

Interpol Lists And Political Refugees from Belarus

Belarusians win at international courts and get asylum in democratic states, but they continue to feel insecure afterwards and still remain in the Interpol database.

The recent arrest of a Belarusian on Interpol's wanted list, Igor Koktysh, by German police despite the activist's refugee status in Poland is yet another case of Belarus' abuse of Interpol rules.

Igor Koktysh's story has everything that a good drama adventure movie needs: wrongful imprisonment, police raids, a struggle with the state machine in an international court and a reckless escape through the border.

Igor Koktysh vs. Ukraine: How It Started

In 2001, Belarusian authorities accused Koktysh (born in 1980) of the murder and robbery, for which he was facing a punishment as severe as the death penalty. However, the court of appeal found that during the investigation physical and psychological pressure had been applied against him in order to extract false confessions.

Koktysh was acquitted, and the Supreme Court upheld this decision. A year later, the Presidium of the Supreme Court overturned the previous decisions, and the criminal investigation was resumed. By that time Igor Koktysh had moved to Ukraine, where he got married.

In mid-2007 Igor was detained in Ukraine on a Belarusian warrant. *"In Sevastopol, a group of thugs with firearms detained me at the seashore. Severe beatings was the response given to any of my questions. I thought they were bandits*

carrying me out to the forest to kill me. I only felt some relief when I arrived at the police station. An enraged Pavlichenko, a Belarusian colonel known for his bloody reprisals with opposition, ran into the police office and threatened me with life in prison upon my return to Belarus", Koktysh later told his fearful story.

While awaiting his extradition in gloomy Ukrainian detention centres, Igor sent a complaint to the Strasbourg court. The ECtHR analysed the human rights situation in Belarus and the circumstances of the case and ruled in December 2009 that Koktysh's extradition to Belarus would be a violation of the European Convention on Human Rights.

Ukraine was obliged to pay Koktysh 7,000 Euros for the non-pecuniary damage. As a result, Igor Koktysh, previously recognised as a prisoner of conscience by the Amnesty International by the time, was freed in early 2010.

Asylum Seeker De Nouveau

But success in the European Court of Human Rights failed to make Koktysh's life in Ukraine any more secure. In November 2010, just before the Belarusian presidential election, Ukrainian drug control policy officers made a raid on Koktysh's apartment. They used brutal physical force against him and his friends, and allegedly found 10 grammes of marijuana.

The story provoked huge media attention. Ukraine's General Prosecutor's office opened an investigation of the case. As a result, the drug charges against Igor and his friends were dropped and criminal proceedings launched against the drug control officers, including the head of the drug-control department, charged with breaking the law of the inviolability of households and abuse of power.

After the drug case, Igor Koktysh did not feel safe in Ukraine anymore. Since his Belarusian passport expired in 2005 and a

consulate refused to extend it, Koktysh decided to cross the Ukraine-Poland border illegally in 2011 and to ask for asylum in Poland. *"I got lost in the forest and came across the border signs on the second day. That was a desperate but necessary move, a life or death issue for me"*, Igor explained.

Political Refugees Remain on Interpol Lists

On 7 February, police detained Koktysh during his stay in Germany. He spent a few hours at a local police station before his refugee status was confirmed by Polish authorities. Belarus requested his detention and put it on the organisation's Red Notice list. Almost all countries in the world are the members of the largest international police organisation and all their requests, regardless the type of political regime, are treated equally.

This is not the first case when Belarusian authorities abuse Interpol rules in an attempt to reach political opponents. Interpol cooperation is based on trust between national police organs and the organisation operates on the presumption that policemen in Syria, Canada or Singapore are telling the truth.

Earlier Ales Mikhalevich, a former candidate in the Belarusian presidential election, charged for organising riots but granted refugee status in the Czech Republic, was detained on the basis of the Interpol notice at least twice. His brief detention at the Warsaw airport in late 2011 ended after the interference of Poland's Foreign Minister. Last September, Mikhalevich had trouble at a New York City airport when heading to a meeting of the UN Human Rights Committee.

Until Interpol undertakes an informal review of a political case and strikes the name out of its database, a person would encounter problems when travelling abroad. And this may last for years, if not decades. The name of

a Belarusian Natallia Sudliankova, despite the fact that she was recognised as a refugee by the Czechs in 1999, is still on the [the Interpol database](#).

Strasbourg as a Last Legal Resort

When all national courts fail, the European Court of Human Rights remains the only effective instrument to prevent a third-country applicant's return to his home country. Belarus is outside the jurisdiction of the ECHR as it is not a member of the Council of Europe. But Belarusians can lodge complaints against the governments of any 47 Council of Europe member countries.

Indeed, 23 of all 28 complaints submitted so far by Belarusians to the ECHR challenged the intention to either extradite or deport them to Belarus. Such applications usually refer, amongst others items, to a violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It concerns the probability of being subjected to torture or to inhuman or degrading treatment or punishment.

But as Koktysh's story shows, neither ECHR victories nor obtaining refugee status in a foreign state brings an end to harassment by the Belarusian law enforcement agencies. The only option which such people can use is to draw media attention to their cases, hoping that international police organs will understand the need for "special treatment" with requests coming from Belarus.

