

Calendar No. 95

113TH CONGRESS
1ST SESSION

S. RES. 165

Calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2013

Mr. DURBIN (for himself, Mr. RUBIO, Mrs. BOXER, Mr. BARRASSO, Mr. MURPHY, Mr. CARDIN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations

JUNE 25, 2013

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko in light of the recent European Court of Human Rights ruling.

Whereas, in August 1991, the Ukrainian Parliament declared independence from the Soviet Union and approved decrees to mint its own currency and take command of all Soviet military units on its soil;

Whereas, in December 1991, 90 percent of Ukrainians voted in a referendum to support independence from the Soviet Union;

Whereas Ukraine has experienced increased economic and political cooperation with Europe and the United States since its independence from the Soviet Union;

Whereas, in 1996, Ukraine adopted its first democratic constitution that included basic freedoms of speech, assembly, religion, and press;

Whereas, in 2004, Ukrainians organized a series of historic protests, strikes, and sit-ins known as the “Orange Revolution” to protest electoral fraud in the 2004 presidential election;

Whereas Yulia Tymoshenko was a leader of the Orange Revolution and was first elected as Prime Minister in 2005;

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

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

Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison on charges that she abused her position as Prime Minister in connection with a Russian natural gas contract;

Whereas, on January 26, 2012, the Parliamentary Assembly Council of Europe (PACE) passed a resolution (1862) that declared that the articles under which Ms. Tymoshenko was convicted were “overly broad in applica-

tion and effectively allow for ex post facto criminalization of normal political decision making”;

Whereas, on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko;

Whereas, on September 22, 2012, the United States Senate passed a resolution (S. Res. 466, 112th Congress) that condemned the selective and politically motivated prosecution and imprisonment of Yulia Tymoshenko, called for her release, and called on the Department of State to institute a visa ban against those responsible for the imprisonment of Ms. Tymoshenko and the other political leaders associated with the 2004 Orange Revolution;

Whereas, on April 7, 2013, President of Ukraine Viktor Yanukovich pardoned former interior minister Yuri Lutsenko and several other opposition figures allied with Ms. Tymoshenko;

Whereas, on April 30, 2013, the European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, ruled that Ms. Tymoshenko’s pre-trial detention had been arbitrary; that the lawfulness of her detention had not been properly reviewed; that her right to liberty had been restricted; and, that she had no possibility to seek compensation for her unlawful deprivation of liberty;

Whereas, on April 30, 2013, Department of State Spokesman Patrick Ventrell reiterated the United States call that Ms. Tymoshenko “be released and that the practice of selective prosecution end immediately” in light of the European Court of Human Rights decision;

Whereas Ukraine hopes to sign an association agreement with the European Union during the Eastern Partnership Summit in November 2013; and

Whereas, after the European Court of Human Rights ruling, European Parliament Committee on Foreign Affairs chairman Elmar Brok stated that “Ukraine is still miles away from fulfilling European standards” and must “end its selective justice” before signing the association agreement: Now, therefore, be it

Whereas, in August 1991, the Ukrainian Parliament declared independence from the Soviet Union and approved decrees to mint its own currency and take command of all Soviet military units on its soil;

Whereas, in December 1991, 90 percent of Ukrainians voted in a referendum to support independence from the Soviet Union;

Whereas Ukraine has experienced increased economic and political cooperation with Europe and the United States since its independence from the Soviet Union;

Whereas, in 1996, Ukraine adopted its first democratic constitution that included basic freedoms of speech, assembly, religion, and press;

Whereas in 2004, Ukrainians organized a series of historic protests, strikes, and sit-ins known as the “Orange Revolution” to protest electoral fraud in the 2004 presidential election;

Whereas Yulia Tymoshenko was a leader of the Orange Revolution and was first elected as Prime Minister in 2005;

Whereas, in the 2010 presidential election, incumbent President Viktor Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Viktor

Yanukovich and then Prime Minister Yulia Tymoshenko to face one another in a run-off election;

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

Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison on charges that she abused her position as Prime Minister in connection with a Russian natural gas contract;

Whereas, on January 26, 2012, the Parliamentary Assembly Council of Europe (PACE) passed a resolution (1862) that declared that the articles under which Ms. Tymoshenko was convicted were “overly broad in application and effectively allow for ex post facto criminalization of normal political decision making”;

Whereas, on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko;

Whereas, on September 22, 2012, the United States Senate passed a resolution (S. Res 466, 112th Congress) that condemned the selective and politically motivated prosecution and imprisonment of Yulia Tymoshenko, called for her release based on the politicized charges, and called on the Department of State to institute a visa ban against those responsible for the imprisonment of Ms. Tymoshenko and the other political leaders associated with the 2004 Orange Revolution;

Whereas, on April 7, 2013, President of Ukraine Viktor Yanukovich pardoned former interior minister Yuri Lutsenko and several other opposition figures allied with Ms. Tymoshenko;

Whereas, on April 30, 2013, the European Court of Human Rights, which settles cases of rights abuses after plaintiffs have exhausted appeals in their home country courts, ruled that Ms. Tymoshenko's pre-trial detention had been arbitrary; that the lawfulness of her pre-trial detention had not been properly reviewed; that her right to liberty had been restricted; and, that she had no possibility to seek compensation for her unlawful deprivation of liberty;

Whereas, on April 30, 2013, Department of State Spokesman Patrick Ventrell reiterated the United States call that Ms. Tymoshenko "be released and that the practice of selective prosecution end immediately" in light of the European Court of Human Rights decision;

Whereas Ukraine hopes to sign an association agreement with the European Union during the Eastern Partnership Summit in November 2013; and

Whereas, after the European Court of Human Rights ruling, European Parliament Committee on Foreign Affairs chairman Elmar Brok stated that "Ukraine is still miles away from fulfilling European standards" and must "end its selective justice" before signing the association agreement: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) *calls on the Government of Ukraine to re-*
 3 *lease former Prime Minister Yulia Tymoshenko from*
 4 *imprisonment in light of the April 2013 European*
 5 *Court of Human Rights verdict;*

6 (2) *calls on the European Union members to in-*
 7 *clude the release of Ms. Tymoshenko from imprison-*
 8 *ment as an important criterion for signing an asso-*

1 ciation agreement with Ukraine at the upcoming
2 Eastern Partnership Summit in Lithuania;

3 (3) expresses its belief and hope that Ukraine's
4 future rests with stronger ties to Europe, the United
5 States, and others in the community of democracies;
6 and

7 (4) expresses its concern and disappointment
8 that the continued selective and politically motivated
9 imprisonment of former Prime Minister Yulia
10 Tymoshenko unnecessarily detracts from Ukraine's
11 otherwise strong relationship with Europe, the
12 United States, and the community of democracies.

13 *That the Senate—*

14 (1) *calls on the Government of Ukraine to release*
15 *former Prime Minister Yulia Tymoshenko from im-*
16 *prisonment based on politicized and selective charges*
17 *and in light of the April 2013 European Court of*
18 *Human Rights verdict;*

19 (2) *calls on the European Union members to in-*
20 *clude the release of Ms. Tymoshenko from imprison-*
21 *ment based on politicized and selective charges as a*
22 *criterion for signing an association agreement with*
23 *Ukraine at the upcoming Eastern Partnership Sum-*
24 *mit in Lithuania;*

1 (3) expresses its belief and hope that Ukraine's
2 future rests with stronger ties to Europe, the United
3 States, and others in the community of democracies;
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5 (4) expresses its concern and disappointment
6 that the continued selective and politically motivated
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8 Tymoshenko unnecessarily detracts from Ukraine's
9 otherwise strong relationship with Europe, the United
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