



CPT/Inf (2015) 2 Addendum 1

Response

**of the Ukrainian Government to the request for
information in paragraph 13 of the CPT's report
on the visit to Ukraine from 9 to 21 October 2013**

(dated 30 May 2014)

Strasbourg, 13 January 2015

During October 2013 - May 2014 the Prosecutor General of Ukraine organized and took part in carrying out of inspections on preventing of intimidation of prisoners in penal institutions in Kryvy Rig Institution of executing sentences № 3, Dnipropetrovs'k and Odessa investigation isolators, Olexiyivska Correctional colony № 25 and Stryzhavska Correctional colony № 81, as well as for controlling purposes - in Stryzhavska Correctional colony № 81 in May of this year.

During inspections the prosecutors used an anonymous survey of prisoners who are being held in these penal institutions, and there was provided their communication with representatives of human rights organizations, employees of the General Prosecutor of Ukraine alone. Based on the results of the inspection and questionnaire none of the prisoners informed about the facts of intimidation, violence and other ill-treatment, arbitrary use of force or special means.

The prosecutorial inspections have not found any devices or accessories, tools or other items that are made to inflict physical pain and suffering, or bodily injury. The prisoners did not inform about the rooms or premises that had been used for psychological or physical influence.

All persons arriving to the pre-trial detention facilities and penal institutions undergo initial medical examination in order to identify inmates who pose an epidemic threat to the environment or are in need of an emergency care. The examination is performed by a doctor or a nurse in a specially equipped medical room of a prefab branch of such institutions in a confidential manner.

According to the results of a random questioning of prisoners there was found out that during the examination performed by a medical personnel, the requirements for confidentiality are being respected. There were no facts of disclosure of confidential medical information or a presence of unauthorized persons during a medical examination.

At present, the procedure for registration of injuries of persons taken into custody and prisoners who have injuries found on arrival to the institution, is being brought into line with the general orders of the Ministry of Justice of Ukraine and the Ministry of Health of Ukraine dated 10.02.2012 № 239 / 5/ 104 and dated 10.05.2012 № 710/5/3432.

Upon examining the medical records in medical units of the institutions and in the hospital of Stryzhavska Correctional colony № 81, there have not been detected cases of seeking medical assistance by convicted with characteristic signs of torture, beatings, or other ill-treatment.

The prosecutors have not identified objective information about the possible existence among prisoners of a range of people who could be delegated administrative powers to manage the institution, make an impact on prison population and individuals.

The prosecutors' inspections did not find cases of hiding of criminal offenses.

In November of the last year, the employees of the Prosecutor General of Ukraine made visits to all, without an exception, regime premises of Kryvy Rig Institution of executing sentences № 3, and this year - to all the cells of the Odessa prison, as well as to all the cells of Kryvy Rig Institution of executing sentences № 3 and Dnipropetrovs'k prison, where there were conducted interviews with prisoners.

Complaints regarding misconduct of administration of institutions, violation of constitutional rights of prisoners, as well as beatings, torture or other ill-treatment by employees of the institutions were not reported.

Also, employees of the Prosecutor General of Ukraine during inspections in in Kryvy Rig Institution of executing sentences № 3, Dnipropetrovs'k and Odessa investigation isolators in

May 2014 on a personal appointment have interviewed more than 80 prisoners, none of whom expressed claims and complaints regarding misconduct administration institutions, violence or other misconduct.

In order to prevent the facts of intimidation and to strengthen the trust rate of prisoners, in 2013 prosecutors introduced a mandatory personal interview in prisons by regional level prosecutors and their deputies, including in the form of a private survey.

In addition, on 28.04.2014 the Deputy Prosecutor General of Ukraine sent to the prosecutors of a regional level the tasks directed to conduct of compliance checks of constitutional rights in places of captivity, the prevention of torture and inhuman or degrading treatment or punishment, taking into account recommendations made by representatives of the CPT after the visit in 2013, which are currently being conducted.

Implementation of the observations and recommendations of the CPT in penal institutions and detention facilities after the visit of its representatives to Ukraine in October 2013 were discussed on May 16, 2014 by a separate issue on the extended board meeting of SPS of Ukraine and is being controlled.

Following the meeting of the board there was decided to activate work in 2014 on additional measures to implement the recommendations of the institutions belonging to the management of SPS of Ukraine, the prevention of torture and inhuman or degrading treatment or punishment, ratified by the Protocol of an extended operational meeting SPS of Ukraine on November 27, 2013 № 59. The practice of the above measures concerning Olexiyivska Correctional colony № 25 was distributed.

Pursuant to the order of the Ministry of Justice of Ukraine on 23.04.2014 for the period from 24 to 29 April 2014, the department of SPS of Ukraine conducted an official investigation of Dnipropetrovs'k and Odessa investigation isolators and Kryvvy Rig Institution of executing sentences (№ 3¹).

On May 14, 2014 the General Prosecutor of Ukraine submitted materials for the study including in respect of the Deputy Chief of Southern Penitentiary colony (№ 51) of the Department of SPS of Ukraine in Odessa region, former head of the Odessa prison and Senior agent in special cases of Dnipropetrovs'k regional department of internal security and fight with corruption, former detective of Operations Division of Kryvvy Rig, at that time, investigator insulator (№ 3) for violations of their hand of the issues of ill-treatment of prisoners, stated in the report of CPT.

From April 23, 2014 the Chiefs of Dnipropetrovs'k investigation insulator and Kryvvy Rig Institution of executing sentences № 3 have been excluded from their posts upon the finishing of the related inspections being conducted in the third week of May of this year by the General Prosecutor of Ukraine.

Since May of this year there have been put into practice the approval of candidates for the posts of executives and institutions subordinated to the SPS of Ukraine, and consideration of materials for their appointment or promotion of personnel during the work of personnel commissions taking into account the comments contained in the reports of the CPT.

During the 2014 there have been planned the preparation of draft legal acts aimed at addressing issues related to:

- increasing of standards of living space for persons taken into custody;
- improving of the procedure and conditions for granting convicted of short visits;
- humanization of security measures for persons sentenced to life imprisonment;
- improving of the mechanism of filing by prisoners and persons in custody of complaints against staff of penal institutions and detention facilities;
- improving of procedures for medical examinations of prisoners and detained persons in the part of fixation of injuries and other bodily harm;
- subordination of health care institutions of SPS of Ukraine that provide health care to convicts and persons taken into custody to the Ministry of Health of Ukraine.

¹ Based on the results of visit of CPT in 2013 there were disciplinary penalized 29 employees of Kryvvy Rig Institution of executing sentences № 3 and Odesa investigation isolator.