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LEGAL AID BOARD

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Information on Yulia Tymoshenko and her party. Are there any reports of harassment, disappearances, abductions or coercion of members and sympathisers of Yulia Tymoshenko's party?

A Eurasia Daily Monitor article states:

“Ukraine’s two largest opposition parties – Fatherland, which is headed by the imprisoned former Prime Minister Yulia Tymoshenko, and the Front of Change (FZ) whose leader is the former parliamentary speaker and former foreign minister, Arseny Yatsenyuk – have agreed to join forces for the October 28 parliamentary election.” (Eurasia Daily Monitor Volume: 9 Issue: 86 (7 May 2012) *Ukraine’s Two Main Opposition Parties Join Forces for Parliamentary Election*)

This article also states:

“Fatherland, FZ and the less popular opposition parties, People’s Movement, Reforms and Order, People’s Self-Defense and For Ukraine, announced on April 23 that they agreed to form a united opposition. The six will compile a joint list for the election, which will be headed by the leaders of the two most popular among them, Tymoshenko and Yatsenyuk. The parties will also back joint candidates in the first-past-the-post constituencies.” (ibid)

The Executive Summary of the 2012 US Department of State country report on Ukraine states:

“The most serious human rights development during the year was the politically motivated detention, trial, and conviction of former prime minister Yulia Tymoshenko, along with selective prosecutions of other senior members of her government.” (US Department of State (24 May 2012) *2011 Human Rights Reports: Ukraine*)

In a paragraph headed “Arbitrary Arrest” this report states:

“On August 5, during her trial on abuse of office and exceeding authority, former prime minister Tymoshenko was arrested for allegedly avoiding the investigation and disrupting court proceedings. She remained in detention for the duration of her trial on grounds that if freed she would impede the court's inquiry. According to local and international legal analysts, Tymoshenko's detention was not justified and disproportionate to the charges. Despite her deteriorating health, the court denied repeated requests for bail, and she remained in detention until her conviction on October 11. On December 23, an appeals court upheld Tymoshenko's conviction and seven-year prison sentence.” (ibid)

See also a paragraph headed “Political Prisoners and Detainees” which states:

“Between August and December 2010, the prosecutor general charged former prime minister Tymoshenko, former minister of internal affairs Lutsenko, and six other high-level members of Tymoshenko's government with abuse of power and misuse of state funds. Since President Yanukovich came to power, charges have been filed against 13 senior members of Tymoshenko's government: Tymoshenko, four ministers, five deputy ministers, two agency heads, and the head of the state gas monopoly. Many domestic and foreign observers and governments considered the prosecutions politically motivated.” (ibid)

An article published in The Observer states:

“In a matter of days, Tymoshenko – firebrand co-leader of Ukraine's 2004 Orange Revolution – has succeeded in recapturing the world's attention. She may be confined to a cell, but she has again shown herself to be one of Europe's most beguiling and resourceful politicians. ‘It really takes a novelist or playwright to do her justice. She has glamour, hubris and potential tragedy,’ observed Andrew Wilson, senior fellow at the European Council on Foreign Relations. More than this, Tymoshenko has adroitly focused the west's attention on the dark things that have been happening in Ukraine since she narrowly lost to Yanukovich in the country's 2010 presidential election. During her election campaign, she warned that Yanukovich would rip up Ukraine's nascent democracy; her aides talked condescendingly of Yanukovich's ‘Soviet mental map’. Not enough voters believed her. She was proved right more quickly than anybody expected. Once in office, Yanukovich broke parliamentary rules, squeezed the independent media and began selectively prosecuting his political enemies. Five members of Tymoshenko's former government are now in jail. She was convicted of ‘illegally’ agreeing a 2009 gas deal with Russia.” (The Observer (6 May 2012) *Yulia Tymoshenko: Ukraine's bruised firebrand*)

A Human Rights Watch report, in a section headed “October 2011 Trial and Sentencing”, states:

“Tymoshenko was sentenced to seven years in prison on charges of exceeding her authority during her most recent term as prime minister, from 2007 to 2010. The charges stem from a gas contract Tymoshenko brokered between the Ukrainian state oil and gas company, Naftogaz, and the Russian company, Gazprom, in 2009, and her approval of a directive to sign the contract without first getting the approval of the Cabinet of Ministers. Tymoshenko's defense contended that she did not personally benefit financially from the gas deal and that her actions did not constitute a crime. Leading Ukrainian human rights groups as well as international organizations expressed concern that the charges against Tymoshenko were politically motivated. Evgeniy Zakharov, the co-chair of the Kharkiv Human Rights Protection Group, a leading human rights organization that monitored Tymoshenko's trial, told Human Rights Watch that his organization viewed the case against her as orchestrated by the authorities to remove a prominent opposition leader from the political scene.” (Human Rights Watch (30 August 2012) *Ukraine: Investigate Alleged Beating of Tymoshenko*)

