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UKR100955.E

Ukraine: The Ministry of Internal Affairs' interrogation procedure in Ivano-Frankivsk and elsewhere, including method of recording and transcribing the interrogation, persons present during interrogation and duration of interrogation (February 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An attaché of the Consular Section of the Embassy of Ukraine in Ottawa explained in a telephone interview with the Research Directorate that although the criminal investigation interrogation procedure in Ukraine depends on how suspicious the investigator is about the person they are interrogating, there are typically three types of interrogation procedures (26 Jan. 2006). There is one for a witness to a crime, a second procedure for a suspect of a crime and a third procedure for someone accused of a crime (ibid.).

In a 26 January 2006 telephone interview with the Research Directorate, the attaché also mentioned that an interrogation for a criminal investigation may be recorded, either on video or audiotape, and that the interrogation, in either case, must also be transcribed onto paper. The type of video recorder is usually indicated at the end of the transcribed document (ibid. 26 Jan. 2006). The attaché explained that video recordings of interrogations usually serve as an additional means for statement verification (Ukraine 25 Jan. 2006).

According to the attaché, interrogations do not usually last more than four hours and may take place only between the hours of 6:00 a.m. and 10:00 p.m. (ibid. 26 Jan. 2006). During the interrogation, the interrogator and the person being interrogated may be joined by a lawyer, a translator, an assistant to the prosecutor and a video recorder operator, if applicable (ibid.). Everyone present during the interrogation must sign every page of the final transcribed document (ibid.).

The Ukraine section of the Interpol Website states that Ukrainian police officials and the prosecutor have the power to question an individual (Interpol n.d.). In its 2005 report on Ukraine, *Time for Action: Torture and Ill-Treatment in Police Detention*, Amnesty International (AI) explained that "[t]here is no requirement for a lawyer to be present during police interrogation, but Article 5 of the Law on the Police gives suspects the right not to make any statements until their legal counsel is present" (AI 27 Sept. 2005, Sec. 7.3.4). AI also made 20 recommendations to the Ukrainian government in this 2005 report, one of which was that "[a] lawyer should always be present during police interrogations unless a detainee waives the right to a lawyer, and all interrogations should be recorded accurately, preferably with the use of video/audio equipment" (ibid.,

Sec.9). In another 2005 report, AI cites a Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment report which stated, following a visit to Ukraine in 2004, that people arrested by the Ukrainian police "run a significant risk of being physically ill-treated" while being questioned in police custody (CPT in AI 23 Aug. 2005).

Information on the interrogation procedure in Ivano-Frankivsk could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 27 September 2005. *Time for Action: Torture and Ill-Treatment in Police Detention*. Ukraine. (EUR 50/004/2005)
<<http://web.amnesty.org/library/Index/ENGEUR500042005?open&of=ENG-UKR>> [Accessed 24 Jan. 2006]

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<<http://web.amnesty.org/library/Index/ENGEUR500052005?open&of=ENG-UKR>> [Accessed 24 Jan. 2006]

Interpol. N.d. "Ukraine." European Police and Judicial Systems.
<<http://www.interpol.int/public/Region/Europe/pjsystems/Ukraine.asp>>
[Accessed 27 Feb. 2006]

Ukraine. 26 January 2006. Embassy of Ukraine, Ottawa. Telephone interview with attaché, Consular Section.

_____. 25 January 2006. Embassy of Ukraine, Ottawa. Correspondence from attaché, Consular Section.

Additional Sources Consulted

Oral sources, including: Several unsuccessful attempts were made to contact Central European and Eurasian Law Initiative (CEELI) [Ukraine], International Committee of the Red Cross (ICRC) [Ukraine], Ministry of Internal Affairs [Ukraine].

Internet sources, including: British Broadcasting Corporation (BBC), *Country Reports on Human Rights Practices*, European Country of Origin Information Network (ECOI), Factiva, International Helsinki Federation for Human Rights (IHF), Legislationline, Ministry of Internal Affairs [Ukraine], Organization for Security and Co-operation in Europe (OSCE), Radio Free Europe/Radio Liberty (RFE/RL), United Kingdom Immigration and Nationality Directorate Country Reports.

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