EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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ECHR 306 (2012)
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Forthcoming chamber hearing in the case of Tymoshenko v. Ukraine

The European Court of Human Rights (the Court) will be holding on **28 August 2012 at 2.30 p.m.** a public hearing in the case of ***Tymoshenko v. Ukraine*** **(application no. 49872/11)**, concerning complaints related to the detention of the former Ukrainian Prime Minister.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A limited number of seats are reserved for the press. To be sure of having a place, you need to book in advance by contacting the Court's Press Unit (+33 (0)3 90 21 42 08).

Ms Tymoshenko, born in 1960, is the leader of Batkivshchyna, the main opposition party in Ukraine, and of Yuliya Tymoshenko's Block. She was the Prime Minister of Ukraine in 2005 and between December 2007 and March 2010. Criminal proceedings were brought against her for allegedly making an illegal order for the signing of a contract concerning gas imports. On 11 October 2011, she was convicted as charged, including of abuse of power, and sentenced to seven years' imprisonment and a three-year ban on holding public office. Her subsequent appeal on points of law is currently pending.

Her application was lodged with the Court on 10 August 2011. She alleges, in particular: that her detention was politically motivated; that there has been no judicial review of the lawfulness of her detention in Kyiv SIZO no. 13; that her detention conditions are inadequate, with no medical care provided for her numerous health problems; and, that she was under round-the-clock surveillance in Kharkiv hospital. She relies principally on Article 3 (prohibition of degrading treatment or punishment), Article 5 (right to liberty and security), Article 8 (right to private life) and Article 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights.

The Court decided on 14 December 2011 to give priority to the case in view of the serious and sensitive nature of the allegations raised.

On 30 December 2011 Ms Tymoshenko was transferred to the Kachanivska Correctional Colony in Kharkiv. On 14 March 2012 she applied to the Court for an interim measure, asking to be transferred to an appropriate medical institution in view of her health.

On 15 March 2012 the Court requested that the Ukrainian Government, under Rule 39[1] of its Rules of Court, ensure Ms Tymoshenko's adequate medical treatment in an appropriate institutionalised setting.

On 4 April 2012 she was offered a transfer to the Central Clinical Hospital of the State Railway. From 13 to 15 April 2012 German doctors from the Charité Hospital examined her and visited the premises of this hospital.

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[1] The Chamber or, where appropriate, its President may, at the request of a party or of any other person concerned, or of its own motion, indicate to the parties any interim measure which it considers should be adopted in the interests of the parties or of the proper conduct of the proceedings before it.

On 20 April 2012 the Court invited the Government to inform the Court what steps had been taken to comply with the terms of the interim measure applied on 15 March 2012. On the same day at 11 p.m. Ms Tymoshenko was transferred to the Central Clinical Hospital of the State Railway. During her transfer, she allegedly received bruises on her stomach and arms. She refused medical treatment because of what she contended was the inappropriateness of that hospital for her needs. She announced a hunger strike in protest against the prison guard's violence and her forced transfer.

On 22 April 2012 Ms Tymoshenko was returned to prison. On the next day she filed a complaint with the Kharkiv Prosecutor Office about her forced transfer to the hospital. The prosecutor found no reason for opening a criminal case and decided not to investigate the case further. On 25 April 2012 the Ukrainian ombudsperson made a public statement on Ms Tymoshenko's health after the ombudsman's representative had visited her on 24 April 2012 and confirmed the existence of bruises on her body.

On 9 May 2012 Ms Tymoshenko was again transferred to the Central Clinical Hospital of the State Railway where she started medical treatment under the supervision of a German neurologist. On the same day she ended her 20-day hunger strike.

On 12 May 2012 her legal representative stated that she had been under permanent surveillance even while undergoing medical procedures and that the prison authorities had published the full report on her medical history.

On 21 May 2012 the Government made a formal request to the Court to lift the interim measure. They stated, among other things, that Ms Tymoshenko was receiving adequate treatment for her complaints in an appropriate institutionalized setting.

On 31 May 2012 the Court decided to lift the interim measure as it found that the Government had complied with it. At the same time, the Court refused to grant a second Rule 39 request submitted by Ms Tymoshenko on 25 April 2012 in which she asked the Court to require the Government to allow her to be treated in the Charité Hospital in Germany. The Court noted in particular that Ms Tymoshenko was currently receiving treatment in the Central Clinical Hospital, and that she was being supervised by an outside neurologist. The Court also requested the Ukrainian Government to submit further observations on the admissibility and merits of the case including the issues of the forced transfer to the hospital in the night of 20 April 2012 and the permanent surveillance.

The Court remains seized of the matter, and it will be open to Ms Tymoshenko to make a fresh request under Rule 39 if the circumstances require.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.