

Eugenia Tymoshenko, daughter of former Ukrainian Prime Minister Yulia Tymoshenko

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Thank you Signor Mecacci; thank you Monsieur Neri. I am so grateful to you, and to this committee, for the opportunity to speak here today about my mother, but also about her colleagues who are imprisoned. And with these examples, I hope that I can relay a sense of urgency about the critical state of human rights and democracy in Ukraine, rights and liberties that are vanishing by the hour.

The OSCE was built to guarantee security and cooperation in Europe. Today, when Europe is more united in freedom than ever before, my fellow citizens are actually seeing their fundamental rights stripped from them. It is not just me saying this, but reputable groups like Freedom House, Reporters Without Borders, the Danish Helsinki Human Rights Committee, and others. Leaders in almost every European country, too, have voiced their concerns for the future of freedom in Ukraine, and recently via a resolution passed by the Parliamentary Assembly of the Council of Europe put forward strong conditions that the Ukrainian government must follow if Ukraine is to have a European future.

Most of the recommendations from PACE concern our ongoing political crisis, a crisis which the most recent Freedom House report has summarized as arising: “due to President Yanukovich’s moves to crush the political opposition through a variety of undemocratic tactics, including the prosecution of main opposition figures.” Yanukovich’s government try to disguise these prosecutions as anti-corruption measures, but despite this supposed war on corruption, Transparency International, recently warned that “Ukraine in the year of 2011 is on the way to corruption abyss”.

Of course, our loss of democratic freedoms matters to us, but it also matters to all of Europe: Ukraine’s government does not believe in meaningful cooperation with Europe. Indeed, since coming to power it has been treating Europe and its leaders, with lies and contempt. And we all know that a state so corrupted, almost always begins to spill its poisons over its borders.

My mother, an icon of democratic Ukraine around the world, entered politics in 1996 at the peak of her business career. She did so not with the aim of safeguarding her corporation, but to oppose the rules proposed by corrupt elite. That was the beginning of her long journey of political opposition, a journey that has been a fight against injustice, the absence of the rule of law, and the ceaseless corruption of the state. In trying to fight corruption, her opponents destroyed her company. Now they are trying to destroy her.

My mother has sacrificed much on this journey – her security and peace of mind most of all -- but she stayed true to her fight, whether in office or out, in jail or in the Cabinet, and worked without fear or favor. I should also remind you that this is not the first time that my mother has been arrested by our country’s authoritarian rulers for fighting corruption. But following that first arrest, in the end the Kuchma regime followed a court order to release her. In yanukovich’s case it is different. He accepts no limits on his authority, which is why he junked our constitution soon after taking office. He accepts no limits on his behaviour, which is why he feels free to lie to other leaders around the world.

In a prison service that answers to such a man, my mother is undoubtedly in grave danger. And my mother is not alone. Other opposition politicians who have fought, and continue to fight, for our

national freedom have been imprisoned with no legal basis, the sole aim being to keep them out of politics for many elections to come.

Repression against my mother began but a few weeks after Yanukovich took power. Countless hours of interrogations began. She was placed under a travel ban, a ban that first kept her from travelling abroad, and then kept her from travelling our country to organize resistance to the regime. Now she has been sentenced to 7 years in prison, for, and I quote the Prosecutors words, “creating a positive political image for herself as a person who solved a gas crisis”.

No democracy can exist if political leaders are to be imprisoned for their political decisions. No decision would ever be taken if that were the case. That my mother’s trial was a show trial was evident from the start. Instead of choosing a senior judge with experience, the biggest trial in Ukraine’s history was put in the hands of a not fully qualified judge. But he was qualified to do one thing well: follow orders. Judge Kiriyeiev, who was questionably appointed by Yanukovich’s decree, rejected all the witnesses, real documents and obvious facts and expertise, proposed by the defence.

Her trial is emblematic: the presumption of innocence is dead in Ukraine. But why should anyone be surprised at the lack of justice? How many interviews on Euronews and elsewhere did Yanukovich proclaim that my mother had to “prove her innocence”. In the end, my mother’s proven it by quoting just few contracts and official documents in the case files, to the surprise of the Prosecutors, who ignored her statements. This show trial lasted for several months, and included numerous breaches of Criminal Procedure Code, Criminal Law, International Law and the articles of European Convention on Human Rights. In fact, condemned by the world, the verdict, prepared in advance, as we believe, by legal advisors to the President, had not one single legal transgression.

According to the Law on the International Treaties of Ukraine, Vienna Convention on International Treaties and Article 6 of UKRAINIAN Commercial Code, my mother acted completely within the law as a Prime Minister and Head of negotiating delegation when passing directives to the Head of Naftogas on the result of her negotiations with Russian side three years ago. She never signed, or had the right to sign the agreement but merely negotiated the best conditions she could to resolve the gas crisis. Moreover, the acting Minister of Justice, and former General Prosecutor, under Yanukovych, in their official letters, dated by July, 2010, have stated exactly the same. These crucial documents have been included into the criminal case but disregarded by the judge!

As to the charge at the heart of my mother’s trial, that the agreement caused Ukraine substantial losses, the international accountants "Ernst & Young", hired by NAK Naftogas, says that: “...not only there were no losses endured during transportation of Russian gas in 2010, but, completely the opposite - government had saved, more than a billion grivnas, compared to 2008.” Yet that neutral expert opinion, like so many other, was ignored. Ex-Representative of “Naftogas”, stated during appeal, that losses were calculated by a false method as a result of pressure being put on the Naftogas experts by Gen Prosecutor office. In a real court, a judge on learning of such falsification of evidence by the prosecution would dismiss all charges, release the defendant, and sanction the prosecutor.

