



66/2012-2015

May 2, 2013

Dear AFUO member organisation,

**RE: TYMOSHENKO CALL TO ACTION**

As you will know, earlier this week, the European Court of Human Rights ruled that the imprisonment of former Prime Minister of Ukraine Yulia Tymoshenko is illegal and politically motivated.

Regardless of our opinion of Ms Tymoshenko's time in government, her imprisonment represents much of what is wrong with the current regime of President Yanukhovich, which is corrupt, anti-democratic, unconcerned with the rule of law, and seemingly opposed to Ukrainian cultural, historical and linguistic traditions.

Therefore, it is important that we use this moment to act in terms of pressing for Ms Tymoshenko's release. AFUO will be taking several steps.

As part of this **we specifically urge each AFUO member organisation to write to both the Prime Minister Julia Gillard MP and the Leader of the Opposition Tony Abbott MP and ask them to call for the release of Ms Tymoshenko.**

You may also choose to write to the Federal Member of Parliament for the seat in which your organisation has its headquarters.

Below you will find a set of materials that can assist you in preparing your letters. IT IS IMPORTANT THAT YOUR LETTERS BE YOUR OWN. We request that a copy of your letters be copied to AFUO and that your correspondence be sent by the end of May.

If you require any assistance in this campaign, including input on your letter, please feel free to contact AFUO's Public Affairs Representative, Petro Shmigel, on [peter.shmigel@me.com](mailto:peter.shmigel@me.com) or 0419 541 531.

Sincerely,

**STEFAN ROMANIW**  
Chairman

**PETER SHMIGEL**  
Public Affairs Representative,

## **ADDRESSES**

Hon. Julia Gillard MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Hon. Tony Abbot MP  
Leader of the Opposition  
Parliament House  
CANBERRA ACT 2600

## **GREETING**

Dear Prime Minister,

Dear Mr Abbott,

## **SAMPLE CONTENT**

On behalf of the (organisation's name), I write to ask you to join the international community and press for the release from unlawful incarceration of Yulia Tymoshenko, the former Prime Minister of Ukraine.

Earlier this week, the European Court of Human Rights deemed the arrest of Ms Tymoshenko as illegal and politically motivated. Ms Tymoshenko has now been illegally imprisoned for the last 18 months by the regime of Ukraine's current President, Viktor Yanukovich.

Given this finding and the fact that the Yanukovich regime must commit to reform and the rule of law to qualify to sign the EU-Ukraine Association Agreement in November 2013, it is important that Ms Tymoshenko now be immediately released.

Members of my organisations are concerned that Australia should call on President Yanukovich to immediately release Ms Tymoshenko, now recognised as a political prisoner. This would align with Australia's strong record of speaking out against human rights abuse.

Moreover, Australia's geopolitical and economic interests are served by Ukraine's democratisation, and the release of Ms Tymoshenko would be an important step in Ukraine returning to the reform path as opposed to its current status-quo of authoritarian rule, human rights abuse, corrupt governance and degradation of Ukraine's historical, cultural and linguistic heritage.

Nevertheless, if only to maintain its position of power, the current Presidential regime in Ukraine has been known to respond to international scrutiny. Recently, two other political prisoners – both former Ministers in the previous administration – were

released after the international community mooted financial sanctions against members of the oligarchical leadership.

Thank you for considering this request. If you wish to speak with me, please feel free to call me on (number).

## **OTHER REFERENCE MATERIAL**

### **Article from New York Times**

#### **Jailed Official in Ukraine Gets Decision in Her Favor**

By [ANDREW E. KRAMER](#)

Published: April 30, 2013

MOSCOW — Before she went to jail a year and eight months ago, [Yulia V. Tymoshenko](#) joked that she carried a toothbrush and a bottle of water in her purse in case of arrest.

Although she is a former Ukrainian prime minister, Ms. Tymoshenko, 52, thought she should be prepared for a few days of rough conditions.

The days stretched into months before the first significant legal decision in her favor came down on Monday, a ruling in the [European Court of Human Rights](#) in Strasbourg, France, which settles cases of rights abuse after plaintiffs have exhausted their appeals in their home country's courts.

The court ruled that Ms. Tymoshenko's arrest midway through a [2011 trial](#) on charges that she had abused her office while concluding a natural gas deal with [Russia](#) was illegal and politically motivated. It rejected a claim that conditions in prison were inhumane and degrading.

In Kyiv, [Ukraine's](#) capital, Ms. Tymoshenko's daughter, Eugenia, told a news conference that the ruling was a "first ray of sunlight" for her imprisoned mother.

"The European court has recognized my mom as a political prisoner, and now the authorities in Ukraine will no longer be able to deny this," she said.

The ruling, however, does not oblige Ukraine's judicial system to order Ms. Tymoshenko's release or decide on the merits of the case against her.

It covered Ms. Tymoshenko's arrest in August of 2011 on contempt of court charges stemming from her remaining seated while addressing a judge. The court ruled that her subsequent imprisonment for about four months during the trial and initial appeal, before her sentence took effect, was groundless because she was not a flight risk and had shown up at court. It was done, the court said, in an effort to prevent her from taking part in politics.

"The most important part of the ruling is the European court confirmed that the prosecution of Tymoshenko had a political nature," Halyna Senyk, a member of Ms. Tymoshenko's legal team at the court, said in a telephone interview from Lviv, in

western Ukraine. "It says the incumbent was intending to lock her up to prevent her from participating in political activity."

The Ukrainian government had no immediate response to the ruling other than to say it would study it carefully. President [Viktor F. Yanukovich](#) has denied trying to influence the Ukrainian court. He has said he cannot pardon Ms. Tymoshenko because she faces charges in three other criminal cases.

The Tymoshenko case sheds light on politics in Ukraine that, much like the country itself, straddle a divide between a European sensibility and traditions deeply rooted in the Soviet Union.

[Mr. Yanukovich](#), a burly provincial politician, has pushed back on Russian efforts to bring Ukraine within Moscow's sphere of influence, defying critics who had caricatured him as a Russian puppet. But at home he has not hesitated to jail opponents, and then pardon some later.

The country is growing isolated. In slowing talks on a free trade zone with Ukraine, the European Union referred to the "selective prosecution" that occurs there.

Aides to Ms. Tymoshenko, a steely, stylish politician who makes a point of wearing her hair in a traditional Ukrainian braid, say the government hopes to keep her imprisoned long enough to render her irrelevant in Ukrainian politics.

The case that led to Monday's ruling began in a crowded, sweaty Kyiv courtroom where, during her trial, Ms. Tymoshenko, petite and wearing cream and lavender suits, sat with her hands crossed on a table in front of her. She once wrote that "every morning I dress to feel comfortable either at a riot or in prison." Sitting, she told the judge, Rodion Kireyev, that she would not stand before him because she did not respect him: he was not a legitimate judge because the proceedings were not criminal but political, she said.

Judge Kireyev's decision to jail her for contempt and then approve a prosecutorial appeal to remand her to jail for the length of trial because she had arrived late were the narrow subjects of the human rights court's ruling.

The Kyiv trial ended with her conviction and sentence to seven years in a women's prison, which took effect in December 2011, four months after her detention in August.

A separate appeal is pending at the human rights court on her conviction on the abuse of office charges.