

Economic Commission for Europe

Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties**Twenty-fourth meeting**

Geneva, 1–3 July 2020

Item 7 (a) of the provisional agenda

**Preparations for the seventh session of the Meeting of the Parties:
Future work programme****Information note on the situation regarding environmental defenders in
Parties to the Aarhus Convention from 2017 to date¹**

Prepared by the secretariat

Introduction

1. This information note is complementary to the draft note prepared by the Bureau on a rapid response mechanism to deal with cases related to article 3 (8) of the Aarhus Convention (ECE/MP.PP/WG.1/2020/13).
2. The present note aims to provide an overview of the situation for environmental defenders in Parties to the Aarhus Convention from 1 January 2017 to date. To this end, the note is a compilation of reported incidents of persecution, penalization and harassment of environmental defenders in Parties to the Aarhus Convention since 1 January 2017, based on reports, decisions and other documents issued by, or submitted to, relevant intergovernmental and nongovernmental organizations.
3. The reported incidents included in this note have been “cut and pasted” from various reports, decisions and other documents issued by, or submitted to, the following intergovernmental and nongovernmental organizations and mechanisms:

(a) Intergovernmental organizations and mechanisms:

- (i) UN Human Rights Council Universal Periodic Review (UPR);
- (ii) UN Human Rights Committee;
- (iii) UN Special Procedures, namely:
 - a. Working Group on Arbitrary Detention;
 - b. Special Rapporteur on the promotion and protection of freedom of opinion and expression;
 - c. Special Rapporteur on the situation of human rights defenders;
 - d. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment in response to communications.
 - e. Special Rapporteur on the situation of human rights in Belarus;

¹ This document was not formally edited.

- f. Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises;
- (iv) European Court of Human Rights;
- (v) Complaints mechanisms of various multilateral development banks:
- a. International Finance Corporation;
- b. European Bank for Reconstruction and Development;
- c. European Investment Bank;
- (b) *Non-governmental organisations:*
- (i) Amnesty International;
- (ii) Crude Accountability;
- (iii) Front Line Defenders;
- (iv) Global Witness;
- (v) Human Rights Watch.

4. The present note does not purport to be an exhaustive list of all reported incidents of persecution, penalization or harassment of environmental defenders in Parties to the Aarhus Convention since 1 January 2017.

**Reported incidents of persecution, penalization and harassment of environmental defenders
in Parties to the Aarhus Convention from January 2017 to date:**

Albania

No incidents reported in the resources checked.

Andorra

No incidents reported in the resources checked.

Armenia

Special Rapporteur on the rights to freedom of peaceful assembly and of association	Visit to Armenia: Report, 2019, p. 10.	<p>“78. The Special Rapporteur notes that the activities of environmentalist human rights defenders and groups are increasing in the country, including through the use of social media and other online platforms, and that certain restrictions to their rights of freedom of assembly and association have been reported in the past years. He believes that those restrictions are counterproductive, divisive and undermine the confidence of communities in gaining access to information and their opportunities to do so, in participating in public discussions and in providing their free, prior and informed consent when the concessions for natural resource exploitation were tendered.</p> <p>[...]80. The Special Rapporteur strongly believes that protests related to the exploitation of natural resources should be seen as a call for the authorities to be more transparent and accountable and not as an attempt by communities to sabotage the economic growth of the country or to threaten its security.”²</p>
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² Special Rapporteur on the rights to freedom of peaceful assembly and of association, Visit to Armenia: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 13 May 2019, A/HRC/41/41/Add.4, p. 10, <https://uhri.ohchr.org/document/index/149C18BD-02F0-4D60-BAA9-D52BB36FDBE7>.

Human Rights Committee	List of issues in relation to the third periodic report of Armenia 2020, para. 20	“With reference to the previous concluding observations (para. 26), please respond to continued reports of harassment and intimidation of and attacks against journalists, including online journalists, human rights defenders, particularly women, and lesbian, gay, bisexual and transgender human rights defenders and environmental activists, including those working on issues concerning gold mining operations. Please explain the measures in place to ensure that all allegations of such acts are investigated and perpetrators are prosecuted and punished.” ³
UPR	Stakeholder Report 2019, par. 55	“CIVICUS stated [h]uman rights defenders working on environmental rights had been subjected to judicial persecution, harassment and intimidation for engaging in advocacy against corporate activities that impacted on the environment.” ⁴

Human Rights Watch	World report 2020, p. 36	“In August, environmental protests against plans to restart construction on the Amulsar gold mine turned into confrontations between police and protesters after security officials barred them from demonstrating in a public park surrounding parliament. Police briefly detained six protesters on misdemeanor disobedience charges. Related protests continued near the town of Jermuk, where local residents and environmental activists blocked the roads to the mine, opposing its construction on environmental and economic grounds.” ⁵
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 15-16.	<p>“Since 2014, villagers of Garni in Kotayk Region of the Republic of Armenia have been opposing the construction of the Kakhtsrashen gravity-fed irrigation system, concerned that this construction project implemented by the State Water Committee of Armenia with support from the World Bank could have a negative impact on the Azat River ecosystem and the local population.”⁶</p> <p>“The confrontation escalated in the spring of 2016, when residents actively protested against the project and on a few occasions blocked the Garni-Yerevan road when heavy-duty construction equipment appeared in the Azat Gorge. In response, some of the protesters received phone calls from strangers threatening them and their relatives. Arusyak Ayvazyan, one of the protesters and owner of the local drugstore, first received phone threats and then was visited in her store by three men who pretended to be buying medicines, but in fact tried to intimidate her by saying that they would report her to tax authorities and have her son sent to the frontlines in Karabakh. She was able to identify two of the three visitors – they had come to Garni earlier together with Aram Harutyunyan, chairman of the State Water Committee of Armenia, governor Karapet Guloyan, and other officials. Another fighter for the Azat River, Garni resident Saak Sahakyan, received threats from strangers saying that he would be hit by a car and thrown into the river if he did not keep quiet. The threats came from the</p>

³ Human Rights Committee, List of issues in relation to the third periodic report of Armenia, 26 August 2020, CCPR/C/ARM/Q/3, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAR M%2fQ%2f3&Lang=en, p. 5.

⁴ Human Rights Council, Summary of stakeholders’ submissions on Armenia, 5 November 2019, A/HRC/WG.6/35/ARM/3, <https://undocs.org/A/HRC/WG.6/35/ARM/3>, p. 6.

⁵ Human Rights Watch, World report 2020, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf, p. 36.

⁶ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, p. 15.

		same people who had visited Ayvazyan: Saakyan identified them in a photo.” ⁷
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Austria

Amnesty International	Human Rights in Europe Review of 2019, p. 11.	“Authorities continued to fail to establish an independent mechanism to investigate cases of ill-treatment and excessive use of force by law enforcement officials and to legally require them to wear identification badges. In May, police used excessive force against several climate activists while dispersing a spontaneous assembly. At the end of the year, an investigation by the Prosecutor’s Office was ongoing into the conduct of several law enforcement officials. The Ministry of Interior informed Amnesty International that an internal police investigation would be conducted once the Prosecutor’s Office had concluded its investigation. The Vienna Administrative Court ruled that several police conducts, including bag searches and the arrest of an activist, were unlawful.” ⁸
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Azerbaijan

No incidents reported in the resources checked.

Belarus

UPR	Stakeholder Report 2020, par. 21	“Ecohome stated that Belarus continued the harassment of environmental activists, in the form of detentions, arrests, prohibition of entry into the country, and searches and the seizure of information materials.” ⁹
UN Special Rapporteur on the situation of human rights defenders	Observations on communications transmitted to Governments and replies received, 2020, paras. 503 and 507.	“JAL 22/03/2019; Case no: BLR 2/2019; State reply: 16/05/2019. Allegations of judicial harassment against Mr. Uladzimir Vialičkin, a human rights defender and member of the non-governmental organisation “Viasna” and Mr. Vital Kazak, environmental rights defender, as well as the alleged arbitrary detention of Mr. Aliaksandr Kabanaŭ, environmental rights defender and blogger, for their participation in peaceful protests against the construction of a battery plant in Brest.” ¹⁰ “The Special Rapporteur expresses concern at the allegations of judicial harassment of Mr. Vialičkin and Mr. Kazak and the alleged arbitrary detention of Mr. Kabanaŭ, which appear to be directly related to their participation in peaceful protests and promotion of environmental rights. He is further concerned at the use of the Code of Administrative Offenses to pressure human rights defenders and prevent them from exercising their right to peaceful assembly. Moreover, it seems that administrative detention is used as a means to prevent human rights defenders from participating in assemblies. The Special Rapporteur thanks the

⁷ Ibid., p. 16.

⁸ Amnesty International, Human Rights in Europe Review of 2019, <https://www.amnesty.org/download/Documents/EUR0120982020ENGLISH.PDF>, p.11.

⁹ Human Rights Council, Summary of stakeholders’ submissions on Belarus, 17 February 2020, A/HRC/WG.6/36/BLR/3, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/034/63/PDF/G2003463.pdf?OpenElement>, p. 3.

¹⁰ Report of the Special Rapporteur on the situation of human rights defenders, Addendum, Observations on communications transmitted to Governments and replies received, 2020, A/HRC/43/51/Add.3, <https://undocs.org/en/A/HRC/43/51/Add.3>, para. 503.

		Government for its response dated 16 May 2019 but regrets that it did not include information on how the arrest and detention of the above-mentioned individuals were compatible with international human rights norms and standards.” ¹¹
UN Special Rapporteur on the situation of human rights in Belarus	Report of the Special Rapporteur on the situation of human rights in Belarus 2017, para. 81.	“The Special Rapporteur is particularly concerned by the case of Dzmitry Paliienka, an environmental and civil rights activist who was arbitrarily arrested on 29 April 2016, after participating in a peaceful demonstration to promote cycling. Mr. Paliienka has been the subject of several arbitrary detentions since 2014. ³³ The two-year sentence handed down against him in 2016 had been suspended, but the suspension was overturned by a Minsk court in April 2017 on the grounds that he was guilty of “minor hooliganism” (art. 17.1, Code of Administrative Offences) for shouting “Shame” when the verdict in a protester’s case was announced.” ¹²
UN Special Rapporteur on the situation of human rights in Belarus	Situation of human rights in Belarus 2019, para. 73.	“Individuals are on occasion put under pressure not to take part in peaceful assemblies. For example, some of the most active protesters against the construction of the battery plant in Brest have reportedly been “invited to conversations” and dismissed from work.” ¹³
UN Special Rapporteur on the situation of human rights in Belarus	Situation of human rights in Belarus, 2019, paras. 30-31.	<p>“Compared to the mass arrests that occurred in the past, the present reporting period was relatively calm. That could be explained by the lack of major political or social events. However, the systemic issues documented in the past remain present in law and in practice. Human rights defenders, activists, journalists and ordinary citizens continue to be arrested or detained on a regular basis for enjoying their legitimate right to freedom of assembly and expression. Any unauthorized meeting or gathering usually leads to arrests, potential detention ranging from a few hours to several days and very often to an administrative sentence to pay a fine.”¹⁴</p> <p>“An emblematic example of this is the peaceful gatherings that have taken place every Sunday since 25 February 2018 in the centre of Brest to protest against the construction of a battery plant. At the time of writing, 27 individuals had been fined for taking part in the protests or calling for people to join them.²³ Many of them have spent a day or two in detention. The work of journalists and bloggers covering the events has also been regularly interfered with: on 3 March 2019, two Belsat journalists, Aliés Liaučuk and Milana Charytonava, were arrested on the street on their way to one of the protests and sentenced to a fine for their coverage of previous protests. ²⁴ Two bloggers frequently covering the events, Siarhieij Piatruchin and Aliaksandr Kabanaŭ, have faced systematic interference with their work, having been repeatedly arrested and fined.”¹⁵</p>
UN Special Rapporteur on the situation of	Situation of human rights in Belarus, 2020, para. 39.	“Arbitrary arrests of environmental activists protesting against the construction of the battery plant in Brest continued during the reporting period. In April 2019, a total of 18 environmental activists were arrested. Some of them were released a few hours later, while others were detained for up to three days in temporary detention facilities and consequently

¹¹ Ibid., para. 507.

