrested person with separate beds, the reception of newly arrested to Simferopol SIZO No. 15 is limited; the sentenced prisoners are transferred in duly terms to corrective colonies.

Washing of prisoners' clothing in cells is stopped; it is carried out only in washing sections weekly. Main hygiene products (soap, detergents, toilet paper etc.) are available in sufficient quantity, due to both own resources and humanitarian help from state and public organizations.

The Crimean republican center of social services for youth assists to develop vocational training programs for minors. The study-consulting center is opened. A room of psychological relax and a reading room for minors are equipped; the question of creation of cable television for translation of general educational and popular scientific programs is under process. A circle of amateur art is organized in the group of economic service (for prisoners of economic service of establishment).

With the purpose of improvement the conditions for getting visits of minors with their families and according to recommendations of the CPT, the visits are carried out in separate rooms. Additional system of ventilation is established in cabins for short-term visits to meet more comfortable conditions.

Exercise yards for minors are equipped with sport stocks. Roof of the building where minors are held has been repaired; toilets in cells are partitioned; ventilation of blocks is repaired.

The practice of often transfers of prisoners from one cell to another is stopped; it is the case of exceptional measures for prisoners' safety and on execution of the current legislation on isolation of different categories of arrested and convicted.

(to paragraphs 97, 100, 101,102)

Material conditions of prison population of colony No. 52 in Yenakyevo, Donetsk region, meet norms established by current legislation (in particular, Article 74 of the Corrective-Labor Code of Ukraine).

With the purpose of getting the adequate access to natural light, the metal shutters have been removed from the windows of the two cellular-type buildings; the windows are equipped with protection screens.

Granting and realization of outdoor exercises for arrested and sentenced persons answer the established norms and are under constant control of the direction of establishment and employees of Donetsk Regional Administration of Department.

The question of enlarging the exercise yards of the colony No. 52 has been considered. At present, because of design of establishment, enlargement of the exercise yards may be achieved only by reduction of their number, which may have negative effects on duration of open-air exercises.

With the purpose of an economical expense of the electric power, the assemblage of artificial lighting net from sources of low voltage and constant current has been carried out. Besides, the electric power supply is organized hourly in cells (according to daily schedule). Heating of cells is carried out according to requirements of the normative documentation, (not lower than 18°C). Natural and artificial lighting meets the sanitary - building norms.

Works on equipment of the cells of the strict cellular regime (PKT) and the disciplinary cell regime (SHIZO) are in final stage; they are equipped accordingly to requirements of item 12 of Inner Rules.

The direction of establishment considered the question of enlarging the rooms for short-term visits. Because of design of establishment, the enlargement of the rooms for short-term visits may be achieved only by reduction of their number that may have negative effects on quantity and duration of visits of prisoners with families and relatives.

At present the direction of establishment tries to find means for reconstruction and repair of rooms for visits.

Transfer of prisoners to other cells or sections is under control. It is carried out only in case of need (operative or industrial).

Measures are taken on creation of conditions for recreational, cultural and sport activities for prisoners. Representatives of different religions are involved. More than 10 religious organizations provide spiritual and educational work in the establishment. The local authorities grant assistance in updating library fund of establishments.

At present, the question on opening a secondary school in the colony No.52 is on consideration in the General department of education and science of Donetsk Region State administration. First deputy head of Donetsk Region State administration signed the order, accordingly to which cities' mayors are responsible for opening the secondary schools in the penitentiary establishments of Donetsk region.

The colony No. 52 concluded an Agreement with the local branch of the Center of social services for youth concerning the participation of social workers of the Center in educational and cultural work with prisoners.

6. Health-care service

(to paragraph 103)

Health care in penitentiary establishments is provided on a principle of the equivalence with that in the outside community.

If some kind of health care is not available in hospitals of penitentiary establishments, prisoners are provided with health care in medical establishments of the Ministry of Health; the number of such prisoners has increased. Patients with infectious diseases or in a grave state of health are not accepted in pre-trial detention facilities until the patient receives necessary health care in medical establishments of the Ministry of Health.

If the state of health of a patient in pre-trial prison has worsened and appropriate health care is not available, the direction of penitentiary establishment applies to court for cancel the arrest.

Courts take decision on release of convicted persons with serious illness from serving the sentence and placing them to hospitals of public health.