A Radio Free Europe/Radio Liberty report states:

“Ukraine's Central Election Commission has registered the party ticket of the united opposition Batkivshchyna (Fatherland) party without its leader, Yulia Tymoshenko, and ex-Interior Minister Yuriy Lutsenko. Justice Minister Oleksandr Lavrynovych said on August 8 that people serving prison terms are ineligible to run for parliament.” (Radio Free Europe/Radio Liberty (8 August 2012) *Ukraine Denies Tymoshenko, Lutsenko Registration As Parliament Candidates*)

See also a Radio Free Europe/Radio Liberty report which states:

“Demonstrators supporting jailed Ukrainian former Prime Minister Yulia Tymoshenko have battled police outside a court hearing her appeal against a seven-year prison sentence. Hundreds of Tymoshenko supporters attempted to break through a police cordon preventing access to the Kyiv appeals courtroom. Reports say the clashes blocked some traffic on Kyiv's main street. (Radio Free Europe/Radio Liberty (13 December 2011) *Demonstrators Clash With Police As Court Hears Tymoshenko's Appeal*)

A Radio Free Europe/Radio Liberty report on the alleged theft of tents used by Tymoshenko supporters states:

“The Kharkiv Oblast police told journalists on January 12 that a probe was launched into the disappearance of private tents used by activists protesting Tymoshenko's imprisonment starting on January 6. The tents were forcibly taken down by order of Kharkiv officials on January 10. Anatoliy Babichev, the leader of Tymoshenko's Fatherland party branch in Kharkiv's Chervonozavod district, said he had asked police to help find the tents, which had stood near the Kachaniv labor camp outside of Kharkiv where Tymoshenko is being held. A Kharkiv court ruled on January 6 that the tents cannot be set up near the labor camp and must be taken down. The activists refused to do so and on January 10, city sanitation workers forcibly dismantled the tents, loaded them onto a truck, and drove away. Babichev said he has not seen his tents since then and therefore had to refer to police for help.” (Radio Free Europe/Radio Liberty (12 January 2012) *Ukrainian Police To Search For 'Tymoshenko Tents'*)

A Radio Free Europe/Radio Liberty report on the damaging of a café owned by a cousin of Tymoshenko states:

“Unknown vandals in the eastern Ukrainian city of Dnipropetrovsk have damaged a cafe belonging to a cousin of jailed former Prime Minister Yulia Tymoshenko. Tymoshenko's cousin Tetyana Sharapova said the attackers destroyed a fountain, broke 17 light poles, and several benches. According to her, the total damage amounted to some \$6,500. She added that two young women visited her cafe during working hours on October 9 and introduced themselves as journalists, asking Sharapova if the cafe was in fact owned by Tymoshenko or her daughter. Sharapova said the attack was most likely politically motivated.” (Radio Free Europe/Radio Liberty (10 October 2012) *Ukrainian Vandals Trash Tymoshenko's Cousin's Café*)

A report from the Organization for Security and Cooperation in Europe (OSCE), in a section titled “Campaign Environment”, states:

“Party of Regions billboards overwhelmingly dominated in several regions. In some cities and electoral districts, opposition parties, the Communist Party and self-nominated candidates alleged that advertising companies refused to sell them space or broke existing contracts due to political pressure. Such instances were confirmed by a private company in Odessa region. In addition, some parties and candidates were affected by systematic destruction of billboards or posters in certain electoral districts. Other negative features of the campaign environment were the extensive use of charitable organizations by candidates to provide voters with material goods or services in an apparent effort to skirt campaign rules against indirect voter bribery; destruction of campaign tents or harassment of campaign workers in several cities; and widespread use of ‘black PR’, in which fake campaign materials were printed seemingly on behalf of a party or candidate, as a provocation. No effective steps in addressing such violations of the law were taken.”
(Organization for Security and Cooperation in Europe (OSCE) (29 October 2012) *Ukraine — Parliamentary Elections, 28 October 2012: Statement of Preliminary Findings and Conclusions*, p.8)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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