¹² Report of the Special Rapporteur on the situation of human rights in Belarus, 2017, A/72/493, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/297/38/PDF/N1729738.pdf?OpenElement>, para. 81.

¹³ Report of the Special Rapporteur on the situation of human rights in Belarus, 2019, A/74/196, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/223/84/PDF/N1922384.pdf?OpenElement>, para. 73.

¹⁴ Ibid., para. 30.

¹⁵ Ibid., para. 31.

human rights in Belarus		<p> fined. These activists were arrested under article 23 of the Code of Administrative Offences of Belarus, which regulates the organizing and holding of mass events. Another environmental activist was detained with his son and charged with trafficking in ammunition. The prosecution was later terminated owing to a lack of evidence. The Special Rapporteur is concerned that arbitrary arrests are used as a tool to intimidate civil society and to prevent people from exercising their legitimate right to freedom of peaceful assembly.”¹⁶</p>
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Human Rights Watch	World report 2020, pp. 66-67.	<p>“Siarhei Piatrukhin, a popular critical blogger, was repeatedly detained and fined throughout 2019 for coverage of protests against the battery plant construction near Brest. In April, he was convicted of criminal slander and libel for a series of videos he had uploaded to YouTube alleging police abuses.”¹⁷</p> <p>“Since 2018, of over 90 requests made to authorities to hold protests in Brest against the battery plant construction, only one was permitted. In April, police arrested 18 activists and fined three for their involvement in the peaceful protests. Also in April, police searched the car of activist Maisey Mazko, allegedly found cartridges and a briquette of an unknown substance, and opened a criminal case into alleged possession of ammunition. Another activist present during the search said the evidence was fabricated. Between May and August, authorities arrested and charged with administrative offenses at least 15 other activists involved in the peaceful protests in Brest.”¹⁸</p>
Global Witness	World report 2018, p. 13.	<p>“The Observatory for the Protection of Human Rights Defenders reported in October 2018 that Belarussian activists Alena Masliukova and Anatoly Zmitrovich were convicted in court for organising a flash mob in the town of Svetlogorsk in protest against air pollution caused by a local factory. Both were slapped with a fine equivalent to two-thirds of the average monthly salary in Belarus, according to the Observatory”¹⁹.</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 22-23.	<p>“In 2014, numerous incidents of harassment targeting anti-nuclear activists from Ekodom (Ecohome) NGO and Russian environmentalist Andrey Ozharovsky for opposing plans to construct a nuclear power plant in Belarus were brought before the Aarhus Convention Compliance Committee. Ekodom is 1 an environmental NGO in Belarus engaging in anti-nuclear activism and promoting public participation in environmental decision-making. In 2006, the group initiated the Belarusian AntiNuclear Campaign coordinated by environmental activist Tatiana Novikova. One of the campaign’s active participants is Russian environmentalist and nuclear physicist Andrey Ozharovsky, who is also a member of the Russian Socio-Ecological Union, a journalist, and a regular contributor to bellona.ru website. In January 2008, the Security Council of Belarus passed a final political decision to construct a nuclear power plant (NPP) in the country. On 2 October 9, 2009, public hearings were held in the town of Ostrovets to discuss the nuclear power plant’s environmental impact</p>

¹⁶ Report of the Special Rapporteur on the situation of human rights in Belarus, 2020, A/HRC/44/55, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/089/03/PDF/G2008903.pdf?OpenElement>, para. 39.

¹⁷ Human Rights Watch, World report 2020, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf, pp. 66-67.

¹⁸ Ibid., p. 67.

¹⁹ Global Witness, Annual Report 2018, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>, p. 13.

		<p>assessment. Yet according to those who attended, the hearings were more like a propaganda campaign in favor of the power plant construction than public consultations concerning its environmental and other risks. During these hearings, Andrey Ozharovsky was arrested and detained for seven days, and had 94 copies of a publication, Critical Responses to Preliminary Report on Belarusian NPP Environmental Impact Assessment, confiscated by the police. The authorities did so to prevent the public from accessing the paper, which explained the potential harm that the NPP construction could cause. In fact, Ozharovsky's attempt to bring copies of the paper to the public hearings was indicated as the reason for his arrest in the relevant court decision. In 3 contrast, concurrent anonymous distribution of leaflets in support of the NPP construction was not considered an offense."²⁰</p> <p>"The persecution of environmental activists, including Ekodom members and Andrey Ozharovsky, did not stop at that. On July 18, 2012, Russian Prime Minister Dmitry Medvedev visited Minsk to sign a general contract for the construction of a nuclear power plant in Belarus. Tatiana Novikova and Andrey Ozharovsky attempted to pass copies of an open statement criticizing the Ostrovets NPP project to the Russian Embassy in Minsk. However, on the way to the Russian Embassy, they were arrested on misdemeanor charges ("hooliganism"). Ekodom chairperson Irina Sukhiy and human rights activist Mikhail Matskevich who came to their colleagues' help were arrested as well. According to the authorities, the activists were detained for allegedly using profane language in a public place. Andrey Ozharovsky was given a ten-day administrative detention sentence, Tatiana Novikova was sentenced to five days, Mikhail Matskevich to three days, and Irina Sukhiy to a 1,500,000-ruble fine. In addition to this, on July 28, 2012, a court barred Ozharovsky from entering Belarus for ten years. While in detention, the activists' personal belongings were confiscated, including Tatiana Novikova's life-supporting medicines. Novikova, who is a cancer patient, asked to call an ambulance, but her request was ignored and the essential medication was not delivered to her until the third day of her detention. According to Andrey 4 Ozharovsky, he was denied both the right to legal counsel and the possibility to contact the Russian consulate. Furthermore, it was only in the courtroom that the activist was able to view the report of his arrest for the first time."²¹</p> <p>"On April 26, 2013, environmentalists Irina Sukhiy, Olga Konovalova, Vasily Seminikhin, and Konstantin Kirillenko were detained an hour before the start of the Chernobyl Way-2013 street action and released immediately after it was over. The alleged reason for their detention was a document check, but the real purpose was to prevent their participation in the rally protesting against the NPP construction in Belarus. Police blocked Tatiana Novikova of Ekodom in Irina Sukhiy's apartment, which served as the meeting place for protesters against the Belarus NPP construction. Having detained Irina Sukhiy, the police continued to patrol the entrance to her home until the street action was over."²²</p>
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Belgium

No incidents reported in the resources checked.

²⁰ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019
https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, p. 22.

²¹ Ibid., pp. 22-23.

²² Ibid., p. 23.

Bosnia and Herzegovina

UN Special Rapporteur on the situation of human rights defenders	Observations on communications transmitted to Governments and replies received, 2020, paras. 508-510.	<p>‘JAL 16/05/2019; Case no: BIH 1/2017; State reply: none to date. Alleged excessive use of force by special police unit forces of the Ministry of Interior, and charges laid against twenty-three residents (22 women and one man) of Kruščica village who have been peacefully defending the river and the surrounding environment from the construction of two hydropower plants.’²³</p> <p>‘The Special Rapporteur regrets that, at the time of finalisation of this report, no response has been received from the Government of Bosnia and Herzegovina. He encourages the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council.’²⁴</p> <p>‘In relation to the allegations outlined in his communication dated 16 May 2019, the Special Rapporteur raises concern over the physical and verbal excessive use of police force against the mainly female peaceful protestors, the denial of proper medical care, and the misdemeanour charges laid against them. He is concerned that those measures may have been directly linked with their environmental and human rights activism. The Special Rapporteur raises further concern that such acts of harassment and intimidation could have a negative impact across the wider human rights community and may deter local initiatives throughout the country where environmental human rights defenders are peacefully assembling to oppose controversial projects such as dams and hydropower plant construction.’²⁵</p>
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Human Rights Watch	World report 2018, p. 85	“The most serious breach was the violent dispersal of a demonstration in Kruščica, where locals were protesting the building of a river dam.” ²⁶
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Bulgaria

European Court of Human Rights	Case of Sapundzhiev v. Bulgaria, no. 30460/08, Judgment of 6 September 2018	<p>“5. In 2003 an individual installed a printing company in a building situated in close proximity to the building where the applicant was living with his family. Shortly after the printing company began operating, the applicant and his family started resenting the nuisance it was causing. In particular, they found the constant smell of ink and solvents intolerable; also, they were continuously disturbed by the vibrations caused by the printing machines, which reverberated through the walls of their dwelling. Moreover, as time went by, the applicant’s young daughter developed an allergy, which the applicant believed was due to the chemicals used in the printing process and had to take daily medication to keep it under control.</p> <p>6. Between July 2006 and August 2007, the applicant turned to several State institutions, including regional branches of the hygiene and</p>
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²³ Report of the Special Rapporteur on the situation of human rights defenders, Addendum, Observations on communications transmitted to Governments and replies received, 2020, A/HRC/43/51/Add.3, <https://undocs.org/en/A/HRC/43/51/Add.3>, para. 508.

²⁴ Ibid., para. 509.

²⁵ Ibid., para. 510.

²⁶ Human Rights Watch, World report 2018, https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf, p. 85.

	<p>epidemiological inspectorate, the public health directorate at the Ministry for Health, the regional building inspectorate, the mayor of Silistra and the prosecution service. He complained to them in writing about the nuisance caused by the printing company. He claimed that the latter was operating contrary to a number of legal requirements found in different ministerial regulations. He also asked the authorities for help in forcing the printing company to cease its operations.”...</p> <p>“17. Like the staff at the printing company, the applicant and his neighbours suffered frequently from headaches, their washing turned grey whenever it was hung to dry and the noise produced by the machines when operating was unbearable. In particular, at the house of one of the applicant’s neighbours the noise was so loud it was as though an earthquake had started every time the guillotine was operating.”...</p> <p>“21. On an unspecified date the owner of the printing company, V.V., brought defamation proceedings against the applicant under Article 147 of the Criminal Code 1968. V.V. complained in particular that the applicant’s actions had damaged his printing business and his personal reputation.”...</p> <p>“23. On 5 June 2007 the Silistra District Court found the applicant guilty of libel. It held that he had defamed V.V. by complaining in writing to various institutions about the latter’s printing operations and by printing and publicly disseminating material which claimed that the business was operating unlawfully.”...</p> <p>“27. Following an appeal by the applicant, the Silistra Regional Court upheld the first-instance court’s findings in a final judgment of 30 October 2007.”...</p> <p>“41. The Court observes that the final judgment against the applicant, by which he was found guilty of defamation and ordered to pay a fine and damages to the victim, constituted an interference with his right to freedom of expression under Article 10 of the Convention.”...</p> <p>“49. With respect to the severity of the sanction effectively imposed on the applicant the Court observes that, although the domestic courts ultimately waived his criminal liability, he was still tried in fully-fledged criminal proceedings, was found guilty of a crime and, ultimately, ordered to pay an amount of money (EUR 770 in all), which in view of the applicant’s personal situation was not insignificant. The Court finds that this risked having the effect of stifling complaints before relevant authorities, as well as dissuading all public expression on issues about environmental protection and people’s health and well-being.</p> <p>50. Having regard to the above considerations, and particularly bearing in mind the authorities’ failure to demonstrate convincingly the pressing social need for an interference with the applicant’s freedom of expression in respect of his complaints to the authorities as well as the severity of the sanction imposed on him, the Court finds that the interference in question was not “necessary in a democratic society”.</p>
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		51. There has therefore been a violation of Article 10 of the Convention.” ²⁷
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Croatia

