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Situation in Ukraine and the case of Yulia Tymoshenko

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(1) and its resolution on current developments in Ukraine of 27 October 2011(2),

– having regard to the Partnership and Cooperation Agreement (PCA) between the European Union and Ukraine, which entered into force on 1 March 1998(3), and to the new association agreement initialled on 30 March 2012 and not yet signed,

– 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 statements by the High Representative Catherine Ashton on behalf of the European Union the situation of Yulia Tymoshenko of 26 April 2012, on the verdict in the case of Valeriy Ivashchenko of 13 April 2012 and on the verdict of Yuriy Lutsenko of 27 February 2012,

– having regard to the communication from the Commission 'Taking stock of the European Neighbourhood Policy' of 12 May 2010 (COM(2010) 207),

– having regard to the Progress report on the Implementation of the European Neighbourhood Policy in Ukraine issued on 15 May 2012 (SWD(2012) 124 final),

– having regard to the Joint Declaration of the Eastern Partnership summit held in Warsaw on 29-30 September 2011,

– having regard to the Council of Europe's Parliamentary Assembly Resolution 1862 on the functioning of democratic institutions in Ukraine of 26 January 2102,

– 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 the EU-Ukraine Cooperation Council meeting of 15 May 2012 stated that 'any progress towards political association and economic integration will depend on Ukraine's performance, notably in relation to respect for common values and the rule of law';

D. whereas on 30 March 2012 the European Commission and representatives of the Ukrainian government initialled the EU-Ukraine association agreement aimed at deepening the relations between the two parties and integrating Ukraine in EU policies; whereas the signing of the new agreement has been withheld making it dependent upon political progress in Ukraine regarding the rule of law and reform of the justice system;

E. whereas EU leaders and high profile personalities of the Member States expressed in many occasions their concern at the incarceration and alleged mistreatment of opposition representatives in Ukraine with regard, in particular, to the cases of former Prime Minister Yulia Tymoshenko, former Acting Minister of Defence Valeriy Ivashchenko, former Minister of Environment Heorhiy Filipchuk and former Minister of Interiors Yuri Lutsenko; whereas some of the laws applied in these cases date back to Soviet times paving the way for criminal prosecution on political ground with regard, in particular, to articles 364 and 365;

F. whereas in its preliminary report the Danish Helsinki Committee for Human Rights that has been monitoring the judicial proceedings of the case against Yulia Tymoshenko identified fundamental shortcomings of the Ukrainian criminal justice system that have negatively affected the protection of individual human rights and the rule of law;

G. whereas the imprisonment of opposition leaders will prevent them from standing and campaigning in the upcoming parliamentary elections casting a dark shadow on the fairness and the credibility of the electoral process;

H. whereas the annual summit of Central -East European leaders scheduled for May 11-12 in Yalta has been postponed indefinitely following a spate of cancelations of EU leaders due to the imprisonment of some Ukrainian political opponents;

I. whereas some European heads of state have stated their intention not to attend matches taking place in Ukraine during the 2012 European Football Championship co-hosted with Poland in June without calling for a boycott of this sport event;

J. 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 new Criminal Code adopted recently by the Verhovna Rada is expected to enter into force in November 2012; 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;

1. Reiterates its concern at the criminal prosecutions against former members of government and present leaders of the opposition that were conducted on the basis of a legislation that was often applied in Soviet times for political ends;

2. Stresses that the serious allegations of a selective use of justice and politically motivated verdicts deeply undermine the credibility of the Ukrainian institutions and jeopardize the legitimacy of the general elections scheduled for next 28 October;

3. Calls on the Ukrainian authorities to provide for a fair, transparent and impartial cassation and appeal trials for Yulia Tymoshenko and other members of her government and to make all efforts so as to avoid that judicial proceedings prevent them from playing an active role in the upcoming elections;

4. Warns, in this regard, that the upcoming general elections cannot be assessed neither free nor fair if the main political opposition leaders were excluded;

5. Deplores, in this regard, the decision of the High Specialized Court of Ukraine on Criminal and Civil Cases to postpone its ruling on the cassation appeal in Mrs Tymoshenko's case against the decision of Pechersk District Court in Kyiv;

