

To the Supreme Court of the Republic of Belarus

Complainant:

Ecohome Public Association,
50B-6N Zakharova str., Minsk, 220088.

Government agency:

Ministry of Justice of the Republic of Belarus,
10 Kollektornaya str., Minsk, 220004.

C O M P L A I N T

against a written warning issued to the republican public association

By the order of the Ministry of Justice of the Republic of Belarus No. 158 of July 13, 2021 "On issuing a written warning to the Public Association Ecohome" (received by the representative of the Public Association Ecohome at the post office on July 22, 2021) a written warning was issued to the Public Association Ecohome.

The Ministry of Justice mentioned the following as grounds for the written warning:

- 1) "The documents concerning the owner of the premises and other documents confirming the right to house the Public Association Ecohome at the legal address were not submitted to the registration body".
- 2) "The list of members of the Public Association Ecohome does not comply with annex 2 to the Decree of the Ministry of Justice No. 48 of August 30, 2005".
- 3) "Monitoring the official website of the Public Association Ecohome showed that the public association actively cooperates with organisations that are not registered in the Republic of Belarus and have the attributes of a public association (union, association)".

The Public Association Ecohome carries out its activities in strict compliance with the legislation in force and the Articles of Organisation.

Article 4 of Act No. 3254-XII of 4 October 1994 "On public associations" establishes that public associations and unions are created and act based on the principles of legality, voluntary participation, independence, equality, and transparency. Part two, article 6 of the Act prohibits interference by state bodies and officials with the activity of public associations or unions, as well as interference by public associations or unions with the activity of state bodies and officials, except in cases prescribed by the law.

According to part four of Article 27 of the Act of the Republic of Belarus "On public associations", a written warning issued to an international or republican public association or union may be appealed to the Supreme Court of the Republic of Belarus within one month after its receipt.

We consider the above-mentioned reasons for issuing a written warning to be groundless and inconsistent with the current legislation of the Republic of Belarus, and we note as follows:

- 1) Regarding the confirmation of the right to housing the Public Association Ecohome at the current legal address, in response to the request of the Ministry of Justice, the Public Association Ecohome provided an agreement and an acceptance act of the premises in a letter of 09 July 2021. The provided copy of the gratuitous premises use agreement dated 01.01.2020 presents the grounds of possession of the premises, namely certificate No. 500\1418-5208 on the state registration of the emergence of ownership right to the isolated premises. It should be noted that a specific list of documents confirming the right to be housed in the premises at the legal address is missing in the current legislation, and was not mentioned in the request of the Ministry of Justice of 22 June 2021. Similarly, the letters of the Ministry of Justice of 22 June and 13 July 2021 did not explain the concept of "documents concerning the owner of the premises". These circumstances deprived Ecohome of the opportunity to understand the essence of the requested documentation beyond that previously provided in the letter of 09 July 2021.
- 2) The list of members of the Ecohome NGO was provided to the Ministry of Justice by a letter dated 09 July 2021 in the format in which this list is maintained in the Ecohome NGO. Membership records are mandatory in a public association as having a fixed membership. The approval of its own format for maintaining the list of members does not contradict the current legislation and the Articles of Organisation of the Public Association Ecohome. The requirement of the Ministry of Justice stated in the letter of 13 July 2021 as to the compliance of the format of the actual list of members of the public association with the format of the "List of Founders", the form of which was approved by Annex 2 to the Resolution of the Ministry of Justice of the Republic of Belarus No. 48 of 30 August 2005 "On approval of statutory regulations concerning execution and consideration of documents, related to the state registration of political parties, trade unions, other public associations, their unions (associations), as well as the state registration and exclusion from the register of state registration, registration, and deregistration of organisational structures of trade unions" contradicts the current legislation, and was also not formulated in the letter of the Ministry of Justice of 22 June 2021. At the same time, it should be noted that, under current legislation, the Ecohome NGO submitted to the Ministry of Justice lists of members of the elected bodies of the Ecohome NGO: the Board and the Revision Commission. These lists have been submitted in the format approved by Annex 3 to the Decision of the Ministry of Justice of the Republic of Belarus No. 48 of 30.08.2005, including information about the place of residence, place of work, etc. In this regard, we consider the claims of the Ministry of Justice regarding the registration

of the list of members of the Public Association Ecohome as not complying with the format of the "List of Founders" unfounded.

- 3) Regarding interaction with other organisations. The letter of the Ministry of Justice of 13 July 2021 does not contain information allowing to determine what kind of materials on the website of the Public Association Ecohome is meant by the letter of the Ministry of Justice, and what is meant by the term "active interaction". Part 2 of Article 7 of the Act of the Republic of Belarus "On public associations" prohibits the activity of unregistered public associations and unions on the territory of the Republic of Belarus. At the same time, according to paragraph 8 of part 1 of article 20 of the Act "On public associations", from the moment of their registration, public associations have the right to maintain relationships with other public associations and unions. The legislation in force does not contain a prohibition to maintain relations with public associations and unions, which are in the process of creation and/or registration, or participation of representatives of a registered public association in conferences, forums, exhibitions, and other events conducted by other entities. It should be noted that some of the entities mentioned in the letter of the Ministry of Justice of 13 July 2021 had state registration as of 13 July 2021.

Besides, in violation of the requirements of part 2 of Article 27 of the Act of the Republic of Belarus "On public associations", the text of the written warning does not contain an indication of the term for elimination of the violations, and the Ministry of Justice of the Republic of Belarus has not observed the established order of sending a written warning to the governing body of the public association.

In the light of what has been stated above and guided by Articles 6 and 7 of the Civil Procedure Code of the Republic of Belarus, as well as by Part 4 of Article 27 of Act No. 3254-XII of the Republic of Belarus of 4 October 1994 "On public associations",

WE URGE

- 1) To acknowledge the written warning issued to the Public Association Ecohome by order No. 158 of 13 July 2021 issued by the Ministry of Justice "On issuing a written warning to the Public Association Ecohome" as unreasonable and inconsistent with the current legislation.
- 2) To oblige the Ministry of Justice of the Republic of Belarus to cancel the written warning issued to the Public Association Ecohome by the order of the Ministry of Justice No. 158 of 13 July 2021 "On issuing a written warning to the Public Association Ecohome".
- 3) Judicial costs and expenses of the complainant in this case shall be borne by the state body whose decision is appealed.

A p p e n d i c e s :

- 1) Copy of the complaint (1 copy)
- 2) Copy of the order of the Ministry of Justice No. 158 of 13 July 2021 "On issuing a written warning to the Public Association Ecohome".
- 3) Document on payment of the state duty.

S i g n a t u r e :

Executive Director
Public association Ecohome
Dubina Marina Alekseyevna