UPR	Stakeholder Report 2020, par. 23	“[Joint statement 4] stated that human rights defenders and environmental organizations were under pressure from private investors who took legal actions against them due to their activities to protect the public interest. It recommended Croatia to ensure an enabling and safe environment for the work of human rights defenders and secure public funding schemes for sustainable and long-term human rights work on advocacy and provision of social services.” ²⁸
European Court of Human Rights	Bon v. Croatia, no. 26933/15, lodged on 30 May 2015	<p>“The applicant is an environmental activist, the president of the Motovun section of the Green Party. At a round table organised by the National Forum for the Environment entitled “Together against Seizure – How to Proceed against the Law on Golf Courses”, held in the Centre for Journalists in Zagreb on 26 March 2009 in front of an audience of about fifty people, the applicant gave a presentation in which he spoke about his return to Motovun after thirty-four years of living abroad, and asserted that there was a surplus of instruments of power in the town, a democratic deficit, and that everything was happening in the dark, behind closed doors, far from the eyes of the public. In that context, he also said that the head of the Motovun Municipality, S.V., had been acting like a “real cockroach”.</p> <p>The applicant’s speech was recorded without his consent or knowledge and placed on the Internet, also without his consent.</p> <p>Between 31 October 2010 and 24 June 2009 S.V. lodged three criminal complaints against the applicant with the Pazin Municipal Court in relation to charges of libel and insult. On 2 March 2010 that court found the applicant guilty of insulting S.V., in that he had called him a “real cockroach”. The court fined him 26,666 Croatian kunas (HRK) and also ordered him to bear the costs of proceedings in the amount of HRK 1,000. The applicant was acquitted of the other charges. That judgment was upheld by the Pula County Court on 24 May 2011. A subsequent constitutional complaint by the applicant was dismissed on 11 December 2014.</p> <p>[...] The applicant [...] complains under Article 10 of the Convention that his right to freedom of expression was violated.”²⁹</p>

Cyprus

No incidents reported in the resources checked.

²⁷ European Court of Human Rights, Sapundhiev v. Bulgaria, No. 30460/08, Judgment, 6 September 2018, <https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%2C%22itemid%22:%5B%22001-186036%22%5D%7D>.

²⁸ Human Rights Council, Summary of stakeholders’ submissions on Croatia, 28 February 2020, A/HRC/WG.6/36/HRV/3, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/053/56/PDF/G2005356.pdf?OpenElement>, p. 3.

²⁹ European Court of Human Rights, Bon v. Croatia, No. 26933/15, Statement of Facts, 26 April 2017, <https://hudoc.echr.coe.int/eng#%7B%22tabview%22:%5B%22document%22%2C%22itemid%22:%5B%22001-173632%22%5D%7D>

Czech Republic

No incidents reported in the resources checked.

Denmark

No incidents reported in the resources checked.

Estonia

No incidents reported in the resources checked.

Finland

No incidents reported in the resources checked.

France

UN Special Rapporteur on the situation of human rights defenders and three other UN Rapporteurs	Communication, 20 April 2020	<p>“Information received regarding various acts of harassment and intimidation against two Ugandan human rights defenders in connection with the Total Tilenga oil project.</p> <p>[...] We express concern that the various acts of harassment and intimidation against Mr. Mugisha and Mr. Mwesigwa, including Mr. Mugisha's brief detention at Kampala airport, appear to be directly related to the exercise of their right to freedom of opinion and expression. In addition, the attacks inside Mr. Mwesigwa's home on December 23-24, 2019 suggest a worrying pattern of reprisals for the exercise of his legitimate human rights. We are further concerned that their harassment may prevent other Ugandans affected by the Total Uganda oil project from exercising their rights to freedom of opinion and expression.”³⁰</p>
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Global Witness	Annual report 2018, p. 12.	<p>“According to CIVICUS, on 20 June 2018 more than 200 police simultaneously raided 10 locations in France where anti-nuclear activists were living, taking seven people into custody and arresting the group's lawyer. The prosecutor claimed the arrests were connected to an ongoing investigation dating back to 2017. However, activists said the reasons for the raids were unclear, or not provided by police. These raids took place amid a ramping up of police powers of arrests, detention and surveillance since France's 2015 terrorist attacks.”³¹</p>
Global Witness	Annual report 2019, p. 16.	<p>“In June, shocking footage of French police spraying tear gas into a group of seated and peaceful Extinction Rebellion climate protestors at close range went viral. Under the leadership of Emmanuel Macron, France has become increasingly intolerant of civil activism. Sébastien Bailleul, director of the French environmental and social justice charity Crid, said: “There is a real authoritarian slide in France and what has emerged from</p>

³⁰ Unofficial translation. Communication to France from the Special Rapporteur on the promotion and protection of freedom of opinion and expression, Special Rapporteur on the situation of human rights defenders, Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, FRA 1/2020, 20 April 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25184>.

³¹ Global Witness, Annual Report 2018, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>, p. 12.

		the tip of the iceberg is police violence. This is a strategy of fear, and the climate movement is now on the frontline.” ³²
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Georgia

Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 25-26.	<p>“In March 2012, the Georgian Parliament passed a law making it possible to avoid liability for violations in the sphere of environmental protection and use of natural resources in exchange for payments made to the state. This approach contradicts the "polluter pays" principle and the state's obligation to enforce environmental law. According to Georgian NGOs, some of the country's greatest polluters were benefitting from the scheme, so not surprisingly, the new law came under criticism from Green Alternative and other environmental groups. In response, the Georgian Minister of Environmental Protection accused them of a “hypocritical attitude towards the environment,” dismissed them as “marginalized groups,” and claimed that their only purpose was “to paint a horrible picture and blow up a scandal around it.” Such statements made by a senior government official were essentially attempts to discredit the NGOs voicing their disagreement with the government and Parliament's decisions”.³³</p> <p>“In 2013, Green Alternative opposed plans to construct the 702 MW Khudoni Hydropower Plant”.³⁴</p> <p>“A number of the country's senior government officials unleashed a blame campaign against NGOs and citizens opposing the Khudoni Hydropower Plant construction project. In particular, on September 19, 2013, the Deputy Minister of Energy told a media reporter, “Green Initiative belongs to the radical wing of nongovernmental organizations.” On October 15, 5 2013, a group of 54 NGOs urged the government to stop trying to discredit environmental organizations, but without result. 6 On November 11, 2013, the Georgian Minister of Energy, also acting as Deputy Prime Minister, told journalists, “Green Alternative is a radical group that hinders the country’s economic development. They get paid to ensure that nothing gets done in this country. Now you can draw your own conclusions as to the underlying causes of their actions.” During a press briefing 7 on May 15, the Minister of Energy and Deputy Prime Minister of Georgia described the activists as “a destructive force” and once again hinted at their foreign connections by referring to “internal and external enemies”.”³⁵</p>
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Germany

No incidents reported in the resources checked.

Greece

No incidents reported in the resources checked.

³² Global Witness, Annual Report 2019, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 16.

³³ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, p. 25.

³⁴ Ibid., p. 26.

³⁵ Ibid.

Hungary

No incidents reported in the resources checked.

Iceland

No incidents reported in the resources checked.

Ireland

No incidents reported in the resources checked.

Italy

European Investment Bank Complaints Mechanism	Complaints on Trans Adriatic Pipeline Project, 2017-2018	<p>“The project concerns the financing and construction of the Trans Adriatic Pipeline, the western part of the Southern Gas Corridor from the Greek/Turkish border to Italy through Albania.</p> <p>[...] We handled 12 additional complaints related to the [...] project that were also submitted by the end of 2017 and at the beginning of 2018 (for the Italian section of the Trans Adriatic Pipeline). These complaints cover a set of eight main allegations related to environmental and social aspects: (i) failure to consult the local population on the project; (ii) misrepresentation of community health-related impacts in the area of operations; (iii) circumvention of the Seveso regime; (iv) abuses by security personnel, thereby inappropriately restricting people’s fundamental rights of free movement, assembly, demonstration and expression of dissent; [...] (vi) failure to fully address impacts in the Environmental Impact Assessment, violation of international conventions on Environmental Impact Assessments and absence of a monitoring plan; (vii) failure to comply with the EU Habitats Directive [...]</p> <p>As of December 2019, the Complaints Mechanism was carrying out its investigation for these 12 additional cases.”³⁶</p>
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Frontline Defenders	Annual report 2019, p. 26	<p>“In Southern Italy, environmental activists from the No-TAP (Trans Adriatic Pipeline) movement, who have been opposing the construction of the TAP gas pipeline since 2013, continued to be criminalised. Dozens of peaceful protesters are currently under investigation on charges of resistance to public officers and unauthorised demonstrations.”³⁷</p>
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Kazakhstan

UN Working Group on Arbitrary Detention	Opinion No. 16/2017 concerning Max Bokayev and Talgat Ayanov (Kazakhstan), 27 June 2017	<p>“Max Bokayev is a 43-year-old Kazakh national, usually residing in Atyrau, Kazakhstan. According to the source, Mr. Bokayev is the head of the non-governmental organization Arlan and a human rights defender working for the protection of the environment, freedom of expression and the fight against torture. He has been a member of the Extractive Industries Transparency Initiative since 2011. [...] Talgat Ayanov is a 32-</p>
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³⁶ European Investment Bank Complaints Mechanism Report 2019, <https://www.eib.org/en/publications/complaints-mechanism-annual-report-2019.htm>, p.29.

³⁷ Front Line Defenders, Global Analysis 2019, https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf, p. 26.

		<p>year-old Kazakh national. He is a lawyer and activist and usually resides in Atyrau.</p> <p>[...]6. The source reports that between April and May 2016, several protests were held in Kazakhstan, gathering hundreds of citizens calling for the abolition of amendments to the Land Code that were introduced in November 2015. During the protests, many individuals were reportedly detained and sentenced to administrative detention for “preparation of illegal rallies” or “hooliganism”. 7. According to the source, the Government launched a smear campaign via mass media platforms accusing the protesters of planning violent attacks and blaming a Kazakh businessman for leading the protest movement in order to plot a coup to destabilize the country.</p> <p>[...] In this context, Mr. Bokayev and Mr. Ayanov were reportedly arrested on 17 May 2016 in the city of Atyrau on the basis of an “administrative protocol” issued by the Department of Interior Affairs. They were reportedly arrested for the role they had played in organizing peaceful demonstrations that took place in April and early May 2016 against amendments to the Land Code, which they deemed contrary to human rights standards; for their statements posted on social media; and for making public their intention to participate and encouraging others to take part in peaceful protests on 21 May 2016.</p> <p>[...] The Working Group requests the Government of Kazakhstan to take the steps necessary to remedy the situation of Max Bokayev and Talgat Ayanov without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. 67. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Max Bokayev and Talgat Ayanov immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.³⁸</p>
UN Special Rapporteur on the situation of human rights defenders	Observations on communications transmitted to Governments and replies received, 2017, paras. 538.	<p>“JAL 04/11/2016 ; Case no: KAZ 3/2016 ; State reply: 04/01/2017. Allegations concerning arrest, detention and criminal proceedings against two human rights defenders Mr. Max Bokayev and Mr. Talgat Ayan, as well as refused access to adequate healthcare services for Max Bokayev.”³⁹</p> <p>“On 26 April 2016, following the protests in Atyrau city, criminal cases were brought against eight protestors, human rights defenders, bloggers and journalists, including environmental rights defenders Mr. Max Bokayev and Mr. Talgat Ayan. Following their arrest and detention on 17 May 2016, Messrs. Max Bokayev and Talgat Ayan were sentenced to five years in prison with the prohibition to engage in social activities for three years as well as a fine on 28 November 2016. The Special Rapporteur expresses concern at the sentencing, which he fears is directly linked to their peaceful defence of land rights in Kazakhstan, and appears to be in violation of articles 19, 21 and 22 of the ICCPR. In the reply of 4 January 2017, the Government informed the Special Rapporteur that the conviction of the two environmental rights defenders was under appeal. The Special Rapporteur notes with regret that on 20 January 2017, the Atyrau Regional</p>

³⁸ Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 16/2017 concerning Max Bokayev and Talgat Ayanov (Kazakhstan), 27 June 2017, A/HRC/WGAD/2017/16, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf.