The nearest medical establishment including that of the Ministry of Health gives urgent medical care.

Territorial medical establishments of the Ministry of Health give if necessary the advisory help on medical and sanitary questions.

Sanitary-epidemiological services of the Ministry of Health carry out previous and current sanitary control over the penal establishments.

The direction of the Department takes part in work of the Governmental commissions on prophylaxis of tuberculosis and AIDS/HIV.

Representatives of health care services of the Department together with experts of the Ministry of Health take part in realization of National programs on combating tuberculosis and prophylaxis of AIDS/HIV in establishments of penitentiary system. Joint meetings on these and other questions are held regularly.

Regional programs on combating tuberculosis have been developed in all regions of Ukraine taking into account the needs of penitentiary system.

The heredity is achieved at supervision and treatment of patients suffering from active tuberculosis. Treatment of patients is provided by standard schemes. Tuberculosis patients being released are given out the extract from their case history and assignment to treatment in a medical establishment of the Ministry of Health.

The volume of the mutual information on prophylaxis and treatment of diseases among the persons in custody and after their release has increased.

(to paragraph 104)

The Department takes measures to ensure a sufficient supply of medicines for somatic hospitals.

SIZOs are ensured with supply of medicines for treatment of tuberculosis patients.

Within the framework of the National program on combating tuberculosis, the Ministry of Health provides supply of medicines for the treatment of active form of TB to hospitals for tuberculosis prisoners. The State Department provides supply of medicines for the treatment of accompanying diseases of these patients.

The Department realizes the branch programs on improvement the medical support of prisoners, takes complex measures directed on combating tuberculosis in penitentiary establishments and minimization of risk of spreading AIDS/HIV.

(to paragraph 105)

The number of posts of doctors and feldshers was calculated according to the norms of the Ministry of Health and depends on amount of inmates.

Each establishment is provided in due course with doctors: therapist, psychiatrist, dentist and feldshers. The rules on offering the urgent or night medical care has been worked out in each establishment.

(to paragraph 106)

The Department takes measures to fill the vacant posts of doctors and feldshers. In particular, Simferopol SIZO has all posts of medical workers filled.

All women colonies have the post of the gynecologist. In SIZOs, women have a free-of-charge access to gynecological care.

(to paragraph 107)

Measures have been taken to bring the medical services of establishments to the appropriate state, in particular medical isolators.

Medical services of establishments are provided with an appropriate supply of medicines for urgent health care and treatment of somatic diseases. The scheme of reception of patients by psychiatrists and dentist is reviewed.

In colony No. 52 the number of feldshers answers the list of members of staff according to norms of the Ministry of Health.

To ensure more qualified and specialized medical care, penitentiary system has a net of somatic hospitals with the specialized branches, tuberculosis, psychiatric and dermatovenerological hospitals.

Existing equipment of medical services is really outdated, but it is still operating. Measures are taking to remedy the medical equipment.

(to paragraph 108)

Medical screening of newly arrived prisoners is carried out while the first hours after his/her arrival to SIZOs. Further, they are placed in quarantine rooms, where during three days they pass the profound medical examination. Medical doctors are also involved. Each arrested person has a personal medical file filled in under the established form. Medical conclusion on the state of health is noted to the personal medical file. The further medical control is carried out during medical examinations and also in case of resort to medical care.

(to paragraph 110)

Medical examination of patients is carried out confidentially with observance of professional ethics.

Presence of other persons at medical examination, in particular controllers, occurs in exceptional cases, namely, if the person under examination shows aggressive behavior.

(to paragraph 111)

In July 2001 the Law of Ukraine "On struggle against tuberculosis" had been adopted which provides measures for combating tuberculosis in penitentiary establishments.

Within the framework of the National program on struggle against tuberculosis penitentiary establishments have been provided with adequate quantity of medicines for treatment of tuberculosis.

For effective screening and treatment of active tuberculosis, the strategy DOTS has been introduced in penitentiary establishments.

(to paragraph 112)

Patients with active form of tuberculosis are placed in separate cells; measures are taken on improvement of the material conditions in cells.

Measures have been taken to ensure the access to natural light and fresh air. Patients have an opportunity to be on fresh air daily.

7. Other issues

(to paragraph 113)

The initial training is provided for persons firstly recruited as junior inspectors in bodies and establishments of penitentiary system. Initial training has two stages: the training in place of service (familiarization period) and the course training in training school.

