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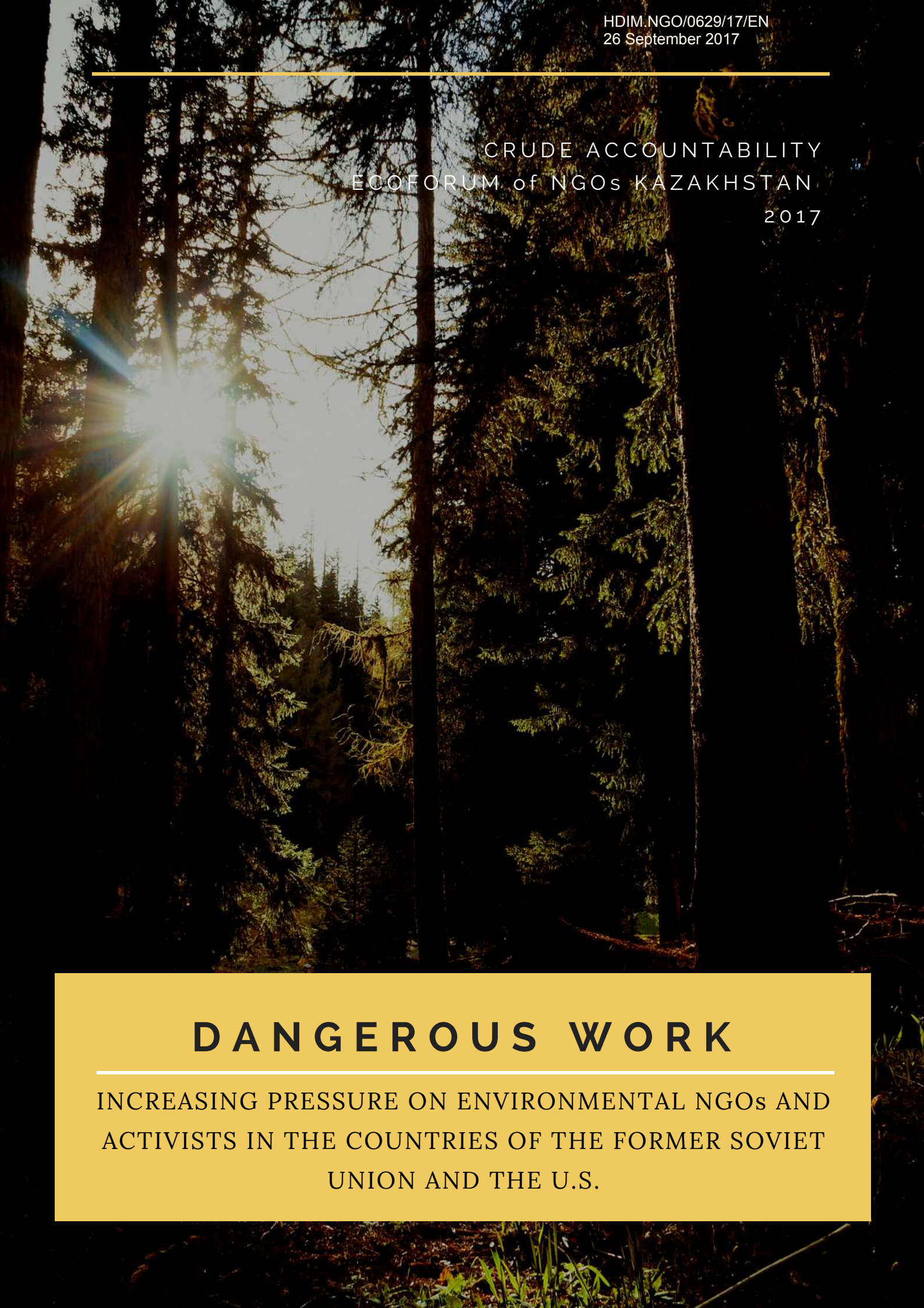

DANGEROUS WORK

INCREASING PRESSURE ON ENVIRONMENTAL NGOs AND ACTIVISTS IN THE COUNTRIES OF THE FORMER SOVIET UNION AND THE U.S.

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Introduction

This report is devoted to environmentalists who have been or continue to be persecuted in the countries of the former Soviet Union and in the U.S. for their work to protect everyone's right to a healthy environment.

