



**Euronest Parliamentary Assembly
Assemblée parlementaire Euronest
Parlamentarische Versammlung Euronest
Парламентская Ассамблея Евронест**

3.04.2012

RESOLUTION

on the situation of Yulia Tymoshenko

AP 101.2170v02-00

Resolution¹

on the situation of Yulia Tymoshenko

The EURONEST Parliamentary Assembly,

- having regard to the meeting held in Baku (Azerbaijan) from 2 to 4 April 2012,
 - having regard to Article 9(3) of its Rules of Procedure,
 - A. whereas on its path towards democracy Ukraine has taken important steps in terms of its economic and political development,
 - B. whereas the sentencing on 11 October 2011 of the former Prime Minister, Yulia Tymoshenko, to seven years in prison for allegedly abusing her power during the signing of gas contracts with Russia in 2009 and the order that she should pay Naftohaz Ukraine UAH 1.5 billion in alleged damages gave rise to concerns with regard to political freedoms, the rule of law and the state of democracy in Ukraine,
 - C. whereas the Ukrainian state leadership, including President Yanukovich, has repeatedly expressed its commitment to European values and integration processes, with the ambition of becoming an EU Member State in the long term; highlighting the personal responsibility of Mr Yanukovich to deliver on his multiple promises to international and European partners,
 - D. whereas the Fifth Chamber of the European Court of Human Rights decided on 15 March 2012 to indicate to the Ukrainian Government, under Rule 391 of the Rules of Court, that it must ensure that former Ukrainian Prime Minister Yulia Tymoshenko receives adequate medical treatment in an appropriate establishment,
 - E. whereas on 15 May 2012 the Highest Specialised Court of Ukraine on Civil and Criminal Cases will consider the cassation appeal filed by Yulia Tymoshenko's defence team,
1. Deplores the sentencing of former Prime Minister Yulia Tymoshenko; stresses that strengthening the rule of law and an independent judiciary, as well as initiating a credible fight against corruption, are essential not only to

¹ As adopted in Baku, Azerbaijan, on 3 April 2012.

the deepening of EU-Ukraine relations but also to the consolidation of democracy in Ukraine;

2. Urges the Ukrainian authorities to provide for a fair, transparent and impartial appeal process for Yulia Tymoshenko and other members of her government facing charges of having committed economic offences;
3. Urges the Verkhovna Rada to review and amend, without delay, the criminal code applied against Yulia Tymoshenko, especially Article 365 thereof, which dates back to the Soviet Penal Code and makes provision for criminal prosecution for political decisions, and as such does not comply with international standards;
4. Demands that Yulia Tymoshenko, Yuriy Lutsenko and Valery Ivashchenko's fundamental right to health and well-being be guaranteed by the Ukrainian authorities and that they receive the medical care they need, in accordance with international standards,
5. Takes note of the recent visit by international medical experts, and calls on the Ukrainian authorities to respect their recommendations and, if required, to allow medical treatment outside the prison system; urges the Government of Ukraine to allow similar independent international medical examinations to take place on a regular basis in the future,
6. Asks the Ukrainian authorities to allow regular toxicology tests in independent laboratories in the European Union;
7. Instructs its Co-Presidents to forward this resolution to the Council of the EU, the EEAS, the European Commission and the European Parliament, as well as to the President of Ukraine, and the Governments and National Assemblies of the Eastern European Partners.