

To:

Compliance Committee
Convention on Access to Information, Public Participation in Decision-Making and Access
to Justice in Environmental Matters
UN Economic Commission for Europe
Room 429-2, Palais des Nations
CH-1211 Geneva 10, Switzerland
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From:

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7 October 2015**STATEMENT OF THE COMMICANT CONCERNING COMMUNICATION
ACCC/C/2014/102**

Mr Chair, Committee Members, ladies and gentlemen,

1. Overview of the situation

Activists in the Belarusian anti-nuclear campaign, members of the Ecohome Public Association and various experts have all been persecuted when trying to exercise their rights guaranteed under the Aarhus Convention, including the right to public participation in decision-making on the construction of an NPP at Ostrovets in Belarus and the right to access information about the project and other accompanying documentation. During the period 2009 to 2013, we were detained, arrested on the basis of fabricated accusations of disorderly and insulting behaviour, subjected to searches, detained unreasonably for document checks and prevented from distributing information materials.

All these incidents took place at times when we were trying to exercise our right to participate in making environmentally significant decisions relating to construction of an NPP, both during public discussions of the signing of a general construction contract and when taking part in a demonstration to commemorate the anniversary of the Chernobyl disaster.

We believe that Belarus is in breach of its obligations under article 3, paragraph 8, of the Convention, in that it has harassed and persecuted activists who were trying to participate in decision-making on construction of an NPP and to express their views on the development of nuclear energy in Belarus.

We would like to point out that in attempting to exercise their rights under the Convention, anti-nuclear activists have not committed any illegal acts, but the authorities in Belarus have used government bodies to exert pressure on activists and to fabricate cases of wrongdoing against them.

The persecution of activists has also continued since the Communication was

submitted to the Committee.

2. The association between these facts

The persecution described in the Communication affected environmental activists who are participating in the anti-nuclear campaign in Belarus. We consider that these facts, seen from the points of view ‘who?’, ‘when?’ and ‘why?’, provide evidence of the deliberate persecution of activists.

In particular:

1. On 9 October 2009, Andrey Ozharovskiy, an invited Russian anti-nuclear expert, was arrested in Ostrovets during public discussion of the EIA report on a Belarusian NPP. Mr Ozharovskiy took materials, produced by an independent expert group, criticising the EIA report into the meeting hall, intending to speak at the hearings as an officially registered participant and to present this Critique to the audience – thus exercising the right to public participation in environmentally significant decision-making in accordance with article 6 of the Convention. These materials were seized by the police and only returned a year later. By decision of a local court, Mr Ozharovskiy was subject to arrest for a period of seven days.

2. On 18 July 2012, during a visit to Minsk by the Prime Minister of Russia to sign a general contract for construction of an NPP in Belarus, two activists – Tatyana Novikova (Belarus) and Andrey Ozharovskiy (Russia) – were on their way to the Embassy of the Russian Federation in the Republic of Belarus in order to submit information about violations that had already taken place in the course of decision-making on NPP construction, thus exercising their right to participate in making an environmentally significant decision.

These activists were detained en route to the Russian Embassy. On learning of this, Iryna Sukhiy, Chair of the Ecohome Board, set off for the Russian Embassy in order to hand in the communication concerned, while Mikhail Matskevich, a human rights defender, left to provide legal assistance to the individuals detained. Both were detained near their office. Three of the activists were subject to administrative arrest and Iryna Sukhiy was fined. After his seven-day arrest, Andrey Ozharovskiy, a Russian citizen, was deported from Belarus and forbidden to enter the country for a period of 10 years.

All four activists were detained on the same day; when they were first detained, the reason given was that their identity documents had to be checked, as if they were wanted criminals; but after they had been detained, the basis for their detention was altered and it was alleged that they had engaged in disorderly conduct. The only witnesses who appeared in court were the detaining police officers.

3. Numerous searches involving seizures of printed materials were made at the homes of activists whose names do not appear in the case, in the following circumstances:

- after the final political decision to build an NPP in Belarus had been made (15 January 2008) and the Security Council of the Republic of Belarus passed Resolution No. 1 on the Development of Nuclear Energy in the Republic of Belarus (31 January 2008); during the period when the activists were calling for participation in public discussions of the Belarus NPP project; when they were distributing information and collecting signatures against the siting of an NPP in Ostrovets; when there were demands for a referendum on the issue of NPP construction.

3. The context of anti-nuclear activity in Belarus

There has never been any nuclear energy in Belarus – and there still is none.

Despite this, Belarus is the country that has suffered the most from the 1986 Chernobyl NPP disaster. About 70% of the radioactive fallout was over the territory of

Belarus, and as a result the country's pollution level is the highest of any country that suffered as a consequence of the tragedy. As a result of this catastrophe, radioactive pollution has affected almost a quarter of the territory of Belarus (23%).

The Chernobyl tragedy had a colossal impact on people's lives, on the economy, on scientific and academic life and on culture in Belarus.

Therefore public participation in the decision on construction of an NPP is especially important in this country.

In addition, the construction of an NPP is a type of activity covered by article 6 of the Aarhus Convention, referred to in Annex 1 – in other words, it is an activity which is a particular focus of the Convention.

4. Why we believe that these facts should be examined by the Aarhus Convention Compliance Committee

Our Communication to the Committee concerns a decision that is extremely important for Belarus. Some anti-nuclear activists are not willing to approach the Committee openly, since pressure has been exerted on them: incidents involving persecution of these individuals are described without mentioning their names.

We believe that this Communication should be examined by the Aarhus Convention Compliance Committee in particular because it is when exercising the rights provided for them under the Convention that anti-nuclear activists have encountered persecution.

The Aarhus Convention is the most effective instrument for defending our right to a favourable environment. But it can only be of use when people are not persecuted for their actions – otherwise the Convention ceases to be a practical tool and becomes a mere paper declaration.

Thank you for your attention.

Iryna Sukhiy
Board Member of
Ecohome Public Association