

Ref.: 2021/OES/183T/ENV

20 August 2021

Excellency,

I would be grateful if you would kindly transmit the enclosed letter from Mr. Jonas Ebbesson, Chair of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), to His Excellency Mr. Andrei Khudyk, Minister of Natural Resources and Environmental Protection of the Republic of Belarus, for his urgent attention.

A copy of the letter is attached for your information.

Please accept, Excellency, the assurances of my highest consideration.



Olga Algayerova

His Excellency
Mr. Yury Ambrazevich
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Republic of Belarus
to the United Nations Office
and other international organizations in Geneva

Jonas Ebbesson
**Chair of the Compliance Committee under the UNECE Convention on Access to Information,
Public Participation in Decision-making and Access to Justice in Environmental Matters
(Aarhus Convention)**

Stockholm, 20 August 2021

Dear Mr. Khudyk,

**Re: Decision VI/8c of the Meeting of the Parties concerning compliance by Belarus:
Liquidation proceedings against Ecohome**

I write to you to express the concern of the Compliance Committee regarding the information that the Ministry of Justice has filed proceedings before the Supreme Court, seeking the liquidation of Ecohome, the communicant of communication ACCC/C/2014/102 (Belarus). This information was provided to the Committee by Ecohome on 2 August 2021.

At the outset, I emphasize that the obligation in article 3 (8) of the Convention to ensure that persons exercising their rights in conformity with the provisions of the Convention are not penalized, persecuted or harassed in any way for their involvement applies equally to both natural persons and legal persons, including nongovernmental organizations such as Ecohome.

If the information provided by Ecohome to the Committee is correct, this may amount to a flagrant case of non-compliance by Belarus with article 3 (8), which is a fundamental provision of the Convention. The Committee is thus deeply concerned. Ecohome is a legitimate nongovernmental organization actively engaged in promoting environmental protection in Belarus. This has been recognized by Belarus itself on multiple occasions, not least through the inclusion of Ecohome in the inter-ministerial working group created by Order of the Minister of Natural Resources and Environmental Protection of 15 May 2020 No. 143-OD.¹ Indeed, as recently as 21 July 2021, Belarus stated to the Committee that it was “grateful to the NGO Ecohome for the resumption of cooperation and participation in June-July 2021 in three regional seminars on ‘relevant issues of public involvement in environmental decision-making in the planning of economic activities’ in the cities of Mogilev, Gomel and Grodno”.²

Ecohome has been actively engaged as a communicant before the Committee since 2014, when it submitted communication ACCC/C/2014/102 concerning the persecution, penalization and harassment of environmental activists in violation of article 3 (8) of the Convention.

It appears to the Committee that, through the court proceedings commenced by the Ministry of Justice to liquidate Ecohome, Belarus is taking active steps to silence a communicant engaging with the Committee on matters related to the alleged persecution of environmental activists. That situation is deeply troubling.

If the information from Ecohome is correct, this is the first time in the history of the Committee that a Party to the Convention has sought to liquidate a communicant engaging in the Committee’s procedures, and the Committee will carefully follow the event.

I thus request Belarus to explain, as a matter of urgency, why liquidation proceedings have been commenced against Ecohome.

I also ask Belarus to immediately reconsider any step intended to silence a communicant exercising its rights in conformity with the Convention.

¹ Party’s final progress report, 30 September 2020, p. 2.

² Party’s comments on comments of communicant of communication ACCC/C/2014/102, 21 July 2021, p. 2.

I invite you to bring my letter to the attention of the relevant authorities, including the Minister of Justice. I further invite you to draw the attention of the Ministry of Justice to the obligations of Belarus under article 3 (8) of the Convention and to facilitate a reconsideration by the Ministry of Justice of its court proceedings against Ecohome.

Please note that, given the circumstances outlined above, it is for Belarus to clarify the situation to the Committee and to demonstrate if there is any reason why the proposed liquidation of Ecohome would not constitute penalization, persecution or harassment in violation of article 3 (8) of the Convention.

