

URGENT ACTION

DETAINED BELARUSIAN SUFFERS ASTHMA ATTACK

Igor Koktysh, a male social activist, supporter of the Belarusian opposition and musician, has suffered a serious asthma attack in prison in Ukraine. The prison did not provide him with the medication that he needs. He is a prisoner of conscience, and his wife is concerned that his life could be in danger if he suffers another severe asthma attack in prison.

Igor Koktysh is currently held in a detention centre (SIZO) in the southern Ukrainian city of Simferopol. He is asthmatic and suffers from a range of other related health problems. According to his wife, he had a serious asthma attack on 28 November, and was transferred to the detention centre's hospital. However, he was not given any medication. The regular medication he needs to treat his asthma is brought to the detention centre by his wife, but as she is only allowed to visit on weekdays, Igor Koktysh was not given any medication until she came to the detention centre on Monday 30 November. He was then immediately returned to the cell. His wife told Amnesty International that the detention centre provides no medication, as the doctors there claim that they do not have a budget to buy pharmaceuticals. Igor Koktysh has told his lawyer that he fears he will die in detention and that if he were to suffer a serious asthma attack the prison doctors would not be equipped to save his life. The conditions in Simferopol SIZO are poor and are likely to worsen his health. His lawyer has informed Amnesty International that the windows of many of the cells in Simferopol SIZO are covered with metal sheets that allow very little light and air to penetrate. There are often four or more detainees per cell and many of them smoke.

Igor Koktysh, a citizen of Belarus, has been detained in Ukraine pending extradition to Belarus since June 2007. He was harassed and threatened for his political and social activities in Belarus. In January 2001 he was detained and accused of murder. He maintains his innocence and was able to prove that he was in a different town at the time of the murder. Amnesty International believes that the charges were fabricated to punish him for his political and social activism. After a year in detention, during which he was allegedly tortured, he was acquitted of the murder. Igor Koktysh moved to Ukraine, but the Prosecutor General of Belarus appealed against his acquittal on 11 April 2002 and the case was returned to the lower court for a retrial. Igor Koktysh continued his political activities in Ukraine and on 25 June 2007, he was detained by Ukrainian police following an extradition request from Belarus. He is charged under article 139, part 2 of the Criminal Code of Belarus with "premeditated, aggravated murder", for which the maximum penalty is a death sentence.

PLEASE WRITE IMMEDIATELY in Russian, Ukrainian or your own language:

- √ Urging the Ukrainian authorities to release Igor Koktysh immediately and unconditionally;
- √ Calling on them to ensure immediately, in the event that there is a short delay pending finalisation of arrangements for his release, that Igor Koktysh receives full and immediate access to necessary medication and treatment, in accordance with the European Prison Rules and the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- √ Urging them to ensure that he is provided with effective and durable protection against return to any country where he would be at risk of the death penalty, torture or other grave human rights violations.

PLEASE SEND APPEALS BEFORE 18 JANUARY 2010 TO:

President Viktor Yushchenko
Vul. Bankovaya 11
01220 Kyiv, Ukraine
Fax: +380 44 255 61 61
Salutation: Dear President
Yushchenko

Oleksandr Medvedko
Prosecutor General
vul. riznitska 13/15
01601 Kyiv, Ukraine
Fax: +380 44 280 2851
Salutation: Dear Prosecutor General

Vasil Koshchinets
Director of the State Department for
the Execution of Sentences
Vul. Melnikova, 81
04050 Kyiv, Ukraine ,
Fax: + 380 44 461 8600
Email: reception@kvs.gov.ua
Salutation: Dear Vasil Koshchinets

Also send copies to diplomatic representatives of **Ukraine** accredited to your country. **Please check with your section office if sending appeals after the above date. This is the first update of UA 305/09 (EUR 50/003/2009). Further information: <http://www.amnesty.org/en/library/info/EUR50/003/2009/en>**

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ADDITIONAL INFORMATION

Belarus is the last country in Europe and in the former Soviet Union that is still carrying out executions and retains the death penalty for “premeditated, aggravated murder”. In October 2007 Igor Koktysh filed an application with the European Court of Human Rights alleging that his detention in Ukraine pending extradition, the lack of procedures to challenge his detention and the lack of an effective remedy within Ukrainian law, as well as his removal by Ukraine to Belarus violates his rights under Articles 2, 3, 5 and 13 of the European Convention on Human Rights. On 10 October 2007 the European Court asked the Ukrainian authorities not to return him to Belarus until his case had been considered. The case is still pending before the court.

The European Court of Human Rights has already found in three cases that the procedures for detention pending extradition amount to arbitrary detention and are a violation of Article 5 of the European Convention on Human Rights. In two of those cases the individuals have already been released.

Further information on UA: 305/09 Index: EUR 50/006/2009 Issue Date: 7 December 2009

