

**Thursday, 22 September 2016, 13:00 Side Event: INTERPOL's reform and rights of victims of politically motivated extradition request: steps forward and emergence of new threats, INTERPOL's reform and rights of victims of politically motivated extradition request: steps forward and emergence of new threats - Alexandra Iatsenko's Speech (Ukraine)  
(English text below)**

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## **The interaction of Ukraine and Interpol by the example of requests to organize an international investigation of persons involved in the events of February 20, 2014.**

In the period from October 2013 to February 2014 in Ukraine there were acts of civil protest, which were later called a revolution of dignity and Euromaidan.

February 20, 2014 in Kyiv on the Institutskaya street law enforcement officials were executed 47 civilians and inflicted gunshot wounds more than 200 civilians.

February 22, 2014 the President of Ukraine V.F. Yanukovich and the key state dignitaries left the territory of Ukraine and to date, the majority of them resides in the territory of the Russian Federation.

In March 2014, through the Working Office of the National Bureau of Interpol in Ukraine on the basis of the documents of the General Prosecutor's Office, which conducted the investigation of crimes committed during Euromaidan, requests were made on the international wanted list of 12 people from among the senior management of the state, including on events February 20 2014.

These requests were reviewed by the Office of Legal Affairs of Interpol and 8 months later was given a waiver to use the Interpol channels to search for these persons.

This refusal on Legal Affairs Office came to the conclusion that the questions concerning the former political leadership, as well as persons who have held public office, contained political elements that contradict Art. 3 of the Charter of the Organization, and thus eliminates the possibility of tracing these individuals by Interpol.

Also in the letter it was stated that all requests are dealt with the events that took place in the context of mass riot and change the mode of power in the country.

In the future, on the basis of the decision of the Working Office of the National Bureau of Interpol in Ukraine to independently make decisions on refusal to use Interpol channels to search Sadovnik D.N. who was the commander of a Special Forces "Berkut" and was suspected of organizing the use of arms subordinate fighters of Special Forces February 20 2014. And directly to the use of weapons, which resulted in the death and injury of civilians.

It has also been denied in the announcement on the international wanted list of Interpol channels 13 Special Forces fighters who are suspected of direct crimes, including murders.

We share the principles of the Charter of the Organization with respect to non-interference in political affairs. However, it is impossible not to draw attention to the fact that the category of crimes committed, which is related to civil protests and opposition to such actions by law enforcement agencies, its ordinary criminal component can dominate the activities of suspects, not political.

Notification of suspicion, the charges directly to the performers and the commander of the Special forces unit contained a description of the detailed action of law enforcement officers on February 20, 2014, compared with suspected senior officials.

However, it is the refusal of the Office of Legal Affairs of Interpol, which was made without taking into account the circumstances of the commission of crimes by police officers, became the basis for denying them wanted working staff of the National Bureau of Interpol, on the grounds that the perpetrators are law enforcement agencies, that is, were in public office .

Also, it should be noted that although the provisions of Interpol and the Ukrainian legislation on the use of Interpol channels include the right to Interpol to request additional documents, and this right

was not applied by the Office of Legal Affairs for a review of the first 8 months working on 12 requests.

So, this right was not applied at Working Office of the National Bureau of Interpol considering requests for search perpetrators.

At the same time, the law enforcement agencies of Ukraine have direct evidence of the involvement of these persons in the murders, as well as evidence on February 20, 2014. there was no sufficient threat to the life of law enforcement officers for the legitimate use of firearms against civilians.

In our opinion, this evidence is essential in deciding criminal domination over the political component of the charge brought against suspected. Of course it should be noted that Ukrainian law does not allow the specification immediately gathered evidence in the documents, which are then forwarded to the Interpol, but it can not be excluded as the fact of the existence of such evidence and the possibility of using the right to request additional information in Interpol's decision-making process.

In the context of the development of democracy, and especially in the post-Soviet countries, the circumstances of the commission of offenses by law enforcement officials during the civil protests are not always politically motivated.

We understand that the use of the law enforcement system by senior management of a State may be directed to the preservation of the existing government. However, the use of firearms against the unarmed civilian people, in our view, should be qualified in the first place, as a criminal offense aimed at the deprivation of life of people, and only secondarily as a way to save the current political power.

Unfortunately, the Office of the failure that was treated working staff like this that applies to all officials, including law enforcement officers suspected of committing crimes during the Euromaidan, ruled out the possibility for Ukraine to use the existing system of international search Interpol to prosecute the organizers and perpetrators.

Of course, we understand that the refusal of Interpol did not question the validity of the suspicion that brought. However, given the huge impact the organization Interpol in the world to prevent the crimes and find suspects, the decision on refusal in the search of these persons on the grounds of suspicion of the presence in the political components, we believe, will have an impact not only on an international assessment of the events in Ukraine. The decision says that the senior officials of a State, in the case of law enforcement for the commission of crimes, can escape effective and adequate prosecution with Interpol possibilities, which in turn can provoke a sense of impunity not only them but at all levels of law enforcement.