

7 January 2019

Ref: ECE/ENV/2019/2

Dear Ms. Malkina,

Re: Decision VI/8c concerning compliance by Belarus

In the context of its review of paragraphs 6 and 7 of decision VI/8c of the Meeting of the Parties to the Aarhus Convention, and the concerns raised by the communicant of communication ACCC/C/2014/102 in its correspondence on 21 March 2018 and 1 November 2018, the Compliance Committee has identified a number of questions which it has asked me to convey to Belarus for its reply.

The Committee's questions to Belarus are enclosed. The Committee would be grateful to receive Belarus' reply to the enclosed questions on or before 31 January 2019. The communicants will thereafter have two weeks to provide any comments they have on Belarus' reply. The Committee will take into account the information received by the above deadlines in the finalization of its first progress review on the implementation of decision VI/8c.

Should you have any questions with regard to the above, please do not hesitate to contact the secretariat.

Yours sincerely,



Marco Keiner
Director
Environment Division

Ms. Iya Malkina
First Deputy Minister
Ministry Natural Resources and Environmental Protection
Republic of Belarus

cc: Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva
European ECO Forum, communicant of communications ACCC/C/2009/37 and ACCC/C/2009/44
Ecohome, communicant of communication ACCC/C/2014/102

Enclosure: Questions to the Party concerned

Questions to the Party concerned:**Detention and fine of Mr Kabanov and Mr Petrukhin on 23-26 February 2018**

1. Please provide an English translation of the court decisions of 28 February 2018 concerning Mr Kabanov and Mr Petrukhin.
2. Please provide the text of the following, together with an English translation thereof:
 - a. Article 23.34 of the Code of Administrative Offenses of the Republic of Belarus;
 - b. Articles 5, 6, and 8 of the Law of the Republic of Belarus "On Mass Gathering Events in the Republic of Belarus".
3. What was the reason that Mr Kabanov and Mr Petrukhin were detained on the street and placed in a detention facility on 23 February 2018?
4. What was the reason that Mr Kabanov and Mr Petrukhin were held in the detention facility from approximately 18.00 on 23 February 2018 until 12:00 on 26 February 2018?
5. Upon being taken from the detention facility at approximately 12:00 on 26 February 2018, were Mr Kabanov and Mr Petrukhin held in an unheated police van until entering the courthouse at approximately 15:15 on 26 February 2018? If indeed the police van was unheated, why were they not allowed to await their court appearance inside the courthouse?
6. At what date/time were Mr Kabanov and Mr Petrukhin released from detention?
7. What is the approximate equivalent in euros of 50 basic values under article 23.34 of the Code of Administrative Offences? What is the average monthly income in Belarus?

Fine imposed on activists on 12 March 2018 under the Mass Media Act

8. Please confirm whether on 12 March 2018, activists were fined approximately €400 for illegally creating and distributing materials in the media, as claimed in Ecohome's letter of 21 March 2018.
9. If so, please provide the text of the following, together with an English translation thereof:
 - a. The court decision of 12 March 2018;
 - b. The text of the relevant provisions of the Mass Media Act under which the activists were (i) charged for creating and distributing materials in the media and (ii) fined approximately €400.

Refusal of local residents' applications to hold meetings, pickets and demonstrations

10. In its letter of 1 November 2018, the communicant of communication ACCC/C/2014/102 has alleged that in 2018, Brest residents filed applications to hold 24 meetings, 12 pickets and one demonstration, but authorization was granted for only one meeting, held on 29 April 2018. For each application to hold a meeting, a picket or a demonstration that was received in 2018 but denied, please list the reason that each application was denied.