

PUBLIC

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Forcible return/ Possible death penalty/ Torture/ Unfair trial

16 October 2007

UKRAINE/
BELARUS

Igor Koktysh (m) 27 years old, Belarus citizen

Igor Koktysh is threatened with extradition from Ukraine to Belarus, where he could be subjected to torture and other ill-treatment in order to force him to confess to murder. He may also face an unfair trial which could result in the death penalty.

Igor Koktysh, who is a rock musician, was accused of having murdered the relative of a close friend in Baranovici in Belarus in January 2001. Before his arrest, he had been actively helping young people in Baranovici to combat drug addiction and other social problems. He had antagonized local police by organizing rock festivals, and when he set up a Catholic youth organization, the local police asked him not to register it. When he persisted, he was threatened and told that the police would find a reason to arrest him.

In January 2001 a relative of a close friend was murdered and Igor Koktysh was detained and accused of the murder. During the year he spent in police detention awaiting trial, he was allegedly subjected to beatings, torture or other ill-treatment, such as placing him naked in a freezing cell and depriving him of necessary medication for his asthma, to force him to confess to the murder. On 7 December 2001, the Brest district court found him not guilty, and this decision was confirmed by the Supreme Court of Belarus on 1 February 2002. The Prosecutor General of Belarus appealed against the verdict on 11 April 2002 and the case was returned to court for a re-trial. Igor Koktysh left Belarus in October 2003 and moved to Ukraine.

On 25 June 2007, Igor Koktysh was detained by Ukrainian police to await extradition to Belarus. He is charged under article 139, part 2 of the Criminal Code of Belarus with "premeditated, aggravated murder", which carries the death sentence.

BACKGROUND INFORMATION

In accordance with its obligations as a member of the Council of Europe, Ukraine has abolished the death penalty, and has ratified the UN Convention against Torture which prohibits the return of anyone to a situation where they could face torture.

In Belarus the courts continue to hand down death sentences and to carry out executions, although there are no figures available for the number of executions carried out. Execution is by a gunshot to the back of the head, and relatives are not officially told of the date of the execution or where the body is buried. Amnesty International has repeatedly expressed concern about unfair trials and the lack of an independent judiciary in Belarus.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian, Ukrainian or your own language:

- urging the authorities to ensure that Igor Koktysh is not extradited to Belarus, where he would be at risk of the death penalty, torture and an unfair trial;
- reminding the authorities that the death penalty is a violation of the right to life, and urging Ukraine to ensure that those rights are respected globally;
- reminding the authorities that Ukraine is a state party to the UN Convention against Torture, which prohibits the return in any manner whatsoever of any person to a situation where they would be at risk of torture or other serious human rights violations;

APPEALS TO:

Viktor Yushchenko
President of Ukraine
Bankovaya Str. 11
01220 Kyiv
Ukraine

Fax: +380 44 255 61 61

Email: postmaster@ribbon.kiev.ua

Salutation: Dear President Yushchenko

Oleksandr Medvedko
Prosecutor General
Riznitska Str.13/15
01601 Kyiv
Ukraine

Fax: + 380 44 280-26-03 (this is not an automatic fax, you will need to wait until someone answers and then say "fax" clearly)

Salutation: Dear Prosecutor General

COPIES TO: diplomatic representatives of Ukraine/Belarus accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 November 2007.