

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 (for himself, Mr. DURBIN, Mr. CASEY, Mrs. BOXER, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations

SEPTEMBER 19, 2012

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

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2012

Considered, amended, and agreed to with an amended preamble

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 corrup-

tion-laced political culture inherited from its communist past;

Whereas as a result of the electoral fraud by which Prime Minister Viktor Yanukovych was declared the winner of the 2004 presidential election, 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 international pressure, forced an unprecedented second run-off election, which resulted in opposition leader Viktor 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;

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

Whereas on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison, fined \$189,000,000, and banned from holding public office for three years following the completion of her sentence;

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 Ms. 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 10-year statute of limitations;

Whereas beginning on October 28, 2011, and multiple times since, Ukrainian Deputy Prosecutor General Renat Kuzmin has alleged in television interviews that Tymoshenko was involved in contract killings, but has filed no formal charges;

Whereas for much of Ms. Tymoshenko’s detention, she had limited outside contact and access to needed medical treatment;

Whereas international calls for Ms. Tymoshenko’s release, access to outside visitors, and adequate medical treatment

were initially ignored even as her health continued 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 allegedly received by Ms. Tymoshenko from 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;

Whereas under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike, yet leaving her in poor health; and

Whereas on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the selective and politically moti-
3 vated prosecution and imprisonment of former
4 Prime Minister Yulia Tymoshenko;

5 (2) expresses its deep concern that the politi-
6 cized nature of prosecutions and detention of Ms.
7 Tymoshenko and other members of her party took
8 place in a country that is scheduled to assume chair-

1 manship of the Organization for Security and Co-
2 operation in Europe (OSCE) in 2013;

3 (3) expresses its deep concern that the politi-
4 cized detention of Ms. Tymoshenko threatens to
5 jeopardize ties between the United States and
6 Ukraine;

7 (4) calls for the Government of Ukraine to re-
8 lease Ms. Tymoshenko from her current incarcer-
9 ation based on politicized charges, to provide Ms.
10 Tymoshenko with timely access to medical care, and
11 to conduct the October parliamentary elections in a
12 fair and transparent manner consistent with OSCE
13 standards; and

14 (5) calls on the Department of State to insti-
15 tute a visa ban against those responsible for the im-
16 prisonment and mistreatment of Ms. Tymoshenko
17 and the more than dozen political leaders associated
18 with the 2004 Orange Revolution.

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