



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

United Nations Economic Commission for Europe
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Maia Bitadze

Chairperson of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Re: Alleged non-compliance with the Aarhus Convention due to harassment and persecution of a person exercising his rights in conformity with the provisions of the Convention

8 July 2019

Excellency,

I have the honour to write to you on behalf of the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) to seek clarification regarding the alleged non-compliance by Kazakhstan with article 3 (8) of the Aarhus Convention, as presented in a letter by Mr. Vadim Ni, Chair of the Ecoforum of NGOs of Kazakhstan (see enclosed letter).

In this letter, it is claimed that the detention and interrogation by the police of Mr. Sergey Solyanik in 2019, and in 2016, as well as the publication of an anonymous video on the Internet in 2016, are related to Mr. Solyanik's public activities concerning the right of citizens to a healthy environment; notably his assistance in defending the environmental rights of the children of the village of Berezovka who suffered from toxic poisoning on 28 November 2014. It is further claimed that these detentions constitute a form of pressure and acts of intimidation by the local authorities and Karachaganak Petroleum Operating BV against Mr. Solyanik as a result of his activities.

I would like to take this opportunity to recall articles 1 and 3 (8) of the Aarhus Convention, which respectively require Parties to guarantee the rights of access to information, public participation in decision-making and access to justice in environmental matters in accordance with the provisions of the Convention, and to ensure that persons exercising their rights in conformity with the provisions of the Convention shall not be penalized, persecuted or harassed in any way for their involvement.

His Excellency
Mr. Magzum Mirzagaliyev
Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan
Nur-Sultan

Taking into account the above-mentioned allegations, the Bureau would appreciate receiving your comments and relevant information regarding the following issues:

- (a) Whether the actions described above were related to the obligations of Kazakhstan under the Aarhus Convention;
- (b) Whether the Government of Kazakhstan confirms its commitment to its obligations under the Aarhus Convention;
- (c) The current situation of the environmental defenders mentioned in the enclosed letter;
- (d) The follow-up action undertaken or planned to be undertaken by your Government, as relevant.

Please accept, Excellency, the assurances of my highest consideration and, on behalf of the Bureau of the Meeting of the Parties to the Aarhus Convention, allow me to express appreciation to the Government of Kazakhstan for its continuous efforts to meet its obligations under the Aarhus Convention.



Maia Bitadze

*Note: Correspondence of the Bureau of the Aarhus Convention is available at:
<https://www.unece.org/env/pp/bureau.html>*