



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 18 to 24 February 2014

The Ukrainian Government has requested the publication of this response. The CPT's report on the February 2014 visit to Ukraine is set out in document CPT/Inf (2015) 3.

Strasbourg, 13 January 2015

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INFORMATION
to the paragraph 51 of the Report by results of visit of delegation of the
European committee on prevention of torture and inhuman or degrading
treatment or punishment (hereinafter – the “CPT”)
to Ukraine of February 18-24, 2014

to paragraphs 50, 51

As regards creation of specialized target group for carrying out of investigations of possible incidents of cruel treatment with participants of protest actions, we inform that execution of pre-judicial investigation concerning the specified facts is governed by the Criminal Procedure Codes of Ukraine.

According to paragraph 1 of Transitional provisions of the Criminal Procedure Codes of Ukraine (hereinafter – the CPC) by the moment of coming into effect of provisions of the part 4 of article 216 of this Codes, the power concerning pre-judicial investigation of criminal offences carried out by judges and officers of law enforcement bodies shall be executed by investigatory bodies of the Public Prosecutor's Office utilizing powers of the inspectors specified by this Codes.

At the same time we inform that in general during the period of mass protest actions since 30.11.2013 until 22.02.2014 in 8 regions of the state 330 citizens were detained and applied to them preventive measures. 175 persons from them were taken into custody.

At the request of the Prosecutor General's Office of Ukraine, the checks of meeting of constitutional rights of these prisoners during their detention in custody at investigatory insulators, temporary detention and medical institutions were carried out by officers of Public Prosecutor's Office of specified regions.

There was not revealed any infringement of requirements of legislation concerning material standards and conditions of life, medical & sanitary maintenance and treatment in establishments of the State Penitentiary Service, the Ministry of Internal Affairs and the Ministry of Public Health of Ukraine.

Such arrested persons were provided with the individual berths, an appropriate food, daily walks, possibility to visit a bath, etc.

Bodies of Public Prosecutor's Office haven't received any complaints from these prisoners concerning conditions of detention in custody and granting of medical service.

At the same time we inform that at present the territorial bodies of Public Prosecutor's Office investigate 50 criminal cases concerning events at Euromaidan (*the city of Kyiv - 21, Vinnitsa - 1, Dnepropetrovsk - 5, Donetsk - 2, Zaporozhe - 2, Kyiv - 2, Lugansk - 3, Poltava - 1, Sumy - 1, Kharkov - 2, the Cherkassy area - 10*).

According to 4 criminal cases, the corresponding bills of indictment are submitted to the court (by Public Prosecutor's Office in Zaporozhe - 2, Dnepropetrovsk -1, Cherkassy area - 1).

In 6 criminal cases, pre-judicial investigation in which lasts, 13 persons were notified on suspicion in commitment of the crime.

The condition of pre-judicial investigation in criminal cases of the specified category is supervised by the Prosecutor General's Office of Ukraine.

to paragraph 12

Among 21 criminal cases concerning infringements and exceeding of authority by law enforcement bodies during actions of protests from November 2013 until February 2014, the Public Prosecutor's Office in the city of Kyiv investigates **3** criminal cases concerning mass exceeding of authorities by officers of law enforcement bodies, as follows:

1) №42013110000001056 as for p. 1 of Art. 171, p. 2 of Art. 365 of the Criminal Codes (CC) of Ukraine concerning exceeding of authorities by officers of law enforcement bodies against participants of protests, journalists at Bankova street in the city of Kyiv of 01.12.2013.

2) №12014100020000391 as for p. 1 of Art. 171, p. 2 of Art. 365 of the Criminal Codes (CC) of Ukraine in connection with the application of the representative of Ombudsman (Ombudswoman) of the Vrahovna Rada of Ukraine Mr. Belousov Yu.P. concerning exceeding of authorities by law enforcement bodies which was accompanied by violence against journalists and persons taking part in mass protest actions on Grushevsky's street on 19-27.01.2014.

3) №42014100000000180 as for p. 1 of Art. 171, p. 2 of Art. 365 of the Criminal Codes (CC) of Ukraine concerning exceeding of authorities by officers of law enforcement bodies against participants of protests on 18-20.02.2014 in the central part of the city of Kyiv.

During pre-judicial investigation upon the criminal case №12014100020000391 it was brought information under the statement of the People's Deputy of Ukraine Moskal G.G. under the p. 2 of Art. 365 of the Criminal Codes (CC) of Ukraine concerning exceeding of authorities by officers of special division "Bercut" on 21-22.01.2014 near the central (main) entrance to the V.Lobanovsky stadium, owing to which persons participating in the specified protest actions were caused physical injuries (paragraph 12).