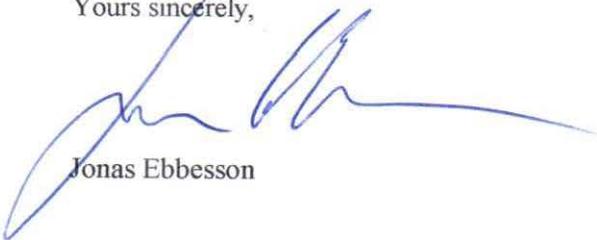
Finally, in keeping with the Convention and Belarus' constructive engagement with the Committee thus far, I request Belarus to assure the safety of all persons working for Ecohome or acting on its behalf.

I look forward to receiving your reply regarding the above issues as soon as possible and by **10 September 2021**.

In accordance with decisions I/7 and VI/8c, paragraph 7, the Committee will report these events and any subsequent developments, including whether the Ministry of Justice reconsiders its court proceedings against Ecohome, to the Meeting of the Parties at its seventh session (Geneva, 18-21 October 2021).

Please do not hesitate to contact the secretariat of the Convention if you have any questions regarding any aspect of the above.

Yours sincerely,



Jonas Ebbesson

Mr. Andrei Khudyk
Minister of Natural Resources and Environmental Protection
Republic of Belarus

Cc: Permanent Mission of the Republic of Belarus to the UN Office and other international organizations in Geneva
Mr. Baliaslau Pirshtuk First Deputy Minister, Ministry of Natural Resources and Environmental Protection
European ECO Forum, on behalf of the communicants of communications ACCC/C/2009 and ACCC/C/2009/44
Ecohome, communicant of communication ACCC/C/2014/102
Nuclear Transparency Watch, Greenpeace Netherlands and WISE International, as observers

Enclosure: Letter from Ecohome, 2 August 2021.

United Nations Economic Commission for Europe
Compliance Committee of the Convention on
Access to Information, Public Participation in
Decision-making and Access to Justice in
Environmental Matters
aarhus.compliance@unece.org

Additional information on situation in Belarus concerning persecution of environmental activists and NGOs.

Dear Mr Chairman, distinguished members of the Committee,

The Public Association Ecohome would like to inform Compliance Committee about progress on persecution of environmental activists and NGOs in Belarus.

During July 2021 a series of repressions was exercised by Belarus authorities to all kinds of NGOs: generally searches in offices, seizure of documents and arrests of activists/NGO bodies.

Some of these actions are mentioned in our *Comments on Draft report to the seventh session of the Meeting of the Parties on the progress by the Party concerned to implement decision VI/8c concerning compliance by Belarus* (submitted to Convention Secretariat by July 18, 2021).

Concerning NGO "Ecohome" the following steps were taken:

July 02, 2021 a letter from Ministry of Justice (dated June 22) was received with demand to present for revision a long list of documents concerning NGO activities – for example, a list of members or copies of all correspondence for three and half years by July 09, 2021.

As a result, we submitted to the MoJ demanded documents in 1124 pages (just two boxes) on July 09, 2021.

On July 22, 2021, we receive an official Caution from the Ministry of Justice that submitted documents do not comply with demands and by July 20, 2021 some changes in form of presented information should be made. Obviously it was impossible to make any corrections by July 20 because of receiving the Caution on July 22.

On July 26, 2021 at 17.59, from the telegram channel of the Press Service of the Ministry of Justice, we learn that, in his opinion, we have repeatedly violated the legislation, in connection with which the Ministry of Justice filed a claim to the Supreme Court for the liquidation of the NGO "Ecodom".

Till this moment no copy of lawsuit of official information on this case was not received by Ecohome.

On July 28, 2021 the Caution was appealed to the Supreme Court starting another case.

Other repressions our activists faced last month:

On July 9, 2021 Ms Maria Voytovich was arrested. She is environmental activist from Borovaya district.

On July 15, 2021 Mr Aliaksand Kapucki, environmental activist from Molodechno, was detained but released by evening.

On July 16, 2021 a home of Ms Marina Dubina, executive director of Ecohome, was searched. She was not at home that moment. Later police forces tried to get into Ecohome office but unsuccessfully.

On July 23, 2021 the information on liquidation of Center of environmental solutions by Minsk City Executive Committee was published.

On behalf of Ecohome NGO – probably the last message signed on behalf of this NGO –

Siarhei Mahonau

Legal advisor

August 02, 2021