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Ukraine: the cases of Yulia Tymoshenko and other members of the former government

Greens/EFA motion for a resolution

The European Parliament,

– having regard to its previous resolutions on Ukraine, in particular its resolution of 25 November 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 statement by the spokesperson of EU High Representative Catherine Ashton on the case of Yulia Tymoshenko,

– having regard to the statement by Commissioner Stefan Fule following his meeting with Mrs Yulia Tymoshenko on 24 March 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 Rule 122 of its Rules of Procedure,

A. whereas the EU favours 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; whereas Ukraine's domestic political stability, its focus on internal reform and 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; whereas the Eastern Partnership encompasses all these principles,

B. 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,

C. 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,

D. whereas on 24 May 2011 the Prosecutor General's Office of Ukraine accomplished the investigation into the case against former Prime-minister of Ukraine Mrs. Yulia Tymoshenko and brought charges of abuse of power during the conclusion of gas contracts with the Russian Federation in the year 2009,

E. whereas two criminal proceedings against former Prime-minister of Ukraine Mrs. Yulia Tymoshenko on 21 February 2011 were combined into one case in which she is accused of embezzlement of funds from sale of greenhouse-gas emission quotas under the Kyoto Protocol and of abusing UAH 67 million that was allocated from the State budget of Ukraine under government guarantee for purchase and importation of 1,000 Opel Combo automobiles ostensibly for medical purposes when she was the prime-minister,

F. whereas on 20 May 2011 the Oregon district court (state of Oregon, the USA) published the court decision, according to which over 19 million US dollars, which were illegally spent by the government of Mrs. Tymoshenko on purchase of medication at overestimated prices through a number of intermediaries, will now be returned to the State budget of Ukraine; whereas on 23 May 2011 the court of appeal upheld this decision and rejected the requirements of the defence to review the case,

G. 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,

H. whereas the EU continues to underline the need for respect for the rule of law, incorporating fair, impartial and independent legal processes, while avoiding the danger of provoking any perception that judicial measures are being used selectively; whereas the EU considers these principles especially important in a country which aspires to enter into a deeper contractual relationship built upon political association,

1. 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;

2. Stresses the great importance of Ukraine's European integration process for the pursuance of economic, social and political reforms in Ukraine; therefore hopes that substantial progress will be made to bring closer the rapid conclusion of an Association Agreement; calls in particular on the Commission and Ukraine to step up efforts to implement the EU – Ukraine Association Agenda;

3. Notes with concern the widespread opinion that recent cases brought against Yulia Tymoshenko and some members of her government are politically motivated and warns against a possible use of criminal law as a tool to achieve political ends;

4. Calls on the Ukrainian authorities to ensure that judicial measures are not used selectively, and investigations, prosecutions and trials are held in maximum transparency;

5. Reminds the Ukrainian authorities that the principle of collective responsibility for the decisions of the government does not allow for persecution of individual member of the government for the decisions taken as a college;

6. Stresses that ongoing investigations of prominent Ukrainian political leaders should not prevent them from actively participating in the political life of the country, attending public meetings and initiatives all over the country and travelling to international meetings;

7. Notes that the former Minister of Interior Yuriy Lutsenko remains in custody as of 26 December 2010; expresses its support to the Ukrainian Human Rights Commissioner Nina Karpachova who has asked Ukrainian Prosecutor General to consider the possibility of changing preventive punishment to the one that is not linked to detention;

8. Calls on the members of the former government of Yulia Tymoshenko to cooperate with the Prosecutor General's office in a correct and respectful way;

9. Welcomes the approval of the law against corruption adopted by the Verkhovna Rada in April 2011 and urges thee Ukrainian authorities to take care of its full and impartial implementation as from 1 July 2011;

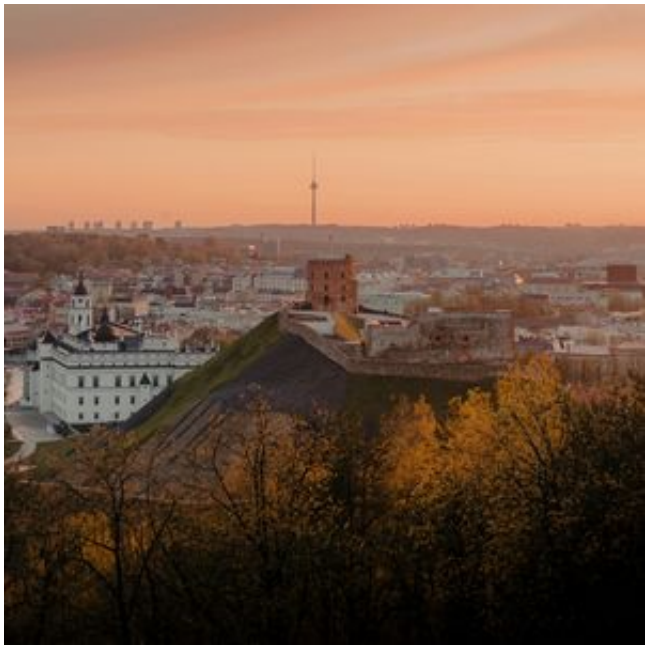
10. Calls on the Ukrainian authorities to avoid any perception that judicial measures are used selectively, and insists that a maximum transparency of investigations, prosecutions and trials must be guaranteed;

11. 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;

12. Instructs its President to forward this resolution to the Council, the Commission, 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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Responsible MEPs



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