In a course of investigation the aggrieved person Mr. T.V.V. (born on 28.06.1990), who is registered and resides to the address: Kyiv, Pravdy prospectus, 80, apt. 123., was interrogated. He informed that on 20.01.2014 he was on a colonnade near the central entrance to V.Lobanovsky stadium. At this time there were skirmishes between participants of protest action and officers of law enforcement bodies. Two officers of the special division "Bercut" have risen on a colonnade and detained him together with the unknown boy. Officers of the specified division of militia have stricken him some kicks to his head and a back.

In course of criminal investigation it was assigned forensic medical examination for the purpose of definition of severity level of suffered physical injuries by Mr. T.V.V., the review of video material is spent. All necessary and possible measures for an establishment of the given officers of the special division "Bercut", being guilty of illegal actions against Mr. T.V.V. and other victims, are taken.

It is impossible to identify persons of three victims, short circumstances of causing of physical injuries to which are stated in the paragraph 12.

In case of provision of by the European CPT of specifying data sufficient for identification of every victim, the more detailed information concerning a course of pre-judicial investigation of corresponding criminal case concerning the facts of causing of physical injuries to such victims will be provided.

to paragraph 13

On 20.03.2014 the Central investigatory directorate of the Prosecutor General's Office of Ukraine commenced pre-judicial investigation in criminal case upon the indications of the criminal offence provided by p. 1 of Art. 125 of the CC of Ukraine in accordance with the fact of commitment of wrongful actions against Mr. G.M.V.

According to the results of investigation, on 22.01.2014 during protest actions in the city of Kyiv, the military men of internal security troops of Ukraine L.L.V. and K.D.V. have detained the participant of actions Mr. G.M.V. and started to escort him to the convoy car. During the passage on Grushevsky's street by a formation of officers of the special division "Bercut", separate unstated representatives of this unit have surrounded Mr. G.M.V. and lengthways about 5 minutes have kicked him to different parts of a body, then they removed all the clothes from the arrested person.

Mr. K.D.V. and Mr. L.L.V., obviously exceeding the limits of authorities given to them, meaningly supposing approach of negative consequences for the arrested person, by reason of obvious disrespect for participants of actions and their rights, have made illegal decision not to take any measures to terminate of illegal actions concerning G.M.V., having admitted thereby commitment of such illegal actions and essential infringement of protected by the law rights and interests of the arrested person.

In what follows Mr. K.D.V. and Mr. L.L.V. delivered the detained G.M.V. to the convoy car, however, instead of placing him to the car and to provide with clothes, they held the detained G.M.V. near the car. Other persons took the opportunity of making photos and video filming of the detained G.M.V. of his bare condition, as well as they expressed outrages and appeals towards the latter. The video shooting was carried out by the deputy chief of section of public relations and mass media of Information & Publishing centre of Central Department of Internal Security Troops of the Ministry of Internal Affairs of Ukraine, Mr. K.V.Y. Then Mr. L.L.V. has pushed G.M.V. to the middle of the convoy car striking to the latter a kick in his head by the hand and the kick in a foot of the arrested person.

Materials concerning Mr. K.D.V., Mr. L.L.V. and K.Y.V. are allocated in separate proceedings. After the announcement to the specified persons of that fact, the proceedings above was submitted for consideration to Pechersky regional court of the city of Kyiv.

By the sentence of the court of 26.05.2014, Mr. K.D.V. is returned guilty of commitment of the criminal offence provided by p. 1 of Art. 365 of the CC of Ukraine and imposed punishments in the form of 2 years of restriction of pretrial freedom together with restraint to be engaged in law-enforcement activity for a period of 1 year. On the basis of Art. 75 of the CC of Ukraine Mr. K.D.V. is released from the basic punishment with the probation period for 1 year.

By the sentence of the court of 26.05.2014 Mr. L.L.V. is returned guilty of commitment of the criminal offence provided by p. 2 of Art. 365 of the CC of Ukraine imposed punishments in the form of 3 years of restriction of pretrial freedom together with restraint to be engaged in law-enforcement activity for a period of 1 year. On the basis of Art. 75 of the CC of Ukraine Mr. L.L.V. is released from the basic punishment with the probation period for 1 year.

Softness of punishment to the specified persons is explained by the corresponding petition submitted by aggrieved person, Mr. G.M.V., and the agreement of the latter on reconciliation with suspected person, Mr. K.D.V.

In July, 2014 on the basis of Art. 45 of the CC of Ukraine, the petition is submitted to the court for exemption from criminal responsibility in connection with effective repentance of the suspected person Mr. K.Y.V. upon the p.1 of Art. 426 of the CC of Ukraine. The petition above is satisfied by the court.

At present pre-judicial investigation in criminal case lasts. Measures for establishment of other officers of the special division "Bercut" involved in commitment of the wrongful acts above against Mr. G. M.V. are taken.