In his report on the situation of human rights defenders, Special Rapporteur on the situation of human rights defenders Michel Forst defines environmental human rights defenders as "individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna."[1] This report documents the most egregious cases of persecution that have targeted environmental human rights defenders in the past fifteen years since the adoption of the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters, known as the Aarhus Convention.

In his report published on August 3, 2016, Special Rapporteur Michel Forst raises alarm about "the increasing and intensifying violence" against environmental human rights defenders. The situation of these people in our countries remains largely unaddressed by international and nongovernmental organizations, but the problem of violations committed against them is now more critical than ever. Despite the wide recognition of environmental rights in both international law and domestic legislation of the countries discussed here, environmentalists and their families continue to be threatened, beaten, harassed, prosecuted, and even murdered for their heroic efforts to save our planet.

We urge governments and international organizations immediately to declare unacceptable all acts of repression against environmental defenders and to take steps to protect their rights. States are under an obligation to promote and safeguard the right to protect the environment and to advocate for sustainable

[1] http://www.ohchr.org/EN/newyork/Pages/GA71stSession.aspx

development in harmony with nature. States are also under an obligation to ensure respect for environmental defenders' other rights often violated by governments, private companies, mass media, and other actors. Without the right to live in a healthy environment, a wide range of other human rights and freedoms cannot be fully realized.

Ensuring a normal, safe, and decent atmosphere for environmental defenders is an essential component of all States and other actors' obligation to protect the environment. In essence, humanity's sustainable development and wellbeing rely on respect and recognition of environmental defenders and their efforts.

International Framework

An alarming trend of violence and intimidation targeting environmentalists has been observed worldwide, including in the countries discussed in this report, despite provisions of the international human rights law designed to protect them. Thus, the UN Declaration on the Rights of Human Rights Defenders of 1998 stipulates in Article 1, "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Other international instruments such as the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, also contain provisions to safeguard the rights and freedoms of environmental defenders. The Rio Declaration on Environment and Development of 1992 lays down the foundations for environmental democracy in its Principle 10 which stipulates that "[e]nvironmental issues are best handled with the participation of all concerned citizens, at the relevant level," and also provides for access to information concerning the environment and effective access to judicial and administrative proceedings.[2]

[2] Principle 10, http://www.un.org/en/documents/decl_conv/declarations/riodecl.shtml

Principle 10 of the Rio Declaration on Environment and Development informed the negotiations and adoption of the **Aarhus Convention** in 1998. This international treaty guarantees "the rights of access to information, public participation in decision-making, and access to justice in environmental matters" in order "to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being."[3] The Aarhus Convention is an international legally binding instrument granting the public environmental rights and imposing detailed obligations on States regarding access to environmental information, including its collection and dissemination; to public participation in decisions on specific activities, to public participation concerning plans, programs and policies relating to the environment, and during the preparation of executive regulations and/or generally applicable legally binding normative instruments which may have a significant impact on the environment; and access to justice, including both judicial and extrajudicial remedies, relating to environmental issues.

The Parties to the Aarhus Convention discussed in this report include Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Turkmenistan, and Ukraine. Of all former Soviet Union republics, only Russia and Uzbekistan have not joined the Convention to date. Russia has been planning to join the Convention since 2012, but its accession to the treaty has been delayed. The Convention has been in effect for nearly 16 years, serving as the key international instrument enabling environmentalists to exercise their right to protect the environment.

A separate provision of the Aarhus Convention protects environmental defenders against persecution, punishment and harassment. According to Article 3, para 8, each Party must 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." However, in its findings and recommendations with regard to communication ACCC/C/2014/102 concerning compliance by Belarus,

[3] Article 1, http://www.un.org/en/documents/decl_conv/conventions/orhus.shtml

the Convention Compliance Committee considers that "the rights referred to in Article 3, paragraph 8, encompass a broad range of rights granted to members of the public by Article 1 of the Convention, namely the rights of access to information, public participation in decision-making, and access to justice, which contribute to the right of every person of present and future generations to live in an environment adequate to their health and well-being."[4] The Aarhus Convention, therefore, obligates its Parties not only to refrain from any acts of persecution, punishment, and harassment of environmentalists, but also to take proactive steps to protect them. However, as seen from examples described in this report, it is most often the State and its actors who initiate acts of persecution, punishment and harassment of environmentalists.

