

Karpachova: Yanukovich has all grounds to pardon Yulia Tymoshenko

30 May, 23:41, Natalka Komarnitska, TVi

http://tvi.ua/index.php?route=information/printable&news_id=19303&router=information/news



Even new criminal cases brought against the opposition leader cannot be an obstacle for clemency as there is a presumption of innocence in Ukraine.

The President Yanukovich has all necessary grounds for pardoning Yulia Tymoshenko.

Such opinion was expressed by the former Parliament Commissioner for Human Rights Nina Karpachova.

Even new criminal cases brought against the opposition leader cannot be an obstacle for clemency as there is a presumption of innocence in Ukraine. If Tymoshenko will not be released soon, there is a risk for Ukraine to be excluded from the Council of Europe.

"Mrs. Tymoshenko is a top of the iceberg. There are thousands of prisoners in Ukraine who faced the same arbitrary persecutions from the law-enforcement and

the judiciary. And it means that Ukraine, Ukrainian judiciary have to review these cases” – said the First Ombudsman of Ukraine.

Karpachova: Pardoning of Tymoshenko is in the hands of Yanukovich

30.05.2013 13:44, Liga, http://news.liga.net/news/politics/859743-karpacheva_pomilovanie_tymoshenko_tolko_v_rukakh_yanukovicha.htm



The destiny of “thousands of prisoners who suffered the same persecutions” depends on the response of the authorities to the judgment of the European Court of Human Rights on Tymoshenko.

President Viktor Yanukovich should better not wait until the final judgement of the European Court of Human Rights on Yulia Tymoshenko and apply amnesty or clemency to her. It was said by the First Ombudsman Nina Karpachova today at the press-conference in Liga Information Agency.

According to Karpachova, judgments of the ECoHR are not recommendations, but have a binding nature; however their enforcement is still a problem for Ukraine: «Almost 70% of the decisions of the national courts are not enforced in Ukraine. And 95% of the ECoHR judgments are not enforced to the full extend – because paying compensation is not about fully enforcing judgments. The numbers are critical! And it is after 20 years of the efforts to reform the judiciary!».

«I believe that Ukraine should not wait. Please refer to this press-conference as my personal appeal to the authorities. Today the authorities have the ball on their side. They can do almost everything ... Also in cases of Lutsenko and Tymoshenko», - said Karpachova and added that there are all necessary grounds for applying clemency procedure in case of Tymoshenko.

«Clemency can be applied to any person. It is exclusively the will of the President, who is a guarantor of observance of human rights and freedoms... There are no problems. Moreover, we already have a positive clemency precedent in the case of Lutsenko. In my opinion, there are no obstacles for clemency in her case today. It is one of the possible ways. It can also be an amnesty, which is also a possible option in sight», - noted the First Ombudsman.

«I told to Viktor Yanukovich that powerful have to be merciful when I met with him in April last year. There is no other way... A person who has undergone sufferings has to feel it... I can say that Lutsenko and Tymoshenko are different people today. I met with Lutsenko in the cell, which used to be a cell for convicts on a death row, for seven times. And not only with him, but also with Korneichuk, Volga and others. I want to tell you that people who have been through these challenges, if they have a will, they become even stronger», - she added.

Karpachova stated that the case of Tymoshenko is a precedent for thousands of prisoners, who faced the same persecutions from the law-enforcement and the judiciary. And the response of the Ukrainian system of justice to the judgment of the ECoHR on Tymoshenko will determine the possibility for review of all their convictions and sentences.

Karpachova: Ukraine ranks fourth in Europe on number of arrests

30.05.2013 13:03, Liga, http://news.liga.net/news/politics/859690-karpacheva_ukraina_zanimaet_chetvertoe_mesto_v_evrope_po_arestam.htm



According to Karpachova, there are 320 prisoners for 100 thousand citizens in Ukraine.

Ukrainian courts abuse the right to arrest and taking people into custody, and it is not only about Yulia Tymoshenko and Yuri Lutsenko, but thousands of citizens. It was said by the First Ombudsman Nina Karpachova today at the press-conference in Liga Information Agency.

"Courts have been permanently abusing the so called right to arrest. Ukraine has been one of the countries on the European continent, where we have arrests on a mass scale.", - said Karpachova.

