

Statement by the Delegation of Ukraine
Working Session 9: Rule of Law II

(Warsaw, 23 September 2016)

Preventing and combating torture

Ukraine stands fully committed to ensure efficient implementation of its OSCE commitments and international obligations on preventing and 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.

In sharp contrast to the Government-controlled territories of the country, persistent serious human rights violations and the rule of terror prevails in 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 and illegal detention or incarceration.

Numerous cases of such crimes have been registered in the OSCE HRAM and UN monitoring mission reports, as well as by human rights organizations and continue to occur. The occupying authorities deliberately failed to investigate all these crimes.

I take this opportunity to draw the attention of the UN Subcommittee for the Prevention of Torture and the ODIHR to the report “Surviving Hell: Testimonies of Victims on Places of Illegal Detention in Donbas”. The report was prepared by a coalition of 17 human rights non-governmental organizations “Justice for Peace in Donbas” and is based on testimonies of those who had been illegally detained and tortured by Russia-backed militants in the occupied areas of Donbas.

The documented testimonies of torture and deprivation reemphasize the urgent need for immediate release of hostages and illegally detained persons, held in captivity by combined Russia-separatist forces, and bringing the perpetrators of the crimes to justice.

The OSCE HRAM and the UN Human Rights Monitoring Mission collected numerous other credible testimonies and reports about the enforced disappearances and torture perpetrated in the illegally occupied Crimea by “self-defence” groups, Cossacks and “Crimean Army”. The groups responsible for such acts appear to have enjoyed the acquiescence and active complicity of the authorities exercising de facto control in Crimean peninsula.

According to the Crimean Tatar Resource Center, since the beginning of the illegal occupation of Crimea by Russia, 16 persons, mostly Crimean Tatars, have been reported missing and their whereabouts remain unknown, while 11 persons were killed.

On 24 May 2016, Mr. Ervin Ibragimov, member of the Executive Committee of the World Congress of Crimean Tatars and member of regional Mejlis, was abducted in Bakhchisaray and his whereabouts remain unknown. On 3 June 2016 the Working Group on Enforced or Involuntary Disappearances of the UN Human Rights Council requested the Russian Federation to provide information on the case of Ervin Ibragimov.

We call on Russia as occupying power to duly respond to the international concerns over the destiny of the Ukrainian citizens who disappeared on the illegally occupied peninsula, to thoroughly investigate the reported cases and inform about results.

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.

Dear participants,

We are deeply concerned about the silence of the Russian authorities over reported acts of torture and other ill-treatment, including torture to extract evidence, against Mykola Karpyuk, Stanislav Klyh, Oleg Sentsov, Oleksandr Kolchenko, Henadiy Afanasyev and other political prisoners in Russia.

In the Russian Federation, the torture phenomenon is today commonplace and deeply rooted in the State institutions. The use of torture and ill-treatment can be observed at all stages of the criminal justice system, from arrest by the police to the life of convicts in penitentiary facilities. Torture victims encounter major difficulties in seeking justice.

We underline the need for the competent OSCE, UN and Council of Europe structures in the area of prevention of torture to undertake monitoring activities in Russia in connection with the reports of torture against the illegally detained Ukrainian citizens and assist Russia's compliance with its international obligations on preventing and combating torture, including through prompt and impartial investigation of the acts of torture.

Thank you.