

United Nations Economic Commission for
Europe

Chairman of the Compliance Committee of
the Convention on Access to Information,
Public Participation in Decision-Making
and Access to Justice in Environmental
Matters

Mr. Jonas Ebbesson

Copy: Permanent Mission of the Republic of
Belarus to the United Nations Office and
Other International Organizations in Geneva

Dear Mr. Ebbesson!

Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (hereinafter referred to as the Ministry of Environment) presents its compliments to the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter referred to as the Committee) and would like to submit the following comments on the responses of the Public Association "Ecohome".

On 26th of April 2013, the Internal Affairs Department of the Minsk Pervomaysky District Administration received information that a company of 15 people is consuming alcohol and is engaged in disorderly conduct at 85 Nezavisimosti Avenue.

During the check of the received information I. Sukhiy, V. Sinyuhin, K. Kirilenko, and O.Konovalova were detained at a nearby location.

After identity check and conducting verification activities, the abovementioned people were released immediately, as their involvement in the commission of the offenses had not been proved.

There is no information at the disposal of the Ministry of Internal Affairs of the Republic of Belarus regarding T. Novikova on that day.

Thus, on 26th of April 2013, no actions have been taken to detain and check the identity of T.Novikova (please find attached the response of the Ministry of Internal Affairs of the Republic of Belarus dated 16 May 2017).

At the 50th session of the Compliance Committee of the Aarhus Convention, when considering the Communication concerning the compliance of the Republic of Belarus with Article 3.8 of the Aarhus Convention (ACCC/C/2014/102), it was especially noted, that arguments produced on “blocking” of T.Novikova in the apartment were unfounded and unsupported by evidence. Furthermore, there was a necessity expressed earlier, to concretize, what was meant by the word “blocked”.

The last responses of the Public Association “Ecohome” with one photo of a civil automobile attached (without indication on a date and time) cannot testify that a citizen T.Novikova was “blocked” in the apartment by unknown persons. Furthermore, a citizen T.Novikova had an opportunity to make a phone call to the emergency service of the Ministry of Internal Affairs of the Republic of Belarus to call out the abovementioned service and further identify unknown persons, who were “blocking” the apartment. Thus nowadays we have only presumptions of T.Novikova herself and an individual, who has not been previously connected to the communication – underage (for the period of 2013) daughter of I.Sukhiy – on the one hand, and the official response of the Ministry of Internal Affairs of the Republic of Belarus – on the other hand.

Should it be necessary, we express our readiness to consider additional information and submit our comments.

Attachments: abovementioned on 3 pages in 1 copy.

Sincerely Yours,

First Deputy Minister
National Focal Point

Iya V,Malkina

**MINISTRY OF
INTERNAL AFFAIRS
OF THE REPUBLIC OF
BELARUS**

16.05.2017 № 21/11655

Permanent Mission of the Republic of
Belarus to the United Nations Office
and Other International Organizations
in Geneva

Ministry of Natural Resources and
Environmental Protection of the
Republic of Belarus

**Subject: Questions of the Implementation Committee of the Aarhus
Convention to “Ecohome”**

In connection with the questions submitted by the Compliance Committee of the Aarhus Convention to the representatives of the Public Association “Ecohome”, who is an author of the Communication ACCC/C/2014/102, according to which, Belarus is accused in the harassment of ecological activists, as well as in connection with the responses of the representatives of the Public Association “Ecohome”, the Ministry of Internal Affairs of the Republic of Belarus (hereinafter referred to as the MIA) within the competence informs.

According to the data of the automated information system "Uniform State databank of Administrative Offences " on July 18, 2012, in Minsk T. Novikova and A.Ozharovsky (at 8 Gazety Pravda Avenue, Minsk) were detained for administrative offenses provided by Article 17.1 of the Code of Administrative Offences of the Republic of Belarus (disorderly conduct). These cases on administrative offenses were considered by Moscovsky district Court of Minsk city. Further the above persons appealed the imposed penalties in the Minsk City Court. However the appeals were not satisfied, and the Court decisions remained unchanged.