Hostile Atmosphere

Reports by two well-respected NGOs, Global Witness and Front Line Defenders, document shocking global trends. According to the Global Witness report,[5] at least 200 environmental defenders were murdered in 24 countries. The number of killings increases each year, with the previous year of 2015 also being the deadliest one on record, and the trend is spreading, affecting more places. On average, four defenders died a violent death each week in 2016. In 2015, the number of environmentalists murdered was more than double that of journalists killed over the same period. The deadliest countries for activists, according to the report, were Brazil (49 killings), Colombia (37), the Philippines (28) and India (16), while Nicaragua (11) had the highest number of killings per capita. According to statistics in the Front Line Defenders annual report, 49% of human rights defenders murdered in 2016 were working to defend land, indigenous, and environmental rights.[6]

[4] ACCC / C / 2014/102 /, para 66
[5] pp. 6, 8-9, https://www.globalwitness.org/ru/campaigns/environmental-activists/defenders-earth/
[6] https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016

The above reports also mention the killings of environment activists in the former Soviet Union countries. We do not wish to underestimate the graveness of the situation and the dangers faced by environmentalists in Asia and South America where the most killings have occurred; however, having reviewed the above reports in conjunction with other sources of data, the authors of this report find the problem of harassment faced by environmental activists in the former Soviet Union countries to be generally underreported. Like the two quoted reports, this report also describes examples of violent attacks against environmentalists in the former Soviet Union and in the U.S., although very often, more sophisticated and covert methods of harassment have been used.

Characteristic of most countries of the former Soviet Union is a generally hostile atmosphere for environmental activism created by the increasingly repressive regimes seeking to marginalize independent NGOs, including environmental groups. Perhaps the most infamous example is the 2012 Russian law on "foreign agents"[7] which has since been used to label NGOs as "foreign agents" effectively interpreted as "enemies of the people." The Amnesty International report of 2016, "Agents of the People. Four Years of "Foreign Agents" Law in Russia: Consequences for Society," notes that said law "has contributed to the creation of an atmosphere of suspicion and intolerance and the end result is that many organizations that have made a significant contribution to promotion of human rights, civil society and to the wellbeing of citizens have been forced to close down" and provides examples of enforcement targeting environmental NGOs.[8] Our report describes similar examples from Kazakhstan, Kyrgyzstan, and Turkmenistan, but the geography of NGO harassment through repressive legislation and the "foreign agent" label is not limited to these countries. The Aarhus Convention, in its Article 2, para 5, and Article 9, para 2, recognizes the special status of environmental NGOs. In addition to this,

[7] Federal Law No 121-FZ of 20 June 2012, on Amending Certain Federal Laws in Regard of Regulating the Activities of Nonprofit Organisations Performing the Functions of Foreign Agents (the "foreign agents" law), published by Rossiiskaya Gazeta on 23 July 2012. See https://rg.ru/2012/07/23/nko-dok.html, with amendments at http://www.consultant.ru/document/cons_doc_LAW_132900/

[8] Agents of the People. Four Years of "Foreign Agents" Law in Russia: Consequences for Society, Amnesty International, 2016, https://www.amnesty.org/en/documents/eur46/5147/2016/en/

the Convention Compliance Committee, in its findings and recommendations presented in Communication ACCC/C/2004/05 with regard to Turkmenistan, states that the Compliance Committee of the Aarhus Convention found that "non-governmental organizations, by bringing together expertise and resources, generally have greater ability to effectively exercise their rights under the Convention than individual members of the public."[9] By persecuting and destroying environmental NGOs, governments effectively eliminate the key actors promoting the exercise of public environmental rights.

Tendencies, Forms, and Sources of Repression

This report describes specific cases of persecution and reprisals against environmentalists in Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Ukraine, and the U.S. This does not mean that similar cases have not occurred in other countries of the former Soviet Union, which are not covered in this report, but only means that the authors were limited in their ability to identify and verify such cases. Most countries covered in this report are Parties to the Aarhus Convention, making it possible to use the information provided in shadow reports on its implementation and in submissions on alleged violations filed with the Compliance Committee. However, as Russia and the U.S. are not Parties to the Aarhus Convention, we present broader reviews summarizing information on multiple cases. This approach allows us to highlight the key trends and give the reader an idea of the scope and ongoing escalation of repression targeting environmentalists in the countries described here.