³⁹ Ibid., para. 531.

		Court has reportedly upheld the decision to sentence Mr. Bokayev and Mr. Ayan to five years in prison.” ⁴⁰
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Frontline Defenders	Annual report 2019, p. 26.	“After a prolonged smear campaign and judicial harassment against activists from the Save Kok Zhailau movement in Kazakhstan, who fought against plans for a national park to be turned into a ski resort, the project was officially suspended.” ⁴¹
Global Witness	Annual report 2019, p. 19.	“Wildlife ranger Yerlan Nurghaliev had dedicated his life to protecting saiga – an endangered ancient species of antelope – from poachers. It was a commitment that cost him his life. On 13 January, Yerlan and his partner tracked down a group of poachers near Lake Tengiz, 150km south-west of the capital Nur-Sultan. When they approached the poachers to attempt to make an arrest, Nurghaliev was badly beaten and later died of his injuries in hospital. This was the first time since the creation of the country’s wildlife protection agency that a state ranger had been killed by poachers. In February, three men were found guilty of his murder and sentenced to life in prison.” ⁴²
Global Witness	Annual report 2019, p. 19	“Land and environmental defenders from the organisation Crude Accountability have paid a high price for opposing the environmental pollution of the Karachaganak oil and gas field in north-western Kazakhstan. They have faced criminalisation, arbitrary detention, threats and harassment from local authorities and police, and even an online smear campaign. In May, Sergey Solyanik was detained by police while taking photos in the village of Berezovka, after the Karachaganak project had forced residents from their homes.” ⁴³
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 30-32.	“Sergey Solyanik has been active in Kazakhstan’s environmental movement since 1990. One of the environmental issues he has tackled concerns hydrogen sulfide emissions at the Karachaganak Oil and Gas Condensate Field and their impact on the health of nearby Berezovka’s villagers. The field is operated by Karachaganak Petroleum Operating BV (KPO). The field’s intensive development has caused severe environmental pollution and serious health damage among Berezovka’s residents, particularly children. For more than ten years, Solyanik has helped the villagers to fight for relocation and medical assistance for their affected children.” ⁴⁴ Since 2002, Berezovka’s residents tried to get the authorities and KPO to facilitate their relocation to a safer place. Time has shown that 8 the villagers’ concerns were well-founded, as on November 28, 2014, 25 children in Berezovka suffered acute health problems caused by toxic emissions from the field. Even after the tragedy, the authorities and the

⁴⁰ Report of the Special Rapporteur on the situation of human rights defenders, Addendum, Observations on communications transmitted to Governments and replies received, 2017, A/HRC/34/52/Add.1, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/52/Add.1, para. 538.

⁴¹ Front Line Defenders, Global Analysis 2019, https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf, p. 26.

⁴² Global Witness, Annual Report 2019, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 19.

⁴³ Ibid.

⁴⁴ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, p. 30.

	<p>company refused to take responsibility and compensate the villagers for the damage to their children's health. However, in December 2015, the authorities began the resettlement of villagers to the neighboring city of Aksai and the newly built village of Araltal; the relocation was completed by January 1, 2018. According to the company, the relocation was linked to Karachaganak's expansion making Berezovka part of the field's Sanitary Protection Zone. Solyanik continues monitoring the situation in Berezovka, because the affected children are still suffering from serious health consequences of the toxic poisoning.”⁴⁵</p> <p>“Solyanik resides in Almaty, which is located at a considerable distance from the village of Berezovka where the poisoning occurred. During his periodic monitoring visits, he has repeatedly faced administrative arrests and threats of criminal prosecution, apparently designed to discourage his advocacy for the children affected by the environmental poisoning. In May 2016, when Solyanik, together with his colleagues from Russia and the U.S., interviewed the affected children’s parents, he and his colleagues were arrested by the migration police and detained for several hours, allegedly for irregularities found in his foreign colleagues' registration paperwork. Following a few phone calls to a lawyer and mass media outlets and the activists' warning that they would report the arbitrary detention to the prosecutor, they were released with the apology that their arrest was an administrative error. In the fall of 2016, the parents of affected Berezovka children informed Sergey that the local police were trying to collect evidence to build a criminal case against him and other advocates of their children.”⁴⁶</p> <p>“On May 7, 2019, Sergey Solyanik was once again arrested by police, this time together with his wife, while he was on a monitoring visit taking photographs in the area where Berezovka used to be. According to the police, the couple was arrested for being in the "environmental zone where photography was prohibited" – despite the fact that visiting and taking photographs of the area (i.e. the company's sanitary protection zone) is not prohibited by Kazakhstani law. The arrest was performed with the help of KPO employees who refused to introduce themselves. The manner in which the environmentalist was arrested and escorted to the police station was in contravention of articles 208 and 157 of the Code of Criminal Procedure of Kazakhstan”.</p> <p>“Once at the Burlin District Police Station, Solyanik was told that he'd been brought there for an interrogation as part of criminal proceedings against him, of which he had not been formally notified. It was only during the interrogation in the investigator’s office that Solyanik learned about the criminal case initiated against him on January 5, 2017, under article 274 of the Criminal Code of Kazakhstan, allegedly for "dissemination of knowingly false information," i.e. defamation. Solyanik refused to answer questions without his lawyer present and was eventually issued an official summons to show up for interrogation on the next day. Solyanik's wife was also questioned by the police, although she could not have been involved in the past events in question. She was asked questions to establish what the couple was doing in Berezovka on the day of their arrest. On the next day, Sergey Solyanik was interrogated in the presence of his lawyer; the investigator asked Solyanik about the community and civic activists' involvement in helping the affected children of Berezovka. On the same day, Solyanik appealed against his unlawful arrest to the</p>
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⁴⁵ Ibid., pp. 30-31.

⁴⁶ Ibid., p. 31.

		<p>prosecutor's office, but the only irregularity that the prosecutor's office of West Kazakhstan region found was the failure to issue Solyanik a formal paper stating that he'd been delivered to the police station. In late May 2019, when Solyanik was back home in Almaty, the investigator informed him that his involvement in the "crime" was not proven and the case against him was suspended. The West Kazakhstan region prosecutor's office response to Solyanik's complaint reveals that the pre-trial inquiry opened against him on December 23, 2016, was triggered by letters from the Burlin district akim and the health department of West Kazakhstan region, both alleging defamation and referring to a press release and a one minute video of the affected Berezovka children. It appears that the following quote from the press release authored by Solyanik was the only reason behind his prosecution and interrogation: "Over the past two years, the situation with the children's health has not improved. The children have not received any help, and it appears that there will be no punishment for those responsible for the tragedy. The criminal case into the poisoning has been suspended while Kazakhstan has spent more than a year waiting for Russia's assistance with examining the evidence. However, our Coalition will continue to seek help for the Berezovka children. We urge everyone who does not want large oil companies to continue injuring children to join us. These children are not someone else's children for us, they are our children!" A careful review of the entire press release has not revealed any direct or indirect reference to the officials whose complaints triggered the defamation case."⁴⁷</p>
Crude Accountability	<p>Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 37-40.</p>	<p>"Max Bokaev is one of the most well-known environmentalists in Western Kazakhstan who has actively participated in protest rallies and pickets, alongside other actions such as litigation of environmental issues. In April 2010, he was fined for holding a single picket displaying the slogan "For a Clean Atyrau." In November of 10 the same year, he applied to the local executive body for a permission to hold a protest rally against the construction of an aromatic hydrocarbon production facility at an oil refinery and an offshore oil spill response base in the Akzhayik Reserve, but was denied such permission. At the same time, he was preparing a strategic lawsuit on behalf of Zaman NGO to challenge the construction of an oil spill response base in a protected area. The court turned down the case, despite the fact that environmental safety has been recognized by Kazakhstan's legislation as an essential component of national security. In April and May 2016, protests spread across Kazakhstan in response to changes in the law adopted in late 2015 and extending the term of lease of agricultural land for foreign citizens and companies to 25 years. Combined with unofficial information about the government's plans to transfer vast areas of land to agricultural producers from China, this raised concerns in society about potential political, social, and environmental consequences of such decisions. Environmentalist Max Bokaev 11 expressed concerns over the government's ill-conceived plans to lease land to foreign citizens and companies for 25 years and to hold largescale land auctions, as well as broader concerns over the political, social and economic situation in the country. In particular, he mentioned the risks associated with the lack of transparency regarding investment contracts, poor legislative framework, threats to food security and water supply, and depletion and pollution of agricultural land."⁴⁸</p>

⁴⁷ Ibid., p. 32.

⁴⁸ Ibid., p. 37.

	<p>“However, the authorities subjected Max Bokaev and Talgat Ayanov to exemplary punishment by prosecuting them for initiating the protests in Atyrau on April 24, 2016. Both were arrested by a court order on May 18, 2016, shortly before the expected nationwide protest of May 21, 2016, despite promises made publicly by the head of the region that no one would be prosecuted for participating in the unsanctioned rally. 16 On November 28, 2016, city court No. 2 in Atyrau sentenced Max Bokaev and Talgat Ayanov each to five years of prison and a three year ban on public activity, even though there was no evidence that that the large-scale protests against amendments to the Land Code had caused any serious disruption of public order other than being unsanctioned by the local authorities. It follows from the text of Bokaev's verdict that he was sentenced for the exercise of his civil rights, such as posting on Facebook a copy of his application to permit the rally before it was denied, the text of a resolution urging the authorities to withdraw the amendments to the Land Code and prohibit leasing out land to foreigners and holding largescale land auctions, and expressing his personal opinion concerning participation in the rally, meeting with activists in other cities of Kazakhstan to discuss objections to the land reform, and refusal to sit on the government commission for land reform. The court found these actions to constitute criminal offenses, namely • deliberate incitement of social and ethnic hatred; • spreading knowingly false information with a risk of disrupting public order; and • organizing, conducting and taking part in unauthorized rallies which have caused significant harm to legally-protected interests of the state and society. In addition, Max Bokaev and Talgat Ayanov were serving their sentences in North Kazakhstan, very far from their places of residence, despite the requirement of the penitentiary law that prisoners should be held in facilities that are close to their place of residence to maintain important social connections, and in the case 17 of Bokaev, despite his serious illness (hepatitis C). In June 2017, Bokaev appealed the 18 decision to send him to North Kazakhstan to serve his sentence and went on a hunger strike for 16 days. However, the court dismissed his appeal and refused to disclose the “secret document” warranting his placement in a penitentiary facility some 2,000 kilometers away from his home, making visits from family, including his 75-year-old mother, extremely difficult.”⁴⁹</p> <p>“Talgat Ayanov requested mitigation of his sentence, which was granted by a decision of the Aktobe city court on April 13, 2018, and he was released from the penal colony to spend the remaining three years, one month and 16 days of his sentence under custodial restriction.”⁵⁰</p> <p>“Meanwhile, Max Bokaev's imprisonment continues. While serving his sentence in the general regime penal colony in North Kazakhstan, he was subjected to ill-treatment: on one occasion, he was placed for a few months in a punishment cell for refusing, for health reasons, to perform compulsory physical exercise outside in freezing cold, and denied phone calls from family. Furthermore, the fact 21 of his disciplinary punishments was used in January 2018 to deny his request to move him to a less remote penal facility, and only in August 2018 he was transferred to a general regime colony in Aktobe, closer to his home. Bokaev 22 tried to challenge in court the lawfulness of his disciplinary punishments which were based</p>
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⁴⁹ Ibid., p. 39.

