

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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