Inspectors of the Central investigatory directorate of the Prosecutor General's Office of Ukraine investigate a criminal procedure according to the fact of exceeding of authority by the officers of law enforcement bodies in course of detention in January-February, 2014 of participants of peace protest actions in Kyiv and use to them of physical violence, as well as bringing to criminal liability, including in accordance with the facts of exceeding of authority by officers of the special division "Bercut" and military men of internal security troops of the Ministry of Internal Affairs of Ukraine in course of detention of persons taking part in mass protest actions during the specified period of time, who abused of their office position, exceeded the limits of authorities, violated arrested persons and put them physical injuries, inflicting considerable harm to the rights and interests of citizens protected by the law, with signs of crimes provided by p. 2 of Art. 364, p. 1 of Art. 371 of the CC of Ukraine.

In the specified proceedings it is notified on suspicion of the judge of Solomensky regional court in the city of Kyiv and the number of inspectors of separate regional units of Central department of the Ministry of Internal Affairs of Ukraine in the city of Kyiv, as well as to public prosecutors of regional public prosecutor's offices and Public Prosecutor's Office in the city of Kyiv in entering into the report of detention of the specified persons wittingly unauthentic information and illegal bringing of the specified persons to the criminal responsibility.

Pre-judicial investigation lasts at present.

to paragraph 15

In a pre-trial investigation and prosecution bodies there are currently no confirmed data available on the presence of law enforcement of other countries, such as Russia, among workers of Ukrainian special forces of the bodies of internal affairs, who served in Kyiv in January-February 2014 (paragraph 15). However, this information continues to be tested as part of the pre-trial investigation.

to paragraph 16

In a criminal trial, which is being investigated by the prosecutor's office in Kyiv, 143 criminal proceedings were combined in one case, 157 victims were interviewed, in respect of which the police power was exceeded between 18-20.02.2014. Among others in the criminal proceedings the circumstances of beating the victim Y.S.Z. are checked, where bodily injuries were inflicted by employees of the special police forces "Berkut" in the premises of their office. The victim has been interviewed, necessary steps are being taken in order to establish the particular employees of "Berkut" special forces, who committed the crime.

to paragraph 20

Dnipropetrovsk Oblast Prosecutor's Office submitted to the court the indictment concerning T.E.Y., H.R.V. and K. according to the Article 293 of the Criminal Code of Ukraine, who participated in riots on 26.01.2014. The Court approved an agreement on the recognition of guilt.

In 6 criminal proceedings, the pre-trial investigation of which is in process, 13 suspected persons have been reported.

Dnipropetrovsk Oblast Prosecutor's Office informed of suspicion concerning Deputy of the Ministry of Internal Affairs of Ukraine in Dnipropetrovsk region T.S.S., head of the Dnipropetrovsk Regional Council U.E.G. according to Article 293, p. 3 of the Article 365 of the Criminal Code of Ukraine, as well as individuals V.D.A. and P.I.A.

The preliminary investigation determined that on 26.01.2014 in Dnipropetrovsk mass events in support of European integration course were held. Official bodies of state authorities and local self-government in order to illegally interfere with their holding on 26.01.2014, organized committing of group acts aimed at serious disturbance of public order and illegal use of all sorts of physical violence against protesters including sticks, bits and other items adapted to strike.

The facts, outlined in the ECPT report relate to the circumstances of infliction of bodily injuries by the police employees to L.V.V.

Circumstances of infliction of bodily injuries to L.V.V. are checked in the specified criminal proceedings.

L.V.V. was recognized as a victim, a number of investigations have been held with his participation. Currently necessary investigative steps are taken to identify persons, who are directly involved in causing L.V.V. bodily injuries.

Full response of the Ukrainian Government to the CPT's report

According to the information of General Prosecutor's Office

Regarding the creation of a specialized national "target group" for investigation of possible cases of cruel treatment of protesters we announce that pre-trial investigation of specified facts is regulated by the Criminal Procedure Code of Ukraine.

Main Investigation Department of General Prosecutor's Office of Ukraine conduct the pre-trial investigation of criminal proceedings No 12014100060000228 from 22/01/2014 about the intentional homicide of 77 citizens of Ukraine committed during the period from 01.20.2014 to 20.02.2014 in the central part of Kyiv.