Training in place of service is carried out under the direction of the immediate superior and the instructor under specially developed plan; first stage training lasts not less than one month (depends on level of preparation of the candidate) from time of his appointment. Candidate is assigned to training school no later than 6 months after his appointment at the post.

The course training in training school provides following programs of initial training:

- junior security inspectors;
- junior guard inspectors;
- junior inspectors of SIZO (prison);
- junior inspectors of juvenile colonies.

Duration of course training for all categories of junior inspectors makes 45 days, or 270 class hours.

It is supposed that in 2002 the duration of course training will last 3 months with the purpose of improvement the quality of preparation of junior inspectors.

According to requirements of normative documents of the Department, employers of the penal system are given the in-service training in order to improve their professional level. In-service training is carried out according to separate programs of training for each category of employers. Duration of training makes 156 hours per academic year.

(to paragraphs 115, 116, 117, 119)

The placement of prisoners in disciplinary cells is carried out under the decision of the chief of establishment after checking-up of explanations of prisoners on the subject of offences committed and only after receiving the medical conclusion on their state of health. Chiefs of social-psychological divisions keep the educational work with prisoners during their stay in disciplinary cells. Condemned have the right to have with them personal hygiene things –soup, tooth-paste, towel, etc.

Prisoners placed in disciplinary cells are allowed one hour of outdoor exercises per day. Tuberculosis patients have two hours of daily exercise on fresh air.

Placement of prisoners to strict cellular regime (PKT) in all penal establishments is resorted in exceptional cases under the motivated decision of the prison governor be approved by the observant commission.

Prisoners held under strict cellular regime (PKT) are authorized to have with them personal things, written accessory, to order books, magazines and newspapers from the library. Prisoners attending secondary schools or vocational training have the opportunity of personal consultations with teachers during their stay in PKT.

Prison governors, their deputies, chiefs of sections and services effectuate the constant control of conditions of detention in SHIZO and PKT cells by assisting them systematically; take measures to remedy the revealed deficiencies and to meet/satisfy the justified complaints of prisoners.

All prisoners placed in SHIZO and PKT cells are able to have one shower a week according to the current legislation.

(to paragraph 124)

Practical measures have been taken to ensure that complaints of prisoners to the Office of Public Prosecutor, Ombudsperson, President of the CPT, other national and international bodies authorized to receive complaints are transmitted confidentially.

(to paragraphs 129, 130, 131)

Information concerning the transportation of prisoners (material conditions, reduction of number of prisoners per compartment in a railway carriage, etc.) is to be received from the Ministry of Internal Affairs of Ukraine.

Visit to colony No. 52

The Regional Administration of the Department in Donetsk region processed the CPT's report with staff and developed the plan of measures pursued to remedy deficiencies revealed by the CPT. Copy of the CPT's report directed to all penal establishments of Donetsk region and carefully processed with staff; the appropriate plans of measures have been developed to remedy deficiencies available.

Following measures have been taken according to this plan:

1. Preliminary remarks

(to paragraphs 59, 60)

Direction of the colony considered the possibility of increase the current standard of living space per prisoner to at least 4 m². It was stated that such increase may be achieved by way of construction of additional hostels in existing territory or decrease of the total number of general prison population in penitentiary establishments. The draft budget of the penitentiary system for 2002 provides for construction of new hostels, in view of the general plan of establishment with increase of the total territory of zones under security.

At the same time the direction of establishment considered an opportunity of decommission all cells SHIZO, PKT and SIZO measuring less than 6 m² for detention of prisoners. At present, in all penal establishments of Donetsk region the cells measuring less than 6 m² are out of use.

Directions of establishments try to find money for the reconstruction of cells measuring less than 6 m².

Donetsk Regional Administration of the Department developed the program on self-sufficiency of prison establishments with foodstuffs, vegetables etc. from the crop of 2001. Barter of prisons production on foodstuffs is actively carried out.

1. Ill-treatment

(to paragraph 62)

Prison staff of penal establishments of Donetsk region is being warned about the severe responsibility in case of ill-treatment of both arrested and sentenced persons.

Rights and duties of both prison staff and prisoners have been explained to the personnel of all penitentiary establishments of Donetsk region. Ill-treatment of prisoners is not tolerated.

