

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

European Parliament resolution of 9 June 2011 on Ukraine: the cases of Yulia Tymoshenko and other members of the former government

The European Parliament,

- having regard to its previous resolutions on Ukraine, in particular its resolution of 25 November 2010¹,
 - 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 the association agreement designed to replace the PCA,
 - having regard to the EU-Ukraine Association Agenda, which replaces the Action Plan and was endorsed by the EU-Ukraine Cooperation Council in June 2009,
 - having regard to the Commission communication of 12 May 2010 entitled ‘Taking stock of the European Neighbourhood Policy’ (COM(2010)0207) and to the progress report of 25 May 2011 on implementation of the European Neighbourhood Policy,
 - having regard to the statement made by its President on the detention of Yulia Tymoshenko on 24 May 2011,
 - having regard to the statement made on 26 May 2011 by the spokesperson of EU High Representative Catherine Ashton on the case of Yulia Tymoshenko,
 - having regard to the statement made by Commissioner Štefan Füle on 24 March 2011, following his meeting with Yulia Tymoshenko,
 - having regard to the bill on preventing and tackling corruption that was adopted by the Verkhovna Rada on 7 April 2011 and will come into effect on 1 July 2011,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the EU favours a stable and democratic Ukraine that respects the principles of a social market economy, the rule of law, human rights and the protection of minorities and that guarantees fundamental rights; whereas domestic political stability, a focus on internal reform and respect for the rule of law, incorporating fair, impartial and independent legal processes, in Ukraine are prerequisites for the further development of relations between the EU and Ukraine; whereas the Eastern Partnership encompasses all these principles,
- B. whereas a comprehensive reform of the judiciary and measures to ensure respect for the rule of law in criminal investigations and prosecutions, including the principle of fair, impartial and independent judicial proceedings, has not yet been implemented in Ukraine,

¹ Texts adopted, P7_TA(2010)0444.

- C. whereas corruption and abuse of power remain widespread in Ukraine and require an unequivocal response by the authorities in bringing those responsible to justice; whereas prosecutions and investigations must be impartial and independent and must not be used for political ends,
- D. whereas on 24 May 2011 the Prosecutor General's Office in Ukraine completed the investigation into the case against Yulia Tymoshenko, former Prime Minister of Ukraine, and brought charges of abuse of power in connection with the conclusion of gas contracts with the Russian Federation in 2009,
- E. whereas on 21 February 2011 two criminal proceedings against Yulia Tymoshenko were combined into one case in which she is accused of embezzling funds from the sale of greenhouse-gas emission quotas under the Kyoto Protocol and of misappropriating UAH 67 million that has been allocated from Ukraine's State budget, under a government guarantee to the Austrian Government, for the purchase and import of 1 000 Opel Combo vehicles ostensibly to be used for medical purposes in rural areas while she was prime minister,
- F. whereas, since the launch of the investigations on 15 December 2010, Yulia Tymoshenko has been interrogated 44 times, a travel ban has been imposed on her, both domestically and internationally, for nearly six months, she has been prevented by the Ukrainian authorities from travelling inside Ukraine on four occasions, as well as from travelling to Brussels in February and in June, and she was summoned and questioned on 25 May 2011 for several hours before being released,
- G. whereas 12 former high-ranking officials from the Tymoshenko government are in pre-trial detention, including the former Interior Minister, Yuri Lutsenko, one of the leaders of the People's Self-Defence Party, who has been charged with abuse of office and misappropriation of funds and was arrested on 26 December 2010 for alleged non-cooperation with the prosecution, and the former First Deputy Minister of Justice, Yevhen Korniychuk, who was arrested on 22 December 2010 on charges of breaking the law in connection with public procurement procedures for legal services,
- H. whereas Mr Lutsenko was not released from pre-trial detention when his trial opened on 23 May 2011, despite the fact that detention for alleged non-cooperation in the investigation of his case is an extremely disproportionate measure,
- I. whereas a preliminary report of the Danish Helsinki Committee for Human Rights on the Lutsenko and Korniychuk trials has listed massive violations of the European Convention on Human Rights,
- J. whereas criminal proceedings have been started against the former Economy Minister, Bohdan Danylyshin, who fled Ukraine and has been granted political asylum in the Czech Republic; whereas the former Environment Minister, Georgy Filipchuk, and the former Acting Defence Minister, Valery Ivashchenko, also face criminal charges,
- K. whereas the former speaker of the Crimean Parliament, Anatoliy Grytsenko (Party of Regions), was detained on 24 January 2011 and accused of an abuse of power involving the giving away of 4800 hectares of land illegally; whereas another criminal case was later opened, involving land fraud in connection with resort land in Yalta,

- L. whereas the Prosecutor General's Office has also opened a criminal investigation for abuse of power against the former President of Ukraine, Leonid Kuchma,
- M. whereas the Constitution of Ukraine provides for collective responsibility for the decisions that the Ukrainian Government makes,
- N. whereas the EU continues to emphasise the need for respect to be shown for the rule of law, incorporating fair, impartial and independent legal processes, while avoiding the danger of giving rise to 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 based on a political association,
1. Stresses the importance of ensuring the utmost transparency in investigations, prosecutions and trials, and warns against any use of criminal law as a tool to achieve political ends;
 2. Is concerned about the increase in selective prosecution of figures from the political opposition in Ukraine as well as the disproportionality of measures applied, particularly in the cases of Ms Tymoshenko and Mr Lutsenko, former Interior Minister, and notes that Mr Lutsenko has been in custody since 26 December 2010; expresses its support for the Ukrainian Human Rights Commissioner, Nina Karpachova, who has asked the Ukrainian Prosecutor General to consider the possibility of applying preventive measures that do not involve detention;
 3. Reminds the Ukrainian authorities that the principle of collective responsibility for the decisions of the government does not permit the prosecution of individual members of the government for decisions that were taken collegially;
 4. Stresses that ongoing investigations of prominent Ukrainian political leaders should not preclude them from actively participating in the political life of the country, meeting voters and travelling to international meetings; calls, therefore, on the Ukrainian authorities to lift the travel ban, both domestically and internationally, on Yulia Tymoshenko and other key political figures;
 5. Underlines the fact that strengthening of the rule of law and a credible fight against corruption are essential not only for the conclusion of the Association Agreement and the deepening of EU-Ukraine relations in general, but also for the consolidation of democracy in Ukraine;
 6. Calls on the Commission to assist the reform of the judiciary in Ukraine by making better use of the EU capacity building programme and to consider the creation of a High Level EU Advisory Group to Ukraine to assist the country in its efforts to come into line with EU legislation, including as regards the judiciary;
 7. 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 of Europe and of the OSCE.