

**Statement of the Delegation of Ukraine  
at the Working Session 12 “Rule of law I, including: prevention of torture;  
exchange of views on the question of abolition of capital punishment;  
protection of human rights and fighting terrorism” of  
2017 Human Dimension Implementation Meeting**

**Madam Moderator,  
Distinguished participants,**

Ukraine stands fully committed to ensure efficient implementation of its OSCE commitments and international obligations on combating torture and other cruel, inhuman or degrading treatment or punishment. Ukraine is a party to all relevant international treaties, including the UN Convention against Torture and its Optional Protocol (OPCAT), and the European Convention for the Prevention of Torture.

My country has established adequate mechanisms to protect persons against torture and other cruel, inhuman or degrading treatment or punishment. The Ukrainian Parliament Commissioner for Human Rights is entrusted with functions of National Preventive Mechanism (NPM). The “Ombudsman+” NPM model implies joint monitoring visits of custodial settings by the staff of the Office of the Ombudsman of Ukraine and by civil society and NGO activists. Our NPM reacts to the cases of torture and cooperates with UN and CoE committees on prevention of torture. Whenever cases of torture or ill-treatment are discovered, law enforcement authorities duly react.

In sharp contrast to the Government-controlled territories of the country, persistent serious human rights violations, the climate of fear and lawlessness that was brought by Russian aggression to the temporary occupied territories of Crimea and certain areas of Donbas not controlled by the Government of Ukraine, including numerous cases of abductions, killings, torture and ill-treatment, enforced disappearances, arbitrary arrest, detention or incarceration.

Russian-led terrorists in Donbas use torture as a means of intimidation of the population, silencing opposition and erasing Ukrainian cultural identity. UN HRM and ICRC are denied access to places of deprivation of liberty despite repeated requests. Parallel structures established in Donbas cannot guarantee any justice to victims of enforced disappearance, sexual violence and torture.

In Crimea, Russia spread its domestic policies of intimidation, and uses torture as a policy instrument to quash opposition, target Crimean Tatars and ethnic Ukrainians, as well as erase Ukrainian and Crimean Tatar cultural identity from Crimea.

The arbitrarily detained persons are subjected to torture, inhumane and degrading treatment to extort self-incrimination. The Russian occupation authorities do not react to reports of torture. One of the victims, Oleksandr Kostenko, presented his accounts of tortures by the Russian FSB as wires were put under his nails to cause shocks by electric power, his arm and fingers were broken.

One of the so-called “Ukrainian saboteurs” Andriy Zakhately informed in his written statement that he had been taken by the FSB to an unknown building with a bag over his head, was beaten up and tortured over two days with the demands to confess to being a part of a group of saboteurs, who were preparing explosions in the Crimea.

The Russian occupation authorities brought to the Crimea the abhorrent Soviet Union’s repressive practice of forced psychiatric examination which had been imposed on dissidents in the Soviet times. Deputy Chairman of the Mejlis Ilmi Umerov, Vadym Siruk, Muslim Aliev, Refat Alimov, Arsen Dzheparov and others have been forced to undergo such examination.

In order to make sure that justice is served Ukraine recognized the jurisdiction of the International Criminal Court on crimes against humanity and war crimes committed since the beginning of the Russian aggression. The ICC jurisdiction will cover the abovementioned crimes regardless of the nationality of suspected persons.

This unacceptable situation must receive immediate attention of the ODIHR, as well as the UN Subcommittee on Prevention of Torture, and the UN Human Rights Council’s Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances.

We believe that the ongoing gross violations of human rights in the situations of occupation, including cases of torture and other ill-treatment, must receive a focused attention of the OSCE, the UN and the Council of Europe to help restore respect to human dignity and make sure that the perpetrators of these grave crimes are not left unpunished.

We call upon Russia to cease its domestic policies of intimidation, abduction and torture in Russia, third countries (the recent case of Pavlo Gryb detained in Belarus by the Russian FSB) and occupied Crimea and Donbas.

We also call upon International human rights monitoring bodies to establish a permanent presence in Crimea and Donbas.

We call upon participating States and international organizations to introduce specific personal sanctions for human rights violations committed by Russia in Crimea and elsewhere.

In conclusion, I would like to remark that if Russia wants to contribute to the worldwide fight against terrorism, it can start by ceasing to finance terrorism in Donbas, which would be a welcome step in the right direction of becoming a civilized State.

**I thank you, Madam Moderator.**