Subsequently, the next criminal proceedings were incorporated in one proceeding No 2014100060000228:

- on the facts of abuse of power by law enforcement officers organized by senior officials of the state that has caused grave consequences , in the period from 01/20/2014 to 02/21/2014 during mass actions of protest on Maydan Nezalezhnosti in Kiev;

- about causing gunshot injuries to 182 citizens in the period from 20.01.2014 to 02.21.2014 during mass actions of protest on Maydan Nezalezhnosti in Kiev;

- about the unlawful obstruction of holding public meetings and assemblies on Maidan Nezalezhnosti in Kiev made by officials of higher state authorities on the basis of criminal offenses under Part 3 of Article 27, Part 3 of Article 365 of the Law of Ukraine from 07.04.2011; Part 3 of Article 365; Part 3 of Article 27, Subparagraphs 1, 5, 12, Part 2 of Article 115 of the Criminal Code of Ukraine;

According to the results of the investigation, investigators of General Prosecutor's Office issued a number of reports of suspicion to some state officials.

Thus, former President of Ukraine Viktor Fedorovych Yanukovich was put forward a suspicion of organization of abuse of power by officials - law enforcement officers during November 2013 - February 2014 during the mass actions of protest on Maidan Nezalezhnosti in Kiev, that was accompanied by violence and use of weapons and caused grave consequences, as well as organization, by prior conspiracy, of firearms use to the protesters and organization of the homicide of two or more people committed in the dangerous to the lives of many people way.

Actions of Yanukovich V.F. are qualified on grounds of crimes envisaged by Part 3 Article 27, Part 3 of Article 365, Part 3 of Article 27; Subparagraph 1, 5, 12, Part 2 of Article 115 of the Criminal Code of Ukraine.

Also reports of suspicion are put forward to:

- Former Minister of Internal Affairs of Ukraine Vitaly Yuriyovych Zaharchenko and his deputy - Ratushniak Victor Ivanovych due to the Part 3 of Article 27; Subparagraph 1, 5, 12, Part 2 of Article 115; Part 3 of Article 365 of the Criminal Code of Ukraine - the abuse of power by an official – law enforcement officer, that was accompanied by violence and use of weapons and caused grave consequences, as well as organization, by prior conspiracy, of firearms use to the protesters and organization of the homicide of two or more people committed in the dangerous to the lives of many people way.

A number of officials were put forward a suspicion of abuse of power by law enforcement officers in the period of November 2013 - February 2014 during the mass actions on Maydan Nezalezhnosti in Kiev accompanied by violence, use of special equipment that caused grave consequences - injury and death people.

Thus, the actions of the former Chairman of the Security Service of Ukraine, Oleksandr Grygorovych Yakymenko, and former Commander of Internal forces of MIA of Ukraine, Stanislav Mykolajovych Shulyak, are qualified for Part 3 of Article 365 of the Criminal Code of Ukraine.

Court has given a permission to arrest these persons for attachment and they are on the wanted list.

27.05.2014 the report of suspicion was put forward to the former General Prosecutor of Ukraine Viktor Pavlovich Pshonka for Part 2 of Article 364 of the Criminal Code of Ukraine – the abuse of office, showing willful inaction in the interests of Yanukovych V.F. and acting in his own interest he directed activities of the prosecution organs for illegal action against peaceful protests and, as a result, the rights, freedoms and interests of individual citizens, state and public interests were harmed, the credibility of the prosecution organs, other public authorities was undermined, that, taken together, led to grave consequences.

Also 27.05.2014 the report of suspicion was put forward to the former Prime Minister of Ukraine Mykola Azarov for Part 3 of Article 27, Part 3 of Article 365 of the Criminal Code of Ukraine, he organized issuing in illegal way decrees of the Cabinet of Ministers of Ukraine No 12 "On approval of the additional security measures for protection of security of citizens' and the decree of Cabinet of Ministers No 13 and No 14 on introducing amendments to Regulations of the use of special tools in the protection of public order, approved by the decree of Council of Ministers of the Ukrainian SSR No 49 from 27.02.1991, that grossly violated the Constitution of Ukraine, international acts, legislation of Ukraine, thus he facilitated the abuse of power by law enforcement officials, who have repeatedly used allowed by these regulations special means of enhanced performance and water cannons at low temperatures.

From 06/06/2014 Pshonka V.P. and Azarov M.J. are on the wanted list.

27.06.2014 the report of suspicion was put forward to the former head of the regiment of special police "Berkut" of the MIA of Ukraine in Kiev, Kusyuku Sergiy Mykolaiovych for Part 3 of Article 365, Part 3 of Article 27, Subparagraph 1, 5, 12 of Part 2 of Article 115 of Criminal Code of Ukraine - the abuse of power by an official – law enforcement officer during 18-20 February 2014, accompanied by violence and use of weapons and caused grave consequences, as well as organization, by prior conspiracy, of firearms use to the protesters and organization of the homicide of two or more people committed in the dangerous to the lives of many people way.

From 02/07/2014 he is on the wanted list.

It is also established that 02.20.2014 the fighters of special purpose troops of ILO "Berkut" committed shots with firearms to hit civilians - protesters on the street Instytutska in Kiev, resulting in killing D.A.I., S.A.S., B.A.S., Z.V.V., V.R.M., H.R.I., S.M.M., B.S.R., H.A.V. and others, together 39 people.

