

112TH CONGRESS
2D SESSION

S. RES. 466

Calling for the release from prison of former Prime Minister of Ukraine
Yulia Tymoshenko.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2012

Mr. INHOFE submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Calling for the release from prison of former Prime Minister
of Ukraine Yulia Tymoshenko.

Whereas Ukraine has experienced encouraging growth and reforms since it declared its independence from the former Soviet Union in 1991 and adopted its first constitution in 1996;

Whereas the 1996 constitution provided basic freedoms like the freedom of speech, assembly, religion, and press, but was ultimately too weak to contain the existing corruption-laced political culture inherited from its communist past;

Whereas, as a result of the electoral fraud by which Mr. Yanukovich was declared the winner, the citizens of the Ukraine organized a series of protests, strikes, and sit-

ins, which came to be known as “The Orange Revolution”;

Whereas the Orange Revolution, in concert with United States and international pressure, forced the Supreme Court of Ukraine to require an unprecedented second run-off election, which resulted in opposition leader Mr. Yushchenko defeating Mr. Yanukovych by a margin of 52 percent to 44 percent;

Whereas, in the 2010 presidential election, incumbent Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Yanukovych and then Prime Minister Yulia Tymoshenko to face one another in the run-off election;

Whereas, Mr. Yanukovych defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;

Whereas, shortly after the 2010 inauguration of Mr. Yanukovych, the Ukrainian Constitutional Court found most of the 2004 Orange Revolution inspired constitutional reforms unconstitutional;

Whereas, in 2010, President Yanukovych appointed Viktor Pshonka Prosecutor General, equivalent to the United States Attorney General;

Whereas, since Mr. Pshonka’s appointment, more than a dozen political leaders associated with the 2004 Orange Revolution have faced criminal charges under the Abuse of Office and Exceeding Official Powers articles of the Ukrainian Criminal Code;

Whereas, in 2011, Prosecutor General Pshonka brought charges under these Abuse of Office articles against former Prime Minister Yulia Tymoshenko over her deci-

sion while in office to conclude a natural gas contract between Ukraine and Russia;

Whereas, on October 11, 2011, Tymoshenko was found guilty and sentenced to seven years in prison, fined \$189,000,000, and banned from holding public office for three years;

Whereas, recognizing the judicial abuses present in Ukraine, the Parliamentary Assembly Council of Europe (PACE) passed Resolution 1862 on January 26, 2012;

Whereas Resolution 1862 declared that the Abuse of Office and Exceeding Official Powers articles under which Tymoshenko was convicted are “overly broad in application and effectively allow for ex post facto criminalization of normal political decision making”;

Whereas, since Ms. Tymoshenko’s imprisonment, the Prosecutor General’s Office has reopened additional cases against her that were previously closed and thought to be sealed under a ten-year statute of limitations;

Whereas, on October 28, 2011, the Ukrainian Deputy Prosecutor General alleged in a television interview that Ms. Tymoshenko was involved in contract killings, tax evasion, bribery, and embezzlement;

Whereas, at the time of the Deputy Prosecutor’s public allegations, no formal charges were filed, thereby violating Ms. Tymoshenko’s right to “presumed innocence” guaranteed by Article 6(2) of the European Convention on Human Rights;

Whereas, since August 5, 2011, Ms. Tymoshenko has languished in a prison cell in Ukraine with limited outside contact and access to needed medical treatment;

Whereas the denial of proper medical assistance has left Ms. Tymoshenko in a failing state of health;

Whereas international calls for Ms. Tymoshenko's release, access to outside visitors, and adequate medical treatment have been ignored even as her health continues to deteriorate;

Whereas, on April 28, 2012, major international news organizations, including the British Broadcast Corporation and Reuters, reported on and produced photos of bruises received by Ms. Tymoshenko during an apparent beating by prison guards on April 20, 2012;

Whereas, in response to her inhumane treatment, Ms. Tymoshenko began a hunger strike on April 20, 2012;

Whereas, amid international outrage, the European Union has delayed indefinitely the signing of a free trade agreement with Ukraine, and the member countries of the Organization for Security and Co-operation in Europe currently are deliberating whether to allow Ukraine to assume the chairmanship of the organization, which has been scheduled for 2013; and

Whereas, under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the administration of President
3 Viktor Yanukovych for the politically motivated im-
4 prisonment of former Prime Minister Yulia
5 Tymoshenko;

1 (2) calls on the Yanukovych administration to
2 release Ms. Tymoshenko immediately for medical
3 reasons;

4 (3) urges the Organization for Security and Co-
5 operation in Europe not to recognize Ukraine's
6 scheduled 2013 chairmanship of the Organization
7 until the release of Ms. Tymoshenko;

8 (4) urges the Department of State to withdraw
9 the United States Ambassador to the Ukraine and
10 suspend operations at the United States Embassy in
11 Kiev until the release of Ms. Tymoshenko;

12 (5) calls on the Department of State to insti-
13 tute a visa ban against President Yanukovych, Pros-
14 ecutor General Viktor Pshonka, and other officials
15 responsible for Ms. Tymoshenko's imprisonment;
16 and

17 (6) calls on the North Atlantic Treaty Organi-
18 zation to suspend all cooperative agreements with
19 Ukraine and place Ukraine on indefinite probation
20 with regard to its Distinctive Partnership with the
21 Organization until the release of Ms. Tymoshenko.

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