



CPT/Inf (2015) 2 Addendum 3

## **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 1 December 2014)**

Strasbourg, 13 January 2015

Pursuant to the order of the Prosecutor General's Office of Ukraine on the arguments of the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Mr. Latif Huseynov, expressed during the meeting with the Prosecutor General of Ukraine Mr. Yarema V.I. on September, 16 2014, in September of this year it was inspected the observance of the rights of prisoners in Temnivskiy Penal Colony № 100 of division of the State Penitentiary Service of Ukraine in Kharkiv region.

In the mentioned institution was interviewed prisoners S V.U. and M G.G., who stated the facts of abuse, beatings and torture committed by the officers of the colony, and also in a disciplinary cell of that institution founded men's shirts, contaminated by fulvous color substance, hidden inside of the mattress.

On September, 26 2014, in order to check these arguments by Kharkiv Interdistrict Prosecutor Office, data included to the Unified Register of pre-trial investigation № 42014220430000040 Part 1 Article 122 of the Criminal Code of Ukraine (infliction of intentional average gravity bodily harm). Subsequently, specified criminal proceedings combined with criminal proceedings № 42014220430000031 according to Part 2 Article 365 of the Criminal Code of Ukraine (exceeding authority or abuse of official powers). Currently, the pre-trial investigation continues.

Also, pursuant to the task of the Prosecutor General's Office of Ukraine, in October-November this year, by prosecutors of the regions audited the inspection of conditions in compliance with the Criminal Procedure Code of Ukraine, the Law of Ukraine «On the Pre-Trial Detention» as to ensure the rights of prisoners to appeal, completeness of their consideration, legality of their solution and realization of private reception in the organs and institutions of the State Penitentiary Service of Ukraine. As a result of inspections, introduced 187 documents of prosecutor's response, prosecuted 66 persons, held 32 consultations and boards, 6 criminal proceedings were initiated, restored the rights of 14 prisoners.

Besides, we inform that the condition of providing the staff units by the Security Service of Ukraine (SSU) of constitutional rights and freedoms of citizens in the realization of their tasks rests the subject of permanent attention of direction of the Security Service of Ukraine.

In particular, among security investigation agencies in the course of their official activities carried informational-expository work to ensure the implementation of the recommendations, formulated by the CPT and enumerated in Annex 1 of the Report "List of CPT recommendations". Whereby, stresses the need for using preventive detention only in exceptional circumstances and priorities of alternative preventive measures provided by the current Criminal Procedural Code of Ukraine. Therewith, to heads of investigation divisions of the SSU indicated the need to intensify the work among the subordinates with the aim to ensure unfailing adherence to the principle of the presumption of innocence and due to procedural guarantees of the rights of suspects (defendants) in investigated by them criminal proceedings.

On purpose to prevent violations of applicable statutory requirements, by the Central Investigation Department of the Security Service of Ukraine:

- coordinated and monitored the activity of regional investigative units of the SSU, including in terms of timeliness and legality of decisions taken by them in criminal proceedings;
- provided practical and methodological assistance to the investigators of security authorities;
- to investigators, who are guilty of violating the requirements of the current criminal procedure legislation and ensuring the rights and freedoms of citizens, takes the measures of disciplinary action;
- taking steps to eliminate mistakes and defects, and also improve the quality and efficiency of pre-trial investigation of criminal proceedings.