

24 January, 2012

To:
Prosecutor General of Ukraine
Mr. Pshonka Viktor Pavlovich

Police Chief
Mr. Zaxarchenko Vitalii Urevich

CC:

Prosecutor of Zakarpatye oblast
Mr. Petrunya Anatolii Leonidovich

Chief of Zakarpatye Department of Ministry of Interior
Mr. Rusin Viktor Pavlovich

Dear Mr. Prosecutor and Mr. Police Chief:

The European Roma Rights Centre (ERRC), an international human rights law organisation combating anti-Roma racism and discrimination in Europe, is writing to express concern about the conduct of law enforcement officials during a recent incident in Uzgorod. The incident took place on 11 January 2012 in one of the Roma settlements, located on Granitiniy and Marka Vovchka streets (locally known as the “Radvanka” settlement). News coverage of the event appeared on 17 January 2012¹.

According to media and reports from local residents, a special assignment unit within the Ukrainian Ministry of Interior “Berkut” burst into a Roma settlement early in the morning of 11 January around 7am. The law enforcement officials beat residents, including women, children, older people and people with disabilities with rubber batons, and used tear gas on them. According to sources in the Ministry of Interior, the raid on the settlement was planned and carried out as one of the on-going operations targeting places with the potential risk of being centres of organised criminal activities and thus constituting a threat to public safety.

The actions of Uzgorod law enforcement officials raise serious concerns, irrespective of possible legitimate grounds for carrying out this kind of raid on the settlement. According to the Law on Militia in Ukraine, militia officials can only use measures such as batons and tear gas in very

¹ <http://zakarpattya.net.ua/News/91802-V-Uzhhorodi-mistsevyi-Berkut-vidpratsiuvav-tsyhanskyi-tabir-kyikamy-VIDEO>

limited situations.”² The Law specifically sets out situations and conditions where militia officials are entitled to use special measures, which totally rules out using them on pregnant women, children, older people and people with disabilities.³ Furthermore, this Law obliges militia to execute their duties in a non-discriminatory manner with respect to a person’s dignity.⁴ The officials extended reasonable suspicion, related to individuals who may have been implicated in criminal activities, to the whole minority residing in the settlement. This raises serious questions as to the impartiality and legality of the action. The actions of the law enforcement authorities appear to violate the Constitution of Ukraine, which guarantees everyone the right to be free from inhuman and degrading treatment, and to be free from unlawful interference into their private and family life.⁵ Finally, the actions in question suggest possible violations of Ukraine’s international treaty obligations, which are enshrined in the Constitution as an integral part of national law; in particular, the European Convention on Human Rights and Fundamental Freedoms⁶, the Convention on the Elimination of All Forms of Racial Discrimination⁷ and the International Covenant on Civil and Political Rights.⁸

In reference to the above, the ERRC respectfully requests that Prosecutor’s Office launches an investigation into the conduct and legality of the Uzgorod law enforcement officials’ actions during the raid on 11 January 2012.

More specifically, the ERRC calls on the relevant authorities to:

- Launch an official investigation into the legality of the militia actions in Uzgorod;
- Hold the law enforcement officials accountable, in accordance with the respective provisions of the Ukrainian law, if the investigation shows their actions were unlawful
- Review procedures and ensure appropriate training of law enforcement officials to eliminate such practices occurring in the future and ensure their actions fully comply with the requirements of national and international law.

We respectfully request to be informed of any and all actions undertaken by your respective offices in a timely manner.

Sincerely,
Dezideriu Gergely
Executive Director

² See Article 14 of the Law on Militia No. 565-XII, adopted on 20.12.1990

³ , Article 12, Ibid

⁴ , Articles 3 and 5, Ibid

⁵ Constitution of Ukraine , Articles 28, and 32

⁶ European Convention of Human Rights, Articles 3 and 8

⁷ Convention on the Elimination of All forms of Racial Discrimination , Article 5

⁸ International Covenant on Civil and Political Rights , Articles 7 and 17