04.03.2014 the suspicion for Part 3 of Article 365, Subparagraph 1, 5, 12 of Part 2 of Article 115 of the Criminal Code - the abuse of power and abuse of office, that led to grave consequences and homicide of two or more persons in a manner dangerous to the lives of many people, by previous concert of a group of persons, was put forward to the commander of the special purpose troop of the regiment of special police "Berkut", Sadovnyk Dmytro, the policeman-driver of the assault platoon No 3 of the special purpose troop of the regiment of special police "Berkut", Zinchenko Sergiy Pavlovych, and policeman-alpinist of the assault platoon No 3 of the special purpose troop of the regiment of special police "Berkut", Abroskin Pavlo Mykhailovych.

12.06. the suspicion for Part 2 of Article 365 of the Criminal Code of Ukraine was put forward to the Deputy Minister of Internal Affairs of Ukraine - Head of executive office, Sergiy Ivanovych Lekar, and Director of the Department of material support of Internal Affairs of Ukraine, Zinov Pavlo Ivanovych, that due to the order of the former Minister of Internal Affairs of Ukraine, Zaharchenko U.V., organized the illegal supply of special equipment of the Russian Federation production - products "Fakel-S", "Zarya-2", "Plamia-M" with shots of acoustic and light-action, hand grenades of irritating and noise and light-action "Drofa", manual aerosol grenades "Dreif 2", hand irritating grenades RGR, hand irritating grenades of the raised capacity and danger, that were used by military personnel of the Ministry of Internal Affairs and MIA Internal Forces during the repression of peaceful protests in Kiev on 18-20 February 2014 and resulted in causing serious consequences.

12.06.2014 Lekar S.I. and Zinov P.I. became on wanted list and the court gave permission for arrest and attachment.

02.07.2014 Lekar S.I. was arrested by investigators and 03.07.2014 Pechersk district court of Kyiv chose a preventive measure - house arrest.

01.08.2014 from criminal proceeding No 12014100060000228 was allocated criminal proceeding No 42014000000000709 on suspicion of police officers of special purpose troop of the regiment of special police "Berkut", S.D.M., Z.S.P. and A.P.M. under Part 3 of Article 365, Subparagraph 1, 5, 12 of Part 2 of Article 115, Part 2 of Article 262 of the Criminal Code of Ukraine, and S.D.M. additionally under Part 1 of Article 263 of the Criminal Code of Ukraine, in which 9.10.2014 suspects and their defenders were announced the completion of prejudicial investigation and the beginning of a procedure of familiarity of suspects and victims with criminal proceedings materials.

Criminal proceedings number 42014000000000401 (20.05.2014 allocated from criminal proceeding No 12014100060000228) due to the fact of organization of criminal group by Z.V.V., S.A.N., A.D.D. and other to counteract protests in Kiev by applying to protest participants violence, destruction of property of citizens, financing of illegal activity of the group, including homicide of journalist V.V.V., on grounds of crimes under Part 3 of Article 28 and Part 2 of Article 294, Part 2 of Article 205, Part 3 of Article 209, Subparagraph 1, 5 of

Part 2 of Article 115, Part 2 of Article 15 and p Subparagraph 1, 5, 12 of Part 2 of Article 115 of the Criminal Code 12 Ukraine.

08.07.2014 it was connected with criminal proceedings No 4201400000000591 from 03.07.2014 due to the fact of intentional obstruction to exercising of profession by the photographer of the news agency «forUm» T.M.O., made by A.D.D. on 02.18.2014 near the office of "Party of Regions" in the street Lipska, 10 in Kiev, on the grounds of crime under Part 1 of the Article 171 of the Criminal Code of Ukraine.

09.04.2014 A.D.D. and Z.V.V. were put forward a suspicion of having committed a crime under Part 2 of Article 194, Part 2 of Article 15, Subparagraph 1, 7, 12, 13 of Part 2 of Article 115, Subparagraph 7, 12, 13 of Part 2 of Article 115 of the Criminal Code of Ukraine, including homicide of journalist V.V.V. on 18.02.2014 in Kyiv. 10.04.2014 Pechersk district court of Kyiv permitted the arrest of A.D.D. and Z.V.V. and the delivering them to court to choose a preventive measure. They are put on the wanted list.

05.05.2014 S.A.N. was put forward a suspicion of having committed crimes under Part 3 of Article 27, Part 2 of Article 194, Part 3 of Article 27, Part 2 of Article 15, Subparagraph 1, 7, 12, 13 of Part 2 of Article 115, Subparagraph 7, 12, 13 of Part 2 of Article 115 of the Criminal Code of Ukraine, Pechersk district court of Kyiv made a decision on 07.05.2014 to permit the arrest and delivery to the court to choose a preventive measure. S.A.N. is put on wanted list.

