

2013-04-26

***Case summary posted by the Task Force on Access to Justice***

**Access to information on the environmental impact of a distilling plant (Tajikistan), Case 2-583**

1. <i>Key issue</i>	Access to information – Court upheld citizen’s claim against the Environment Protection Department of the town of Hudjand following its refusal to provide information on the environment impact of a distilling plant
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2. <i>Country/Region</i>	Tajikistan
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3. <i>Court/body</i>	Hudjand Municipal Court
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4. <i>Date of judgement /decision</i>	2011-04-21
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5. <i>Internal reference</i>	2-583
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6. <i>Articles of the Aarhus Convention</i>	Art. 2, para. 3, and art.4, para. 4
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7. <i>Key words</i>	Environmental information and access to environmental information
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8. *Case summary*

Citizen I.A. addressed the Environment Protection Department of the town of Hudjand to get information about the distilling plant. In his query the applicant requested information regarding the extent to which the air emissions of the plant were hazardous to the environment and whether its wastes were hazardous for feeding to cattle. He also requested access to the environmental impact statement on the activity of the plant.

The Environment Protection Department of the town of Hudjand failed to answer the letter on the grounds that citizen I.A. had not indicated the purpose of the request for this information. This refusal to reply was appealed to the Hudjand Municipal Court.

In its judgment of April 21, 2011, the court upheld I.A.’s claim on lack of action from the part of this Environment Protection Department. In its judgment, the court held that the authority had violated the national programme on access to information, public participation in the decision-making process and access to justice in environmental matters. This lack of action resulted in violation of the constitutional right of the applicant to access to information and failure to meet the requirements of the Aarhus Convention and the Law of Tajikistan on Public Appeals.

9. <i>Link to judgement/ decision</i>	<a href="http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/TAJIKISTAN/Hudjand_case/2011_Tajikistan_request4information_judgement.pdf">http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/TAJIKISTAN/Hudjand_case/2011_Tajikistan_request4information_judgement.pdf</a>
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