⁵⁰ Ibid., pp. 39-40.

		on internal regulations classified for official use only. However, the court dismissed all 23 complaints filed by Bokaev and his family.” ⁵¹
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 41-42.	<p>“Temirtau is one of the most polluted cities in Kazakhstan. A thick smog hangs over the city almost year-round. According to the Department of Ecology, total poisonous emissions in Temirtau in 2017 amounted to more than 287,000 tons, or more than one and a half tons per year for each resident. The primary source of industrial emissions is the ArcelorMittal Temirtau JSC (AMT) metallurgical plant. AMT, part of the ArcelorMittal international steel manufacturing corporation, is the largest enterprise in the mining and metallurgical sector of Kazakhstan. AMT was responsible for the largest share of Temirtau’s emissions in 2017: more than 221,000 tons. As a result of these emissions, in the winter of 2018, the snow that fell in the city turned black. Local residents petitioned the authorities to address the “catastrophic environmental situation.” In response, AMT management reported that emissions had already been significantly reduced, and the plant’s activity was only one of many factors affecting the local environment. The residents had launched the campaign to defend their rights. Among them was Stanislaw Wojciechowski, a local entrepreneur who was determined to draw the attention of the authorities to the environmental situation in hopes of improving it. Armed with a video camera, he filmed and posted videos on the Internet detailing the city’s environmental struggles. The videos received hundreds of views and comments. He also filmed at the site of AMT’s metallurgical plant, adding comments noting that, to put it mildly, not everything was safe at their facilities. During the summer of 2018, Wojciechowski filmed and posted over 20 videos. In August 2018, AMT’s management filed a complaint with the police against Stanislaw Wojciechowski. The company accused Wojciechowski of violating Article 274 of the Criminal Code, “Distribution of knowingly false information.” If convicted, he would have faced a fine of up to 12,000,000 tenge (about \$33,000) or up to five years in prison.”⁵²</p> <p>“An ordinary citizen of Temirtau had no hope of fighting AMT’s squadron of lawyers and hired experts. Wojciechowski was unable to find a lawyer in time to build his defense and, critically, appeared before the court without evidence to document his claims against the company. The results of analysis by the Department of Ecology that would confirm Wojciechowski’s suspicions about the impact of the company’s emissions, did not go public until much later. In September 2018, Wojciechowski was forced to agree to a settlement with AMT, publishing a retraction and apology to the company on his social media accounts. He was also forced to remove two of his original videos and refute the information they contained. In addition, Wojciechowski faced a series of troubling incidents, including three separate attacks by unidentified assailants. Wojciechowski believes these attacks were the result of his efforts to expose AMT. It is worth noting that almost immediately after the settlement, a specialized court upheld a lawsuit by the Ecology Department against the industrial giant. The company was required to pay a fine of 1.395 billion tenge (about \$3.8 million) for violating environmental protection laws.”⁵³</p>

⁵¹ Ibid., p. 40.

⁵² Ibid., p. 41.

⁵³ Ibid., pp. 41-42.

Kyrgyzstan

Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, p. 28.	“In 2017, protests occurred in Bishkek, Kyrgyzstan, against the cutting down of trees. The police arrested ten protesters on June 2, 2017, and later on the same day a court in Bishkek found them guilty and issued an widely publicized in mass media [sic], municipal officials interpreted the protests as driven by environmentalists’ self-serving motives. According to the environmentalists, the police refused to intervene and stop the illegal cutting of trees, despite the absence of documented permission for cutting them.” ⁵⁴
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Latvia

No incidents reported in the resources checked.

Lithuania

No incidents reported in the resources checked.

Luxembourg

No incidents reported in the resources checked.

Malta

No incidents reported in the resources checked.

Montenegro

No incidents reported in the resources checked.

Netherlands

No incidents reported in the resources checked.

North Macedonia

No incidents reported in the resources checked.

Norway

No incidents reported in the resources checked.

Poland

UN Special Rapporteur on the situation of human rights defenders	Observations on communications transmitted to Governments and replies received, 2019, paras. 494, 496- 498.	“JOL 23/04/2018; Case no: POL 3/2018 ; State reply: 23/05/201. Allegations concerning the law “On specific solutions related to the organisation of sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland”, which appears to restrict significantly the exercise of human rights by environmental human rights defenders and members of the public.” ⁵⁵ “PR 07/05/2018; UN experts urge Poland to ensure free and full participation at climate talks.” ⁵⁶
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⁵⁴ Ibid., p. 28.

⁵⁵ Report of the Special Rapporteur on the situation of human rights defenders, Addendum, Observations on communications transmitted to Governments and replies received, 2019, A/HRC/40/60/Add.1, <https://undocs.org/en/A/HRC/40/60/Add.1>, para. 494.

⁵⁶ Ibid., para. 496.

		<p>“PR 13/12/2018; Poland: UN experts condemn measures to stop human rights defenders join climate talks.”⁵⁷</p> <p>The Special Rapporteur would like to thank the Polish Government for responding to the two communications sent in the review period of this report. He welcomes the measures to ensure the security of the event, as well as the recognition of the importance of the presence and role of civil-society organisations in the Conference. However, the Special Rapporteur is concerned by the allegations of a number of representatives of civil society organisations, including participants accredited to the conference, being denied entry into the country and prevented from participating in the conference.”⁵⁸</p>
European Court of Human Rights	Lechowicz v. Poland, no. 45561/17, lodged on 19 June 2017	<p>“The applicant is an animal rights activist and the president of the Association for Protection of Animals (Stowarzyszenie Obrony Zwierząt). She is involved in protecting stray animals in Poland by means of monitoring the actions of state and local authorities, and of commenting on the legislative process in their area of interest. K.Ś.L. is the president of another local pro-animal organisation, the Mondo Cane Foundation, assistant to a Member of Parliament and the author of amendments to the law on the protection of animals. In 2014 K.Ś.L. called publicly on pro-animal organisations to support her latest draft amendments to the law, which she claimed had been submitted to the Parliament and supported by the Ministry of the Environment and the Supreme Audit Chamber (Najwyższa Izba Kontroli). The applicants claimed that the draft amendments in question had formally been non-existent and, as such, unsupported by the authorities concerned.</p> <p>On 26 December 2014 the applicant, together with other pro-animal activists, wrote and signed an open letter entitled “Watch out for a cheat” (Uwaga na oszusta). [...]</p> <p>On 15 July 2016 the Gdynia District Court (Sąd Rejonowy) convicted the applicant of the misdemeanour of defamation on account of her having signed the open letter described above, in which K.Ś.L. was called a cheat. The applicant was sentenced to a fine in the amount of 10,000 Polish zlotys (PLN) (approximately 2,500 euros, (EUR)) conditionally suspended for two years, and to a supplementary payment in favour of the Mondo Cane Foundation in the amount of PLN 5,000 (EUR 1,250). The applicant was also ordered to make a public apology to K.Ś.L. The applicant was charged PLN 2,000 (EUR 500) in court fees. [...] On 19 December 2016 the Gdańsk Regional Court (Sąd Okręgowy) entirely upheld the findings of fact and law of the first-instance court. The appellate court ordered the applicant to pay 420 PLN (105 EUR) in costs for the proceedings. [...]</p> <p>The applicant complains that punishing her for defamation had a chilling effect and breached her right to freedom of expression protected by Article 10 of the Convention. In particular she submits that the impugned statements were raised during a public debate and that there was no good reason for putting the protection of K.Ś.L.’s rights above her right to freedom of expression. Moreover, she claims that her letter contained true information about the activities of K.Ś.L. and that, by using strong language, she aimed to provoke organisations to take part in the</p>

⁵⁷ Ibid., para. 497.

⁵⁸ Ibid., para. 498.

		discussion and, ultimately, to make the legislative process more transparent and thorough.” ⁵⁹
Global Witness	Annual report 2019, p. 17.	“In early September, the worldfamous Greenpeace vessel Rainbow Warrior was boarded during a night-time raid, while moored off the port of Gdansk. Heavily armed and masked border guards stormed the ship, smashing windows with sledgehammers and pointing their weapons at the peaceful activists on board. The Rainbow Warrior was stationed outside Gdansk to block the delivery of coal, as part of a protest against the country’s heavy dependence on coal. Despite the fossil fuel’s severe environmental impact, Poland still uses coal for 80% of its energy needs.” ⁶⁰
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 43-44.	“The 2018 UN Climate Change Conference (COP24) was held between December 2 and 15 in Katowice, Poland. Its main objective was to agree on a set of guidelines for implementing the 2015 Paris Climate Change Agreement, which was finally achieved after long negotiations by adopting the "Katowice Climate Package." However, the Climate Conference will be remembered for another incident, clearly inconsistent with international law: 14 accredited participants were stopped at the border and denied entry to Poland so they were unable to attend the summit. This was the first such incident in the 24-year history of climate negotiations. Ahead of the climate summit, on January 29, 2018, Poland adopted the law "On specific solutions related to the organization of sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland." Article 17.1 of the law allowed the authorities to collect and use personal data of the climate conference participants. Reflecting the Polish authorities' fear of climate change marches, which often take place during the annual climate conferences, the January 29, 2018 law also banned any spontaneous assemblies in Katowice during COP24. Although the official reason for denying entry to accredited conference participants was their alleged "threat to national security," this measure specifically targeted environmentalists from Eastern Europe, the Caucasus, and Central Asia, of whom nine were from neighboring Ukraine. There was also a Belgian national, a coordinator at Climate Action Network (CAN) Europe, the largest and most influential NGO coalition represented at the climate talks, who was heading to COP24 but denied entry and detained for seven hours at the Polish border; she was allowed entry only after the Belgian embassy intervened. As another indication of the Polish border guards' selective approach, civil society activists from the Caucasus and Central Asia rarely attend international climate conferences or participate in climate change marches, even authorized ones; however, an activist from Kyrgyzstan and a member of the official Georgian delegation were stopped at customs alongside NGO representatives from Ukraine and Russia.” ⁶¹

⁵⁹ European Court of Human Rights, *Lechowicz v. Poland*, No. 45561/17, Statement of Facts, 19 June 2017, [https://hudoc.echr.coe.int/eng#{%22tabview%22:\[%22document%22\],\[%22itemid%22:\[%22001-182815%22\]}](https://hudoc.echr.coe.int/eng#{%22tabview%22:[%22document%22],[%22itemid%22:[%22001-182815%22]}).

⁶⁰ Global Witness, *Annual Report 2019*, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 17.

⁶¹ Crude Accountability, *Dangerous Work: Reprisals against Environmental Activists Report 2019*, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, p. 43. See also Global Witness, *Annual Report 2018*, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>, p. 13.