19.05.2014 B.I.D., K.V.V., M.S.M. and P.O.P. were put forward a suspicion under Subparagraph 1, 5 of Part 2 of Article 115, Part 2 of Article 15 and Subparagraph 1, 5, 12 of Criminal Code of Ukraine and they are on wanted list.

Currently in criminal proceedings are ongoing questionings of witnesses, forensic medical and ballistic expertise are being conducted.

14.08.2014 to Shevchenko district court Kyiv with the indictment was directed the criminal proceedings No 4201400000000578 from 26.06.2014 (allocated from the criminal proceedings No 4201400000000401) on suspicion of K.Y. In having committed in the night of 18 on 19.02.2014 at the intersection of Great Zhytomyr and Volodymyrska hooliganism by group of persons, combined with causing injuries to a journalist V.V.V., on the grounds of crime under Part 4 of Article 296 of the Criminal Code of Ukraine.

In proceedings of the Main Investigation Department of the General Prosecutor's Office of Ukraine from 20.03.2014 is criminal proceedings No 12014100010000559 included to the Unified Register of prejudicial investigation on 24.01.2014 on grounds of the criminal offenses under Part 1 of Article 125 of the Criminal Code of Ukraine due to the fact of having committed unlawful actions relative to H.M.V.

Investigation established that on 22.01.2014 during protests in Kiev servicemen of internal troops of Ukraine L.L.V. and K.D.V. detained the participant of protest H.M.V. and began to escort him to convoy vehicle. When passing on the street Hrushevskoho near the line of Berkut, some unidentified this investigation representatives of unit surrounded H.M. and within about 5 minutes hit him to various parts of the body, and removed all of the detainee's clothing.

K.D.V. and L.L.V., clearly going outside the bounds of the rights and power granted to them, deliberately supposing the occurrence of negative consequences for the detainee, for reasons of apparent disrespect to the participant of protest and their rights, made an unlawful decision not to take any measures to stop

illegal actions concerning H.M.V., thus, allowing committing of unlawful actions and fundamental violations of legally protected rights and interests of the detainee.

Later K.D.V. and L.L.V. delivered detained H.M. to escort vehicle but instead of placing him to the vehicle and providing with clothing they kept H.M. naked near the car. At the same time the indicated situation used other persons who carried out photography, video of detained H.M. being nude and expressed resentment and appeals towards him. In particular, the video recording was carrying by the Deputy Head of Public Relations and Media of the Information and Publishing Centre of Internal Forces of the MIA of Ukraine K.V.J. Then L.L.V. directed H.M. to the convoy vehicle herewith he hit the detainee's head with a hand and kicked him in the leg.

Materials concerning K.D.V., L.L.V. and K.Y.V. are allocated in separate proceeding and after the announcement of suspicion to the specified persons will be directed to the Pechersk District Court of Kyiv for consideration.

Court sentence of 26.05.2014 found K.D.V. guilty of having committed a crime under Paragraph 1 of Article 365 of the Criminal Code of Ukraine and was sentenced to 2 years of restriction of liberty and deprivation of the right to engage law enforcement activity for 1 year, under Article 75 of the Criminal Code of Ukraine K.D.V. was exempted from basic sentence with probation - the probationary period of 1 year.

Court sentence of 26.05.2014 found L.L.V. guilty of having committed a crime under Part 2 Article 365 of the Criminal Code of Ukraine and was sentenced to 3 years of imprisonment with deprivation of the right to engage law enforcement activity for 1 year, under Article 75 of the Criminal Code of Ukraine L.L.V. was exempted from basic sentence with probation - the probationary period of 1 year.

Leniency of sentence for mentioned persons is explained by the relevant request of the victim H.M.V. and conciliation agreement with the suspect K.D.V.

Also in July 2014 under Article 45 of the Criminal Code of Ukraine to the court was sent a request for exemption from criminal liability due to the effective repentance of suspect K.Y.V. under Part 1 of Article 426 of the Criminal Code of Ukraine, which was satisfied by court.

22.9.2014 criminal proceedings No 4201400000000946 started due to the fact of failure of the officer of the Internal Troops of Ukraine O.M.V. to take measures to stop unlawful actions of servicemen of the Internal Troops of Ukraine L.L.V. and K.D.V. towards the victim H.M.V. and failure to provide the aid to the last, who was in dangerous for life and health condition, on grounds of crime under Part 1 of Article 367 of the Criminal Code of Ukraine.