A sad and growing trend has been the introduction of deliberately tough legislative and regulatory measures against NGOs, including those protecting the environment. The adoption of a new law on non-governmental organizations in Turkmenistan has led to a virtually total elimination of independent environmental NGOs, and

[9] ECE / MP.PP / C.1 / 2005/2 / Add.5, para 16

eventually to persecution of individual environmental activists – former members of an environmental group thus liquidated. The "foreign agents" law in Russia does not only demonize civil society groups receiving funds from foreign sources, but aims more broadly to suppress any civic activity by blocking access to foreign support and making domestic funding conditional on loyalty to government. In Kazakhstan, a series of targeted amendments to legislation on non-profit organizations and tax regulations have led to extremely burdensome triple reporting requirements for NGOs, exposing them to the ever-present threat of tax inspections and penalties. Ironically, over the same period, a large-scale official deregulation campaign freed commercial operations in Kazakhstan from many types of inspections and restrictions, including those concerning environmental standards. Whether or not they have adopted specific laws and policies, many countries covered here have launched campaigns to demonize strong and independent environmental groups by portraying them as agents of unidentified "external forces." This trend has been observed, in particular, in Azerbaijan, Georgia, Kyrgyzstan, and Russia. Comparing the geography and political agendas of these courses, one could assume that the mysterious "external forces" might be of extraterrestrial nature – and by comparing huge foreign investments attracted by corporates and governments with modest grants received by NGOs, one might get an impression that the latter possess superhuman abilities in terms of resource-efficiency. All of the above allows us to describe blame campaigns against environmental NGOs in many countries as a large-scale and targeted witch-hunt. A more detailed analysis of the Russian situation indicates an active involvement of security and law enforcement agencies in the state's efforts to eliminate environmental NGOs and by doing so, limit the opportunities available for effective public discussion of major environmental risks from ongoing and planned operations, particularly large-scale projects.

Cases described in this report indicate a growing trend towards the use of administrative and criminal law against environmental activists. These measures have been applied to discourage citizens from expressing their opinions on the

environmental implications of certain projects, such as construction of a nuclear power plant in Belarus, extraction and transportation of conventional fossil fuel in Azerbaijan, extraction and transportation of shale oil in the U.S., privatization of agricultural land and auctioning it to foreign investors in Kazakhstan, construction of Olympic venues in Russia, nickel mining in Russia, and tree cutting in Kyrgyzstan. In such circumstances, governments usually side with corporate actors and deny their citizens opportunities, mechanisms, and procedures for effective participation, thus contributing to a clash of economic, environmental, and social values. In addition to this, law enforcement agencies use administrative and criminal sanctions against environmentalists even for minor irregularities. Repressive measures aiming for individual and public intimidation include ID checks ostensibly for public order reasons, discriminatory searches and confiscation of personal belongings, illegal surveillance, arbitrary arrests and detentions, often accompanied by violence, administrative and criminal charges for alleged public order violations, slander, inciting social and ethnic hatred, and others. Journalists' investigations of harassment faced by activists in the U.S. for protesting against shale oil extraction and transportation reveal that large corporation recruit law enforcement and security agencies to protect their commercial interests and fight environmentalists by alleging their implication in criminal offenses and even extremist or terrorist acts.

In turn, NGOs and activists often selflessly oppose environmental violations under circumstances where their own and their families' lives and health come under serious threat. Incidents of intimidation, violence, and murder reported in Armenia, Russia, and Ukraine reveal the types of environmental activism particularly vulnerable to such risks. These include, in particular, protests against illegal mining, construction and other operations in protected areas, deforestation, elite residential development, transportation of hazardous chemicals, poaching, and disputes over water resources and stray animal control practices. Excessive emphasis on exploitation of natural resources has increasingly resulted in stakeholder conflicts underpinned by different perspectives on development. Admittedly, the scale of

violence against environmentalists in the former Soviet Union and in the U.S. has not yet reached that observed in certain parts of Asia and Latin America described in Global Witness' and Front Line Defenders' reports. However, the geography and extent of physical violence can escalate rapidly in a situation where public authorities and officials actively seek to discredit and persecute activists. Furthermore, officially endorsed attempts to eliminate and undermine environmental NGOs and intimidate activists – characteristic of all countries discussed here – can further aggravate conflicts between local communities and corporations.

