

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)

Stockholm, 5 October 2012

Dear Sir,

Re: Arrest and detention of individuals protesting against the Ostrovets nuclear power project

It recently came to the attention of the Aarhus Convention Compliance Committee, through information provided by observers, that members of the public, including persons related to communication ACCC/C/2009/44, were arrested and detained in Belarus for engaging in a campaign against the Ostrovets nuclear power project.

At its thirty-eighth meeting (Geneva, 25-28 September 2012), the Committee instructed me to remind you of the obligation of Belarus to report on the follow-up with decision IV/9b of the Meeting of the Parties by 1 February 2013; and also, further to the information received from observers, to invite Belarus to comment on the recent arrests and detentions.

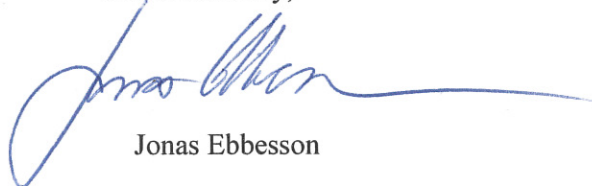
According to article 3, paragraph 8, of the Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (Aarhus Convention):

“Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”

The Committee has already considered allegations of non-compliance by Belarus with its obligations under the Convention in relation to the Ostrovets nuclear power plant, including allegations that Belarus had failed to comply with article 3, paragraphs 8, of the Convention, because it had put pressure on members of the public trying to promote their views on that project. The Committee found that the allegations concerning harassment were serious and that the alleged facts, if sufficiently substantiated, would have amounted to harassment in the sense of article 3, paragraph 8, and would therefore have constituted non-compliance with the provisions of the Convention. However, on the basis of the information provided, the Committee could not assess with sufficient certainty what had happened exactly and therefore at that time the Committee refrained from making findings on that issue (see findings on communication ACCC/C/2009/44, ECE/MP.PP/C.1/2011/6/Add.1).

Although the Committee did not have enough evidence before it in the context of communication ACCC/C/2009/44 to find that Belarus was not in compliance with article 3, paragraph 8, of the Convention, the Committee is nevertheless concerned about the recent arrests and detentions and therefore invites you to comment thereon. The Committee agreed that it would review the materials received from Belarus at its fortieth meeting (25-28 March 2013) and consider how to incorporate these matters in its report to the Meeting of the Parties at its fifth session in 2014.

Yours sincerely,



Jonas Ebbesson

Mr. Vladimir Makei
Minister of Foreign Affairs
of the Republic of Belarus
Minsk

Cc: Mr. Vitaly Kulik, National Focal Point to the Aarhus Convention, First Deputy Minister of Natural Resources and Environmental Protection of the Republic of Belarus
Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva