



МІНІСТЭРСТВА  
ПРЫРОДНЫХ РЭСУРСАЎ І АХОВЫ  
НАВАКОЛЬНАГА АСЯРОДДЗЯ  
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МИНИСТЕРСТВО  
ПРИРОДНЫХ РЕСУРСОВ И ОХРАНЫ  
ОКРУЖАЮЩЕЙ СРЕДЫ  
РЕСПУБЛИКИ БЕЛАРУСЬ

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United Nations  
Economic Commission for Europe

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На № \_\_\_\_\_ ад \_\_\_\_\_

Chair of the Compliance Committee of  
the Convention on Access to Information,  
Public Participation in Decision-making  
and Access to Justice in Environmental  
Matters

Mr. Jonas Ebbesson

Dear Mr. Ebbesson,

First of all, I am gratified to note the constructive exchange concerning compliance by Belarus during the open session on decision VI/8c held during the Committee's sixty-sixth meeting (Geneva, 9-13 March 2020). As you are aware, at present the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, in cooperation with other state bodies and Ecohome NGO (communicant of communication ACCC/C/2014/102), is making every effort to implement practical and legislative measures to fully meet the decision VI/8c.

Based on the information received from the Belarusian competent authorities I would like to inform you of the following concerning the merits of the questions identified in your letter of 9 September 2020.

Since the sixth session of the Meeting of the Parties to the Aarhus Convention (Budva, 11-13 September 2017), **there has been no evidence of harassment, penalization and persecution of members of public exercising their rights in conformity with the provisions of the Aarhus Convention in Belarus.**

Recently, there have been statements made by a number of environmental activists and non-governmental organizations about their intention to suspend their activities and interaction with the Belarusian authorities on issues related to the environment.

For reference:

"It is impossible to cooperate with such authorities!" "Public organizations temporarily suspend their activities" – *A few days after the elections, the*

organization agreed on a common position with the Green Network partnership, the Center for Environmental Solutions NGO, Minsk Cycling Society and a number of other national and regional organizations and gave its assessment of the elections. In summary they rejected the presidential election results and demanded a new one, as well as to stop the violence, provide open access to data and punish everyone involved in the violence."

<https://greenbelarus.info/articles/02-09-2020/s-takoy-vlastyu-nevozmozhno-sotrudnichat-obshchestvennye-organizacii-vremenno> (Article in Russian)

"It is obvious that our "peacetime" environmental agenda is no longer of relevance ..."

<https://www.facebook.com/nastassia.bekish/posts/10220147219363114>

As for the **arrest and detention of Ms. Irina Sukhiy**, mentioned in the Compliance Committee's letter of 9 September 2020, the available information, incl. publically available, indicates that the aforementioned actions **were not related the exercise of her rights in conformity with the Aarhus Convention and, in particular, with her activities to oppose the Belarusian nuclear power plant.**

The grounds for the arrest of Ms. Sukhiy on 6 September 2020 was her violation of the Belarusian legislation on holding mass events.

The Sovetsky District Court of Minsk found that Ms. Sukhiy took an active part in the "Women's Protest March" on 29 August 2020, the holding of which was not authorized in accordance with the legislation and the participants of which "demanded new presidential elections and the release of all political prisoners."

For reference:

"On Saturday, August 29, women march in Minsk and other Belarusian cities to demand new presidential elections and release of all political prisoners" <https://nv.ua/world/countries/foto-video-zhenskiy-marsh-protesta-v-minske-29-avgusta-novosti-belarusi-50109042.html> (Article in Russian)

"Action plan for Saturday, August 29"

<https://charter97.org/ru/news/2020/8/29/391263/> (Article in Russian)

By the decision of the Sovetsky District Court of Minsk of 8 September 2020, Ms. Irina Sukhiy was found guilty of violating the established procedure for holding a mass gathering event committed by a participant of such event, and on the basis of paragraph 1 of Article 23.34 of the Administrative Offenses Code of the Republic of Belarus was subjected to an administrative penalty in the form of administrative detention for a period of 5 days.

For reference: The procedure for holding mass events is established by the Law of the Republic of Belarus No. 114-Z of 30 December 1997 "On Mass Events in the Republic of Belarus" (hereinafter – the Law).

The first part of Article 15 of the Law stipulates that persons having violated the procedure for organizing and/or holding mass events established by the Law shall bear liability under the legislative acts of the Republic of Belarus.

For reference: In accordance with Article 6.7 of the Administrative Offenses Code, administrative detention is established for a period of up to fifteen days.

Ms. Irina Sukhiy had the right to appeal against the judgment of the Sovetsky District Court of Minsk of 8 September 2020, which had not entered into legal force against her, within the timeframe and procedure established by Articles 12.1-12.4 of the Procedural and Executive Code of the Republic of Belarus about Administrative Offenses.

For reference: As of 11 September 2020, the ruling of the Sovetsky District Court of Minsk of 8 September 2020 against Ms. Irina Sukhiy was not appealed or protested. As of 18 September 2020, no official complaints from Ms. Irina Sukhiy about the conditions of her detention were received by the Report of the General Directorate of Internal Affairs Minsk City Executive Committee.

Based on the foregoing, we believe that bringing Ms. Irina Sukhiy to administrative liability for committing illegal actions on the basis of paragraph 1 of Article 23.34 of the Administrative Offenses Code cannot be considered penalization, persecution or harassment contrary to article 3 (8) of the Aarhus Convention.

Taking into account the observance of international and national principles of confidentiality and protection of personal rights, the Ministry of Natural Resources and Environmental Protection is not entitled to provide more information confirming the participation of Ms. Irina Sukhiy in the "Freedom Marches" protest actions since it concerns Ms. Irina Sukhiy personally and goes beyond the Aarhus Convention.

Finally, I would like to reaffirm Belarus' readiness for further constructive engagement with the Committee concerning compliance with the Aarhus Convention.

Yours sincerely,

First Deputy Minister  
National Coordinator



Baliaslau Pirshtuk