

**ПОСТІЙНЕ
ПРЕДСТАВНИЦТВО
УКРАЇНИ ПРИ РАДІ
ЄВРОПИ**



**REPRÉSENTATION
PERMANENTE DE
L'UKRAINE AUPRÈS DU
CONSEIL DE L'EUROPE**

tel: (33) 3 88 61 44 51
fax: (33) 3 88 60 01 78

e-mail: eu_fr@mfa.gov.ua

21, rue Trubner
67000, Strasbourg

31011/32-119-162

Strasbourg, 21 February 2006

Dear Secretary General,

Referring to your letter dated November 21, 2005 regarding explanations on reports suggesting that terrorist suspects may have been secretly detained in or transported through a number of Council of Europe member states with the possible involvement of foreign agencies, I have the honour to inform you about the following.

According to the information of the Ministry of Justice of Ukraine, in the period running from 11 September 1997 until the present any public official in Ukraine has not been involved in the unacknowledged deprivation of liberty of any individual, or transport of any individual while so deprived of their liberty, including where such deprivation of liberty may have occurred by the instigation of any foreign agency. There are no facts on the unlawful detention or transportation of terrorism suspects through Ukraine with the possible involvement of foreign agencies.

The proceedings on the above-mentioned matters have not been taken by the investigators of the bodies concerned.

Furthermore, the Constitution of Ukraine clearly regulates the issues of arrest or detention. In particular, the Article 29 of the Constitution of Ukraine stipulates that no person may be arrested or held in custody except pursuant to a court order and based only upon reasons and according to procedures established by law.

The Article 14 of the Code of Criminal Procedure of Ukraine reflects the Constitutional principle of personal immunity and provides that arrest is only possible on the ground of the court's decision.

**Mr. Terry Davis
Secretary General
Council of Europe
Strasbourg**

The Article 146 of the Criminal Code of Ukraine establishes the responsibility on deliberately unlawful arrest or detention. The Law of Ukraine “On the order of reimbursement for the damage caused to the persons by the unlawful actions of investigating bodies, pre-trial, prosecution and court” guarantees the compensation to the persons, who suffered from such arrest or detention.

Please, accept, dear Secretary General, the assurances of my highest consideration.

Sincerely Yours,



S.Reva
Chargé d’Affaires a.i.