

Testimony
Eugenia Tymoshenko Carr
Before the Senate Foreign Relations Committee
Ukraine at a Crossroads: What's at Stake for the U.S. and Europe?
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Written Statement

Thank you Senator Shaheen. Thank you for granting me, a citizen of Ukraine, the privilege of coming here to speak to the Senate and through you, to the people of the United States. It is such an honor for me to be in this hallowed place, but I know that you are truly honoring my country and my mother by inviting me here to discuss with you this moment of grave danger for Ukraine's liberty, and our independence as a nation.

I am very glad to see that you are from New Hampshire, Senator Shaheen. My mother has always admired your state motto: "Live Free or Die."

I hardly know where to begin in discussing what is happening in Ukraine, given the daily threats to what is left of our democracy. Perhaps I ought to begin with the sad and amazing words taken from the internet petition to free my mother, filed by Bishop Paul Peter Jesepe, where he quoted the French thinker Montesquieu, and it says, "There is no greater tyranny, than that which is perpetrated under the shield of law and in the name of justice."

My mother has been illegally imprisoned, maltreated and humiliated for six months by the regime which is trying to break her. This didn't break her. Her spirits are high, I can say that emphatically, but her health is failing. When I see her I must lift her from her bed; she can barely walk. Yet she still works, and not only to fight all the legal mud that is being thrown at her, but to unify all of Ukraine's democratic forces to challenge President Viktor Yanukovich and the repressive clan that rules with him.

My mother went into politics and put on her small shoulders the great task to free her country of injustice, absence of rule of law and corruption left from Soviet past, so that we, young Ukrainians, would not need to devote our lives to do the same. She, unlike many young entrepreneurs in newly independent Ukraine, managed to build a big, successful corporation that helped restore the lost production and trade ties between ex-Soviet states. By doing that she uncovered most major failures of the old system. One of the major failures was and now remains - corruption. She chose to go against the system, refused to be part of corrupt schemes and, ended up facing the system alone, letting it destroy her business, putting her, her family and friends behind bars and again on falsified charges.

Ten years ago, when my mother was Vice Prime Minister for the Energy Sector, she managed to remove corruption in oil, electricity and gas trading and restored financial functioning in this sector. When the country's leadership resisted her reform efforts she organized massive protest movements. These protests later grew into the Orange revolution,

which she helped to lead and supported a person for president she believed would lead the country into democratic victory.

While Prime Minister even though she had limited control but big responsibilities, she fought for major reforms and country's well-being. After she had removed the gas trading monopolist RosUkrEnergo she became enemy number one, to those who were trying to monopolize the energy market and who are in power now. She ended up illegally imprisoned, convicted and tortured for not playing by the rules of their game, not complying with their orders that were detrimental to Ukraine.

Her cell in Kachanivska prison outside of Kharkiv, far from her family and friends, is not a dungeon you may be relieved to know. But the Yanukovich regime does not need to use medieval surroundings to get medieval results. Instead, they are using the modern techniques of sleep deprivation and intimidation to try and break her. They won't succeed. They are able to deny her a restful night's sleep because her cell is kept lit and she is filmed and watched 24 hours a day. Lately, they have introduced a close up surveillance camera so that they can see what she is writing to me, to her husband, to her supporters and to the world.

They say it is done for her protection but I doubt it. When she fell unconscious in her cell due to a sudden mysterious loss of blood pressure, no help came, as her cellmate waited for 20 long minutes for a doctor to come in, who didn't even call an ambulance. She could've died that night. We found out about the incident three days later from her and her cellmate. Later, they would "lose" the video archive and would make her cellmate re-write her witness statement.

You will not be surprised to learn that since her incarceration and the constant pressure the regime has placed on her, my mother has developed serious health problems, which have gone untreated. The regime will say that this is my mother's own choice. But can anyone seriously expect her to trust her physical well-being to a regime that directs doctors to falsify their diagnoses. Her only request is to be examined by her own doctors, or independent doctors from abroad. That does not seem unreasonable. People who keep her behind bars say: "of course, yes, yes", then nothing happens. But no one should be surprised by that. As European leaders have learned all too well over the past year, Yanukovich can't be trusted to keep his word.

The intimidation that my mother is enduring comes from the fact that the regime and its prosecutorial henchmen keep piling criminal charge upon criminal charge, so that my mother and her small team of lawyers are simply overwhelmed. Against all legal norms, she is interrogated in her cell, sometimes for 12 or more hours consecutively. She is given inadequate time to review the documents that will be used against her in the next court hearing. It was clear at the first trial and at the appeal court that my mother was convicted before the evidence was heard. She was even denied a closing statement and evidence that would have proven her innocence was not admitted. Over 100 other motions made by the defence team were denied.

I have no doubts that the verdict against my mother was sought and approved by President Yanukovich. She is, according to recent polls, his main political opponent and more popular than him.

But I don't want you to think that this is only about my mother. It is not. Others are being repressed and unjustly imprisoned.

Her former colleague, Minister of Interior Yuri Lutsenko has been imprisoned for over a year on charges that would be laughable if they were not so tragic. He is charged with hiring a driver past the retirement age and of spending \$2000.00 over budget to mark Ukraine's national police day. I don't know American political practice very well, but I can't imagine a former cabinet minister be jailed for over a year without trial on such charges.