		<p>“In denying entry to environmentalists, Poland's border police told them that their names were on some "special [banned] list." Apparently, any "blacklist" of activists compiled by the Polish authorities was not based on factual evidence, since none of the accredited COP24 participants barred from entry had any prior problems with the visa regime either in Poland or in other EU countries; most of them did not attend the previous climate conference hosted by Poland – the November 2013 COP19 in Warsaw – thus the Polish authorities could not have had any records of their past involvement in spontaneous environmental protests. Indeed, for the participant from Kyrgyzstan (who had no problems with the law in her home country), it was her first accreditation to the UN climate conference, or to any international forum for that matter, so the Polish authorities had no reason whatsoever to blacklist her. Some of those barred from attending the UN climate conference in Katowice faced pressure from border patrol officers during their detention. According to member of the Georgian delegation Nugzar Kokhraidze, the Polish authorities confiscated his passport and restricted his movement for several days telling him to “either [voluntarily] buy a ticket for the next flight and leave or face deportation through court proceedings.” Environmental activist from Kyrgyzstan Maria Kolesnikova was detained in Warsaw and interrogated as someone “posing a threat to public safety.” She was forced to sign some papers in Polish – a language she does not understand – and threatened with ruining her visa history if she refused.⁶²”</p>
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Portugal

No incidents reported in the resources checked.

Republic of Moldova

No incidents reported in the resources checked.

Romania

Global Witness	Annual report 2019, pp. 33-34.	<p>“Two forest rangers were killed in 2019, both working to stop illegal logging, and hundreds of threats and attacks on rangers have been recorded.”</p> <p>“In late 2019 thousands marched in Bucharest and cities across Romania to protest against illegal logging and demand that the attacks be investigated thoroughly.”</p> <p>“Protecting these forests is vital to efforts to curb runaway climate change. According to one estimate, a single 150-year-old beech tree absorbs enough carbon to offset a 56,000km car trip, with estimates that Romanian beech forests cover almost 2 million hectares. The forests are also home to some rare and endangered wild animal species, including a third of Europe’s brown bear population and a quarter of its wolves. Environmental organisation Agent Green was set up by Gabriel Paun to protect this vital wilderness, and expose the illegal logging tradewhich threatens it. As a result of his work, Gabriel has faced intimidation and violent attacks. In November 2014 he was attacked with pepper spray when filming a truck full of timber from Retezat National Park entering a</p>
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See also Human Rights Watch, World report 2019, https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf, p. 236.

⁶² Ibid., pp. 43-44.

		<p>saw-mill. In May 2015 he and a colleague were set upon by a large group of men, and seriously injured. The following year, Paun was the victim of a targeted cyber-attack that wiped seven years' worth of data and destroyed his computer. Late last year, he was acting as a guide in Domogled National Park for a Netflix crew filming an episode of the docuseries Broken when they were threatened by illegal loggers, who allegedly attempted to block their exit with fallen trees.⁶³</p> <p>“The violence associated with the illegal logging trade gained increased prominence in 2019 with the murder of two park rangers. On the evening of 16 October, forest ranger Liviu Pop received an anonymous tip off about illegal logging in the forest he was employed to protect. After calling his manager, he went to investigate. What happened next has been the subject of speculation ever since, but what is clear is that Liviu was shot, and died, protecting the forest he loved. Liviu’s death came just one month after Răducu Gorcioaia was found dead in his car in Iași County, east Romania. Media have reported that Răducu, another state forestry employee, confronted three illegal loggers in the Pascani forest district and suffered fatal axe wounds to the head. These murders are not isolated incidents. According to the Romanian forestry union four other forest rangers have been killed for their work in recent years, and it has recorded over 650 different incidents of physical assaults, death threats and destruction of property aimed against rangers. It is clear that protecting these vital forests is dangerous work, and Romania’s environmental defenders urgently need to be better protected.⁶⁴”</p> <p>“Justice for the victims of the wood mafia appears hard to come by. The perpetrator who in 2017 shot Sorin Jiva, a ranger from western Romania, is still free. And in the months following the murder of Liviu Pop, there have been no arrests.⁶⁵”</p>
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Serbia

No incidents reported in the resources checked.

Slovakia

No incidents reported in the resources checked.

Slovenia

No incidents reported in the resources checked.

Spain

No incidents reported in the resources checked.

Sweden

No incidents reported in the resources checked.

Switzerland

No incidents reported in the resources checked.

Tajikistan

No incidents reported in the resources checked.

⁶³ Global Witness, Annual Report 2019, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 33.

⁶⁴ Ibid., pp. 33-34.

⁶⁵ Ibid., p. 34.

Turkmenistan

Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 63-64.	<p>“Turkmenistan’s environmental NGOs served as a prominent driving force in the environmental movement of Central Asian countries and the entire former Soviet Union. However, the country’s 2003 Law on Public Associations caused independent environmental NGOs to close down within six months after its adoption. In November 2003, the Ministry of Justice of Turkmenistan liquidated the Dashoguz Ecological Club in court proceedings. By the same Ministry’s decision, Catena was suspended from activity in November 2003, and then in April 2004 its registration as a legal entity was withdrawn.”⁶⁶</p> <p>“Today, just one environmental association is left in the country, namely the Turkmen Society for Nature Protection. An official of the Turkmen Government said in an interview to Reuters, “Why create a bunch of NGOs? Having just one NGO per sector is enough. For example, the Ministry of Nature Protection has the Society for Nature Protection.” Stripping environmental NGOs of their legal status soon caused them to stop their operations in Turkmenistan. The 2003 law banned all activity by unregistered NGOs and introduced administrative liability for non-compliance and criminal liability for repeat violation of the ban. The 2003 law was essentially designed to eliminate all independent NGOs in Turkmenistan, to prevent the registration of new ones, and to ban informal associations of citizens.”⁶⁷</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 65-66.	<p>“At the turn of the millennium, there were hardly any environmental activists in Central Asia more composed and peaceful than Farid Tukhbatullin and Andrey Zatoka. Both were then leaders of the Dashoguz Ecological Club. They focused on the environmental problems affecting the Aral Sea region and protected areas, and worked to raise public awareness of environmental issues and improve Turkmenistan’s environmental laws. However, the cases of these two individuals marked the beginning of a series of high-profile persecutions targeting environmentalists in Turkmenistan. Farid Tukhbatullin was the first to come under pressure – he was detained in December 2002 in Dashoguz for having attended a human rights conference in Moscow at which members of the Turkmen political opposition were present. At that time, the Turkmen authorities launched a campaign of repression against the political opposition in connection with an alleged attempted assassination of President Saparmurad Niyazov. On March 4, 2003, a district court in Ashgabat found Tukhbatullin guilty of failure to report an impending crime and of illegal crossing of the state border and sentenced him to 3 years in prison. Following pressure from international organizations and environmental and human rights groups worldwide, the President of Turkmenistan pardoned him on April 1, 2003. Fearing further repression, Tukhbatullin left Turkmenistan and was granted political asylum in Austria. In October 2010, Human Rights Watch and Amnesty International reported an imminent threat to Tukhbatullin’s life after he criticized Turkmenistan’s human rights record during a television interview. According to two independently confirmed sources, the Turkmen security services were planning an attempt on his life, which</p>

⁶⁶ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, pp. 63-64.

⁶⁷ Ibid., p. 64.

		<p>might have looked like heart failure. Appeals by these two prominent human rights organizations prompted the Austrian authorities to take additional security measures to ensure Tukhbatullin’s safety. At present, Tukhbatullin works as the editor of Chronicles of Turkmenistan, an online news portal, and as a human rights defender.”⁶⁸</p> <p>“The next target of the Turkmen authorities was Andrey Zatoka, arrested at an airport as he was about to leave Turkmenistan in December 2006, coincidentally at the time of security operations related to President Niyazov’s serious illness and subsequent death. Based on trumped-up evidence, he was charged with illegal possession of weapons and potent poisonous substances. Following international pressure, Zatoka was not sent to prison but given a suspended three-year sentence. His persecution continued in 2009, when he was arrested once again, this time for allegedly breaking a stranger’s wrist as he attacked Zatoka in a marketplace. According to sources, the man’s wrist had been broken before the incident. In an unusually brief trial, nine days after the incident on October 29, 2009, the court sentenced Zatoka to 5 years in prison. However, international pressure caused the sentence to be reversed on November 6, 2009 and replaced by a fine, and the environmental activist was then able to move to Russia. Zatoka was stripped of Turkmen citizenship and given 24 hours to leave the country with his wife.”⁶⁹</p> <p>“In June 2010, Annamammed and Elena Myatiev, who like Zatoka and Tukhbatullin had been activists of the Dashoguz Ecological Club before the club closed down in 2003, were restricted in their freedom of movement. They were detained at the Ashgabat airport when trying to fly to the Netherlands for medical treatment for Mr. Myatiev. Following letters from international organizations and human rights defenders, including Elena Bonner, the widow of the famous dissident and human rights activist Andrey Sakharov, the Myatievs were finally allowed to leave the country on July 10, 2010.”⁷⁰</p>
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Ukraine

European Court of Human Rights	Case of Chernega and Others v. Ukraine, No. 74768/10, Judgment of 18 June 2019	<p>“The third, seventh and ninth applicants complained under Article 3 of the Convention that they had been ill-treated by State agents in the course of the protests in Gorky Park in Kharkiv in which they had participated in May and June 2010. They further complained that the State had failed to protect them from that ill-treatment and to investigate effectively their allegations in that respect. [...] The first to sixth applicants complained under Article 11 of the Convention that they had been arrested and prosecuted for their participation in the above-mentioned protests. All eleven applicants complained under Article 11 of the Convention that in the course of the above-mentioned protests, they had been subjected to assaults from which the respondent State had failed to protect them.”</p> <p>[...] According to the applicants, in the period from 20 May to 6 July 2010 they participated in obstructive protest activities against a road-</p>
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⁶⁸ Ibid., p. 65.

⁶⁹ Ibid., pp. 65-66.

⁷⁰ Ibid., p. 66.

		<p>construction project, in particular tree-felling, in Gorky Park (Парк ім. Горького) in Kharkiv.”</p> <p>“[...] There has [...] been no violation of Article 3 of the Convention in its substantive aspect in respect of the seventh and ninth applicants. [...] The foregoing considerations are sufficient to enable the Court to conclude that there has been a violation of Article 3 of the Convention in its procedural aspect in respect of the seventh and ninth applicants.</p> <p>[...] There has [...] been a violation of Article 6 § 1 of the Convention in respect of the first and second applicants.</p> <p>[...] The Court concludes that by failing (i) to regulate in an adequate fashion the use of force by security personnel, (ii) to properly organise the division of responsibility in maintaining order between the private security personnel and the police, which would also have allowed for the identification of the security personnel deployed, (iii) to enforce the rules concerning adequate identification of persons authorised to use force, and (iv) to explain the decision of the police not to intervene on 27 and 31 May 2010 in any meaningful fashion capable of preventing or controlling effectively the clashes, the respondent State failed to comply with its obligation to ensure the peaceful nature of the protests on those dates. [...] There has, accordingly, been a violation of Article 11 of the Convention in respect of the seventh and ninth applicants concerning the events of 31 and 27 May 2010 respectively.”⁷¹</p>
International Finance Corporation Compliance Advisor Ombudsman	Non-compliance investigation under the IFC Performance Standards, 2018-2020	<p>“The complaint to CAO was filed by twenty community members with the support of Ecoaction, a local NGO. The Complainants, who allege to be residents of Revutskoho street in Kiev, raise concerns about environmental impacts and compliance with Ukrainian regulations related to a gas filling station being built in their neighborhood. Concerns about community consultation around the construction of the gas filling station and use of force against protesters during a 2017 demonstration against the development are also cited.”⁷²</p> <p>“IFC has three active projects with Galnaftogaz (GNG or the Company), a Ukrainian chain of gas stations under the OKKO brand.</p> <p>[...] The Complainants allege that when GNG realized that the local community opposed the construction of the gas station, they retaliated against them. Specifically, the Complainants claim that during protests on September 27 and 28, and October 4, 2017, at the request of GNG, policemen violently cracked down on protesters using sticks and tear gas. The Complainants state that they were personally not involved in the destruction of gas station equipment that occurred on October 4, 2017. The Complainants also claim that GNG is intimidating Complainants by calling them on their mobile to threaten them and has bribed some residents in exchange of their acceptance of the project. They also share that a judge placed liens on some of the activists’ apartments at Guel Park’s request in May 2017. According to the Complainants, Guel Park’s judicial request</p>

⁷¹ European Court of Human Rights, *Chernega and Others v. Ukraine*, No. 74768/10, Judgment, 18 June 2019, [https://hudoc.echr.coe.int/eng#{%22tabview%22:\[%22document%22\],\[%22itemid%22:\[%22001-193877%22\]}](https://hudoc.echr.coe.int/eng#{%22tabview%22:[%22document%22],[%22itemid%22:[%22001-193877%22]}).