6. Health-care services

(to paragraphs 104, 107, 111)

Medical staff of prison establishments takes part in monthly seminars on issues of observance of personal hygiene among prison population. Workers of social - psychological services control the quality of disinfection of residential and sanitary areas during the rounds. Disinfection is carried out if necessary with observance of safety standards.

To ensure a sufficient supply of medicines and foodstuffs in penitentiary establishments, during the first half-year 2001 medical department of the Regional Administration received the humanitarian aid for the total sum of 26,000 hryvnas. On the whole, during the first half-year 2001 establishments of Donetsk region received medicines through the humanitarian aid for the sum of 35143 hrivnas.

7. Other issues

(to paragraphs 113, 131)

Concerning road transport of prisoners, additional lamps have been established in vans to ensure an adequate lighting; number of seats has been reduced. Ventilation is provided accordingly to the technical specifications of vehicles.

On execution of the CPT's recommendations concerning the in-service training of the personnel, lectures on following topics are planned for 2001-2002 academic year:

- "Basic requirements of international norms on observance of human rights and treatment of prisoners";
- "Basic requirements of legal norms regulating activity of the penitentiary system";
- "Place of psychological training in the professional activity of the employers of the penitentiary system";
- "Basic criteria of penitentiary pedagogics. Principles, methods and forms of influence on prisoners. Correction and re-education. Pedagogics of cooperation ".

Visit to prison No. 176 in Vinnitsa

Taking into account the necessity of strict observance of international obligations of Ukraine at the accession to the Council of Europe, activity of administrations of all penitentiary establishments is focused and directed on full observance of requirements of the General Declaration for Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

1. Preliminary remarks

(to paragraph 61)

With the purpose of ensuring cultural and sports activities for prisoners, prison establishments are equipped with sports grounds, films are shown in clubs, libraries work actively, meetings with representatives of religious and public organizations are regularly held.

All possible measures are taken to provide prisoners with purposeful activities, including life prisoners. Besides, the vocational training of prisoners is organized.

3. Prisoners sentenced to life imprisonment

(to paragraphs 70, 73, 74, 75)

Life-sentenced prisoners, prisoners under "tyurma" regime, those held in SHIZO and PKT cells are provided with outdoor exercises no less than one hour per day. All cells holding the above-mentioned categories of prisoners are provided with access to natural light (according to recommendations of the CPT).

Measures have been taken to improve the ventilation of cells in establishments of the region and repair works of residential areas in corrective colonies and Vinnytsia prison are in process.

The provision of food for prison population is organized and carried out accordingly to the norms laid down by Order of the Cabinet of Ministers of Ukraine #336 on 16.06.1992. Only certificated food stuffs are used for cooking meals.

The design of the exercise yards is reviewed with the purpose to enlarge them up to 16 and more square meters.

5. Conditions of detention of general prison population

(to paragraphs 82, 97, 100, 102)

Both arrested and sentenced prisoners are provided with confidential access to national and international bodies authorized to receive their complaints.

According to Article 13 of the Law of Ukraine "On the general secondary education" on 13.05.1999, from the beginning of this academic year prisoners are allowed to take the external studies in penal establishments of Vinnytsia region.

The question of enlarge the rooms for short-term visits is under process. Inspection of such rooms is carried out with the purpose of realization of repair works.

Washing of clothing and bedding is carried out and controlled regularly. Prisoners are provided with necessary amount of personal hygiene and cleaning products, beddings. Prisoners, including those held in SHIZO and PKT cells have one shower a week.

Measures have been taken to get an appropriate heating of cells in winter period and windows are properly isolated.

6. Health care services

(to paragraphs 108,111, 112)

With the purpose of granting an urgent medical care for prisoners an operating-room and a room of intensive therapy are equipped in Vinnytsia prison.

Complex measures have been taken to prevent the spreading of tuberculosis; tuberculosis isolators in all establishments were inspected in terms of sanitary conditions, availability of beds and bed-clothes. Control over the treatment of patients, supervision of their contacts, active screening of TB infected prisoners, their clinical examination and assignment of a dietary feed are intensified. The special attention is given for providing health care services and interregional hospital No 81 with appropriate medicines.

Every new-arrived prisoner is properly examined by a medical doctor the day of his/her arrival to establishment with the purpose of screening possible infectious diseases.