When the “gas case” though was dismissed by the international experts and political institutions of the democratic world as politically motivated, the Prosecutor General, a close friend of Yanukovych,

had to find new means to label my mother a criminal. So, he illegally re-opened 16 year old cases against my mother and family, breaching as he did the statute of limitations. Worse, these cases had actually been adjudicated, and were closed by Ukraine's Supreme Court 6 years ago, when my mother was in opposition. Now, Yanukovich's pet prosecutors say that the 50 judges of the two chambers of the Supreme Court back then, as well as the former Prosecutor General, had closed the case illegally.

Yet despite all these tremendous efforts and years of persecution, and I want to stress this simple fact, my mother was NEVER accused of corruption or private gain.

When I spoke in Strasbourg for the first time in October last year, my mother was still in the court, still not convicted, still hoping against hope that justice would miraculously prevail. Now, bed-ridden since 5th of November, with no medical treatment for 7 months, in severe pain, and deprived of sleep, she is submitted to illegal interrogation, outrageous illegal second arrest – an arrest that actually took place in her cell -- and now is facing another show trial and a second sentence, one that you can be sure will come timed to the possible positive decision in my mother's appeal to the European Court on Human Rights. The purpose of the regime is clear: they want by any means possible to keep my mother in prison, to wreck any chance of the opposition to mount a serious challenge to the regime's grip on power in the parliamentary elections this autumn.

I have on many occasions applied to the Committee of Prevention of Torture to report on the humiliation, psychological and physical torture that continues to be administered against my mother. I have even applied to the General Prosecutor requesting to investigate into torture cases and speculation on my mother's health by the Ministry doctors. My fear, growing every day, is that my mother may be killed in that remote prison.

When she fell unconscious for two hours on Christmas Eve in her cell due to a dramatic fall in her blood pressure, after taking some medicine from prison doctors, no help came for 20 minutes. When it did, no ambulance was called because her jailers did not want to involve any "outsiders." Instead, she was given unknown injections to revive her. Later the Vice Minister of Healthcare, the Penitentiary system and colony stated that my mother did not fall unconscious. But why was she taken next morning, on Christmas day to a hospital to be scanned and diagnosed? Why did her neighbour make a statement that she was helping to revive her, and calling for help when no help came.

How can my mother trust doctors who were not there to bring her back to life and who make her do physical exercise despite the fact that the slightest movement causes excruciating pain? Why was my mother denied painkillers for a week before the visit of independent doctors from Canada and Germany? Why are European and American diplomats, and members of parliament across Europe refused permission to visit her? I cannot but conclude that the penitentiary authorities are applying systematic torture, and are trying to break her, which I can tell them now, they will never do.

They have changed her status now to a sentenced person and her rights as a prisoner are broken every day. She is kept under video supervision and in a lit cell 24 hours a day, which is against the law in a colony of minimal level security. According to the Criminal-Executive Code she should have access to a telephone. So, why is she denied that right, even on my birthday few days ago?

We are as a family very thankful to the German and Canadian doctors that, despite pressure from the regime, came to examine her. These German professors issued a statement that my mother is seriously ill. They have done so, to tell the truth and to stop Ministry of Healthcare from misinforming the public, as it has been doing for many months. Why do the Ukrainian authorities continue to manipulate my mother's private health information for political purposes instead of providing her with the medical treatment that she needs?

And it is not only my mother who has fallen into this lawless legality. Yuriy Lutsenko, former Minister of Interior, illegally jailed, for allegedly overspending 2 000 \$ on the Police day celebrations, and other similar absurd charges, has been awaiting for court decision for 400 days now, being refused medical treatment and proper right for defense, where over 100 witnesses called by the Prosecution stated in his favour. No proof has been found of his wrong-doing. And there are many other opposition politicians and civil society leaders, who are not only imprisoned but have been forced into exile. My father received a political asylum in Czech Republic recently, some months after my mother's minister of economics was also granted political asylum.

A few days ago, during a BBC interview I gave in London, I was asked why Ukrainians do not mount public protests to protect their rights? Why don't I appeal to them to do so? My answer was that people are becoming afraid to stand up to the armed squads of militia who greet any protest, trampling, beating and arresting peaceful opponents of the regime. And yet, according to polls conducted by the International Institute of Sociology, Ukrainians' appetite for protest is at an all-time high. This comes as no surprise to me as we Ukrainians, have just recently stood up to defend our freedoms and human dignity in what was a defining moment in our modern history – Orange Revolution. Yanukovych was not able to exterminate its legacy. Today my mother and her party are leaders of people's support, whilst ratings of Yanukovych and the ruling party are plummeting.

None of us has a right to give up hope. We can and will defend our freedoms, and I believe that there are practical steps to help us that you can take, not for my mother's sake, but for the sake of all Ukrainians who look to you with hope.

This coming October, Ukraine will hold parliamentary elections. The regime will try and do all it can to corrupt the process. The OSCE can play a crucial role in preventing them from doing so. It is paramount to send the largest contingent of electoral monitors that you have ever organized to observe not just election day, but the whole electoral process. I know that Ukraine's government will hold the rotating presidency of the OSCE next year, so you can put that leadership to the test. I pray that this wonderful international institution lives up to its mission and founding idea.

Besides acting as an observer to our parliamentary elections, the OSCE can also use its investigatory powers to examine the human rights situation in my country. Under your rule of law initiative, you can examine how Ukraine's legal system is being systematically twisted to conform to the president's will.

It is not too late for my mother. And it is not too late for Ukraine. But the darkness is gathering. Demonstrate your resolve and solidarity for the sake of our common democratic future! Do it for freedom in Europe.