On 26 April 2013, the Internal Affairs Department of the Minsk Pervomaysky District Administration received information that a company of 15 people is consuming alcohol and is engaged in disorderly conduct at 85 Nezavisimosti Avenue. During the check of the received information I. Sukhiy, V. Sinyuhin, K. Kirilenko, and O.Konovalova were detained at a nearby location. After identity check and conducting verification activities, the abovementioned people were released immediately, as their involvement in the commission of the offenses had not been proved. There is no information at our disposal regarding T. Novikova on that day.

The Internal Affairs authorities did not received any complaints from the abovementioned persons.

There is no information at our disposal regarding the search, which was held on March, 12, 2009 in the apartment of an ecological activist, who wished to hide his name, as well as regarding the detention of A.Ozharovski, which took place on October, 9, 2009 for disorderly conduct.

When the storage period for materials was over, they were destroyed according to the procedure, established by the MIA's order of January 10, 2014 №10 «On the establishment of the list of documents of the National Archival Fund of the Republic of Belarus, formed during the activities of the internal affairs authorities of the Republic of Belarus, with an indication of the document retention period".

In addition we find it necessary to point out, that the internal affairs authorities carry out the fight against crime, protection of public order and ensure public safety in accordance with the tasks assigned to them by the Law of the Republic of Belarus of 17 July 2007 "On the Internal Affairs Authorities of the Republic of Belarus" and other legislative acts. In order to fulfill the tasks within competence, they are obliged to identify and suppress crimes and administrative offenses, carry out the production of materials and criminal cases, to conduct the administrative process.

Restrictive measures are applied exclusively in cases stipulated by law, in the interests of national security, public order, protection of morality, public health, rights and freedoms of other persons. They are not aimed at impeding access of citizens to information, public participation in decision-making and access to justice in matters relating to the environment.

Along with that the order of application of measures to ensure administrative process, including the basis, objectives, terms of administrative detention of an individual, is established by Procedural-Executive Code of Administrative Offences of the Republic of Belarus.

Nowadays, the order of organization and conduct of assemblies, meetings, marches, demonstrations, pickets and other mass events in the Republic of Belarus is regulated by the Law of the Republic of Belarus of 30 December 1997 "On Mass Events in the Republic of Belarus".

This Law aims at creating conditions for the enforcement of the constitutional rights and freedoms of citizens, ensuring public safety and order in the streets, squares and in other public places. Freedom of mass events that do not violate the system of justice and rights of other citizens of the Republic of Belarus is guaranteed by the State.

Violation of the order of organization or conduct of mass events entails administrative responsibility, which is stipulated by Article 23.34 of the Code of Administrative Offences of the Republic of Belarus, and in the cases stipulated by Article 369³ of the Criminal Code of the Republic of Belarus - criminal responsibility.

At the same time, by establishing these types of responsibility, a law-making body has established the regulations, which guarantee, that the state does not interfere in this field, and that means freedom to hold mass events, which do not violate system of justice and rights of other citizens. Thus, the illegal obstruction of meetings, demonstrations, marches, pickets or participation in them entails administrative responsibility, stipulated by Article 9.7 of the Code of Administrative Offences of the Republic of Belarus and in the cases, stipulated by Article 196 of the Criminal Code of the Republic of Belarus – criminal responsibility.

According to the opinion of the MIA, the activities of citizens and organizations relating to the environment, does not exempt them from the constitutional duty of each one to respect all the laws of the Republic of Belarus, including the responsibility for offenses.

Thus, there is no information concerning the impending the legal activity of public associations, conducting the mass events or participating in them or persecuting citizens for critics by internal affairs authorities. We express our readiness to develop consolidated position on the abovementioned issue.

Deputy Minister

N.A. Melchenko