

**21st meeting of the Working Group of the Parties to the Aarhus Convention
Geneva, 4-6 April 2017**

European ECO Forum Statement concerning situation on persecution of activists in Belarus

Since 17 February 2017, a new wave of widespread political repression has been taking place in Belarus - more than 1,000 people were detained and arrested, many with use of brute force, some of them were fined and several searches and seizures of property took place, some people were wounded and hospitalized.

While these repressive measures have affected Belarusian civil society very broadly, representatives of environmental NGOs are among those who have been subjected to this persecution. Indeed, as further elaborated below, individuals from the very same organization that submitted Communication ACCC/C/2014/102 to the Aarhus Convention Compliance Committee alleging non-compliance with article 3, paragraph 8, of the Convention were arrested and detained by the Belarusian authorities in this latest crackdown. The fact that the peaceful protests that gave rise to the actions of the Belarusian authorities were not specifically about an environmental topic and that protestors without an environmental motivation were similarly arrested and detained does not alter the fact that in such a political climate it is virtually impossible for environmental NGOs and individuals to freely exercise their rights under the Convention without fear of reprisal. Thus these latest events point to a violation of article 3, paragraph 8, of the Convention, which states that "Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement."

The background to the current situation was as follows. Although after the release of political prisoners in August 2015 the situation with human and civil rights in Belarus was relatively calm, there were no systemic changes or reforms to prevent further repressions and violations of human rights and freedoms. As a result, the peaceful but mass protests of Belarusian citizens against the President's Decree on "preventing parasitism" but in fact posing a special tax on unemployed people - in February-March 2017 resulted again in wide repression and mass human rights abuses by the Belarusian authorities. The organizers expressed the opinion that the State should rather invest in the creation of jobs. The events were peaceful on the side of the protestors and in Minsk the number of participants was between 1,500 and 2,500 people.

But not only were participants of the demonstrations arrested but the government went back to the repression of civil society activists, bloggers, independent journalists, human rights defenders¹ and observers.

On 25-26 March, the repression escalated when over 1,000 people across Belarus were detained including over 700 people at a peaceful demonstration on Liberty Day².

On 28 March, the UN Special Rapporteur on Human Rights in Belarus, Miklós Haraszti, expressed³ dismay over the Government's open return to a policy of violent mass repression against peaceful demonstrators, non-governmental organizations, journalists and political opponents, and called on the authorities of Belarus to stop harassment and violence.

The EaP CSF Belarusian National Platform (BNP) released a statement⁴ calling on the responsible EU officials to objectively assess the situation in the country and consider the opportunities, as well as the conditions and limitations for any further development of the EU-Belarus dialogue. According to the Platform's members, relations between the Republic of Belarus and the European Union cannot be maintained under the current conditions.

¹ FIDH report: <https://www.fidh.org/en/issues/human-rights-defenders/belarus-crackdown-continues-more-human-rights-defenders-detained>

² Human Rights Situation in Belarus: March 2017 <https://spring96.org/en/news/86596>

³ <http://freeassembly.net/news/belarus-detained-demonstrators/>

⁴ <http://eap-csf.eu/index.php/2017/03/31/statement-on-the-events-of-25-26-march-2017-in-minsk-and-other-belarusian-cities/>

Among others affected, environmental activists from the NGO Ecohome were persecuted. Marina Dubina, the director of Ecohome as well as Xenia Maljukova, a member of the same organization, were detained prior to an approved peaceful demonstration on 15 March by police in plain clothes using brute force, who neither identified themselves properly nor explained the reason for the arrest. Alena Dubovik, another member of EcoHome, was arrested after the event in public transport on her way home. Trials were held the day after the arrests, and Marina Dubina was sentenced to 14 days in jail, Xenia Maljukova received 13 days and Alena Dubovik 12 days. "Green Network" the green NGO network of Belarus, emphasizes that all court cases were accompanied by false testimonies of witnesses who were members of OMON's special police units. Not only did they give incorrect information about the time and place of and the reason for the arrests, but neither did they explain why they were in plain clothes at the time when they were supposedly carrying out their duties and why they found it necessary to use brute force. By 25 March among hundreds of arrested people were other environmental activists of Ecohome, including Evgeniy Mihasuk, Vladimir Volodin and Christina Cherniavskaya.

The law enforcement staff refused to provide information about the place of the detention and on the state of health of their colleagues during several hours. The judges refused to consider the arguments of the defense, ignoring as well the video recordings made by the witnesses of the detentions. The reasons for the arrest were later declared as a "public order violation by using brutal language on the street".

A similar situation took place in Belarus also concerning environmental activists from Ecohome exercising rights under Aarhus Convention when they were blamed for a "public order violation by using brutal language on the street" as described in a Communication pending before Compliance Committee of the Aarhus Convention (case ACCC/C/2014/102).

Respect for the fundamental rights and freedoms, including of expression, association and assembly, needs to be upheld.

Considering that:

- the Belarusian authorities' brutal crackdowns on peaceful demonstrations, and their use of force, illegal detention and fabricated evidence to intimidate citizens, is not acceptable;
- these recent repressions in Belarus are occurring in the context of the resumption of political dialogue between Belarus and the EU following the release of political prisoners in August 2015, and the lifting of economic sanctions; and
- the decision to hold in Belarus the 26th annual session of the OSCE Parliamentary Assembly in July 2017, and the Espoo Convention Meeting of Parties in June 2017.

We call on the Belarusian authorities to:

- immediately and unconditionally release all those still in custody following their detention during or in connection with peaceful demonstrations, or in the course of their lawful daily activity;
- end the persecution of social activists, human rights defenders, journalists and activists;
- conduct a thorough investigation into the use of violence against protesters and detainees, in compliance with the country's international commitments;
- allow full access by the UN Special Rapporteur on human rights in Belarus to all relevant information;
- and
- commit to concrete and systematic human rights reforms in consultation with the public.

We call on EU institutions, EU Member States and international organisations to:

- make future cooperation with the Belarusian government conditional on progress in the field of human rights;
- provide support to civil society in Belarus to document human rights violations and provide assistance to the victims of illegal persecution; and
- call for the forthcoming Espoo Convention Meeting of Parties scheduled to take place in Minsk in June 2017, to be held elsewhere because the current situation in Belarus contradicts the spirit of fundamental human rights and freedoms, does not correspond to the democratic principles and spirit of the Espoo and the Aarhus Conventions.