

**Chair of the Supreme Court  
of the Republic of Belarus**  
76 Orlovskaya Street, Minsk 220020

**Applicant:** Sergey Aleksandrovich MAGONOV  
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**for** Ecohome, public association  
(liquidated 31 August 2021)

**Interested Parties:**

Ministry of Justice of the Republic of Belarus  
10 Kollektornaya Street, Minsk 220004

Ministry of Natural Resources and Environmental Protection  
of the Republic of Belarus  
10 Kollektornaya Street, Minsk 220004

**SUPERVISORY COMPLAINT**  
**against a decision of the Supreme Court of the Republic of Belarus**

Ecohome, a public association, was liquidated by decision of the Supreme Court of the Republic of Belarus (Judge A.M. Sokolovskaya) of 31 August 2021.

The decision came into force on the day it was delivered in court.

Under Article 435 of the Code of Civil Procedure of the Republic of Belarus (hereinafter ‘the Civil Procedure Code’), court rulings that have come into legal effect, with the exception of rulings of the Plenum of the Supreme Court of the Republic of Belarus, may be reviewed under a supervisory procedure upon submission of notices of opposition by those officials listed in Article 439 of the Civil Procedure Code.

The Applicant represented the liquidated public association before the court in the matter of the liquidation. He is also a member of that public association, and therefore the decision for which review is sought affects his rights and legal interests, in particular his right to associate and to attain non-material rights jointly with others.

The basis of this complaint and for supervisory review of the decision is the court’s fundamental violation of the rules of substantive law when considering the case.

In granting the application for liquidation of Ecohome, the court did not consider the issue of proportionality between application of this measure and the alleged breach of

legislation; nor did it consider the public benefit of the organization's continuing to operate; furthermore, it based its decision on inadmissible evidence (the interpretation put forward by the Ministry of Justice of requirements for the form and content of documents concerning the legal address and list of members of the organization had no basis in law; the questions raised as to the registration status of certain organizations, making Ecohome's co-operation with them, in the opinion of the Ministry of Justice, illegal, were not supported by any documentation; the printout from the Ecohome webpage failed to comply with requirements for the proper preparation of documents, in contravention of Article 192 of the Civil Procedure Code).

The fact that issuing the decision to liquidate Ecohome was a fundamental violation of rights is confirmed by a Report of the Aarhus Convention Compliance Committee – UN Document ECE/MP.PP/2021/61, available on the Internet at:

[https://unece.org/sites/default/files/2021-10/ece.mp\\_pp\\_2021.61\\_rus\\_ac.pdf](https://unece.org/sites/default/files/2021-10/ece.mp_pp_2021.61_rus_ac.pdf) (Annex 1).

In this connection, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters<sup>I</sup> (Aarhus, 25 June 1998), at its seventh session (18 - 20 October 2021 in Geneva), in which the Republic of Belarus took part, adopted a Decision that the liquidation of Ecohome by the Republic of Belarus was a case of non-compliance with its obligations under that convention.

By Decision of the Meeting of the Parties, the Republic of Belarus is required to take all necessary measures to reinstate Ecohome's registration as a public association in order to allow it to continue operating.

The Meeting of the Parties is the highest governing body of the Convention. In keeping with the principles of the Vienna Convention on the Law of Treaties of 23 May 1969, decisions of the highest bodies of international agreements are binding on the parties to such agreements.

The obligation on the Republic of Belarus to implement the provisions of the Aarhus Convention was enshrined in Decree No. 726 of the President of Belarus of 14 December 1999 approving the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

The Convention came into force in Belarus on 30 October 2001.

Under Article 36 of the Law of the Republic of Belarus on International Agreements, international agreements entered into by the Republic of Belarus are to be conscientiously implemented by the Republic of Belarus in accordance with international law. Legal provisions contained in international agreements entered into by the Republic of Belarus are directly applicable, unless it is clear from the international agreement concerned that adoption (enactment) of legislation is required in order to apply the provisions in question.

Thus the Republic of Belarus, as a party to an international convention, took part in the Meeting of the Parties to the Aarhus Convention and it (the Meeting of the Parties) adopted a Decision that Belarus must take steps to reinstate Ecohome's registration as a public association.

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<sup>I</sup> Also known by the short form 'the Aarhus Convention'

Insofar as the court's liquidation of this public association was in fundamental violation of the rules of substantive law, lodging a notice of opposition and initiating a review of the case will fulfil the obligations of the Republic of Belarus under the Convention.

Accordingly, I request that the Chair of the Supreme Court:

- lodge a notice of opposition to the decision of the Supreme Court of the Republic of Belarus of 31 August 2021 to liquidate Ecohome, and refer the case for review by the Plenum of the Supreme Court.

Annexes:

1. Supplementary report of the Compliance Committee on compliance by Belarus with its obligations under the Convention.
2. Decision of the Meeting of the Parties concerning compliance by Belarus with its obligations under the Convention.
3. Copy of the decision of the Supreme Court of the Republic of Belarus of 31 August 2021 to liquidate Ecohome, a public association.
4. Receipt for payment of the official fee.
5. Copies of this Complaint as forwarded to the Interested Parties.

30 November 2021

S.A. Magonov