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Strengthening and promoting the international treaty framework

Letter dated 25 July 2022 from the Chargé d'affaires a.i. of Belarus to the United Nations addressed to the Secretary-General

I have the honour to convey to you a copy of the position of the Republic of Belarus with regard to the report of the International Civil Aviation Organization fact-finding investigation on the event involving Ryanair flight FR4978 in Belarus airspace on 23 May 2021 (see annex).

I would appreciate it if you could kindly circulate the present letter and its annex as a document of the General Assembly, under agenda item 88.

(Signed) Pavel **Evseenko**
Chargé d'affaires a.i.



Annex to the letter dated 25 July 2022 from the Chargé d'affaires a.i. of Belarus to the United Nations addressed to the Secretary-General

Original: Russian

Position with regard to the report of the fact-finding investigation team of the International Civil Aviation Organization on the event involving a Ryanair aircraft in Belarus airspace on 23 May 2021

The Republic of Belarus categorically disagrees with the conclusions of the final report, adopted on 18 July 2022 by the Council of the International Civil Aviation Organization (ICAO), of the ICAO fact-finding investigation team on the event involving a Ryanair aircraft that made a forced landing in Minsk on 23 May 2021 because of anonymous threats received concerning a possible bomb on board the aircraft.

The team's report, like the previous version dated 31 January 2022, is **based on incomplete information**, as stated in the report itself. In particular, the report, as before, contains no information on the interview with the pilots of the airliner about the reasons for their decision to land in Minsk, when other suitable airports were closer.

Moreover, the team states that there was **a lack of cooperation from certain States** to which enquiries were sent as part of the national investigations carried out by a number of States. Belarus once again affirms that **to date it has received no response to the enquiries that it has sent as part of its national investigation**, either from Switzerland (the place of registration of the electronic address from which the email threats were sent) or from the other countries involved.

In the period since the version of the report dated 31 January 2022 was issued, the team has carried out no further activities with the Republic of Belarus, and **no further information has been requested from the Belarusian authorities**.

The use in the report of **an anonymous source**, allegedly the air traffic controller who was assigned to Ryanair flight FR4978 on 23 May 2021, to refute information provided by the official authorities of the Republic of Belarus does not stand up to scrutiny.

According to the information provided by the Belarusian authorities, the actual air traffic controller who was assigned to that flight in summer 2021 has not reported for duty, and his exact whereabouts are unknown to his employers and the authorities. Furthermore, the law enforcement agencies in Belarus have not received any requests from his relatives to look for him. The written testimony of the actual air traffic controller was transmitted in the appropriate form to ICAO by the Belarusian authorities but was not ultimately taken into consideration by the investigation team.

By basing its conclusions on information contained in the alleged audio recording made by the alleged air traffic controller (in violation of internal workplace procedures – the use of a mobile telephone in an air traffic controller's workplace is prohibited), **without any technical evaluation of the authenticity of the recording or identification of the voices**, and without the opportunity that would follow such evaluation for comment by the national aviation authorities, whose actions have been compromised by the anonymous source, as planned by the initiators of this false story, **ICAO has discredited itself as the international technical body in the field of civil aviation**.

Given the current political climate, where gross coercive pressure has been placed on the legitimate authorities of the Republic of Belarus by the United States of America,

the States members of the European Union and certain other countries that have sided with them, through the imposition of political and economic prohibitions and restrictions on relations with Belarus, including on flights by the Belarusian national air carrier in their airspace, **no information from the aforementioned countries should be accepted at face value, let alone be included in the ICAO materials, without authoritative and generally accepted confirmation of its authenticity.**

Belarus declares that the content of the alleged audio recording made by the alleged air traffic controller and provided to the team by the United States authorities is **a fraud and a fake**, just like the vial of white powder held up by United States Secretary of State Colin Powell at a meeting of the United Nations Security Council at the time of the events leading up to the United States invasion of Iraq.

In the absence of other evidence, the alleged audio recording of the air traffic controller's conversations in the flight control room at Minsk Airport has only one purpose – to demonstrate the responsibility of the authorities of Belarus for the incident involving Ryanair flight FR4978.

It is obvious that the alleged audio recording from the alleged air traffic controller with the accusations against the Belarusian authorities emerged at the most convenient time to achieve the necessary result in the team's report: **to provide justification for the unlawful actions of the United States, the States members of the European Union** and certain other countries in restricting flights by the Belarusian national airline, Belavia, and the violation thereby of a host of multilateral and bilateral agreements relating to civil aviation.

The approach taken by the ICAO Council in the context of the team's report is biased and resulted from obvious pressure from a specific group of countries; it calls into question the Organization's ability, independently and without external interference, to continue to ensure the safety of aviation as a whole. This is clearly an abuse of the mandate of ICAO.

By adopting this type of "report" under pressure from the West, ICAO is **violating the right not only of Belarusian citizens but of citizens of all other countries to freedom of movement**, which runs counter to the core international human rights instruments.

The report is replete with errors, inaccuracies and biased observations that fall outside the scope of aviation.

The most obvious of these is the fact that Belarus has been accused of the alleged forced landing of an aircraft, yet at the same time the team has acknowledged that **no military aircraft in Belarusian airspace escorted or intercepted the Ryanair aircraft or forced it to land. Therefore, the pilot-in-command of the foreign aircraft personally made the decision to land at Minsk National Airport**, despite the fact that, at the time the decision was made, according to radar information, Vilnius Airport was about 90 km away, whereas Minsk National Airport was about 180 km away. This decision was made by the pilot in violation of the Ryanair aviation security manual, which states that, in the event of a code red alert, the pilot-in-command of the aircraft must land at the nearest suitable airport (in this case, Vilnius Airport).

The application of double standards and the desire to impose a one-sided narrative are also clear to see in the refusal to consider **the issue, raised by the Republic of Belarus in the ICAO Council, of the illegal imposition of restrictions on the use of airspace and sanctions on the Belarusian air carrier**. This refusal demonstrates the West's undisguised effort to discredit Belarus as a reliable partner in the international aviation community so as to exclude the country's aviation industry from international aviation through unfair competition.