

Strasbourg Court Raps Ukraine Over Tymoshenko Ally

By [The Moscow Times](#)

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Yury Lutsenko reading a speech during a court hearing in Kiev.

STRASBOURG, France — The European Court of Human Rights on Tuesday condemned Ukraine for the 2010 pre-trial detention of a former interior minister and ally of jailed opposition leader Yulia Tymoshenko, saying it had run counter to the “concept of a fair trial.”

Yuriy Lutsenko, 47, a member of opposition party Narodna Samooborona (People’s Self Defense), was sentenced to four years in prison in February for embezzlement and abuse of office while he was in government.

He, like Tymoshenko, who is serving seven years for abuse of office as prime minister, has denied the charges, which he says are politically engineered by President Viktor Yanukovich.

The Strasbourg court ordered Ukraine to pay 15,000 euros (\$18,900) in damages to Lutsenko.

The court did not deliver a finding on the outcome of Lutsenko’s trial itself, and its verdict

was largely symbolic, since Lutsenko has already been sentenced.

But it will be an uncomfortable reminder to Yanukovych of the European Union's view that Tymoshenko and allies such as Lutsenko are the victims of politically motivated prosecutions.

Lutsenko, who served twice in governments headed by Tymoshenko, is the highest-profile political detainee in Ukraine after Tymoshenko herself.

Tymoshenko, 51, who is serving her sentence in the eastern city of Kharkiv, is appealing her conviction.

Her lawyers have said they will take the same course as Lutsenko and turn to the Strasbourg court once all their appeals have been exhausted.

The court ruled that Lutsenko's arrest in December 2010 had been arbitrary, that he had not been informed of the reasons for his detention, and that no valid reasons had been given for keeping him in jail in the run-up to his trial.

His failure to admit guilt had been used as grounds for his pretrial detention, which "ran contrary to the elements that made up the concept of a fair trial," the court said.

"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," the court said in a statement.

The European Convention of Human Rights states that signatory countries must comply with court rulings or face exclusion from the Council of Europe.

Lutsenko was accused of giving an apartment as a gift to his driver while in office and of committing financial irregularities during celebrations marking National Police Day.

Tymoshenko has described her conviction as part of a campaign by Yanukovych to destroy the opposition ahead of parliamentary elections in October.

The court said that the lawfulness of Lutsenko's arrest and detention had not been properly reviewed, despite his complaint that it was unlawful, and that as a result there had been no judicial control of his case, breaching his human rights.

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