Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Violations against Yulia Tymoshenko

Written declaration No. 836

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

We, the undersigned, declare the following:

We are concerned about the ongoing violations in the case against the former Prime Minister of Ukraine Yulia Tymoshenko. Law enforcement agencies searched her party office without a court order. Contrary to the case-law of the European Court of Human Rights, they did not invite her during post-factum legalisation of this operation in court.

Later, law enforcement agencies published a tape of an alleged conversation between Tymoshenko and a member of the Ukrainian parliament, in which they discuss parliamentary activities. Tymoshenko claimed that the conversation had been edited.

It is worrying that throughout the entire investigation, Ms. Tymoshenko was not even questioned.

Of particular concern is the fact that, after the end of the pre-trial investigation stage, Tymoshenko's defence team did not receive access to essentially the only evidence – the original audio file of the conversation. This creates a risk of violation of the basic principle of criminal proceedings – the equality of parties in adversarial proceedings. This calls into question the impartiality and legality of the entire investigation.

In order to avoid any speculation, we call for Tymoshenko's defence team to be given access to the original audio file and to conduct its independent investigation. We will continue to monitor the progress of this case.

Signed (see overleaf)

Signed[1]*:*

EFSTATHIOU Constantinos, Cyprus, SOC
ÅBERG Boriana, Sweden, EPP/CD
BALDURSDÓTTIR Kolbrún Áslaugar, Iceland, SOC
BERGONZI Régis, Monaco, ALDE
BRICO Christophe, Monaco, EPP/CD
DALLE Benjamin, Belgium, EPP/CD
DAVIDOVICI Natalia, Republic of Moldova, EPP/CD
EDER-GITSCHTHALER Andrea, Austria, EPP/CD
GÖTHBERG Gustaf, Sweden, EPP/CD
GROZA Ion, Republic of Moldova, EPP/CD
GUTIÉRREZ LIMONES Antonio, Spain, SOC
HISPÁN Pablo, Spain, EPP/CD
HOYO Belén, Spain, EPP/CD
LAMUÀ Marc, Spain, SOC
LEYTE Carmen, Spain, EPP/CD
MULLEN Rónán, Ireland, EPP/CD
PASQUIER-CIULLA Christine, Monaco, EPP/CD
POMASKA Agnieszka, Poland, EPP/CD
STAMATIS Georgios, Greece, EPP/CD
SYRENGELA Maria, Greece, EPP/CD
VOKSHI Albana, Albania, EPP/CD

Total = 21

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group