

**Question for written answer E-004087/2012  
to the Commission**

Rule 117

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Subject: The situation regarding the justice system in Ukraine

In his replies to written questions on the manner in which the EU is following the progress of judicial reforms in certain countries, the President of the Commission reaffirms the principle that 'the Commission does not examine or comment on merits of individual cases'. This notwithstanding, Commissioner Füle has stated that 'the criminal investigations against senior officials of the former Government of Ukraine, including Mrs Yulia Tymoshenko, (...) have been closely followed by EU diplomats in Kyiv, together with legal experts, including those from civil society and from international organisations with recognised expertise in the area of legal proceedings', whereupon he presented the conclusions they had reached.

Likewise, the President of the European Council noted that: 'the HR/VP Catherine Ashton issued a declaration on behalf of the European Union on 11 October 2011 expressing the EU's deep disappointment with the verdict [...] in the case of Ms Yulia Tymoshenko. The verdict came after a trial which did not respect international standards as regards fair, transparent and independent legal process.' As a consequence of the conclusions mentioned above, Ukraine saw the postponement of its 'political association and economic integration with the EU, including the conclusion of the Association Agreement and its subsequent implementation'. Since the Commission's annual reports do not include the specific data on which the conclusions above are based, it is asked to answer the following questions:

1. Who are the prominent experts who observed the procedures and submitted their conclusions, on the basis of which the EU has established its political position?
2. On what grounds was the trial qualified as unfair, not transparent and not independent? (For example, was the right to legal defence denied or improperly restricted? Is there evidence that the judges followed political instructions in the matter? Was the trial not open to the public?)
3. Given that Ukraine is member of the Council of Europe, and that it is the European Court of Human Rights (ECHR) that has the competence to verify the fairness of legal procedures, does the Commission believe it has the authority and the wherewithal to supplant the ECHR?
4. Given that the EU expressed its disappointment over the verdict, are we to understand that another verdict would have been acceptable, even if the procedure had been the same? Is the EU's criticism of the verdict compatible with its principle of abstaining from any comment on individual cases?
5. Is not criticism of a judicial ruling, particularly one which does not yet have the value of *res judicata* and the (political) sanctions that go with it, tantamount to limiting the independence of the judiciary and interfering in the act of justice?