6. Deplores the way the trial against Yulia Tymoshenko was held which failed to meet international standards and stresses the urgency to strengthen the independence of the judiciary and implement the provisions of the new Criminal Code;

7. Urges the Ukrainian authorities to ensure the full respect of the right of all prisoners, including Ms Tymoshenko, Mr Lutsenko and Mr Ivashchenko, to adequate medical assistance in an appropriate institution and the right to have access to their lawyers without restriction and the right to be visited by relatives and other persons like the EU ambassador;

8. Welcomes the fact that Mrs Tymoshenko was transferred from the Kachanivska prison to the hospital at her own decision and takes note of the recent visit by international medical experts; welcomes, furthermore, the fact that the Ukrainian authorities have agreed to the proposal of appointing a delegation of relevant personalities for the follow-up of the physical condition of Mrs Tymoshenko;

9. Calls on the High Representative/Vice President of the Commission to coordinate and define adequate common actions in view of the forthcoming Euro 2012 Football Championship including the possibility of public events to raise awareness in Ukraine and the EU on the situation in the country;

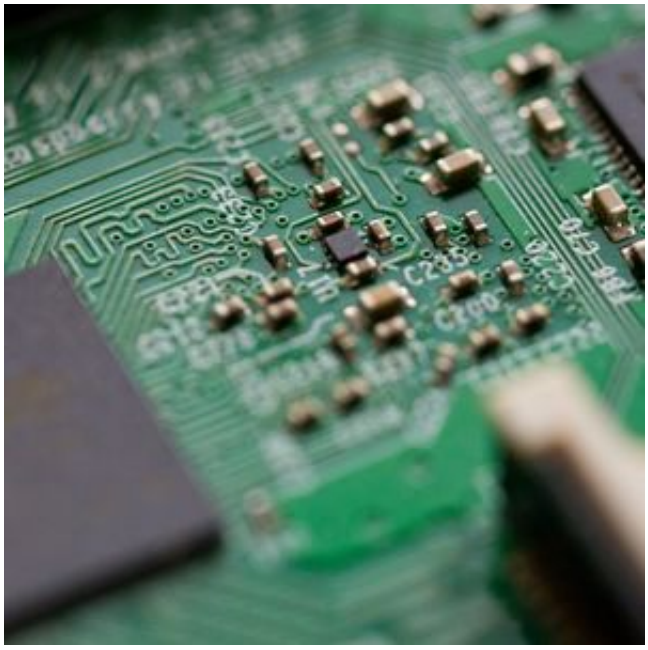
10. Supports the European aspiration of Ukraine and stresses the importance of Ukraine's European integration process for the pursuance of economic, social and political reforms in Ukraine; calls on the Council, nevertheless, not to sign the Association Agreement until substantial progress is made by the Ukrainian authorities as regards the respect for European democratic standards and the rule of law;

11. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, 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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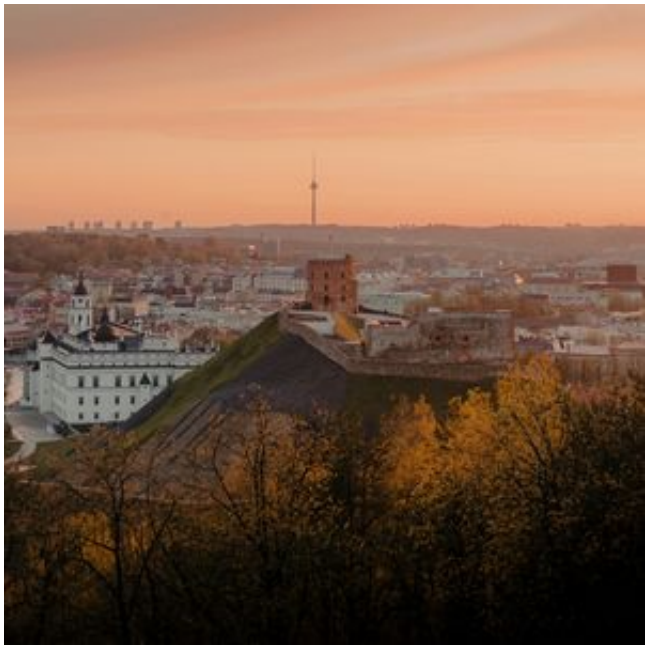
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