



Brussels, Geneva, 04 September 2018

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

Sent via e-mail

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cc:

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UNJUST CONVICTION OF GENNADY FEDYINCH AND IHAR KOMLIK AND CRIMINALIZATION OF TRADE UNION ACTIVITIES IN BELARUS

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 express our deep concern and indignation over the recent court hearing and verdict in Minsk, Belarus, against the leaders of the Belarusian Radio and Electronics Industry Workers' Union (REP), Gennady Fedynich and Ihar Komlik.

The court trial of the so called "trade union case" lasted for 13 days. We want to inform you that during the entire trial, according to the defence lawyers and observers from IndustriALL as well as other witnesses of the trial, no reliable or legally-obtained evidence was presented in the case. Nevertheless, the Sovetsky District Court of Minsk found both leaders guilty of tax evasion, imposed a fine on them amounting to BYN 47'560 (Euro 20'000), a four-year long restriction of freedom with suspended incarceration, and a ban on holding senior positions for 5 years.

IndustriALL, ITUC, industriAll Europe and ETUC strongly condemn this court decision, which was politically motivated. We believe 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.

Thus, 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 against Belarus' international obligations.

Unfortunately, this verdict creates a dangerous precedent for prosecuting on implausible grounds any trade union organization and their leaders, who are engaged in protecting the social and economic interests of the working people in the Republic of Belarus.

Furthermore, IndustriALL, ITUC, industriAll Europe and ETUC find it unacceptable that during the trial process, references were constantly made to the cooperation of the trade union

REP with foreign and international trade unions. The prosecutors presented this fact, and the judge took it into account as an additional proof of guilt of the trade unions leaders.

In accordance with articles 5 and 6 of ILO Convention 87 on Freedom of Association and Protection of the Right to Organise ratified by the Republic of Belarus, the government does not have the right to interfere in the implementation of the rights of workers' organizations to join international organizations, part of which is to pay membership fees or receive international financial assistance.

In consequence, the illegitimate use of the legal system and its ensuing court verdict represent clear interference in the internal affairs of trade unions, which is a grave violation of ILO Convention 87.

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. The existence of political prisoners is a blatant violation of the recent commitment of Belarus vis-a-vis the European Union.

Besides, we believe that other independent unions and their leaders can be affected with this new wave of criminalization of trade union activity, as during the court trial it was announced that the collected investigation materials would serve a basis for a separate investigation. The latter would surely result in new wave of repression against independent unions.

IndustriALL and ITUC have appealed to the leadership of the country to immediate review of the verdict against Gennady Fedynich and Ihar Komlik, and demanded a full and unconditional acquittal. However, based on our previous experience, Belarusian authorities, under Lukashenko's rule, have never been among the most fervent advocates of human and trade union rights. Therefore, in order to make them reconsider this unjust verdict, pressure needs to be exerted by the European Union, particularly taking into account that the EU is the second largest trade partner of Belarus.

Therefore, we urge you to raise the issue of political prisoners in Belarus in your communications with the authorities of Belarus, and also call on the European Union to support our demand about review of the verdict, and a full and unconditional acquittal of Gennady Fedynich and Ihar Komlik.

We will continue monitoring the situation in Belarus and will keep you informed.

Yours sincerely,



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General Secretary
IndustriALL Global
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Sharan Burrow
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