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ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ
PERMANENT MISSION
OF THE REPUBLIC OF ARMENIA

2203/1178/2023

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Economic Commission for Europe and with reference to the letter received from the Commission Ref.:023/OES/121T/ENV/064, dated 17 April 2023 has the honor to present information in response to the questions raised by Mr. Michel Forst, Special Rapporteur on Environmental Defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Economic Commission for Europe the assurances of its highest consideration.

Encl. 2 pages.

Geneva, 16 June 2023



UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
Geneva

Information provided by the Government of the Republic of Armenia in response to the questions contained in letter ACSR/C/2023/2, dated 17 April 2023, of the Mr. Michel Forst, Special Rapporteur on Environmental Defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

The competent authorities of the Republic of Armenia thoroughly examined the communication from the Special Rapporteur on Environmental Defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) dated 17 April 2023. The following information has been received regarding the questions raised in the letter.

The Investigative Committee of the Republic of Armenia has been reviewing the case N 35200118, initiated under Article 258, Part 4 of the former Criminal Code of the Republic of Armenia.

In 2018, Ms. Tehmine Yenokyan was summoned as a witness to provide testimony regarding a dispute between citizens protesting against the operation of the Amulsar gold mine, and employees of Lydian Armenia CJSC.

Additionally, an investigation was conducted concerning the publication of a personal conversation recording involving Ms. Tehmine Yenokyan on Facebook. Ms. Yenokyan filed a complaint regarding this matter, but no concrete evidence was found to support the commission of any acts prohibited by the Criminal Code.

Simultaneously, the Investigative Committee has been reviewing another case in which Ms. Tehmine Yenokyan has been interrogated as both a witness and a victim in ongoing criminal proceedings. These proceedings pertain to the damaging of 714 cherry trees in Ms. Yenokyan's garden, located in the Gndevaz settlement of the Jermuk community, Vayots Dzor region of Armenia. Efforts are currently underway to uncover the details surrounding the incident, and Ms. Yenokyan, as the victim, has provided testimony regarding the circumstances of the event.

We would also like to inform you that a civil case with the number EDC/1629/02/23, titled "Zangezur Copper-Molybdenum Combine CJSC vs. Tehmine Yenokyan", is currently being heard in the first instance of the Civil Court of General Jurisdiction in the city of Yerevan. The next session of the Court is scheduled for 28 September 2023.

Furthermore, in civil case No. AVD 3/0965/02/18, a lawsuit was filed by the Zangezur Copper-Molybdenum Combine CJSC against Tehmine Yenokyan in the Court of First Instance of General Jurisdiction of Ararat and Vayots Dzor Regions. On 15 December 2021, a decision was made to partially satisfy the claim.

However, the decision of the Court of First instance from 15 December, 2021, was subsequently reversed and modified by the Court of Appeal of the Republic of Armenia on 22 July 2022.

On 9 November 2022, the Cassation Court of the Republic of Armenia rejected the appeal to accept the cassation appeal. Therefore, the decision of the Court of Appeal from 22 July, 2022, entered into force on 28 November 2022.

According to the Constitution of Armenia, any interference with the administration of justice shall be prohibited. The Constitution guarantees the right to a fair trial and public hearing of case by an independent and impartial court. Strengthening of the independence of judiciary is among the key priorities of the Government.

Armenia places high importance to the upholding and promoting human rights and fundamental freedoms, including the freedoms of expression and peaceful assembly and this commitment remains steadfast. The Government has ensured a conducive environment for the activities of the non-governmental organizations, human rights activists and media. The civil society, women organizations, youth and local communities are important partners for the Government in fostering inclusive and green economic development and environmental sustainability.

Environmental activists have played a significant role over the years in raising awareness of the local communities on the protection of environment and bringing their concerns to the attention of the Government of Armenia. Environmental issues have sparked strong campaigns by the civil society in Armenia, with a focus on the mining sector, which has historically been a key component of the country's economy and remains vital for its development and security.

It is worth noting that the Government has consistently shown attentiveness to the concerns raised by environmental activists. In recent years, numerous meetings have taken place between high-level government officials, including the Prime Minister of Armenia, and hundreds of residents from communities neighboring the Amulsar gold mine, including Ms. Yenokyan. These discussions provided an opportunity for dialogue and a platform for voicing concerns and finding solutions, which would benefit both the local communities and the private sector.

Furthermore, in 2021 Ms. Tehmine Yenokyan was appointed as a member of the Public Council under the Minister of Environment. In this capacity she can engage directly with the Minister and bring forward matters of importance.

The Government will remain seized of the matter on the issues raised in your letter.