According to her, this situation has started to change slightly after the new Criminal Procedure Code came into force. "With all its shortcomings, which have been reported by human rights activists, it is a step forward anyway. And today we can say that approximately 12-13 thousand of prisoners were released under the provisions of the new Criminal Procedure Code", - she added.

Karpachova stated that the number of complaints of the Ukrainian citizens to the European Court of Human Rights about arrests and custody doubled in 2010. Ukrainian courts, she believes, insufficiently use the European Convention on Human Rights and case-law of the European Court of Human Rights when taking such decisions, whereas they are a part of the Ukrainian legislation. "The European court has made judgments in similar cases about arrests – Shalimov v. Ukraine, Moskalenko v. Ukraine and Buriaga v. Ukraine... But national courts lack motivation for taking accused people under arrest", - noted the First Ombudsman.

Commenting on the judgment of the ECoHR on illegal arrest of Tymoshenko, Karpachova recalled that she personally appealed to the judge of the Pechersk district court of Kyiv Rodion Kireev with suggestion to revise his decision, but he refused. "In his hands Kireev had not only the destiny of Tymoshenko, but also the image of Ukraine in terms of respect for the European convention on human rights and case-law of the European court of human rights. To my big regret, Mr. Kireev didn't listen to my appeal. I received a negative response, but after some time all those issues that I raised before Kireev in my appeal were studied by the ECoHR and put into the basis of its judgment", - she summed up.

Ex-Ombudsman Karpachova hopes to hear “good news” about Tymoshenko this year

14:28 30.05.2013, Interfax-Ukraine, <http://interfax.com.ua/news/political/154966.html>

The First Ombudsman of Ukraine Nina Karpachova is convinced that the judgment of the European Court of Human Rights (ECoHR) with regard to former Prime Minister Yulia Tymoshenko has to be fully implemented and she can be pardoned.

"I would like to say that the judgment has to be executed, when it comes into force, and it must be executed", - said Nina Karpachova at the press-conference on Thursday.

Nina Karpachova noted: "There are all necessary grounds in the first criminal case, on gas affairs, to apply the same procedure, at least one of the variants of the procedure, which was applied with regard to former Interior Minister Yuriy Lutsenko".

"Clemency can be applied to any person. It is exclusively the right of the President", - said Nina Karpachova in response to the question if there is a possibility for Yulia Tymoshenko to be pardoned.

According to her there are "no obstacles" in this issue.

"There has been created a positive precedent by the case of Yuriy Lutsenko to be able to refer to the old provision, which used to be in force before and entitled not only the convicted, but also his/her relatives, non-governmental and religious organizations to appeal to President for clemency", - noted ex-Parliament Commissioner for Human Rights.

She added that one of the options can be an amnesty applied to Yulia Tymoshenko.

"I hope that we will have good news this year. I very much look forward to hear such news this year", - said Nina Karpachova and noted that in other criminal cases initiated against Yulia Tymoshenko (cases of Kioto Protocol, ambulance cars and the case of Scherban), the ex-Premier has the status of a suspect and defendant and these cases "cannot prevent the release of Yulia Tymoshenko".

Yanukovich can pardon Tymoshenko

14:36 30 May 2013 The Telegraph

<http://telegraf.com.ua/ukraina/politika/578150-yanukovich-mozhet-pomilovat-tymoshenko.html>

Nina Karpachova believes that the President of Ukraine Viktor Yanukovich has all necessary grounds to pardon the former Prime Minister Yulia Tymoshenko.

According to the reporter of UNIAN, it was said by her during a press-conference in Kyiv.

According to Karpachova, clemency can be applied to any person when there is a sentence in the case. "There are all grounds to apply the same procedure as in the case of Lutsenko in her first criminal case. There are no obstacles for applying this procedure", - said, in particular, Karpachova.

At the same time, in her opinion, a number of other criminal cases against Tymoshenko trialed by courts cannot be an obstacle for her clemency. "There is nothing to prevent her release, if we acknowledge the presumption of innocence", - explained Karpachova.

Speaking about execution of the judgment of the European Court of Human Rights in case of Tymoshenko, Karpachova noted that paying compensation "is insufficient for execution of a judgment". At the same time she urged the authorities to execute the ECoHR judgment without delay.

I very much look forward to good news, - concluded Karpachova.

In this context, ex-Parliamentary Commissioner for Human Rights also said that there is a risk that the Council of Europe may suspend the membership of Ukraine because of the unsatisfactory execution of a number of ECoHR judgments.