Resolution on Ukraine

2012/2658(RSP) - 24/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on Ukraine with particular reference to the case of Yulia Timoshenko.

The resolution had been tabled by the S&D, ALDE, Greens/EFA, EPP and ECR groups.

Members begin by stating that the current problems in relations between Ukraine and the EU **can only be solved on the basis of a clear willingness on the part of the Ukrainian authorities to carry out the necessary reforms**, in particular of the legal and judicial system. They stress that Ukraine's rapprochement with the EU should be built upon its commitment to EU values and freedoms and that one cornerstone of these standards must be an independent judiciary.

They reaffirm their concern about the judicial proceedings against high government officials, which were not conducted in accordance with European standards of fairness, impartiality, transparency and independence. Parliament **deplores the sentencing of former Prime Minister Yulia Tymoshenko** on 11 October 2011 to seven years in prison, and the trials of other high officials of the former government, which are not acceptable and constitute an act of selective justice. It notes **serious deficiencies** with regard to the independence of the judiciary and the lack of reform in all aspects of the judicial process: prosecution, trial, sentencing, detention and appeals.

Members stress that the democratic struggle for political decisions must take place in parliament, with participation by voters in free elections, and must not be destroyed by personally or politically motivated acts of criminal prosecution and manipulated judgments in the criminal courts. Under these circumstances, Parliament calls on the Ukrainian authorities to guarantee the impartiality and transparency of the cassation process in Ms Tymoshenko's case, which should take place in line with the fair and just legal standards and practices common in Europe. It demands an **end to the use of selective justice** targeting political and other opponents, and deplores the fact that the High Specialised Court of Ukraine on Criminal and Civil Cases has postponed its ruling on the cassation appeal in Ms Tymoshenko's case against the decision of Pechersk District Court in Kyiv to 26 June 2012. Parliament considers this delay regrettable, and warns against protraction of due legal process.

It urges the Ukrainian authorities to ensure full respect for the right of all prisoners sentenced on politically motivated grounds, including Ms Tymoshenko, Mr Lutsenko and Mr Ivashchenko, to adequate medical assistance in an appropriate institution, for their right of unrestricted access to their lawyers and for the right to be visited by relatives and other people such as the EU ambassador. Members condemn the use of force by prison guards against Yulia Timoshenko, and recall the obligation of Ukraine to examine promptly and impartially any complaints of torture or other forms of cruel, inhuman or degrading treatment.

Parliament calls on **Ukraine to establish an independent and impartial international legal panel** to report on possible violations of fundamental rights and freedoms in the cases of Yulia Tymoshenko and other members of her government. It notes with satisfaction the outcomes of the meeting of the President of the European Parliament, Mr Martin Schulz, with the Prime Minister of Ukraine, Mr Mykola Azarov, and expects the Ukrainian authorities to respond to the agreed proposal by providing guidelines for its prompt implementation so as to ensure, in cooperation with, and in support of, the Charité medical team, proper medical treatment for Ms Yulia Tymoshenko, as well as judicial scrutiny by an authoritative and competent EU personality of the appeal and cassation processes and future trials of the former Prime Minister of Ukraine.

Parliament underlines the critical importance of **free, fair and transparent parliamentary elections in Ukraine** later this year, including the right of the opposition leadership to take part, and the need to maintain a deep commitment to democratic values and the rule of law. It calls for the European Parliament to participate in its own right in an international election observation mission to observe the next parliamentary elections.

Lastly, while expressing its hope for the success of the **European Football Championship 2012 in Poland and Ukraine**, Parliament calls on European politicians who wish to attend Euro 2012 matches in Ukraine to make their awareness of the political situation in the country publicly clear and to seek opportunities to visit political detainees in prison, or to attend in their private capacity and not as VIPs.