26.09.2014 O.M.V. put forward a suspicion of a crime under Part 1 of Article 367 of the Criminal Code of Ukraine.

Main Investigation Department of the Ministry of Internal Affairs of Ukraine carry out the prejudicial investigation in criminal proceeding No 12014100020000701 due to the fact of inflicting by unidentified persons severe physical pain through beatings, bodily blows in order to compel the victim B.D.S. to commit acts contradicted to his will and illegal deprivation of liberty under Part 2 of Article 127, Part 2 of Article 146 of the Criminal Code Ukraine.

During the investigation the victim B.D.S. was questioned and confirmed the fact of his kidnapping by unidentified persons, tortures and stay in an unknown place from 22 to 30 January 2014.

Currently, the prejudicial investigation continues. In particular, the complex of investigative action to identify persons who are involved in these crimes and forensic medical and criminalistic expert examination are being conducted.

According to Article 36 of the Criminal Procedure Code of Ukraine General Prosecutor of Ukraine supervises the observance of laws during the prejudicial investigation in the form of procedural leadership in prejudicial investigation in the indicated proceeding.

Investigators of territorial prosecution agencies investigate 60 criminal proceedings concerning the abuse of power by law enforcement officers against participants of mass protests, as well as obstruction of activities of journalists, which covered these events during November 2013 - February 2014.

From above stated number there are 46 proceedings concerning events on Yevromaydan and 14 on the illegal actions of the police to the participants of Avtomaydan.

Most of these proceedings are investigated prosecution agencies of Kyiv (20) and Cherkassy region (9). In 7 regions reports of suspicion for 27 persons are prepared.

10.09.2014 Kyiv region prosecution agency send by mail a report of suspicion under Part 2 of Article 365 of the Criminal Code of Ukraine to operative officer in especially important cases of the Service for Combating Organized Crime of the Ministry of Internal Affairs of Ukraine in Kiev, that on 05.12.2013 in the building of the Service for Combating Organized Crime caused injuries to detained activist D.A.I.

29.08.2014 prosecution agency of Kyiv prepared a report of suspicion under Part 2 of Article 365 of the Criminal Code of Ukraine to commander of the regiment of the police "Berkut" due to the fact that on 25.11.2013, at about 10.00 pm, after his subordinates arrested the participant protest action S.O.A. and knocked him down, he intentionally put to the last a number of kicks in the trunk causing pain and light injuries.

Among other criminal proceedings that are investigated Prosecution agency of Kyiv on violations and abuse of power by police officers during a protest from November 2013 to February 2014, there are investigated 3 criminal proceedings concerning mass abuse of power by law enforcement officers, including criminal proceeding No 4201410000000180 that combine 151 criminal proceedings, No 12014100020000391 that combine 221 criminal proceedings and on excess and No 42013110000001056 on abuse of power, in particular, in relation to the journalists.

At present the confirmation of the participation in these events law enforcement officers or agencies of foreign countries, including Russian Federation, has not been received by the carried out investigative actions. In order to verify this version conducting of the investigation is being continued.

In addition, we inform you that in general during the period of massive protests from 30.11.2013 to 22.02.2014, in 8 regions of the country 330 citizens were arrested and precautionary measure for them were chosen, of which 175 persons were placed under detention.

The prosecution agencies of the relevant regions on behalf of the General Prosecutor of Ukraine conducted an inspection of the observation of the constitutional rights of prisoners during their detention in pretrial detention centers and hospitals.

According to their results the violations of legislation on medical examination during placement, detection and fixation of bodily injury, health maintenance and treatment of prisoners, the material and living conditions of detention in the institutions of Penal Service, Ministry of Internal Affairs and Ministry of Health of Ukraine have not been found.

Any complaints of these prisoners about detention conditions and medical care were received by the prosecution agencies.

At the same time, the report mentions the discover of the case of falsification of the materials concerning detention in January 2014 in Dnepropetrovsk pretrial detention center of the MIA of Ukraine of 22 persons, who were detained by the police in connection with violations of public order.

In September General Prosecutor Office of Ukraine instructed Prosecution office of Dnepropetrovsk region to verify the facts mentioned in the report.

According to prosecutor's office of Dnipropetrovsk region to the documents of pretrial detention centre was insert the information that listed 22 people were kept in the institution on 26-27 January 2014 and at the time of placement had no injuries. However, to the pretrial detention they were not placed as immediately after a preventive measure of placing under detention was chosen, from the courtroom they were send to the Dnipropetrovsk pretrial detention centre. At the same time in some of them while placing to this pretrial detention bodily injuries were found.

Information on the specified fact on 26.09.2014 was put to the Unified Register of prejudicial investigations by the Dnipropetrovsk region Prosecutor's Office under Part 1 of Article 366 of the Criminal Code of Ukraine and investigation department of the Prosecutor's Office of the region started the pretrial investigation.

