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Current developments in Ukraine

Greens/EFA motion for a resolution

The European Parliament,

- having regard to its previous resolutions on Ukraine, in particular its resolution on the case of Yulia Tymoshenko of 9 June 2011,
- having regard to the Partnership and Cooperation Agreement (PCA) between the European Union and Ukraine, which entered into force on 1 March 1998, and to the ongoing negotiations on a new association agreement designed to replace the PCA,
- having regard to the EU-Ukraine Association Agenda, replacing the Action Plan and endorsed by the EU-Ukraine Cooperation Council in June 2009,
- having regard to the declaration by the High Representative Catherine Ashton on behalf of the European Union the case of Yulia Tymoshenko of 11 October 2011,
- having regard to the communication from the Commission ‘Taking stock of the European Neighbourhood Policy’ of 12 May 2011 and to the Progress report on implementation of the European Neighbourhood Policy of 25 May 2011,
- having regard to the Joint Declaration of the Eastern Partnership summit held in Warsaw on 29/30 September 2011,
- having regard to Rule 110(2) of its Rules of Procedure,

A. whereas EU integration remains the top priority in the Ukrainian political agenda and one of the main ambitions of the Ukrainian society as well as of present and past governments regardless of the political forces in power; whereas a stable and democratic Ukraine that respects the principles of the social market economy, the rule of law, human rights and the protection of minorities and that guarantees fundamental rights is in the interests of both the EU and Ukrainian people;

B. whereas at the Warsaw Summit of 20/30 September 2011 the EU and Eastern European leaders reaffirmed that the Eastern Partnership is based on a community of values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law;

C. whereas corruption and abuse of power in Ukraine remains widespread and requires unequivocal response by the authorities in bringing those responsible to justice; whereas prosecutions and investigations must be impartial and independent and not be submitted to political ends;

D. whereas a comprehensive reform of the judiciary, respect for rule of law in criminal investigation and prosecutions, including the principle of a fair, impartial and independent judicial process, has not yet been put into practice in Ukraine; whereas the respect for the rule of law, incorporating fair, impartial and independent legal processes is a prerequisite for the further development of relations between the EU and Ukraine;

E. whereas on 11 October 2011 former Prime Minister Yulia Tymoshenko was sentenced by the Pechesrsk District Court in Kiev to seven years in prison for abuses of power for requiring Naftohaz to sign a gas import agreement with Russia in 2009, required to pay state energy major Naftohaz 200 million dollars and banned from seeking elected office for three years;

F. whereas on 12 October the Security Service of Ukraine launched a new criminal case against Yulia Tymoshenko and former Prime Minister Lazarenko who are accused of conspiring, while being the president and actual owner of the United Energy Systems of Ukraine to misuse Ukrainian public funds in massive quantities;

G. whereas President Yanukovich expressed his support for decriminalising article 365 of the Criminal Code under which Yulia Tymoshenko was accused and convicted; whereas articles 364 and 365 and currently under review in the Verhovna Rada;

H. whereas the former Interior Minister Yuriy Lutsenko was arrested, being accused of 'abuse of power, resulting in grave consequences' and 'appropriation of state property through abuse of authority', and has been imprisoned since 27 December 2010; whereas his trial is currently underway in spite of his deteriorating health conditions;

I. whereas several other members of the former government of Julia Tymoshenko are facing judicial prosecution;

J. whereas political interference in Ukraine's justice system is increasing with regard, in particular, to the ongoing politically motivated replacement of officials;

K. whereas the EU continues to underline the need for respect for human rights and the rule of law in the ongoing negotiations for an ambitious association agreement with Ukraine set to strengthen and deepen relations at all levels with a view to reinforcing Ukraine's European perspective;

L. whereas the negotiations on the Deep and Comprehensive Free Trade Agreement (DCFTA) as an inclusive part of the Association Agreement have been finalised;

1. Regrets the way the trial against Yulia Tymoshenko was held that according to many independent observers was politically motivated and failed to meet international standards;

2. Expresses its concern at the widespread perception that judicial measures in this case were used selectively and warns against a possible use of criminal law as a tool to prosecute political opponents and achieve political ends;

3. Calls on the Ukrainian authorities to guarantee impartiality and transparency in the appeal trial and urges them not to restrict Tymoshenko's ability to stand in the parliamentary elections scheduled for next year;

4. Reminds the Ukrainian authorities that there is a common European understanding and distinction between decisions taken within a political process while in office without personal enrichment and decisions that legitimize corruption and imply directly or indirectly a personal economic advantage; regrets, in this regard, the decision of the Verhovna Rada to postpone the consideration of legislative changes that should remove imprisonment as a penalty for certain types of economic crime and could allow for Tymoshenko's release;
5. Stresses the great importance of Ukraine's European integration process for the pursuance of economic, social and political reforms in Ukraine; points out, nevertheless, that substantial progress as regards the negotiations of the Association Agreement is linked to the respect of EU democratic standards and the rule of law;
6. Takes note, in this regard, of the decision of the Presidents of the Commission and the Council to postpone the meeting with Ukraine's President Viktor Yanukovich scheduled for 20 October that was expected to pave the way for the finalisation of the agreement at the forthcoming EU-Ukraine summit;
7. Welcomes the finalisation of the DCFTA as an important step to the conclusion of the Association Agreement;
8. Considers the fight against corruption a fundamental factor for the establishment and the consolidation of the rule of law in Ukraine with a view to deepening the relations with the EU and enhancing its integration into EU policies; stresses that these efforts require fair, impartial and independent legal proceedings;
9. Calls on the Commission to assist the judiciary reform in Ukraine by making better use of the Capacity building programme of the EU and to consider the creation of a High Level EU Advisory Group to Ukraine to assist the country in its efforts to align with EU legislation, including the judiciary;
10. Instructs its President to forward this resolution to the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the governments of the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council Europe and the OSCE.

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