All tuberculosis patients are allowed to spend, at least, one hour on fresh air daily.

C. Psychiatric establishments

The Ministry of Health informs hereby on measures taken on execution of the CPT's recommendations within its competence.

22.02.2000 the Parliament of Ukraine adopted the Law of Ukraine "On Psychiatric Care". In the context of the new Law the Ministries' specialists issued the number of important documents which regulate the compulsory treatment of persons suffering from psychical disorders, they are as follows:

- Joint Decree of the Ministry of Health and the Ministry of Interior of Ukraine #346/877 on 19.12.2000 "On measures preventing dangerous behavior of person suffering from serious psychical disorders".
- Decree #304 on 24.07.2001 "On approval separate forms of documents regulating the psychiatric care".
- Decree of the Ministry of Health "On approval regulations and instructions on compulsory treatment of persons suffering from psychical disorders" which is submitted for approval to the Supreme Court, General Prosecutors' Office, Ministry of Interior of Ukraine. This Decree stipulates: Regulations on psychiatric hospital with an enhanced security; Regulations on enhanced security unit (ward) providing compulsory treatment; Regulations on forensic examination unit for persons in custody; Instruction on forensic examination procedure; Instruction on compulsory treatment of mentally ill persons committed socially dangerous crimes; Instruction on transport of patients with mental disorders being under compulsory treatment.

26.01.2001 and 23.07.2001 the Ministry of Health issued methodical recommendations approved by the Academy of Medical Sciences of Ukraine "Methods of treatment which constitute health risk for persons and their application in psychiatric care" and "Rules on application of physical restraints and isolation for persons suffering from mental disorders in psychiatric care". These documents conclude the indications and rules on application of electroconvulsive therapy in modified form (with anesthetic and muscle relaxants); rules on physical restraint and isolation which must be observed while providing psychiatric care in the hospitals.

In the period from 10 to 26 September 2000 the CPT delegation visited Vinnytsia Psychiatric Hospital #2 and Crimea Psychiatric Hospital # I.

According to information of Health Department of the Vinnytsia region State administration, this psychiatric establishment took all appropriate measures on answer to the CPT's delegation remarks.

2. Ill-treatment

There were no allegations on ill-treatment of patients by staff.

3. Elektroconvulsive therapy (ECT)

Elektroconvulsive therapy is not in use.

4. Staff

Since 2001 in Vinnitsia Psychiatric Hospital #2 vacant posts of social workers are being occupied as follows: 1 senior nurse of social care and 1,5 posts of occupational therapists. One post is occupied by the art-therapist. Physical training instructor provides two lessons with patients a week.

Hospital librarian regularly provides patients with literature. Involuntary patients whose state of health is improving are attending concerts, meetings, public debate, musical evenings and other.

Health Department of the Vinnytsia region State administration plans to introduce 2 medical psychologist posts and with 2,5 posts of psychotherapist in the hospital.

5. Patients' living conditions

The current repair works are being conducted in the hospital and in the enhanced security unit(ward) for compulsory treatment of patients. Repairs work of roof, walls and floors damaged by water have been completed. Hospital is provided with necessary funding to cover the current repair works. Modern beds, bedside tables and wardrobes are being purchased gradually.

The new unit for patients who lost the relative links and couldn't be directed to mental institutions has been introduced. The Hospital is supplied with necessary foodstuffs. The Hospital farm is organized to meet the food norms required by the Ministry of Health.

6. Treatment

Medicines and rehabilitative activities (occupational therapy, art therapy, and psychotherapy) are ensured for patients.

Access to medicines in Vinnytsia Psychiatric Hospital #2 has increased and now makes up 80% out of the necessary amount. In 2001 Hospital received free humanitarian aid from Germany charitable organizations on the total sum of 40,000 hryvnas. Medicines for treatment of tuberculosis are fully supplied.

7. Means of restraint

Vinnitsia psychiatric hospital meets the principle of forbidden isolation of patients.

Physical restraints are not used in hospital except of the cases when patient's behavior becomes dangerous to himself and to others. In these cases psychiatrist has to follow methodical directions set by the Ministry of Health of Ukraine.

A special register is recording every case of resort to physical restraint of patients. The psychiatrist records the reasons that caused restraint measures, circumstances of the case and description of any injuries sustained by patients or staff. These data are noted into the special register and into the patient's medical file.

