



Ref: ECE/ENV/2020/130

9 September 2020

**Subject: Decision VI/8c concerning compliance by Belarus:
Alleged arrest and detention of Ms. Irina Sukhiy**

Dear Mr. Pirштuk,

I write at the request of Mr. Jonas Ebbesson, Chair of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), to enclose a letter for your urgent attention.

Should you have any questions with regard to the enclosed, please do not hesitate to contact the secretariat.

Yours sincerely,

A handwritten signature in purple ink, which appears to read "Marco Keiner".

Marco Keiner
Director
Environment Division

Mr. Baliaslau Pirштuk
First Deputy Minister
Ministry Natural Resources and Environmental Protection
Republic of Belarus

Cc: Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva
European ECO Forum, communicant of communications ACCC/C/2009/37 and ACCC/C/2009/44
Ecohome, communicant of communication ACCC/C/2014/102
Nuclear Transparency Watch, Greenpeace Netherlands and WISE International, as observers

Encl.

Jonas Ebbesson
**Chair of the Compliance Committee under the UNECE Convention on Access to Information,
Public Participation in Decision-making and Access to Justice in Environmental Matters
(Aarhus Convention)**

Stockholm, 9 September 2020

Dear Mr. Pirshuk,

**Re: Decision VI/8c of the Meeting of the Parties concerning compliance by Belarus:
 Alleged arrest and detention of Ms. Irina Sukhiy**

As you are aware, under paragraph 7 of decision VI/8c of the Meeting of the Parties concerning compliance by Belarus, when evaluating the implementation by Belarus of paragraph 6 of decision VI/8c, the Committee shall take into account any information received from members of the public or other sources about future incidents of alleged penalization, persecution or harassment contrary to article 3(8) of the Convention, together with any information provided by Belarus regarding those alleged incidents.

On 7 September 2020, the Compliance Committee received an email from Nuclear Transparency Watch, Greenpeace Netherlands and WISE International and also an email from European ECO Forum, each alleging a particularly serious further incident of penalization, persecution or harassment contrary to article 3(8) of the Convention. The alleged penalization, persecution and harassment concerns the arrest, search and seizure and ongoing detention of Ms. Irina Sukhiy, the Chair of the board of the Belarusian nongovernmental organization Ecohome.

I would like to remind you that, in paragraph 112 (c) and (d) of its findings on communication ACCC/C/2014/102, the Compliance Committee found Belarus to have penalized, persecuted and harassed Ms. Sukhiy in breach of article 3(8) of the Convention on two separate incidents in 2012 and 2013. Those findings were endorsed by the Meeting of the Parties at its sixth session through paragraph 4 of decision VI/8c.

Concerning the current allegations, the Compliance Committee has been informed of the following:

1. On the afternoon of Sunday, 6 September 2020, Ms. Sukhiy was taken from her home by unidentified police and detained in custody overnight at the local police department without charge.
2. On the evening of 6 September, the police returned to search her home and took away laptops and an internet router.
3. On the afternoon of Monday, 7 September 2020, during online court proceedings of the Soviet District Court of Minsk, Ms. Sukhiy was charged with participation in an allegedly illegal street mass gathering in Minsk on 3 September 2020.
4. Following the presentation of evidence to the court that Ms. Sukhiy was not in fact in Minsk on 3 September 2020, the case was returned for further investigation.
5. Despite this fact, Ms. Sukhiy remains in custody at the present time.

In their emails of 7 September 2020, European ECOForum and Nuclear Transparency Watch allege that Ms. Sukhiy's detention is connected to her activities in recent weeks to oppose the start of the nuclear power plant in Ostrovets.

The Compliance Committee appreciated the constructive exchange with the delegation of Belarus during the open session on decision VI/8c held during the Committee's sixty-sixth meeting (Geneva, 9-13 March 2020). It is thus concerning to learn of the alleged arrest, search and seizure and ongoing detention of Ms. Sukhiy. Given the gravity of these alleged incidents, in accordance with paragraph 7 of decision VI/8c the Committee will need to determine whether these incidents in any way relate to Ms. Sukhiy's activities to exercise her rights under the Convention to oppose the Ostrovets nuclear power plant.

In accordance with paragraph 7 of decision VI/8c, Belarus is invited to comment on the alleged incidents in points 1-5 above. Belarus is at the same time invited to reply to the following questions:

1. What evidence can Belarus provide to the Committee to conclusively demonstrate that Ms. Sukhiy's arrest, the search and seizure of her possessions and the ongoing detention is in no way related to her activities to oppose the Ostrovets nuclear power plant?
2. Following her court appearance in the Soviet District Court of Minsk yesterday afternoon, on what legal basis, and for what substantive reason, does Ms. Sukhiy remain in detention?
3. How long is the maximum time that Ms. Sukhiy can be detained on that legal basis?
4. If Ms. Sukhiy's arrest, the search and seizure of her possessions or her detention is related to her activities to oppose the Ostrovets nuclear power plant or in any other way related to the exercise of her rights in conformity with the Convention, has she now been released and has her possessions now been returned, and which measures will be taken to fully redress any penalization, persecution or harassment that did occur?

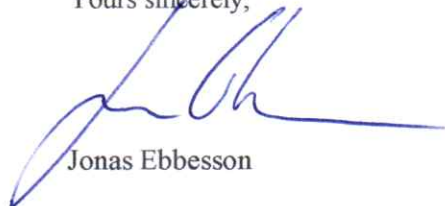
I look forward to receiving your replies to the above questions as soon as possible and by **16 September 2020**.

