



July 6, 2012

His Excellency Ban Ki-moon
Secretary-General of the United Nations
UN Headquarters
First Avenue at 46th Street
New York, NY 10017
USA
inquiries@un.org

His Excellency Martin Schulz
President of the European Parliament
Rue Wiertz 60
1047 Brussels
Belgium
arnoldas.pranckevicius@europarl.europa.eu

His Excellency Herman Van Rompuy
President of the European Council
Rue de la Loi 175
B-1048 Brussels
Belgium
hvry@consilium.europa.eu

His Excellency José Manuel Barroso
President of the European Commission
Rue de la Loi 200
1049 Brussels
Belgium
jose-manuel.barroso@ec.europa.eu

His Excellency Thorbjørn Jagland
Secretary General of the Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex
France
flemming.kjerschow@coe.int

His Excellency Jean-Claude Mignon
President of the Parliamentary Assembly of the Council of Europe
Assemblée nationale
126 rue de l'Université
75355 Paris 07 SP
France
Jean-claude.MIGNON@wanadoo.fr
jcmignon@assemblee-nationale.fr

Her Excellency Catherine Ashton
High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the European Commission
Rue de la Loi 200
1049 Brussels
Belgium
comm-spp-hrvp-ashton@ec.europa.eu
catherine.ashton@ec.europa.eu

His Excellency Ambassador Štefan Füle
European Commissioner for Enlargement and Neighbourhood Policy
Rue de la Loi 200
B-1049 Brussels
Belgium
Anne.Mueller@ec.europa.eu
simon.mordue@ec.europa.eu
iwona.piorko@ec.europa.eu

His Excellency Jacek Protasiewicz
Vice President of the European Parliament
 Bât. Altiero Spinelli
 14E205
 Rue Wiertz 60
 B-1047 Brussels
 Belgium
Jacek.protasiewicz@europarl.europa.eu

The Honourable Pawel Kowal
Chair of the European Parliament Delegation
to the EU-Ukraine Parliamentary Cooperation
Committee
 Bât. Willy Brandt 02M107
 Rue Wiertz 60
 B-1047 Brussels
 Belgium
pawelrobert.kowal@europarl.europa.eu
pawel.purski@europarl.europa.eu
michal.czaplicki@europarl.europa.eu

His Excellency Eamon Gilmore
OSCE Chairperson-in-Office
 OSCE Secretariat
 Wallnerstrasse 6
 A-1010 Vienna
 Austria
info@osce.org
patrick.clarke@dfa.ie

Her Excellency Navanethem Pillay
UN High Commissioner for Human Rights
 Palais des Nations
 CH-1211 Geneva 10
 Switzerland
civilsociety@ohchr.org

His Excellency Ambassador Janez Lenarcic
OSCE Director of the Office for
Democratic Institutions and Human Rights
 Public Affairs Unit
 Aleje Ujazdowskie 19
 00-557 Warsaw
 Poland
bernhard.knoll@odihr.pl
aleska.simkic@odihr.pl
jens.eschenbaecher@odihr.pl

The Honourable Barbara Lochbihler
Chair of the European Parliament
Subcommittee on Human Rights
 Bât. Altiero Spinelli
 08G301
 Rue Wiertz 60
 B-1047 Brussels
 Belgium
barbara.lochbihler@europarl.europa.eu
droi-secretariat@europarl.europa.eu

His Excellency Ambassador Nils Muižnieks
Council of Europe Commissioner for
Human Rights
 Avenue de l'Europe
 F-67075 Strasbourg Cedex
 France
commissioner@coe.int

Mr. Salil Shetty
Amnesty International Secretary General
 International Secretariat
 1 Easton Street
 London WC1X 0DW
 UK
amnestyis@amnesty.org.uk

Ms. Jane Buchanan
Acting Deputy Director of the Europe and
Central Asia Division Human Rights Watch
 350 Fifth Avenue, 34 Fl.
 New York, NY 10118
 USA
lallye@hrw.org

Mr. David J. Kramer
Freedom House Executive Director
 1301 Connecticut Ave. NW Floor 6
 Washington, District of Columbia 20036
 USA
mcclure@freedomhouse.org

Dear Mesdames:
 Dear Sirs:

Re: Judgment of the European Court of Human Rights in the case of *Lutsenko v. Ukraine*
 (application no. 6492/11)

The Ukrainian World Congress wishes to bring to your attention the unanimous judgment rendered on July 3, 2012 by the European Court of Human Rights (the “ECHR” or “Court”) in the case of *Lutsenko v. Ukraine*. This judgment clearly describes the violations committed by the Ukrainian authorities of their legal obligations under the *European Convention on Human Rights*, which was ratified by Ukraine in 1997.

As stated in the press release (see <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-4007722-4668562>) issued by the ECHR Registrar, the Court held that the position taken by the Ukrainian authorities in:

[...] advancing Mr Lutsenko’s failure to admit his guilt as a ground for his detention ran contrary to the elements which made up the concept of a fair trial, such as freedom from self-incrimination and the presumption of innocence. The fact that the Ukrainian courts had relied on those grounds was disturbing, as it indicated that a person might be punished for relying on his basic rights to a fair trial.

Moreover, the Court found that:

In his submissions to the Court, Mr Lutsenko had complained, without referring to any particular article of the Convention, that the proceedings against him and his arrest had been used by the authorities to exclude him from political life and from participation in the upcoming parliamentary elections. The Court considered that that complaint should be examined under Article 18.

Given that he was one of the opposition leaders, it was clear that Mr Lutsenko’s case had attracted considerable attention. Being accused of abuse of office, he had the right to reply to such an accusation via the media. The prosecuting authorities had indicated his communication with the media as one of the grounds for his arrest. They had accused him of distorting public opinion concerning the offences with which he had been charged, of discrediting the prosecuting authorities and of influencing the upcoming trial in order to avoid criminal liability.

In the Court’s opinion, such reasoning clearly demonstrated the authorities’ attempt to punish Mr Lutsenko for publicly disagreeing with accusations against him and for asserting his innocence. The Court could not but find that the restriction on his liberty had been imposed not only for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence, but also for other reasons. There had accordingly been a violation of Article 18 taken in conjunction with Article 5.

In light of this judgment, the Ukrainian World Congress urges you to demand that Ukrainian authorities release opposition leader Yuriy Lutsenko immediately, and lift any prohibition barring him from participating in the October 2012 Parliamentary elections.

The Ukrainian World Congress (UWC) is an international coordinating body for Ukrainian communities in the diaspora representing the interests of over 20 million Ukrainians. The UWC has member organizations in 32 countries and ties with Ukrainians in 15 additional countries. Founded in 1967 as a non-profit corporation, the UWC was recognized in 2003 as a non-governmental organization (NGO) by the United Nations Economic and Social Council with special consultative status.

Sincerely,

UKRAINIAN WORLD CONGRESS



Eugene Czolij
President

c.c. His Excellency Viktor Yanukovich, President of Ukraine
Ukrainian World Congress Member Organizations