

**ASSOCIATION OF UKRAINIAN MONITORS ON HUMAN RIGHTS  
CONDUCT IN LAW ENFORCEMENT**

**MILITIA IN UKRAINE: OUT OF HUMAN RIGHTS  
DIRECTORY**

**Best practices 2004-2009**

During 2004-2010 national NGO in cooperation with police created 4 institutions, very important for the observation of Human Rights conduct in police activity.

First of them was a Human Rights Advisor position, existed for 3 years since 2004 and started to some strategically changes into Ministry of Interior. 2 persons, worked on this position, were supporting the most of NGO's initiatives, aimed the police brutality prevention.

Second institution, the public councils network, was created in 2005. Public councils are the best combination of NGO's ideas and activities, working as a consultative body for police.

Third institution, created by NGO's and Human Rights Advisor, was called as the mobile groups, visiting the police custodies on a regular base. These groups, including policemen and NGO experts, since 2006 were monitoring the Human Rights conduct concerning the detainees. Increasing the scale of own activity in 5 times, mobile groups in a short time has began the prototype of the National preventive mechanism against tortures.

At last, the next institution was a Human Rights monitoring Department, founded in the Ministry in 2008. Based on the democratic approach, Department had initiated a lot of changes in the police regulations, supported the public councils and mobile groups.

**Present situation**

To our surprise, we faced the personnel cleaning based on the origin background.

90% of managers of all levels are replaced. 70% of top managers (regional and district chiefs of police) are replaced by the police officers, which were born or get education or worked in the so called "President region".

25% of new Regional Commanders are pensioners, retired several years ago and passed the important democratic changes of last time. 4 regional Commanders had been under criminal investigation and even were wanted on suspicion for commission of crime.

Minister proclaimed the new reformation of Ministry and zero tolerance to corruption. What's the result of reformation?

Human Rights monitoring Department has been dismissed first of all. 60% of police stuff is under the threat of dismissal because of lack of budget. But at the same time the Ministry has got on budget money cars of VIP-class for the sum nearby 5 million dollars.

From all number of the crimes committed by police, 43-45% were committed with application of tortures. Monthly we have 3-4 resonant cases when the detained persons receive serious damages from police officers. And very small number of these cases has been effectively

investigated. As a result, in Poltava region (Lubny) the mayor has organized inhabitants on a protest action against brutality of local police.

Minister of Interior has initiated the measures of total control over movement of citizens. According by draft of legislative act, Minister has suggested to bring a full name of all passengers using the internal railways, date of their birth and number of passports in a special database. Till now we have no reasonable argumentation for so strict measures and no guarantees concerning safety of so specific database. One police instruction, disseminated in April for Transport police, includes the obligation to keep all foreigners under constant control and to provide tight check of their documents.

We are frightened by cruelty from which the police has started to supervise peace meetings. For example, in April 43 demonstrators have received trauma and even burns after abuse of force by police.

In May and June police restricted the mass movement of citizens to capital in order to avoid their participation in peace meetings in support of opposition. The police arrested drivers of buses, illegally stopped buses on roads or directly threatened owners of buses. In Ukraine similar practice has been already forgotten since 2004. After these events Minister initiate new draft of legislation, ordering owners of buses to make lists of surnames of passengers and to hand them over to special database.

In order to justify the rough and not democratic policy the Ministry draws our attention to growth of criminality and to number of the weapon confiscated from the population. But evaluation, made by NGO's experts, shows us, that around 60-70% seized weapon cases are falsification. And criminality growth is result of manipulation with statistics only.

By the end, we have a hope, that the international attention to the situation in Ukraine will help us to get the right decisions in the nearest future.

**Oleg Martynenko,**

Doctor of Law, Ukraine

expert on Police misconduct prevention

e-mail: olegmartynenko@mail.ru