

AMNESTY INTERNATIONAL

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Ukraine: No amnesty for torture committed by either side in the conflict

An amnesty bill passed by the Ukrainian parliament on 16 September 2014 and expected to be signed into law by President Petro Poroshenko soon, should not become a vehicle for denying the right of victims to justice. The law has been passed as part of the Ukrainian government's efforts to bring to an end the conflict in the east of the country. It proposes waiving criminal responsibility for crimes committed by 'armed formations' from 22 February 2014 onwards, and lists a number of serious crimes to which the amnesty will not be extended. However, the parliament-approved bill does not include torture and other ill-treatment in this list of exceptions.

Amnesty International has documented numerous incidents of torture and other ill-treatment being used against captives by members of separatist armed groups, as well as of pro-Ukrainian forces in east Ukraine. The organization has repeatedly called for such abuses to be promptly, impartially and thoroughly investigated to ensure that those responsible are brought to justice in accordance with Ukraine's obligations under international law.

The Ukrainian government must ensure that perpetrators of all gross abuses of human rights and all acts carried out in the context of the fighting that amounted to crimes under international law, including war crimes and other grave abuses of human rights or international humanitarian law, are held accountable, and that full reparation is awarded to victims and their families.

International law prohibits amnesties or similar measures for acts carried out in the context of a conflict that amounts to crimes under international law, including grave abuses of human rights or international humanitarian law, and which prevent the emergence of the truth, a final judicial determination of guilt or innocence, and full reparation for the victims. Anyone who is reasonably suspected of being responsible for such crimes, including those in positions of command who knew or should have known that those under their command were committing or had committed such crimes and did not take all measures in their power to prevent, suppress or report such crimes, must be investigated and, if there is sufficient admissible evidence, be prosecuted and brought to trial in proceedings which comply with international law and standards on fair trial.

Amnesty International strongly urges President Poroshenko to ensure that before he signs

the bill, it is amended to include torture and other grave human rights violations and violations of international humanitarian law in its list of crimes which will not be covered by the amnesty. Until this is done, the bill will only serve to facilitate the perpetuation of abuses by both sides to the conflict, endorse impunity for the perpetrators and deny justice to the victims.

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