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Parliamentary question to the Chairperson-in-Office of the Committee of Ministers

Parliamentary questions

1. Question from Mr Andrej HUNKO, Germany, UEL

The Ukrainian Act “On introducing amendments to the Criminal Procedure Code of Ukraine regarding the special mode of pre-trial investigation during martial law, in a state of emergency or in the area of the anti-terrorist operation” and the Ukrainian Act “On introducing amendments to the Ukrainian Law ‘On the fight against terrorism’ regarding preventive detention of persons involved in terrorist activity for a period of more than 72 hours in the area of the anti-terrorist operation” are criticised for violating the Ukrainian Constitution as well as the European Convention on Human Rights, for example by the Open Dialog Foundation: the delegations of the power of judges to detain a suspect in custody for up to 30 days as a preventive measure violates the right to be brought before a court. The law-enforcement bodies in particular are granted the right to detain a person without good reason and at their own discretion.

Has the Committee of Ministers dealt with the alleged violations? Has Ukraine informed the Secretary General about these or further measures taken that derogate from its obligations under the Convention, and does the Chairperson intend to consider the problem of these measures of a permanent and not a temporary nature?

Reply by the Chairperson of the Committee of Ministers

Within the framework of the Council of Europe project on the reform of the criminal justice system in Ukraine, opinions have been prepared, following consultations with the Prosecutor General of Ukraine, on the powers granted to the latter under the two new Acts on Anti-Terrorism.

The question of the duration of the preventive detention of persons suspected of involvement in terrorist activities has been addressed in these opinions, which have been forwarded to the relevant Ukrainian authorities and made public with their agreement.

The follow-up to be given to the opinions is under consideration by the Ukrainian authorities. Work continues to be conducted with them on several aspects of criminal procedure and the reform of law enforcement agencies, with the aim of ensuring compliance with the relevant Council of Europe standards, and in particular the European Convention on Human Rights.

