



" 09 " " December " 2009

TT-09/059

Mr. Jeremy Wates
Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH-1211 Geneva 10, Switzerland

Dear Mr.Wates,

I am writing to inform you about recent developments in regard with communication ACCC/C/2009/43 (Armenia).

As you know, following our communication to the Aarhus Convention Compliance Committee on September 15, 2009 we wrote an email to you on September 25, 2009 notifying about the decision of the Court of Cassation of the Republic of Armenia from September 9, 2009, delivered to us only after 16 days – on September 25, 2009. With this decision the Court of Cassation took our case to its proceeding.

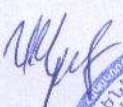
On November 14, 2009 we learned that the Court of Cassation had held a session on October 30, 2009 and adopted a decision to satisfy our appeal, though only in part. More specifically, the Court of Cassation decided to overrule the decision of the Administrative Court related to the rejection of "Ecoera" environmental public organization's allegation and to leave in legal force the rejection of "Transparency International Anti-corruption Center" public organization's claim.

Though the case of decision-making related to Teghut mine is lastly going to be heard by the Administrative Court of the Republic of Armenia (we are not yet aware of the date of the hearing), we do not find the decision of Cassation Court as fair in respect with non-recognition of the "Transparency International Anti-corruption Center" NGO as a concerned party. Thus, we would like to request the Aarhus Convention Compliance Committee to continue reviewing our communication with particular consideration of violation of our access to justice. Our answers to questions posed by the Aarhus Convention Compliance Committee at its 25th meeting regarding our communication are attached to this letter.

As on its 26th meeting in December 2009 the Compliance Committee is going to discuss the issue of progress with regard to implementation of decision III/6b, we would also like to note that the mentioned decision has not been addressed by the Armenian Government properly. We are not aware of any actions, plans or official documents related to this matter. Neither there are any developments with ensuring application of public participation in accordance with article 7 and elaboration of detailed procedures for implementation of article 6, par. 1, as recommended in the mentioned decision. While, the case of Teghut mine described in our communication to the Compliance Committee in its turn indicates that there are still impediments for citizens/NGOs in Armenia to challenge decisions regulated by articles 6 and 7 of the Aarhus Convention, though also addressed in decision III/6b.

Should you have further questions related to the issues raised in this letter please do not hesitate to contact me by email sona@transparency.am.

Sincerely,


Sona Ayvazyan
Environmental Policy Expert