Training of junior medical staff is regularly carried out in the context of the Law "On psychiatric care".

According to the information presented by the Ministry of Health of the Autonomous Republic of Crimea, 9 November 2000 a new enhanced security regime unit for compulsory treatment (482m², 60 beds) and special area for walking (389 m²) have been entered into operation in the Crimea Psychiatric Hospital #2. All communication systems are in operation (electricity, water-supply, ventilation etc.). This unit overworks to 110% constantly. All vacant posts are occupied. Hospital administration tries to intensify the staff. Patients' living conditions and food supply are satisfactory. Patients are fully supplied with medicines, rehabilitative activities (psychotherapy, occupational therapy etc.) Electroconvulsive therapy has not been applied during this year. Means of restraint are applied according to methodical recommendations set by the Ministry of Health of Ukraine and registered to the special register and prisoner's medical file. The unit's staff solves the social problems of patients (renewal the citizenship, change of passports, living problems, assignment of social aid and pensions, legal defense in court etc.)

8. Safeguards in the context of involuntary placement

Persons suffering from mental disorders are placed to psychiatric facilities on involuntary basis only after the court decision according to the current legislation. Mentally ill patients undergoing compulsory treatment and their legal representatives are explained the articles of the Law "On psychiatric care". The Law mentioned provides psychiatric care to citizens in the context of human rights and freedoms being the first priority.

D. Military detention facilities

The Ground Forces Command of the Ukrainian Armed Forces was entrusted by the Minister of Defense of Ukraine to work out in the limits of its competence the report to the Ukrainian government on the visit to Ukraine carried out by the European Committee for the prevention of torture from 10 to 26 September 2000.

The CPT recommended the following:

- to provide every serviceman obliged to spend the night in custody, for any reason, with a clean mattress and blanket;
- to provide every serviceman imprisoned at guardhouse over 24 hours (in a single cell) with one hour of outdoor exercises;

At Simferopol Garrison:

- to enlarge disciplinary cells area from 3,5 m² up to 6 m²;
- to reduce the permissible rates of occupancy of cells;
- to equip cells with tables and adequate number of seats;
- to provide servicemen with out-of-cell activities.

The recommendations of the European Committee for the Prevention of Torture cannot be currently implemented since they are not within the Ukrainian Ministry of Defense competence. Taking into account the above mentioned propositions it is necessary to bring amendments to the Law of Ukraine №550-XIV on 24.03.99 "On the Statute of Garrison and Guard Services of the Ukrainian Armed Forces" and to the Law №548-XIV «On the Statute of Interior Guard of the Ukrainian Armed Forces» where recommendations and remarks of the CPT will be taken into consideration.

The procedure of keeping detained persons at guardhouses is determined by Appendix 12 of the Statute of Garrison and Guard Services of the Ukrainian Armed Forces №550-XIV on 24.03.1999. This document does not envisage providing disciplinary arrested servicemen with mattresses, pillows and blankets because they are provided with warm winter jackets instead of blankets. According to paragraph 26 of this Statute's Appendix, mattresses, pillows and blankets are handed out for the night only to servicemen arrested under the Court verdict or detained by law-enforcement bodies. Paragraph 18 of the Appendix determines that arrested persons kept in single cells are allowed 50 minutes of walk once a day.

According to Article 135 of the Statute of Interior Guard of the Ukrainian Armed Forces bedrooms should measure 2.5-4 m² with 9-12 m³ of air per person, but the standards given do not apply to the guardhouses.

Taking into account the above-mentioned, for legislative implementation of the Committee's propositions, it is necessary to submit in due course petition on amendments to the above-mentioned Laws of Ukraine.

Information presented by the General Prosecutor's Office of Ukraine

The examples given in the report concerning infringement of provisions of the "European convention for the prevention of torture and inhuman or degrading treatment or punishment" are stated insufficiently concrete, that deprives opportunity of their checking-up and granting of the argued objections concerning any of these facts.

In its report the CPT asked the information concerning a supervisory role of the State Prosecutor's Office of Ukraine in ensuring that conditions of detention in the guard-house of military formations of the Black Sea Fleet of the Russian Federation are in accordance with Ukrainian legal norms on a guardroom is In the report.

