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Lawyer, UK

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International Centre for Trade Union Right

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ICTUR was founde
to defend and extend trade union righ
and to raise awareness of these righ
and their violations around the worl

August 2017

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CC:

Annalisa Ciampi, United Nations Special Rapporteur on the rights to
freedom of peaceful assembly and of association

August 2017

Dear President Lukashenko,

The International Centre for Trade Union Rights is concerned by reports of
criminal investigations and detention of trade unionists in Belarus,
reportedly on the grounds of tax irregularities, but which are directly
connected to the funding of their work by foreign organisations.

ICTUR understands that on 2 August 2017 the Financial Investigation
Department of the State Control Committee of Belarus raided and
confiscated computers and financial documents from the offices of the
Belarusian Independent Trade Union (BNP) and Radio and Electronics
Industry Workers Union (REPAM), and also conducted searches on the
homes of REPAM Chairman Henadz Fiadynich, REPAM chief accountant
Ihar Komlik, BITU Chairman Mikalai Zimin, BITU Secretary-Treasurer
Sniazhana Hrynevich, and the former editor of REPAM's website Natallia
Pichuzhkina. Both Fiadynich and Komlik were arrested during the raids;
Fiadynich was released after interrogation. It is understood that Komlik
remains in detention at Okrestina detention centre. Both are charged under

Article 243(2) of the Criminal Code for “Tax evasion on a large scale” and face up to seven years in prison with confiscation of property.

The REPAM and BNP are affiliates of the Belarusian Congress of Democratic Trade Unions (BKDP). It is feared that these prosecutions are politically motivated reprisals aimed at exerting pressure on the leaders and members of independent trade union organisations, discrediting the leaders and discouraging protest actions. ICTUR recalls that REPAM has been active in the campaign against the Presidential Decree No. 3 (“On the Prevention of Social Parasitism”), which imposes a fee on the unemployed and partially employed. Earlier this year, REPAM publicly criticised the Decree and actively participated in peaceful marches held in several cities, provided legal aid and helped collect 45,000 protest signatures. Fiadynich was accused of taking part in an unauthorized, illegal march in Minsk on 17 February and fined US\$ 640. It is reported on 25 March 2017, riot police were reported to have violently dispersed the protesters and hundreds were placed under arrest; among these over thirty members of independent trade unions were arrested for periods of 2 to 15 days and fined a total of US \$5,000.

Fiadynich and Komlik believe that they are now being further targeted in retaliation for their involvement in these activities. It is understood that the State Control Committee of Belarus has based the criminal charges on the ground that Fiadynich and Komlik 'opened accounts in foreign banks on behalf of the trade union with the purpose of personal enrichment and constantly received big transfers of funds'. However, ICTUR recalls that Ales Bialiatski, Chairman of the Human Rights Centre *Viasna* was similarly charged under Article 243(2) of the Criminal Code in 2011 and sentenced to four and a half years in prison. He was released in June 2014. The UN Working Group on Arbitrary Detention concluded that Bialiatski's detention was arbitrary, and that the fund-raising undertaken by Mr. Bialatski was in conformity with Article 20(1) of the Universal Declaration of Human Rights and with Article 22 of the International Covenant on Civil and Political Rights, concluding that 'the criminal provisions as applied to Mr. Bialatski do not take account of the aforementioned standards' and that Belarus was therefore in breach of its international obligations (*Opinion adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27–31 August 2012, No. 39/2012, para. 50*). These conclusions were subsequently confirmed by the UN Human Rights Committee (*Human Rights Committee Communication No. 2165/2012, Views adopted by the Committee at its 112th session, 7–31 October 2014*).

The International Labour Organisation (ILO) has repeatedly called on the Belarusian authorities to amend Presidential Decree No. 24 concerning the use of foreign gratuitous aid since it prohibits the use of foreign gratuitous aid for purposes of carrying out public meetings, rallies, street processions, demonstrations, pickets, strikes and the running of seminars and other forms of

public events, and violates Belarus' obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (See *Observation of the Committee of Committee of Experts on the Application of Conventions and Recommendations (Belarus)*, adopted 2016, published 106th ILC session, 2017). The ILO has also urged the government to amend Presidential Decree No. 2 which imposes registration requirements on trade unions, and which is regarded by the BKDP as discouraging the establishment of independent trade unions in Belarus. Both these issues have been repeatedly brought to the government's attention since being raised in the recommendations of the ILO Commission of Inquiry in July 2004.

ICTUR calls for the release of Ihar Komlik, an end to his and Henadz Fiadynich's criminal prosecution, and the dropping of the charges against them. ICTUR further calls on the government of Belarus to review the ILO's recommendations and amend its laws to bring them into conformity with the ILO core conventions, and to take undertake any further necessary measures to ensure the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director