



Fw: ACCC/C/2011/62

Public Participation to: Aphrodite Smagadi, Fiona Marshall
Cc: Maryna Yanush

21/03/2012 14:14

Follow Up: Urgent Priority.

----- Forwarded by Public Participation/UNECE/GVA/UNO on 21/03/2012 14:13 -----

From: Hrayr Savzyan <hraysavzyan@yandex.ru>
To: public.participation@unece.org
Date: 20/03/2012 12:12
Subject: ACCC/C/2011/62

March 20, 2012

Ms. Fiona Marshall

Acting Secretary to the Aarhus Convention Compliance Committee

United Nations Economic Commission for Europe

Environment and Human Settlement Division

Room 332, Palais des Nations

CH-1211 Geneva 10, Switzerland

Dear Ms. Marshall,

I am writing in response to your questions related to communication ACCC/C/2011/62:

1. According to Article 6 of the Constitution of the Republic of Armenia *“The international treaties shall come into force only after being ratified or approved. The international treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail.”*

Article 5 of the Law on International Treaties stipulates that the provisions of international treaties ratified by the Republic of Armenia are directly applicable in the Republic of Armenia. Hence, the Aarhus Convention has direct application in Armenia.

2. According to Article 52 part 1 of the Civil Code of the Republic of Armenia *“A legal person may have civil law rights corresponding to the purposes of activity provided in its founding document and bear the duties connected with this activity.”* According to part 2 of the same Article *“A legal person may be limited in rights only in cases and by the procedure provided by a statute. A decision on limitation of rights may be protested by the legal person to a court.”*

According to Article 15 part 1 of the Law on Public Organizations *“For the implementation of its statutory goals, in the manner prescribed by the law, the organization has the right to 3) represent and defend the rights and lawful interests of itself and its members in other organizations, before court, the state and local self-governance bodies.”*

According to Article 3 pa 1 paragraph 1 of the Administrative Procedure Code of the Republic of Armenia, each person or legal entity has right to appeal to the administrative court if he considers that his/her rights have been been violated by the administrative acts or actions of state or local self-governmental bodies or their officials.

Based on the decision of Administrative Court dated 24 March 2010 public organizations are not allowed to apply to the court for the protection of interests prescribed by their statutory documents. Hence, as a matter of fact, the Armenian legal system does not provide access to justice for NGOs even when their statutory goals include protection of the environment.

3..... We understand the words *“any or abstract demand”* in the Decision of the Administrative Court dated 24 March 2010 as follows: the Administrative Court interpreted the law in a manner that does not provide any access to justice for public organizations, even when their statutory goals include the protection of the environment.

Attached please find the English version of respective court decisions provided upon your request.

Should you have further questions related to the issues raised in this letter please do not hesitate to contact me by email hsavzyan@gmail.com

Sincerely,

Hrayr Savzyan

President of "Ecoera" NGO

Attachments:

- a)..... Decision of the Administrative Court dated 09.07.2009
- b)..... Decision of the Court of Cassation dated 30.10.2009
- c)..... Decision of the Administrative Court dated 24.03.2010
- d)..... Decision of the Court of Cassation dated 01.04.2011
- e)..... Decision of the Constitutional Court dated 07.09.2010

--



Surge et age a) Teghut_Court_2009.07.09_eng.doc b) Teghut_Court_2009.10.30_eng.doc



c) Teghut_Court_2010.03.24_eng.doc d) Teghut_Court_2011.04.01_eng.doc



e) Teghut_Concourt_2010.09.07_eng.docx