At the same time, I take this opportunity to remind you that the deadline for Belarus' final progress report on the measures it has taken to fulfil the recommendations set out in decision VI/8c is 1 October 2020. That will be the final deadline for Belarus to show to the Committee that it has taken all measures necessary to fully meet paragraphs 6 and 7 of decision VI/8c and to demonstrate that it is no longer in non-compliance with article 3(8) of the Convention.

Finally, in keeping with Belarus' constructive engagement with the Committee thus far, I request Belarus to assure the safety of Ms. Sukhiy while in detention and due process and fair treatment in the handling of her case.

Please do not hesitate to contact the secretariat of the Convention if you have any questions regarding any aspect of the above.

Yours sincerely,



Jonas Ebbesson

Mr. Baliaslau Pirshutuk
First Deputy Minister
Ministry Natural Resources and Environmental Protection
Republic of Belarus

Cc: Permanent mission of the Republic of Belarus to the UN Office and other international organizations in Geneva

Enclosures: Email received on 7 September 2020 from Nuclear Transparency Watch, Greenpeace Netherlands and WISE International.
Email received on 7 September 2020 from European ECO Forum.

From: Jan Haverkamp

Sent: 07 September 2020 12:40 PM

To: jonas.ebbesson; ECE-Participation; Fiona Marshall

Cc: [Emails redacted]

Subject: Ms Irina Sukhy of EkoDom arrested in Minsk, Belarus - urgent request for more clarity

Dear Mr. Ebbesson, dear Ms Marshall,

Yesterday afternoon, the head of the organisation EkoDom in Minsk, Belarus, and member of Nuclear Transparency Watch, Ms. Irina Sukhy, was taken from her home by unidentified police and taken into custody - allegedly for participating in an unauthorised protest on 3 September in Minsk, whereas Ms Sukhy was on that day around 200 km outside of Minsk. In the early evening, police searched her home and took laptops and internet router.

Ms. Sukhy is currently held in custody and awaiting a fast trial this afternoon at 14:00 at the court of the Soviet District of Minsk.

I would like to ask you to urgently use your contacts with the authorities in Belarus to ask for clarification about the backgrounds of her arrest, and seek guarantees for her safety and legal rights.

Ms Sukhy was one of the four people who were harassed when she tried to participate during the Environmental Impact Assessment procedure for the Astravetz nuclear power plant, resulting in a penalty for hooliganism (i.e. "shouting abusive language in the street"). In this case, Belarus has already been found in non-compliance with the Aarhus Convention by its Meeting of Parties on the basis of non-compliance with art. 3(9) of the Convention (non-harassment of citizens using their rights under the Convention)

On social media it is widely expected that Ms Sukhy is targeted now for her critical following of the developments of the construction of the Astravetz nuclear power station. An illustration can be found in the New York Times of today (last paragraph):

<https://www.nytimes.com/2020/09/06/world/europe/protests-belarus-lukashenko.html>.

And in another gesture toward Moscow, Belarusian security officials have arrested Irina Sukhi, an environmental activist who has campaigned against a nuclear power station built in Belarus near the border with Lithuania by Rosatom, a state-owned Russian company. The arrest was reported on Sunday by Ms. Sukhi's daughter, Sophie Sadovskaya.

In the run-up to the contested elections in Belarus of three weeks ago, permission to load fuel into the Astravetz nuclear power plant unit 1 was issued before the operation license became active. Shortly before the elections, a special law was passed to ease the physical start-up of the Astravetz NPP in order to allow also other commissioning steps to be carried out before the operation license is given. These steps are generally seen as an attempt to create positive PR for the upcoming elections.

In the meantime, measures concluded from the ENSREG peer-reviewed stress tests have not yet been implemented. Ms Sukhy was one of the people drawing attention to these issues.

Given the situation, I would kindly but urgently like to ask you to contact the Belarussian authorities to ask for clarification of the situation and for guarantees for the safety of Ms Sukhy and the upholding of due process.

Sincerely,

Jan Haverkamp
vice-chair of Nuclear Transparency Watch
senior expert nuclear energy at Greenpeace Netherlands
senior expert nuclear energy at WISE International

From: Andriy Andrusevych
Sent: 07 September 2020 6:11 PM
To: ECE-Aarhus-Compliance; [emails redacted]
Subject: URGENT; Decision VI/8c concerning Belarus (ACCC/C/2014/102)

To: Aarhus Convention Compliance Committee
aarhus.compliance@un.org

Dear Ms.Marshall,

With this letter, I am bringing to your attention an urgent situation with Ms. Iryna Sukhiy, a Belarus environmental activist (one of the persons found to be persecuted in ACCC/C/2014/102). On September 6, 2020, Ms.Sukhiy was detained by a group of unidentified enforcement officers by forcefully taking from her home to a local police department with no charges presented (Sovetskoye ROVD) (http://belapan.com/archive/2020/09/06/ru_1058627/?fbclid=IwAR0ccYRjhd-Iy0a9do3Zys2MrI9jGnr6ZbqA2x9462S0eUh9plq04hyGmo). Later the same day her home was subject to a police search.

Today, September 7, 2020, during on-line court proceedings she was charged with participation in an allegedly illegal street mass gathering (demonstration) on Sep 3, 2020, in Minsk. However, after the court was presented with evidence she was away from the city on Sep 3, 2020, her case was returned for further investigation but she remains in custody.

I have reasons to believe her detention is likely to be linked to her active work in recent weeks related to the start of the nuclear power plant in Ostrovets (a matter subject to ACCC/C/2014/102).

I am kindly asking the Committee to take urgent measures and/or inform the Bureau of the Convention and approach the Government of Belarus for her immediate release from jail.

Regards,
Andriy Andrusevych
European ECO Forum Legal Focal Point for EECCA countries