



Brussels, Geneva, 13 December 2018

**To Vice-President Mogherini
High Representative of the Union
for Foreign Affairs and Security Policy**

Sent via e-mail

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Update: unjust verdict against union leaders in Belarus upheld, elected union leaders forced to step down

Dear High Commissioner Mogherini,

We write to you on behalf of IndustriALL Global Union, International Confederation of Trade Unions (ITUC), IndustriAll European Trade Union and European Trade Union Confederation (ETUC) to give you a further update on the situation in Belarus and particularly about ongoing persecutions of independent trade union leaders of the Belarusian Radio and Electronics Industry Workers' Union (REP), Gennady Fedynich and Ihar Komlik.

The City Court of Minsk decided on 9 November to uphold the guilty verdict against two trade union leaders in Belarus. Currently, both Fedynich and Komlik have been removed from their elected leadership union positions.

In an unfair trial and in the absence of convincing evidence, both leaders were convicted for large-scale tax evasion and have been ordered to pay a large fine, which together with all court expenses along with administrative fines total approximately US\$25,000. In addition, they are subject to a four-year suspended imprisonment, and a ban on holding senior positions for five years.

ITUC, IndustriALL, ETUC and IndustriAll Europe strongly disagree with this court's verdict, and the decision to reject the appeal.

As earlier reported the entire case is based on accusations of illegal use of international aid supposedly received by the union in 2011-2012. The authorities accused the leaders of non-registration of the aid with governmental authorities and nonpayment of taxes on the income received from the aid.

According to numerous eye-witnesses of the trial, most of the evidence presented in court seemed either rigged or collected in violation of legal norms in Belarus, or were not relevant to the period in question. Some witnesses declared they had been forced to take testify in court under duress.

Even if the accusations against the union leaders could be proven in court, receiving international aid cannot be considered as a violation per se, as the right to donate, receive and use foreign aid falls under articles 5 and 6 of the ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, ratified by Belarus.

Similarly, the verdict also violates the International Covenant on Civil and Political Rights, in particular, Article 22, parts 1-3, which states that everyone should have the right to freedom of association, and “no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

Therefore, the verdict issued by the court against Gennady Fedynich and Ihar Komlik, is a violation of human rights and freedom of association, in contravention of national legislation, and contrary to Belarus’ international obligations.

We reiterate our position and strongly believe that the court ruling seeks to exert pressure on the trade union’s leadership to undermine the activities of the trade union, and prevent its active participation in society.

As long as the verdict remains in force and in light of the severe restriction of freedom, which will negatively affect the normal working and living conditions of both leaders, we consider Fedynich and Komlik as political prisoners.

Consequently, we urge you to raise the issue of political prisoners in Belarus in your communications with the authorities of Belarus and support our demand to review the verdict, and provide a full and unconditional acquittal of Gennady Fedynich and Ihar Komlik.

Looking forward to your reply.

With best regards,



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