The incidents and patterns of attacks on environmentalists discussed in this report raise doubts as to many governments' genuine commitment to safeguard their citizens' right to a healthy and safe environment, preserve nature, and support sustainable development. The authors of this report find it urgent and essential for governments to stop fuelling the atmosphere of hostility and suspicion towards environmental NGOs and activists. The importance of independent and strong NGOs and responsible citizenship in the sphere of environmental protection must be effectively recognized in accordance with Principle 10 of the Rio Declaration on Environment and Development, relevant provision of the Aarhus Convention, and other environmental treaties. The authors of this report urge governments and the Aarhus Convention bodies to initiate stakeholder consultations, at both international and national levels, to discuss approaches to overcoming the current critical situation, and to develop mechanisms to prevent and protect environmental NGOs and activists from persecution, harassment and arbitrary punishment.

Turkmenistan: Criminal Prosecution of Environmental Activists

When a general atmosphere of distrust towards any independent public activity has been created in a country, there is no way to tell who may be targeted next for persecution and for what reason, or who may take advantage of the situation.

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 focusing on the environmental problems affecting the Aral Sea region and protected areas and working to raise public awareness of environmental issues and improve Turkmenistan's environmental law. However, the cases of these Turkmen colleagues marked the beginning of a series of high-profile persecution targeting environmentalists in the countries of the former Soviet Union.

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 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.[10] Fearing further repression, Tukhbatullin left Turkmenistan and was granted political asylum in Austria.

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

[10] http://www.seu.ru/projects/farid/

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 causing a medium-severity injury to a stranger by breaking his wrist as he attacked Zatoka in a marketplace; according to some sources, the man's wrist had been broken before the incident.[11] 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.[12]

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 at his life, which might have looked as heart failure.[13] These appeals by the two prominent human rights organizations prompted the Austrian authorities to take additional security measures to ensure Tukhbatullin's safety.

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 Mr. Myatiev's medical treatment. 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.[14]

[11] http://www.seu.ru/projects/zatoka/
[12] http://ru.crudeaccountability.org/Andrey-zatoka-svoboden/
[13] https://www.amnesty.org/en/latest/news/2010/10/austria-debe-proteger-activista-turcomano-exilio/
[14] Chronicles of Turkmenistan, "Epilogue to Myatievs' Case," 16 Jul. 2010, http://www.chrono-tm.org/en/?id=1429

The events in Turkmenistan outlined above are a vivid example of a political witch-hunt driven by the authorities' passionate search for enemies even among usually peaceful and law-abiding citizens. These events also illustrate the vulnerable situation of environmentalists in many countries of the former Soviet Union, where local laws and deficient judicial systems make it possible to prosecute activists for actions that pose no threat to society and the state. In this context, the law enforcement authorities keep all civil society activists, including environmentalists, under constant and close surveillance, and often come up with trumped-up reasons for their detention and criminal prosecution, eventually forcing active citizens to seek asylum in other countries.

Turkmenistan: Using Law to Eliminate Independent NGOs

It may be hard to believe now, but Turkmen NGOs used to be among the most active environmental groups in Central Asia in the late 1990s and early 2000s. Turkmenistan's green activists used to set trends for the entire region in aspects such as technical skills and the use of electronic media, networking, and fundraising. The Catena Ecological Club in Ashgabat and the Dashoguz Ecological Club were the most well-known of the country's environmental groups.

Established in 1992, the Dashoguz Ecological Club was active in areas such as environmental awareness-raising, education and monitoring, biodiversity protection, legal advocacy (working to promote and improve environmental law and to watch over its enforcement), combating chemical pollution, and supporting environmentally-conscious business and organic farming. Their activities eventually inspired the emergence and development of other environmental groups in Turkmenistan. By maintaining public access to environmental information, activists of the Dashoguz Ecological Club shared their expertise and skills with numerous other NGOs in Central Asia.