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Interpol Clashes with BBC over 2011 Minsk Metro Bombing

On 30 July, BBC showed a controversial documentary about the 2011 terrorist attack in Minsk where 15 people died and over 200 were injured. It questioned the guilt of the two men convicted and subsequently executed for it. The film provoked a strong reaction from the International Criminal Police Organisation (Interpol). Interpol labelled the BBC documentary as based on "biased speculation".

Back in 2011, Interpol publicly endorsed the preliminary results of the investigation which preceded the trial of two convicted young Belarusians. The international organisation was involved in the investigation and dispatched its experts to Minsk where it offered technical assistance. Now some in the Belarusian opposition criticise this international organisation for its failure to condemn the Belarusian regime. Interpol, however, insists that the official investigation was conducted professionally.

Emotions Against Evidence

The full BBC documentary is no longer available online – but a [brief transcript](#) gives a taste of it. The film blames the official investigation and relies primarily on anonymous sources. The author of the documentary John Sweeney describes how doubts about "the guilt of the two men convicted for the bomb have arisen. Now the Belarus KGB is being accused of planting the bomb, rigging a show trial and torturing confessions out of the two suspects".

However, the whole narrative of the BBC report appears to be built on one story told by the mother of one of the bombers. She gives her own, very humane but hardly impartial, version of what happened. According to the BBC journalist, the

campaign to rehabilitate her son launched by Lyubov Kovalyova might even threaten the Secretary General of Interpol who is American.

In addition to Lyubov Kovalyova's story, the report contains a quote from Natalya Kolyada, co-founder of the Belarus Free Theatre. "This was a KGB bomb. There are no facts whatsoever to prove something else." In its previous March report, the BBC covered the topic in the same way by quoting the mother and anonymous sources.

Interpol had to respond to the BBC report because the journalist essentially publicly reduced the organisation to an accomplice of a dictator. It insisted that, the "presumption of innocence of defendants ... was not breached". The [Interpol statement](#) also noted:

It is regrettable that none of the information provided by INTERPOL about the nature and strength of evidence obtained during Belarus's criminal investigation into the Minsk terrorist metro bombing was included by the documentary maker, who preferred instead to rely solely on biased speculation.

Both Belarusian investigators and Interpol draw attention to the publicly available CCTV footage. Criticising the BBC, Interpol asks, "it is not clear whether the journalist making the documentary saw any of the CCTV footage himself, or is relying on second-, third- or possibly fourth-hand information". Interpol officials believe that the CCTV footage explicitly proves at least some episodes concerning the bombing on 11 April.

Moreover, Interpol points to other forensic evidence such as apartment rental records, phone records, clothes, bomb materials, and numerous interviews with eyewitnesses. In other words, they highlight that the defendants' confession (according to the BBC documentary obtained by torture) was by

far not the only basis for conclusions reached by Belarusian investigators.

Some activists and media raised a number of legitimate questions concerning the trial, claiming in particular that the ICTV footage had been edited or that no traces of explosives had been found on the cloths of the bomber. A number of other procedural issues [looked questionable](#). Yet the substantive doubts have not been conclusively confirmed by experts.

The BBC documentary also accuses the Belarusian regime not only of the disappearance of four political opponents in 1999-2000 – something which has been [accepted by many](#) as the regime's crime – but it also puts forward a completely new accusation, much to the surprise of those who follow the situation in Belarus: "More than 30 others, the BBC has been told, were also killed by the death squad".

The journalist implies that these 30 persons were also political opponents of the regime. Neither the source, nor additional details to explain this accusation were provided. Even the most radical opposition groups never accused Lukashenka of killing so many political opponents.

When Belarusian Courts Can Get It Right

The case shows how it is easy to manipulate facts when dealing with a complex investigation in a country with a deplorable record of human rights. The Belarusian government, as always, cared very little about transparency and publicity. The EU foreign affairs chief Catherine Ashton said that both men had not been accorded due legal process. British Europe Minister David Lidington claimed that independent reports had "raised serious and credible concerns over the standard of evidence and fairness" of the process.

Of course, much of this criticism has been linked with the EU's concern about the death penalty in Belarus – the only

European country which still uses it. Yet it is important to avoid explicitly denouncing this serious crime or even ridiculing the Belarusian tragedy. In May, the mother and sister of Uladzislau Kavalyou were invited to Poland where they met the wife of the Polish president and got extensive media coverage. This hardly helps with the goal of struggling with the dictatorship in Belarus or improve ties between two countries.

Some in Belarus and abroad tend to criticise the regime in Belarus without a bit of substantial evidence. This culminated in an action on 16 March when a number of internet activists urged people to bring flowers to the metro bombing place for the two convicted men and show solidarity with them. Several dozen people showed up. A similar action also took place in Moscow.

[Dismissing the entire Belarusian state](#) as a dictatorship is a mechanism that does not help to actually influence what is going on in the country. Such an attitude destroys the very foundations of the state, undermining the future of the Belarusian government after Lukashenka is gone. Some parts of the Belarusian state do function more or less as they should, and according to Interpol the investigation of the 2011 metro bombing proved it.