

United Nations Economic Commission for Europe
Compliance Committee for the Convention on
Access to Information, Public Participation in
Decision-Making and Access to Justice in
Environmental Matters
Director of the Environmental Division
Mr. Marco Keiner

Dear Mr. Keiner!

In response to the inquiry from the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (hereinafter - the Committee) in the context of review of paragraphs 6 and 7 of the Decision of the Meeting of the Parties to the Aarhus Convention VI/8c and in connection with the communication ACCC/C/2014/102 of March 21, 2018 and November 1, 2018, the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus provides answers to the questions raised by the Committee.

1. Decision of the Leninsky district court of Brest of 02.28.2018 regarding S. Petrukhin and A. Kabanov (Annex 1);
2. Extracts from the normative legal acts of the Republic of Belarus:
 - a. Article 23.34 of the Code of Administrative Offenses of the Republic of Belarus (hereinafter referred to as the Administrative Code) (Annex 2);
 - b. Articles 5, 6 and 8 of the Law of the Republic of Belarus "On Mass Events" (Annex 3).

3. Regarding the detention of S. Petrukhin and A. Kabanov on February 23, 2018, the reason for the detention was the commission of an administrative offense under part 3 of Article 23.34 of the Administrative Code;
4. Regarding the reason of the detention of S. Petrukhin and A. Kabanov from 23 to 26 February 2018 in the temporary detention center, an individual, if he is charged with committing an administrative offense (in particular under Article 23.34 of the Administrative Code), which is punishable by the administrative arrest, in accordance with Article 8.4 of the Procedural Executive the Code of Administrative Offenses of the Republic of Belarus may be detained for a period exceeding three hours, but not more than seventy-two hours;
5. Regarding the conditions of detention of S. Petrukhin and A. Kabanov on February 26, 2018, based on the information provided by the Ministry of Internal Affairs of the Republic of Belarus, the conditions complied with the requirements enshrined in the Rules of confinement of an individual in respect of whom administrative detention was applied, approved by the Resolution of the Council of Ministers of the Republic of Belarus of November 21, 2013 No. 996;
6. Regarding the period of detention of S. Petrukhin and A. Kabanov according to the information provided by the Ministry of Internal Affairs of the Republic of Belarus, S. Petrukhin and A. Kabanov were in the temporary detention center from 15.40 February 23, 2018 until 12.15 February 26, 2018;
7. Regarding the fine, as of January 29, 2019, 50 basic values are equivalent to 592.39 euros. The average monthly salary is 1115.3 Belarusian rubles;
8. Regarding the imposition of a fine for the creation and distribution of materials in the media, according to the decision of the Brest Region Court of April 11, 2018, the decision of Pinsk district and Pinsk-city Court of March 12, 2018 to impose a fine was canceled, and the case was dismissed since the act in question did not constitute an administrative offence;
9. The decision of the Brest Region Court of April 11, 2018 (Annex 4);
10. Regarding the grounds for the refusal to hold mass events, in accordance with Article 5 of the Law “On Mass Events in the Republic of Belarus”, an application to hold a mass event is to be submitted by its organizer(s) to the local executive and administrative body of the territory where a mass event is planned. According to the information provided by the Brest City Executive Committee in 2018 it received applications to hold 35 mass events concerning environment (24 meetings, 10 pickets, 1 demonstration). The permission to hold a mass event was given by the Brest City Executive Committee to a meeting on 04.29.2018. Motivated refusals were sent to the organizers of other events. Information on submitted applications and the grounds for their rejection is provided in Annex 5.

Allow me to use this opportunity, to reassure the Committee that the Republic of Belarus reaffirms its commitment to fulfill its international obligations under the Aarhus Convention.

The Republic of Belarus has taken all the necessary legislative, regulatory, administrative, institutional, practical or other measures to ensure the rights of the public on access to information, public participation in decision-making and access to justice in accordance with the provisions of the Convention.

- Appendix: 1. Decision of the Leninsky district Court of Brest of 02.28.2018;
2. Article 23.34 of the Administrative Code of the Republic of Belarus;
 3. Articles 5, 6 and 8 of the Law of the Republic of Belarus “On Mass Events”;
 4. Resolution of the Brest Region Court of April 11, 2018;
 5. Information on applications to hold mass events and the grounds for their refusal.

Respectfully,

Iya Malkina

First Deputy Minister

National Coordinator of the Convention on Access to Information,
Public Participation in Decision-Making and Access to Justice
in Environmental Matters in the Republic of Belarus