⁷² International Finance Corporation, Office of the Compliance Advisor Ombudsman, *Ukraine / Galnaftogaz-01/Kiev*, 30 June 2020, http://www.cao-ombudsman.org/cases/case_detail.aspx?id=1277.

		<p>was not well-founded and should not have been granted. The Complainants request that GNG stop all retaliation measures and intimidation of residents and remove the lien they obtained on the three apartments belonging to the Complainants.”⁷³</p> <p>“CAO also has concerns that complainant opposition to the filling station was not addressed by the client through its grievance mechanism and, instead the complainants allege they received verbal threats, and reprisals in the form of liens placed against their apartments by Guel Park. [...]</p> <p>[G]iven that GNG appears to have abandoned the Revutskoho Street site, CAO concludes that a compliance investigation is not warranted in response to this complaint. [...] In these circumstances, CAO has decided to close this complaint without further investigation.”⁷⁴</p>
<p>EBRD Independent Project Accountability Mechanism</p>	<p>Complaint: MHP Corporate Support Loan and MHP Biogas Projects, 21 June 2018</p>	<p>“On 5 June 2018 the Project Complaint Mechanism (PCM) received a Complaint connected with EBRD investments in Myronivsky Hliboproduct (MHP). MHP Group is a leading vertically integrated poultry/grain/fodder producer in Ukraine. The Complaint was submitted by community members from Olyanytsya, Zaozerne and Kleban villages in Vinnytsia Oblast, alleging impacts on the environmental and social conditions in the community and limited access to information about MHP’s activities and EBRD’s investments.”⁷⁵</p> <p>“Some community members with relatives working for MHP simply do not attend public hearings because they fear that if they attend and speak against MHP’s construction plans, they or their family member may be subject to retaliation. We fear that MHP influences employees to attend public meetings in support of MHP’s planned new developments. At least two employees have reported such pressure.</p> <p>[...] For an example of other community intimidation tactics, we can look again to the underinclusive consultation process surrounding Brigade 47, discussed above, and the response by community members in Zaozerne. When community members in Zaozerne learned that the public hearing on Brigade 47 had already taken place, nearly 350 villagers signed a petition expressing their disapproval of the planned construction – far more than the 93 villagers who were present at the original public hearing. The petition was presented in a meeting with an MHP Director on 27 January 2017. [...] In the following weeks, individuals who had signed the petition were subject to intimidation and pressure to change their opinion on the new</p>

⁷³ International Finance Corporation, Office of the Compliance Advisor Ombudsman, Assessment Report Regarding Concerns in Relation to IFC’s Investment in Galnaftogaz (Projects #30477, 31723 and 33721) in Ukraine, March 2019, www.cao-ombudsman.org/cases/document-links/documents/CAOAssessmentreport_GNG-01_Ukraine_March2019-English.pdf, p. 3.

⁷⁴ International Finance Corporation, Office of the Compliance Advisor Ombudsman, Compliance Appraisal: Summary of Results, IFC Investments in Concern Galnaftogaz (IFC Project #30477,31723, 33721) Ukraine, 10 April 2020, www.cao-ombudsman.org/cases/document-links/documents/CAOComplianceAppraisalGNG-01Ukraine.pdf.

⁷⁵ European Bank for Reconstruction and Development, Independent Project Accountability Mechanism, 2018/09, MHP Corporate Support Loan and MHP Biogas Projects, Eligibility Assessment Report, September 2018, <https://www.ebrd.com/cs/Satellite?c=Content&cid=1395276987243&d=&pagename=EBRD%2FContent%2FDownloadDocument1>, p. 4.

		<p>facility and to retract their signatures. Around eight out of nearly 350 signatories eventually signed form letters of “signature recall.”⁷⁶</p> <p>“Some workers have also experienced intimidation or retaliation in connection with concerns they or their family members have raised about the Project.”⁷⁷</p>
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Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, p. 67.	<p>“Over the past two years, Ukraine has experienced a wave of orchestrated assaults targeting activists but massively ignored by the law enforcement authorities. According to a statement by civil society representatives, “at least 55 activists have been attacked in total since early 2017 and more than 40 in the past 12 months.” The police did not only fail to find the masterminds but even refused to arrest the attackers in most cases.”⁷⁸</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 68-69.	<p>“Ekaterina Gandzyuk, member of the city council and adviser to the mayor of Kherson, was doused in concentrated sulfuric acid on July 31, 2018 outside the entrance to her home. She sustained chemical burns over more than 40 percent of her body and severe damage to her eyes. The activist was urgently transported to Kiev, where she underwent surgeries but died on November 4, 2018 from the aftermath of the acid attack, at the age of 33. Gandzyuk was known for her criticism of the local government and law enforcement officials, in particular of their failure to investigate attacks on civic activists. She also accused the head of the Kherson Regional Administration of masterminding assaults against the environmentalists who opposed logging in the region. At first, the police categorized the attack against Gandzyuk as misdemeanor (“hooliganism,”) but then reclassified the crime under public pressure into “attempted murder.” In their haste to quench public indignation, the authorities promptly arrested a random man as a suspect. A journalistic investigation proved the man innocent and further undermined the already feeble trust in the law enforcement authorities and their ability to effectively investigate attacks on civic activists. After Ekaterina's death, the Coalition for the Protection of Civil Society demanded the resignation of the Kherson police leadership and urged Prosecutor General of Ukraine Yuriy Lutsenko and Minister of Internal Affairs Arsen Avakov to step down as well. Public pressure got things moving forward. By April 2019, there were eight suspects in the Gandzyuk case, four of whom, including the actual attacker Nikita Grabchuk, confessed to committing the crime for money. On July 16, 2019, the Prosecutor General's Office of Ukraine suspended the investigation with respect to two suspected masterminds, Vladislav Manger, Head of the Kherson Regional Council, and Aleksey Levin, a local crime boss who is currently on the run. Other potential accomplices are under investigation for abuse of office and for setting fire to a forest in Kherson region.”⁷⁹</p>

⁷⁶ European Bank for Reconstruction and Development, Independent Project Accountability Mechanism, 2018/09, MHP Corporate Support Loan and MHP Biogas Projects, Request of 5 June 2018, <https://www.ebrd.com/cs/Satellite?c=Content&cid=1395274940205&d=&pagename=EBRD%2FContent%2FDownloadDocument>, pp. 13-14.

⁷⁷ Ibid., p. 31.

⁷⁸ Crude Accountability, Dangerous Work: Reprisals against Environmental Activists Report 2019, https://crudeaccountability.org/wp-content/uploads/Report_DangerousWork_compressed_for_web.pdf, pp. 67. See also Global Witness, Annual Report 2018, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>, p. 13.

⁷⁹ Ibid., p. 68.

		<p>“The investigators believe that the main motive behind the attack on Gandzyuk was her public campaign against corruption-related logging and arson. In fact, Ekaterina considered Vladislav Manger a probable mastermind behind the attack on her, which she mentioned in an interview shortly before her death.”⁸⁰</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 69-71.	<p>“Valentina Aksenova, a journalist and activist of the Protect the Forest initiative in the village of Petropavlovskaya Borshchagovka in Svyatoshinsky District, Kiev Region, has been active since the spring of 2016 in efforts to save Vumivsky Forest in Petropavlovskaya Borshchagovka. Her mother's home, in which three generations of her family had been raised, is located at the edge of the forest. The campaign to protect the forest started in 2014, when Building Development (BD) Holding began construction of the Echo Park residential complex in the area. In August 2015, the local residents succeeded in getting the construction stopped on one site (but the first building of the Echo Park residential complex has since been built there). Criminal proceedings were opened against Alexei Kodebsky, the head of Petropavlovskaya Borshchagovka village council, but the investigation has made no progress and the case file still sits in the Prosecutor General's office. It was discovered at the time that Kodebsky had appropriated a hectare of Vumivsky Forest, allegedly for haymaking, and then gifted the plot to someone affiliated with BD Holding. Prior to that, the plot had illegally been reclassified from a first-category (protected) forest to general use land. Sadly, this legal trick to enable development in protected natural areas has become standard in Ukraine.”⁸¹</p> <p>“Valentina joined the campaign to save the forest; she exposed violations and testified in courts to stop the development. She started receiving threats in the summer of 2016, when someone poisoned her dog. In the fall of the same year, someone posted leaflets around the village with photographs of Valentina and other “inconvenient” activists; the leaflets described them as terrorists, bandits, and fraudsters. Starting in January 2017, Aksenova began to receive threats regularly, and her entire family was terrorized. BD Holding's sales managers wrote to her that she would soon need to save herself, not the forest. Aksenova reported the threats to the police but with no result. On 25 February 18, 2017, leaflets calling for an armed coup to overthrow the government were posted around the entire Svyatoshinsky District; the leaflets indicated Valentina's address as the contact point. Someone published a letter, allegedly on behalf of the Save the Forest campaign participants, which contained threats against the country's leadership. Some campaigners were summoned for interrogation to the Security Service of Ukraine (SBU) and the President's security service. On Valentina's birthday on March 7, around 50 people gathered in front of her mother's house holding posters which read “Impale Valentina on a stake!” and “Death to Aksenova!” They tried to get inside and threw stones into the courtyard. On March 30, on the second day after the activists' victory in court, a similar gathering of some 300 people in front of her home included armed men wearing balaclavas and camouflage.”⁸²</p> <p>“On April 11, unknown persons entered the family's courtyard at night and burned their van. The fire brigade arrived 45 minutes after the call from the fire department located a mere 4 km from Valentina's home. On April</p>

⁸⁰ Ibid., pp. 68-69.

⁸¹ Ibid., pp. 69-70.

⁸² Ibid., p. 70.

