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Plenary sitting

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B7-0363/2011

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

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

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European Parliament resolution 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 2011 and 25 February 2010
- having regard to the Joint Declaration on the Eastern Partnership launched in Prague on 7 May 2009,
- 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 (AA) 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 agreement between the European Community and Ukraine on visa facilitation, signed on 18 June 2007, which entered into force on 1 January 2008, and the EU-Ukraine visa dialogue launched in October 2008,
- having regard to the National Indicative Programme 2011-2013 for Ukraine,
- having regard to the results of recent EU-Ukraine Summits, including the recognition by the EU-Ukraine 2008 Summit in Paris of Ukraine as a European country which shares a common history and common values with the countries of the European Union, and the conclusions of EU-Ukraine Summit held in Kiev on 4 December 2009,
- having regard to the statement of the High Representative for Foreign Affairs and Security Policy of the EU on 26 May 2011,
- having regard to the statement by Commissioner Stefan Füle following his meeting with Mrs Yulia Tymoshenko on 24 March 2011,
- having regard to Resolution 1755 of the Parliamentary Assembly of the Council of Europe on 5 October 2010, on the functioning of democratic institutions in Ukraine,
- having regard to the bill adopted by the Verkhovna Rada on 7 April 2011 on preventing and tackling corruption which will come into effect on 1 July 2011
- having regard to Rule 122(5) of its Rules of Procedure,

- A. whereas Ukraine is a European state and, pursuant to Article 49 of the Treaty on European Union, may apply for membership of the EU like any European state that adheres to the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,
- B. 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,
- C. whereas Ukraine has taken over the chairmanship of the Committee of Ministers of the Council of Europe for the next six months; whereas within the framework of its Chairmanship, Ukraine will focus on the following priorities: protection of children's rights; human rights and the rule of law in the context of democracy and stability in Europe; strengthening and developing local democracy,
- D. whereas on 24 May 2011 the Prosecutor General's Office of Ukraine completed the investigation into the case against former Prime-minister of Ukraine Mrs. Yulia Tymoshenko and brought charges of the abuse of power during 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 the 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. On 23 May 2011 the court of appeal upheld this decision and rejected the requirements of the defense to review the case,
- G. whereas the former Interior Minister Yuriy Lutsenkowas 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 Mr. Yevgeny Korniychuk ,the former Ukrainian first deputy justice minister in Mrs. Yulia Tymoshenko's government, was detained on charges of giving permission to hold a tender for the provision of juridical services to Naftogaz by one company when he was in office; whereas the Magisters company (then Magistr&Partners), in which Mr. Korniychuk was responsible for finances, won the tender in 2002,
- I. whereas criminal proceedings were started against the former economy minister Mr. Bohdan Danylyshin, who fled Ukraine and has been granted political asylum in the Czech

Republic; whereas the former environment minister, Georgy Filipchuk, also faces criminal charges,

- J. whereas the former speaker of the Crimean Parliament, Anatoliy Grytsenko (Party of Regions) was detained on 24 January and accused of abuse of power by giving away 4,800 hectares of land illegally; whereas another criminal case was opened later involving land fraud with resort lands in Yalta,
 - K. whereas - according to the head of the SBU's Main directorate for fighting corruption and organized crime, Yuriy Pylypyuk - a growing number of officials are facing criminal charges, mostly deputy heads of state departments and inspectorates, heads of sub-units of law-enforcement agencies, judges of district courts and heads of local authorities; whereas 750 criminal cases were launched in 2009, 1,107 criminal cases were opened in 2010 and as many as 382 criminal cases were opened in the first four months of 2011,
 - L. whereas the Prosecutor General's Office has also started a criminal investigation for abuse of power against the former President of Ukraine, Leonid Kuchma;
 - M. 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,
 - N. whereas the President of the Parliamentary Assembly of the Council of Europe Mevlüt Çavuşoğlu stated on 27 May 2011 that politicians should not interfere in the investigation of criminal cases against members of the Ukrainian opposition,
1. Stresses that Ukraine has strong historical, cultural and economic links to the European Union and that it is one of the Union's key partners in its Eastern neighbourhood, exerting an important influence on the security, stability and prosperity of the whole continent,
 2. Welcomes the repeated statements by the Ukrainian political and state leadership on its aspirations with regard to the path of European integration and its long-term ambition to become a Member State of the European Union,
 3. 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 in implementing the EU – Ukraine Association Agenda;
 4. Stresses that 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,

5. Welcomes the statements by President Viktor Yanukovich, that corruption threatens the modernization of Ukraine's economy and saying that corruption has become an "immediate threat to constitutional rights and freedoms of citizens."
6. Welcomes the approval of the law against corruption adopted by the Verkhovna Rada in April 2011 and urges the Ukrainian authorities to take care of its full and impartial implementation as from 1 July 2011,
7. 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,
8. Welcomes the recent hearings in the Verkhovna Rada - in the presence of the Prosecutor General's Office - initiated by the BYUT fraction and supported by the majority of the parliamentarians, on the criminal proceedings carried out against the former Prime-minister of Ukraine Yulia Tymoshenko and the former minister of Interior, Yuriy Lutsenko (13 May 2011) as a common effort of the Verkhovna Rada to keep the proceedings against the former government as transparent as possible,
9. 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 and to abstain from providing misinformation and ungrounded accusations against state authorities; firmly rejects in this context the threats expressed by Mrs. Tymoshenko towards officials of the Prosecutor General's office to arrest them in the event of her winning the next elections,
10. Calls on all political forces of Ukraine to fully refrain from any interference in the work of the Prosecutor General's office,
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 Member States, the Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe and the OSCE.