In this connection we hereby inform that bodies of the Prosecutor's Office of Ukraine do not supervise the observance of laws in places of disposition of military formations of Black Sea Fleet of Russia. The detention of Ukrainian citizens in the guard-house of military formations of the Black Sea Fleet of the Russian Federation is not foreseen by the current "Agreement between Ukraine and Russian Federation on the status and conditions of stay of the Black Sea Fleet of the Russian Federation in the territory of Ukraine". Complex inspections on observance of laws in places of execution of punishments are carried out once a half-year by bodies of the Prosecutor's Office with the purpose of observance of constitutional laws of arrested and convicted persons. Bodies responsible for execution of alternative to imprisonment measures are inspected quarterly, and SIZOs - monthly. In most cases such inspections are carried out with participation of the appropriate experts.

During inspections of the places of imprisonment the special attention is given to the legal grounds of placement the citizens in places of pre-trial detention, execution of punishments and applications of other compulsory measures connected to deprivation of personal liberty, observance of the legal requirements concerning regime of treatment, material conditions, labor activity, health-care services, early release of detained persons, compensation of the material damages caused by crimes, collecting the alimony etc.

Only during year 2000 bodies of Prosecutor's Office had released from SIZOs 294 persons held there illegal against 109 persons in 1999. On elimination of the revealed infringements of laws 3,558 instructions (in 1999 -2696) have been issued, 680 protests have been satisfied, 7352 orders have been considered and measures taken to eliminate infringements of laws (13,5% more than in 1999). 4749 officials guilty of infringements of laws were brought to disciplinary responsibility on the initiative of Prosecutor's office (in 1999-3960).

For realization of constant control over observance of laws by administration of SIZOs and corrective colonies, bodies of Prosecutor's office carry out monthly reception of the prisoners on personal questions in all establishments under surveillance, check up the legality of decisions on complaints considered and the transfer of prisoners to PKT, SHIZO and segregation cells.

Prosecutor's office regularly analyze the practice of supervision of observance of laws in places of previous detention and penal institutions, and also the practice of consideration and satisfaction of complaints directed to the Prosecutor's office. Executive authorities are informed on the results of inspections and on situation of legality in establishments under surveillance.

Prosecutor's office pays constant attention to the observance of legal norms concerning providing prisoners with work by administration of prison establishments. During last year 57,600 able-bodied prisoners have not been provided with work that has had extremely negative effects not only on payback of their detention and compensation of the losses caused by crimes, but on condition of legality and order in places of imprisonment as a whole.

Bearing in mind the above-mentioned, in the fourth quarter of 2000 Prosecutor's office inspected all prison establishments concerning the observance of requirements of Article 49 Corrective-Labor Code of Ukraine on providing prisoners with work. The results of these inspections have been considered at interdepartmental meetings of regional Prosecutor's offices. This question was discussed at interdepartmental meeting of directions of the General Prosecutor's office and the State department for execution of punishments of Ukraine with participation of Heads of Regional Administrations of the State Department.

The decisions of interdepartmental meeting were directed on execution to Prosecutor's offices of Autonomous Republic of Crimea, of regions and Kyiv, and also to Heads of Regional Administrations of the State Department for execution of punishments.

Besides, the information on essential deficiencies and infringements of the law in the field of providing prisoners with work was sent to the Prime-Minister of Ukraine. 02.12.1996 the Cabinet of Ministers of Ukraine on initiative of the State Department for execution of punishments adopted the Order #1454 "On urgent measures for engaging prisoners in work" with the purpose to bring the conditions of detention of prisoners in conformity with minimum norms and standards. On this ground the Ukrainian Government developed and adopted the Order #73 on 18.01.2000 "About priority measures on ensuring the activity of penitentiary system and the state support of its further reforming".

According to the above-mentioned Orders the State Department for execution of punishments together with Regional State Administrations ratified programs on attraction of industrial potential of corrective colonies in economy of regions for 2000-2001 years. Accordingly to these programs it is supposed to produce commodity output for the total sum of 49.6 million hryvnas and to provide with work additionally 10,000 prisoners.

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The work on execution of the CPT's recommendations proceeds and is under the constant control of the Cabinet of Ministers of Ukraine, the Ministry of Interior, the Ministry of Health, the Ministry of Defense and the State Department for execution of punishments of Ukraine.

Неофіційний переклад.

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