According to the information of the Ministry of Internal Affairs

We inform you that during the investigation of criminal proceedings on the facts of committing criminal offenses during the mass events in the period from 28.02.2014 to the present time, including in the area of counter-terrorism operation for check the involvement in the commission of criminal offenses 416 people were delivered to the police, 347 of which were delayed under Art. 208 the Criminal Procedure Code of Ukraine.

For committing such crimes 389 persons were reported of suspicion, 190 of them were placed under detention as a preventive measure, to 95 was chosen house arrest, 2 - bail.

We also inform that on the facts of crimes committed during the mass actions on Maidan Nezalezhnosti in Kyiv Investigation Department of Ministry of Internal Affairs of Ukraine initiated criminal proceedings under No 12014100060000228 Part 3 of Article 27, Part 3 of Article 365 and Part 3 of Article 27, Paragraph 1, 5, 12 of Part 2 of Article 115 of the Criminal Code of Ukraine, the prejudicial investigation in which is now carried on by investigators of the General Prosecutor Office of Ukraine.

At present, in proceeding of the investigators of Ministry of Internal Affairs on crimes committed during the mass actions on Maidan Nezalezhnosti in Kyiv there is one criminal proceeding initiated by General Prosecutor Ukraine on the fact of committing homicides of two and more people, particularly the death of 13 police officers, conduction of the prejudicial investigation in which on 06.13.2014 the GPO instructed to the General Investigation Department of the MIA of Ukraine.

Main Investigation Department of MIA of Ukraine carry out the prejudicial investigation in criminal proceeding from 01.01.2014 on the fact of unlawful deprivation of liberty and kidnapping of B.D.S. under Part 2 of Article 146 of the Criminal Code of Ukraine and from 05.03.2014 on the fact of inflicting by unidentified persons severe physical pain through beatings, bodily blows in order to compel the victim B.D.S. to commit acts contradicted to his will under Part 2 of Article 127 of the Criminal Code of Ukraine.

During the prejudicial investigation indicated materials of the prejudicial investigation have been combined into one proceeding.

At the moment in criminal proceedings intended forensic medical, forensic immunological, forensic cytological, complex forensic fingerprint, molecular-genetic, computer, technical expert examination are conducted. Prejudicial investigation continues.

B.D.S. during the mass protests in Kiev in November 2013 - February 2014 was not placed to the institutions of detention of internal affairs bodies and the State Penitentiary Service of Ukraine.

Please be informed also that before placement in special institutions all persons have to pass a medical examination in city or regional health care institution and only after receiving a medical opinion on the possibility to be kept in conditions of special institutions people are delivered to special institutions where they are re-examined and interviewed by medical assistant of special institutions, in case of absence of such a position this is done by person who is on duty in special institutions or on duty in internal affairs bodies.

In case of identifying bodily injury of persons placed to pretrial detention, the information is provided to prosecutor's office. About results of the survey and interviews of persons regarding identified complaints on health, bodily injury, the nature of medical care provided to persons in need, a relevant entry is made in the log of primary examination of persons who are placed in special institutions.

In case of receipt of complaints from detained on the health, the ambulance workers are immediately called, a notation about this is made in the Journal of providing of medical care to persons who are held in special institution. In case of hospitalization, such persons are delivered to healthcare institutions, and if necessary - get consultations of doctors, accompanied by police officers.

It should be noted that at present the legislation of Ukraine to the priority directions of state policy include comprehensive reforming and improvement of the effectiveness of law enforcement authorities to ensure human rights and freedoms.

In order to implement the protocol instruction of the First Vice Prime Minister of Ukraine Yarema V.G from March 22, 2014 No 9115/0 / 1-14 to the Ministry of Justice of Ukraine proposals for candidates of MIA were sent for inclusion of the interagency working group on preparation of the Concept of reforming the law enforcement bodies Ukraine.

According to the order of the Cabinet of Ministers of Ukraine from May 7, 2014 No 17071/0 / 1-14 commission and working group on consideration of issues on the reforming of internal affairs bodies of Ukraine and coordination with the Expert Council on human rights and reforming department, which established by order of the Interior Ministry from May 15, 2014 No 471, elaborated a draft Concept of reforming of law enforcement bodies in Ukraine.

May 17, 2014 at the Ministry of Internal Affairs of Ukraine, representatives of the Working Group, which consists of leading experts of Internal Affairs bodies of Ukraine and representatives of the State Border Service, the State Migration Service, the State Emergency Service and the National Guard of Ukraine discussed the draft Concept of reforming the law enforcement agency.

Also the key provisions of the draft concept and ways of its implementation were highlighted; its ultimate aim is the gradual transformation of the system of MIA of Ukraine in the law enforcement agency of the European sample. Versatility, demilitarization and effective decentralization of administration should be the main features of the updated Ministry. Its functions along with law enforcement direction must obtain social-service content.