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European Commissioner for Enlargement and European
Neighbourhood

Statement on the Situation in Ukraine, Case of Yulia Tymoshenko

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Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

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Mr. President, honourable members of the European Parliament

The European Union has expressed its indignation at the use of selective justice in Ukraine on a number of occasions over the last year. The statements from Brussels and from Member States, and the messages passed directly to the authorities in Kyiv, refer not only to the case of Yulia Tymoshenko, but to cases against members of the former government such as Mr Lutsenko and others. Politically-motivated justice is a systemic problem in Ukraine, and it needs a systemic solution in the form of a comprehensive judicial reform.

We have indicated to the Ukrainian authorities that a first step to regaining the confidence would be to ensure an environment conducive to Mrs Tymoshenko's recovery, whether inside or outside Ukraine. I am glad that President Schulz and Prime Minister Azarov agreed last week that the European Parliament would play an important role in this respect.

Access to independent visitors is especially important if we are to build a clear picture of former Prime Minister's situation, and in this respect I welcome recent visits, also by Members of the European Parliament.

Most important in terms of the legal rights of Mrs Tymoshenko is that Ukraine's Court of Cassation should announce its decision on her case at the end of June, and that the European Court of Human Rights can announce its own decision shortly afterwards. This also applies in the case of Mr Lutsenko whose own sentence was recently upheld on appeal. Any future trials should strictly respect the provisions of the new Ukrainian Criminal Procedure Code, and thus provide for equality of arms and rights between defence and prosecution, and operate without pre-trial detention.

Mr President, our concern with selective justice remains strong. Last Tuesday, at the Cooperation Council with Ukraine we clearly set out to Prime Minister Azarov how we believe Ukraine can get back on the road to political association. The political relationship between the European Union and Ukraine will not improve without firm commitments and the effective demonstration that the rule of law and the respect for fundamental values are applied systematically in Ukraine.

We have repeatedly urged our Ukrainian partners that we will not be able to move towards signing our Association Agreement if they cannot show that they live in the spirit of political association. To this end, we expect Ukraine to make visible progress. The recent adoption of a new Criminal Procedure Code in Ukraine was certainly a step forward and it should improve the quality of future prosecutions and trials.

However, Mrs Tymoshenko and other victims of politically-motivated justice have already been sentenced. Action to reform the Criminal Code is needed to get to the heart of this problem.

I welcome the initiative taken by President Schulz to ask Prime Minister Azarov to accept that a personality of high international repute be sent on behalf of the European Parliament to observe the second trial, with full access to judges, lawyers and documents.

The parliamentary elections in October will also be an important test. We will follow both the conditions of the electoral campaign and the voting process very closely. It is important that the elections are free and fair beyond doubt if Ukraine wants to fulfil its European aspirations.

I also wish to refer to the European Parliament resolutions which called on the European Commission to support judicial reform in Ukraine. In December last year the Commission signed a financing agreement of €10 million with Ukraine's Ministry of Justice. It aims to accelerate sustainable justice sector reforms in Ukraine, with a particular focus on criminal justice reforms. We have also recently agreed to engage with Ukraine in an informal dialogue on judiciary reform, with the involvement of the expertise of the Council of Europe.

To summarize, what we expect from Ukraine before we can once again move forward is firstly a concrete strategy to redress the effects of selective justice and prevent it from happening again, second free and fair elections and third the resumption of delayed reforms already agreed in the joint EU-Ukraine "Association Agenda" which has now been in force for two years.

I look forward to hearing your views.