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ECONOMIC COMMISSION  
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Ref: ACCC/C/2014/102

14 November 2016

Mr. Ivan Narkevitch  
Head of the Department of International Conventions and Agreements  
Department of International Conventions and Agreements  
Minsk  
Republic of Belarus

Dear Mr. Narkevitch,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Belarus in connection with harassment of anti-nuclear activists (ACCC/C/2014/102)**

In the context of its deliberations on the above communication, the Committee has prepared a number of questions for the Party concerned's reply in order to clarify various factual points relevant to the allegations contained in the communication.

The Committee considers that first clarifying these factual points is a necessary prerequisite for the Committee to be in a position to properly examine the communicant's allegation that the Party concerned failed to comply with its obligations under article 3, paragraph 8 of the Convention with respect to anti-nuclear activists exercising their rights under the Convention

The Committee would be very grateful to receive your replies to the enclosed questions on or before **Friday, 2 December 2016**. Please send your response to [aarhus.compliance@unece.org](mailto:aarhus.compliance@unece.org), copying the communicant. Following receipt of your replies, the communicant will then have five working days to provide the Committee with any comments it wishes to make on your replies. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F Marshall', written in a cursive style.

Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva  
Ms. Irina Sukhiy, Public Association "Ecohome", communicant  
Mr. Andriy Andrusyevych, Resource & Analysis Center "Society and Environment", observer

Enc: Questions from the Compliance Committee to the Party concerned

### Questions from the Compliance Committee to the Party concerned

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1. Please provide an English translation of the annexes to your response dated 17 July 2015.
2. Please provide the text of Article 17.1 of the Code of Administrative Offences of the Republic of Belarus and of any other legal provisions relevant to the following arrests as well as copies of the original acts of accusation, together with English translations of all the foregoing, on the basis of which:
  - Mr. Ozharovskiy was detained and sentenced to 7 days administrative arrest when he tried to bring copies of the NGO EIA critique to the public hearing in Ostrovets on 9 October 2009;
  - Ms. Novikova was detained at 11.22am on 18 July 2012 while bringing a petition to the Russian Embassy in Minsk regarding the construction of the Ostrovets nuclear power plant and held by court order for 5 days for “public order violation by using brutal language in the street”;
  - Mr. Ozharovskiy was detained at 11.22am on 18 July 2012 while bringing a petition to the Russian Embassy in Minsk regarding the construction of the Ostrovets nuclear power plant and held by court order for 10 days for “public order violation by using brutal language in the street” and given a 10 year ban from entering Belarus;
  - Ms. Sukhiy was detained at 12pm on 18 July 2012 while bringing a petition to the Russian Embassy in Minsk regarding the construction of the Ostrovets nuclear power plant and fined Br 1.5 million for “public order violation by using brutal language in the street”;
  - Mr. Matskevich was detained at 12pm on 18 July 2012 while on the way to provide legal assistance to Ms. Novikova and Mr. Ozharovskiy and held for 10 days for “public order violation by using brutal language in the street”.
3. Please specify the exact words<sup>1</sup> used by each of following individuals on 18 July 2012, together with an English translation of the words used, that resulted in each being found to have committed a “public order violation by using brutal language in the street”:
  - Mr. Ozharovskiy
  - Ms. Novikova
  - Mr. Matskevich
  - Ms. Sukhiy.
4. In your opening statement for the hearing at the Committee’s fiftieth meeting you stated with regard to the actions taken towards Ms. Suhkiy and Ms. Novikova on 26 April 2013 that “steps were taken to establish the identities of those detained, after which they were released immediately.” Please provide copies of any records dated 26 April 2013, together with an English translation thereof, regarding the actions taken towards Ms. Suhkiy and Ms. Novikova on 26 April 2013. Furthermore, please specify:
  - a) Was ascertaining their identity the only basis on which Ms. Suhiky was detained and Ms. Novikova was required to remain in her apartment on 26 April 2013? If no, please provide any other legal bases and state for what reasons it was considered necessary to invoke these other legal bases.
  - b) Why was it necessary to establish the identities of both Ms. Suhkiy and Ms. Novikova on 26 April 2013?
  - c) Who issued the instructions to do so?
  - d) Please specify the time that was needed to ascertain the identity of both Ms. Suhkiy and Ms. Novikova, including the time that each check began and the time at which Ms. Sukhiy and Ms. Novikova were each cleared to go, together with an explanation of any circumstances that led to a delay in completing the documents check in either case.
5. Please provide the text of the legal provision(s) which require the identity of persons to be established. Are there any legal criteria setting out (a) when and for what reasons a documents check may be carried out; and (b) the duration for which somebody can be restricted in his/her movement by public authorities to ascertain his/her identity.

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<sup>1</sup> The Committee considers that it is important to its examination of the case that it is informed of the specific “brutal language” used by the individuals concerned. However, in accordance with the Committee’s usual practice, all offensive language, including the English translations thereof, will be kept confidential to the Committee, the secretariat, the communicant and registered observer and will be redacted by the secretariat from the Party concerned’s reply prior to publication on the website and not included in any public documents.

6. In your opening statement for the hearing at the Committee's fiftieth meeting you state with regard to the confiscation of the copies of the EIA Critique brought by Mr. Ozharovskiy to the hearing on 9 October 2009: "Both the relevant legislation and established practice for any mass event require the distribution of any kind of printed information to have the consent of the event organizer." Please provide the text of the relevant legislation where this requirement is laid down, together with an English translation thereof. Had Mr. Ozharovskiy sought permission to distribute the EIA critique before the hearing? How long in advance of a public hearing must permission to distribute printed information be obtained, for example, could it be granted in person on the day of the hearing itself?

7. Please provide the legal provision, together with an English translation thereof, pursuant to which certain banners and posters (annex 9 to the communication) were prohibited from being used at the officially permitted street event on 26 April 2013? Why was it considered necessary to apply this legal basis?

8. Please provide the legal provision, together with an English translation thereof, specifying the range of sanctions that may be imposed for a "public order violation of using brutal language in the street". Does the Party concerned consider that the sanctions imposed on the persons listed in question 2 above (detention for 5 days (Ms Novikova and Mr. Matsekevich); a 1.500 million Belarussian rubles fine (Ms: Sukhiy) and detention for 10 days and a travel ban for 10 years (Mr. Ozharovskiy) to be proportional to the offence committed in each case?

9. In your opening statement for the hearing at the Committee's fiftieth meeting, you stated with respect to paragraph 18 of the communication: "We must also point out that, in recent years, it has become necessary to take additional anti-terrorist measures, both internationally and nationally. In this connection, amendments and additions have been inserted into national legislation in order to strengthen guarantees of public safety and security and public order." Please provide the text, together with an English translation thereof, of any such changes or amendments which were relevant for any of the incidents listed in questions 2-7 above, and explain to which of these incidents each change or amendment applied. Please also clarify how these anti-terrorist measures relate to the detentions listed in question 2 above.

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