		<p>30, someone set fire to the family's other car, an SUV. At that time, Aksenova learned that SBU Head Vassily Hrytsak lived in Petropavlovskaya Borshchagovka and was a friend of the village head Alexey Kodebsky. After her second vehicle was burned, Valentina received a phone call from a stranger telling her to either shut up or prepare a coffin for her child. Valentina realized that staying in Kiev was too dangerous for her and moved abroad but refused to stop campaigning. The country's main TV channel soon featured a series of reports about the activists' efforts to save the forest. In the early summer of 2017, the activists scored a number of victories in the courts to stop and ban the Echo Park construction. Valentina came back to Ukraine but had to leave the country again in the fall. In October 2017, a number of people who had opposed Kodebsky and BD Holding's illegal construction were arrested and their homes were searched. They were accused of organizing a criminal gang to extort money from the developer. It was obvious that the local construction mafia, in collusion with the local authorities, were behind the persecution of activists. However, the villagers rose to their defense; it was revealed that the searches of activists' homes were performed by the same individuals who had "protested" outside Valentina's house on March 7 and 30. Still, Valentina decided to leave the country, saying, "After what these people have done, the only thing left is to either lock me up or destroy me physically. A few bogus criminal cases have been instituted against me, and when I saw the investigators rummaging through my three-year old son's toys during a search of my home, I finally realized that I must take him away to a place where they cannot take his mom away from him." Since then, the activist has lived outside of Ukraine while following the local developments closely. The construction in the forest has been suspended and the developer denied permits, and litigation continues to reclassify the land plot back into communal and national property."⁸³</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 72-73.	<p>"Nikolay Bychko, an activist from the village of Eskhar, Chuguevsky District of Kharkov Region, was found hanged on June 5, 2018, in a forest near his village. Bychko was an active member of the local self-government and administrated the Initiative Youth of Eskhar Facebook page. An active campaigner against water pollution and corruption, Nikolay monitored the situation around local water treatment facilities, which for more than a year had been used to dump industrial waste, causing pollution of the air and the waters of Uda and Seversky Donets rivers. A local utility provider that owned the water treatment facilities had signed a contract with a private company co-founded by a brother of the then village head Anatoly Legkosherst. Bychko often travelled to the water treatment facilities to document the situation and take water samples; then he usually returned home via the forest. On June 4, 2018, he did not return from one of these trips, and on the next day, his body was found hanging from a tree two kilometers from the water treatment plant, with his bicycle and a bottle of water nearby. The entire village was shocked at the news of the 23-year-old activist's death; no one believed the investigator's assumption that it was a suicide. Many villagers were certain that the young man was killed for his active fight against the company dumping industrial waste into the community's sewage system. On June 7, Eskhar residents protested against what they believed to be a biased investigation: they blocked the nearby highway and walked to the city of Chuguev to picket outside the district prosecutor's office. After</p>

⁸³ Ibid., pp. 70-71.

		<p>Bychko's death, the village head Legkosherst stepped down under public pressure, and the contract with the polluting company was terminated.”⁸⁴</p> <p>“According to the head of the Center of Information on Human Rights Tatyana Pechonchik, citing lawyer Roman Likhachev, the Chuguev District police investigators did not take the steps needed to investigate Bychko's murder. During the first month following the murder, virtually no investigative measures were carried out, leading to loss of critical evidence from the crime scene. The paperwork needed for a forensic examination was delayed for about a month, and there was no effective oversight of the investigation. The lawyer also questioned the method of Nikolay's alleged "suicide" (he could not have set up the stump from which he allegedly jumped to his death) and the fact that his nose was broken indicated that perhaps the attackers stunned him first and then hanged him. The lawyer who criticized the investigation was later removed from the case and received threats from strangers. The outraged villagers regularly protested in the village center, demanding reports from the police about the progress of the investigation. At the same time, some unknown persons tried to prevent the dissemination of information on Bychko's case. On December 28, 2018, the local police closed the case, announcing Nikolay's death to be suicide, with reference to forensic examination findings. However, an ad-hoc investigative commission set up at the Parliament was dissatisfied with the investigation into Bychko's death and found multiple procedural irregularities in the investigative actions. According to member of Parliament Elena Sotnik, the commission members believe that Bychko was murdered. The third activist murdered in Ukraine is Nikolay Yarema, a member of the Belichansky Fisher civic organization. In March 2018, Yarema was found dead by the Svyatoshinsky Lake near Kiev. Yarema was actively opposing the illegal activities on the lake's territories. Shortly before the violent murder, Belichansky Fisher activists organized protests in front of the Prosecutor General's Office. Yarema was found with numerous hematomas on his body and head. An investigation is still underway; no suspects have been identified.”⁸⁵</p>
Crude Accountability	Dangerous Work: Reprisals against Environmental Activists Report 2019, pp. 73-74.	<p>“Mikhail Berchuk, prize-winner of the Paralympic javelin event and environmental activist living in Vlasovka, Kirovograd Region, was brutally assaulted on October 10, 2016, and March 14, 2017. In the latter case, the assault took place in the daytime outside the village store in front of Mikhail's neighbors. The attackers broke his arm and fractured his skull with baseball bats, so he had to be rushed to the ICU. The activist has been campaigning against the local environmental polluters: Gidrosend and Viktor@Co companies producing sunflower oil, ketchup, and mayonnaise. According to Berchuk, both companies try to save costs on water treatment and by doing so pollute local water resources. Mikhail became concerned about the environmental situation after his mother died of stomach cancer. Eighteen months after the second attack, the police failed to identify the attackers although many villagers witnessed the incident and the license plate number of the attackers' car was known. Everyone in the village is aware that Berchuk is at war with Vlasovka's head of administration who, according to Mikhail, has been covering up the polluters, being a co-owner of one of them.”⁸⁶</p>

⁸⁴ Ibid., p. 72.

⁸⁵ Ibid., pp. 72-73.

⁸⁶ Ibid., pp. 73-74.

		<p>“Increasingly and disturbingly common in Ukraine are assaults on activists who oppose illegal logging for housing development in the green areas of many cities. On June 24, 2017, Svetlana Pidpala was assaulted in broad daylight in the center of Odessa. A journalist and activist of the Green Leaf NGO, Svetlana campaigned against the destruction of green zones and urban development along the coastline in Odessa. On September 5, 2018, in the city of Nikolaevka, Donetsk Region, three masked men assaulted Viktor Dibrov, chairman of the Eco-Motherland NGO. Victor has been campaigning against "black loggers" who cut down trees along highways. He was attacked after a report from his recent investigation was televised. In April 2018, Igor Lukashenko, a defender of Yalansky Park in Zaporozhye, sustained a head injury as he was trying, together with other residents, to stop tree cutting in a city park for building a shopping center. Another activist in Zaporozhye, Dmitry Malyar, addressed members of the city council on October 31, 2018, urging them to save the city's green zones from elimination; three athletic men assaulted him, breaking his arm, on November 2 as he was returning home from work.”⁸⁷</p>
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United Kingdom of Great Britain and Northern Ireland

UPR	Stakeholder Report 2017, par. 74	<p>“FOE indicated that peaceful environmental protestors had been criminalised in particular through the use of public order offences and recommended ensuring civil society’s right to expression and association, including by reviewing policing of environmental protests. [Joint statement 16] stated that the practice of monitoring and logging protesters’ conduct stigmatised them and chilled the exercise of assembly and expression rights.”⁸⁸</p>
UN Special Rapporteur on the situation of human rights defenders	Observations on communications transmitted to Governments and replies received, 2019, paras. 555, 556, 559-561.	<p>“JOL 06/02/2018; Case no: GBR 2/2018 ; State reply: 30/04/2018. Allegations concerning the role of the British company, Anglo American, and its staff in threats, intimidation and violence carried out against indigenous, environmental and land human right defenders in retaliation for their opposition to the Minas-Rio mining project and its impact on their community.”⁸⁹</p> <p>“JUA 29/05/2018; Case no: GBR 5/2018; State reply: 24/07/2018. Allegations concerning the killing of 12 demonstrators following excessive use of force by police in the district of Tuticorin, in the state of Tamil Nadu, during a protest demanding the closure of the Sterlite Copper Smelting Plant, a subsidiary of Vedanta Resources, which is based in the United Kingdom of Great Britain and Northern Ireland.”⁹⁰</p> <p>“Both communications sent in the reporting period of this report concern the alleged involvement of British companies in the violation of the rights of environmental human rights defenders abroad. The Special Rapporteur expresses the most serious concern about these allegations.”⁹¹</p>

⁸⁷ Ibid., p. 74.

⁸⁸ Human Rights Council, Summary of other stakeholders’ submissions United Kingdom of Great Britain and Northern Ireland, 27 February 2017, A/HRC/WG.6/27/GBR/3, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/046/48/PDF/G1704648.pdf?OpenElement>, p. 8.

⁸⁹ Report of the Special Rapporteur on the situation of human rights defenders, Addendum, Observations on communications transmitted to Governments and replies received, 2019, A/HRC/40/60/Add.1, <https://undocs.org/en/A/HRC/40/60/Add.1>, para. 555.

⁹⁰ Ibid., para. 556.

⁹¹ Ibid., para. 559.

		<p>“The Special Rapporteur understands that the Government has a number of policies, legislation, regulations and adjudication measures in place to ensure that business entities are compliant with international standards. Given the seriousness of the allegations presented in his communications, the Special Rapporteur wants to encourage the Government to ensure an effective implementation of these legislative measures that extends to British companies overseas.”⁹²</p> <p>“While the Special Rapporteur understands the challenges of regulating entities operating outside of its national jurisdiction, it is important to underscore that States must conform to their obligations under international law, in particular international human rights law. In this regard, he would like to draw specific attention to the “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011. This sets out that while business enterprises have an independent responsibility to respect human rights, States themselves must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.”⁹³</p>
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Global Witness	Annual Report 2018, p. 31.	<p>“In September 2018, UK citizens Simon “Roscoe” Blevins, Richard Roberts, and Rich Loizou, were sentenced to 15 and 16 months in prison, in a case that sparked concerns that the legal system was being used by government and business to shut down legitimate environmental protest in Britain.”</p> <p>“The ‘fracking three’ were protesting at a site run by the energy firm Cuadrilla, which the Financial Times reports has spent upwards of US\$253 million on its bid to commercially produce shale gas in the UK. The fracking industry has faced fierce criticism for expanding its efforts to profit from fossil fuels, with government approval, at a time when the UK says it is committed to reducing its greenhouse gas emissions. In October 2016, the central government overturned a Lancashire county council decision and granted Cuadrilla permission to extract shale gas at two wells. Since operations began in January 2017, more than 300 protesters have been arrested. The three men were the first people to be jailed in the UK for protesting against fracking. In an interview with Global Witness, Blevins observed, “The crime of ‘public nuisance’ can be used a lot more indiscriminately than other crimes. There has been a lot of scaremongering that even turning up with a placard can put you in trouble and stop you getting jobs, which of course has a deterrent effect on future protest.”</p> <p>The activists were freed in October 2018 after the Court of Appeals rejected their sentences as “manifestly excessive,” but are still attempting to overturn their conviction, which Blevins said “sets a dangerous precedent.” A fourth protester received an 18-month suspended sentence after pleading guilty.”</p> <p>“In recent years, the UK legal system has increasingly been used by the oil and gas industry to shut down opposition. In 2017, the High Court had granted the petrochemicals company Ineos an injunction meaning that</p>
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⁹² Ibid., para. 560.

⁹³ Ibid., para. 561.

		<p>anyone interrupting it or its supplier's activities faced large fines or imprisonment. This was overturned in April, 2019, as lawyers argued it eroded people's right to protest."</p> <p>"Meanwhile the authorities have been accused of using anti-terrorism procedures to target environmental activists. Anti-fracking activists were included in the government's "Prevent" counter-terrorism programme, for example. In July 2018, a local government report investigating extremism in Greater Manchester falsely suggested that anti-fracking activists "groomed" a 14-year-old boy in what activists labelled "dark PR.""⁹⁴</p>
Global Witness	Annual Report 2018, p. 16.	<p>"In June 2019, another three protestors – Christopher Wilson, Katrina Lawrie and Lee Walsh – were found guilty of contempt of court. They had breached an injunction banning trespassers in order to protest at a site operated by shale gas company Cuadrilla in Lancashire. It was the first time anyone in the UK has been convicted of breaching an injunction requested by an oil and gas company. All three were given suspended sentences, with one having her sentence reduced on appeal".⁹⁵</p>

⁹⁴ Global Witness, Annual Report 2018, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>, p. 31.

⁹⁵ Global Witness, Annual Report 2019, <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 16.