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21 March 2018

№ 28

To:
UNECE
Aarhus Convention Compliance
Committee
Room 429-2, Palace of Nations
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From:
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Aarhus Convention Compliance Committee 60th meeting, 12-16 March 2018

Subject: additional information from the observer, NGO Ecohome, on the implementation of decision VI/8c of the Meeting of the Parties by Belarus and persecution of activists in Brest (Belarus)

Dear Chairman, dear members of Compliance Committee!

In response to the decisions made at the 6th Meeting of the Parties to the Aarhus Convention in Budva in September 2017, regarding the harassment of environmental activists, the Committee expressed its readiness to respond promptly to information on new cases of the activists harassment in Belarus, in connection with exercising their rights under the Convention.

We would like to inform you about new facts of the infringement of activists' rights guaranteed by the Convention in the city of Brest (Belarus), in connection with a battery plant construction.

The background of the battery plant construction in Brest

The construction of the battery plant in six kilometers from the city of Brest is managed by the "IPower" LLC with the active support of the Brest Regional Executive Committee (local authorities). Production technology stipulates lead casting under the Annex 1. to the Convention and, accordingly, to article 6 of the Convention. For this activity an

Environmental Impact Assessment (EIA) procedure was performed. According to the activists and lawyers of the "Ecohome" NGO public discussions were held with a number of violations, which did not ensure proper public participation in the decision making. The local community is concerned about the possible impact on the environment and health. The representatives of the company deny any risks and danger to public.

The local community found the information on the plant construction plan a year after EIA had been performed and began active actions against the construction. Bloggers from Brest Mr Sergey Petrukhin and Mr Alexander Kabanov help people to get the information about the construction with their posts on Facebook and YouTube.

The activists informed the public, local authorities and regulating agencies about a number of violations in connection with this construction, including those related to the realization of citizens' rights under the Aarhus Convention; about real environmental risks and impact on the environment. They also made independent inquiries into the company at the request of people who live near the projected place for the plant, Mr Alexander Kabanov said.

People also collected more than 10,000 electronic signatures against the battery plant construction on the Change.org web-site and 37 thousand signatures in writing. However, the local authorities and the management of the "IPower" LLC ignored the opinion of local residents and activists.

The description of the persecution episodes.

People and activists opposing the plant construction were placed under pressure:

- On January 25, there was information in social networks and forums about the arrival of journalists who planned to report about locals' opposition to the plant construction in Shebrin, one of the villages of Brest region. On January 26, the information of the Prosecutor's Office of the Brest region was posted on the official website of the Brest Regional Executive Committee. Thus Prosecutor's office warned citizens of administrative responsibility under the article 23.34 of the Offense Code for calling for participation in unsanctioned meetings because of "the facts of handing out leaflets, sending messages on internet-forums and in social networks with calling for participation in meetings on January 27, 2018 connected with ecological situation in the region".

- Mr Alexander Kabanov and Mr Sergei Petrukhin told about the violations in the decision-making about the plant construction, court proceedings into the construction and its possible negative impact on human health and environment on the "Narodny reporter" YouTube-channel. A number of videos on the YouTube-channel were made with the help of subscribers and experts; and the results of their investigative journalism produced a great resonance, according to Mr Alexander Kabanov.

The activists posted a message on their Facebook pages saying that they would go to a city square for a peaceful single picket against the battery plant construction, if the construction will not be terminated for a new public hearings on EIA.

On February 21, the Prosecutor's Office of Berezovsky region issued an official warning to the local activist Mr Alexander Kabanov about the inadmissibility of the law "on mass events" violation. On February 22, the Prosecutor's office of Brest announced a similar warning to Mr Sergei Petrukhin.

On February 23, 2018, the plainclothes policemen detained Kabanov and Petrukhin on a street without explaining any reasons and around 18:00 placed them in a detention facility. On February 26, activists were taken to the Leninski District Court of Brest, where a judge gave them an opportunity to review the case materials and time to conclude a contract with a lawyer. While activists were in the detention facilities, their voice recorder and memory card were damaged, and the phonebook was removed from the mobile phone. The activists were taken from the detention facility at 12:00 and delivered to the courthouse only 15.15. All this time they spent in an unheated police van for arrested persons and temperature outside was minus 25 degrees.

The court decided to fine them up to about 500 EUR ostensibly for calling for unsanctioned mass events. Such a decision, as the activists explained, was taken on the basis of a post on Facebook, where they announced their personal intention to protest with single pickets. There were no calls to organize or carry out a mass unauthorized action in the post.

- On March 12, as a result of another trial, activists were charged for illegally created and distributed materials in the media. The judge considered that the pages of activists on Facebook and YouTube-channel, where they told about the battery plant construction, were the mass media and so they fall under the Mass Media Act. Activists were fined up to approximately 400 EUR by the decision of the court.

Sincerely yours,

Ms Marina Dubina,
Ecohome NGO Executive Director