And there are others. The son-in-law of a Supreme Court Chairman was arrested on the day his wife gave birth, in order to intimidate that justice into resigning. Former Acting Minister of Defence Valery Ivashchenko has been imprisoned for almost two years, with his health severely deteriorating. They are all repressed and humiliated because of their political views. They courageously stood up to the regime and the injustice and fear it is sowing.

Unfortunately Ukraine turns into an authoritarian regime with leaders of the opposition sitting in jail.

What we are witnessing in Ukraine is the continuous abuse of the criminal justice system. Politically motivated prosecutions of former government officials, civil society activists and prosecutions of human rights defenders ignore the rule of law. I believe that the current situation, as described in the recent European Parliament and Parliamentary Assembly of the Council of Europe resolutions, requires urgent action.

To say that prosecution of the opposition is just a problem of the outdated legislation is to miss the obvious. It's really not so much the law at fault but how it is enforced. Ukrainian authorities cynically blame the law while everyone knows that the prosecution system and the judiciary is under the complete control of the governing party via the so called High Council of Justice, which is controlled by President Yanukovich. No law enforcement agency dares to make a move to prosecute the political opposition without instruction from the President.

Numerous legal infringements of the European Convention of Human Rights were listed and explained in three reports of the Danish Helsinki Committee, which was commissioned by the EU, to find the truth in the political, so-called "criminal" cases. This shows a systematic prosecution of the opposition or people close to it. And my mother is the main target.

What we are witnessing in Ukraine is such a twisting of the rule of law that it is impossible to distinguish illegality from legality, hard to see the line between law and abuse of law. My mother is imprisoned under an old Soviet Era Criminal code of 1960, that criminalizes political decisions. Even as out-dated as they are, they have been applied illegally in her case. It is important to know that there was no accusation or evidence introduced in the court that my mother personally gained from negotiating the gas deals and ending the European gas

crisis in January 2009. Two letters filed by acting Minister of Justice, Mr. Lavrynovich and ex-Prosecutor General, Mr. Medvedko, state the same. The state gas trading company “Naftogas” has recently issued a statement, that calculation of losses that my mother is charged with, was done under severe pressure from the General Prosecutor’s Office.

Politically motivated charges of which my mother was found innocent a decade ago have also been reopened, with no legal basis. Past Supreme Court rulings are being ignored. The statute of limitations is also ignored, as some of the charges now being brought against my mother for her business activities stem from 15 and 16 years ago. They have been re-opened for only one reason, to destroy her reputation in the EU and the USA.

These new cases can take care of a few other problems for Yanukovych’s government. She will stay in jail despite the European Court of Human Rights’ decision, if it is in her favour. They put more psychological pressure on her by prosecuting and charging her husband, her father-in-law and ex-colleagues.

Yanukovych and his team are trying to do everything possible to charge my mother with corruption. They hope the smallest hint of corruption will confuse Western politicians and make them turn their back on Ukraine and on her. And that’s what Yanukovych’s administration is trying to achieve. They spent millions of US dollars hiring American audit companies in hoping they can find traces of her corruption. Hundreds of her ex-co-workers were summoned for questioning. They were looking hard, but never found anything and they never will.

The current government’s activities are not only ruining the image of Ukraine, and Ukraine as a united nation, but also the profitable sectors of the economy, that become paralyzed and eventually abandoned, when the rule of law is ignored. Successful people prefer to leave Ukraine and our population is declining.

Indeed, not even our constitution has survived Yanukovych’s contempt for law. To grab more power for himself, he simply junked it. His first breach of the Constitution, was signing a shameful Kharkov agreement with Russia which was nothing but a concession of Ukraine’s national interests. The lease of Sevastopol naval base to Russia was supposed to give Ukraine a major discount on Russian natural gas, but at the end of the day Yanukovych got a price \$100 higher than my mother did in 2009. By this standard, he and not my mother should be in prison if the law was applied equally.

I know that Ukraine must seem like a faraway place, and that our problems must also seem distant from the concerns of Americans at this difficult time for America. But just as no man is an island unto himself, no democracy is an island. When one nation’s is allowed to be hijacked, all democracies are threatened. Ukraine exists in a fragile neighbourhood, where war broke out just a few years ago across the Black Sea in Georgia.

I am here today to answer your questions, Senator Shaheen, but also to plead that America do all that it can to preserve democracy in my country. My mother’s plight has united many great, strong nations and amazing people, true heroes of our time who are trying to get her

and other political prisoners out of jail. We are hoping for your support. It is paramount for Ukraine to have free and fair elections this fall, but it would be impossible without major opposition leaders.

I know my mother will not let Ukraine fall back into the Soviet past. She is strong enough to do it and to win the elections if she is allowed to run. She has already succeeded in bringing fractioned opposition into one united front.

The enemies of democracy and freedom should not be welcome in a democratic society unless they correct their mistakes. I ask you to consider all possible ways to influence them and to explain to them the consequences of their actions. But most of all, I ask you to speak out, loudly and clearly, so that the people of my country do not feel abandoned and lose hope.