



By: Tomorrow's Affairs Staff

# The verdict of the EU court on the hijacking in Belarus - a guideline for future negotiations on Ukraine



Secret service action, hijacking a plane, taking hostages and suppressing a rebellion against a dictator - it looks like a promising synopsis for some future Hollywood blockbuster.

Unfortunately, this is just material for a documentary about an event that took place in Europe well into the 21st century. This is a Europe which allowed with seemingly almost infinite tolerance, a drama worthy of a movie that would merit an 18+ classification.

On Wednesday, the General Court of the European Union justified the EU Council's decision to ban the use of Belarus' airspace, following the state hijacking of a Ryanair plane in May 2021.

The Belarusian state air traffic control agency, Belaeronavigatsia, which initiated this procedure, will be able to appeal to the EU's highest court, the Court of Justice. But how will this procedure change the real order of things?

On September 1, 2001, Belaeronavigatsia complained about the (political) decision of the European Council to close the airspace over Belarus to civilian traffic.

One of the two reasons for the appeal, as stated by the Belarusians, was that the decision of the EU leaders caused a "risk of jeopardising the security of international air traffic".

## Timeline of the hijacking

The state of Belarus, therefore, accused the EU of putting international air traffic at risk, and did the following:

Without any reason related to the safety of air navigation (part of the verdict of the General Court of the EU from Wednesday), by communicating false information, they forced a civilian aircraft registered in the EU to land in the capital of Belarus, Minsk.

They did this in order to kidnap a Belarusian citizen, a journalist critical of the government

and the president of Belarus, from the plane, as well as his girlfriend, a Russian citizen, whom they later arrested and sentenced to a prison term.

Data from the investigation, in which the UN's International Civil Aviation Organisation (ICAO) participated, as well as the Federal District Court for the Southern District of New York, showed that it was a typical hijacking of the plane, which was carried out by the State Security Agency of Belarus (KGB) together with the state air traffic control service.

In short, the Alexander Lukashenko regime boarded three of its agents on a Ryanair flight from Athens to Vilnius, planning to divert the plane to Minsk, in order to arrest opposition journalist Raman Pratasevich and his partner, a Russian citizen, Sofia Sapiiega, at the airport.

Under pressure from Belarusian KGB officers, air traffic control told the plane's crew that they had received a tip about a bomb planted on the plane by Hamas. The Ryanair pilot, according to the investigators' reports and according to the verdict of the EU court, asked for details about the seriousness of the threat, did not receive them, and was forced to land in Minsk.

Pratasevich and Sofia Sapiiega were arrested at the airport and later sentenced to prison (Pratasevich to six years).

Five passengers were missing from the Ryanair plane during the flight to the Lithuanian capital - two arrested passengers and three other Belarusian agents.

## Apostate states

The ruling of the EU court justified the EU Council's decision to block Belarusian airspace, but the question is whether it was necessary to wait so long for such a decision, and to pay such a high price.

With the state kidnapping of a civilian plane on an international flight, Belarus has only confirmed its reputation as a state that

systematically violates basic human rights.

For this reason, even before the plane incident, they were criticised by various European forums and organisations.

Only with the beginning of the Russian aggression against Ukraine a year ago, in which Belarus provided a great deal of logistical assistance, did the Council of Europe suspend its relations with Minsk.

They did not do that before, even though Belarus persistently refused to sign the European Convention on Human Rights, which is a fundamental document for the Council of Europe. Instead, they maintained political and consultative ties with Belarus.

The endless tolerance of Europe and its institutions towards the more than obviously autocratic regime in Minsk had to lead to a situation that exceeded even the darkest expectations: the hijacking of a plane organised by the state apparatus.

Belarus, together with Russia, has long been a renegade country whose European affiliation has been kept alive for years by Europe's expectation that change is possible.

The verdict of the General Court of the EU from Wednesday regarding the Belarusian hijacking of a civilian plane, and in the case of Russia, the judgment of the European Court of Human Rights of January 25 (and before that, the court in the Netherlands) has shown that it was responsible for the downing of the Malaysian plane over Ukraine in 2014, when 298 people were killed.

Even if you put aside the Russian aggression against Ukraine, and the active participation of Belarus in that invasion, just these two events related to civil aviation and the victims and arrests as a result, are quite enough to label Russia and Belarus as apostates, and terrorist states.

In any future negotiations on peace in Ukraine, European governments should also take into account the two plane tragedies for which

Russia and Belarus are directly responsible.

If they seek any settlement with these two countries and their leaders, in order to achieve peace in Ukraine, they will have to be aware that the hijacking and downing of civilian planes will be repeated as long as the people who have already participated in it are still in power in Moscow and Minsk.