Almost immediately after its establishment in 1994, the Catena Ecological Club became the leading environmental group in Central Asia in terms of using electronic

media. In a situation where public access to environmental information was limited in Turkmenistan, the NGO played a key role in maintaining a continuous exchange of environmental data among green activists in Central Asia, in particular via Ecostan News, an electronic publication produced in both Russian and English edited by Andrey Aranbaev, director of Catena, who also served as a liaison between green activists in Central Asia and other parts of the former Soviet Union. Jointly with international organizations, Catena implemented a series of projects on biodiversity conservation, including a unique leopard conservation effort with WWF, and a project to preserve the country's scientific heritage. In collaboration with the Ministry of Nature Protection of Turkmenistan, Catena organized the first national environmental conference in 1996.

Maintaining extensive contacts worldwide, environmental NGOs in Turkmenistan were active om the international level and involved in international organizations both by serving on the steering bodies of the International Social and Environmental Union and the Law and Environment Eurasia Partnership and by sharing their expertise with various actors, including the treaty bodies to the Convention on Biological Diversity and the UN Convention to Combat Desertification, and WWF projects at the regional and national levels.

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.

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."[15]

Stripping environmental NGOs of legal status soon caused them to stop their operations in Turkmenistan, because the law of 2003 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. Subsequently, the Aarhus Convention Compliance Committee found that Turkmenistan's Law on Public Associations was not in compliance with Article 3, paras 4 and 9, of the Convention. In particular, Article 3, para 4, of the Convention requires Parties to provide for "appropriate recognition of associations, organizations or groups promoting environmental protection" and offer them "appropriate support," while ensuring "that its national legal system is consistent with this obligation."[16]

This case illustrates a widespread tendency in post-Soviet countries to adopt separate and often extremely burdensome legal requirements for NGOs, including registration procedures, reporting and financing standards, and administrative and criminal sanctions against members and employees. Such provisions have been used to impose strict government control over environmental NGOs and eliminate independent groups advocating for people's rights such as access to environmental information, participation in decision-making and access to justice. This situation has led to either immediate liquidation or gradual stifling of NGOs committed to participation in decision-making on matters of environmental significance and defending victims of environmental violations; this policy effectively eliminates any legally empowered entity capable of acting on behalf of society for the purposes of Principle 10 of the Rio Declaration and provisions on environmental rights of the Aarhus Convention.

[15] See UNECE website http://www.unece.org/env/pp/compliance/Compliancecommittee/05TableTurkmenistan.html
[16] Ibid, http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf
[http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/c.1/ece.mp.pp.c1.2005.2.Add.5.r.pdf.]

Dangerous Profession in Russia: Killings and Violent Attacks on Environmental Activists

In 2012, Russia adopted its infamous "foreign agents" law imposing tough regulations on NGOs with foreign sources of funding if they are found by government to engage in broadly defined "political activity."[17] In addition to demonizing NGOs based on their funding, the law aims to paralyze independent nongovernmental groups by undermining their access to financing from sources outside the country, while all financing in the country goes to organizations loyal to government. Since 2012, seven environmental NGOs listed in the "foreign agents" registry have been dissolved.[18] Although the law says explicitly that protection of flora and fauna is not political activity,[19] the registry currently lists 25 environmental groups as "foreign agents" (one in every five listed NGOs).[20]

Restricting NGO activity is not the only manifestation of the Russian government's hostility towards any civic activity and its policy of undermining NGOs as the institutional basis of such activity. Russia has also been witnessing an extremely high degree of violence against environmentalists and their vulnerability to arbitrary administrative and criminal sanctions. Hostile actions targeting environmentalists in Russia include killings and death threats, assaults and criminal prosecution, alongside somewhat less violent methods of intimidation, such as searches, intrusive document checks, obstruction of independent environmental monitoring and public events, and others. Arrests, detention, and intimidation are an integral part of the government's treatment of environmentalists trying to exercise independent civic monitoring, which is essential to effective implementation of the right to a favorable environment guaranteed by the Russian Constitution.

[17] http://bellona.ru/2016/10/24/inagent/
[18] https://www.hrw.org/ru/news/2017/01/20/299182
[19] https://rg.ru/2012/07/23/nko-dok.html
[20] http://bellona.ru/2016/11/08/under-pressing/

Between 2011 and 2017, Russia saw a series of killings and attempted killings and criminal prosecutions of environmentalists for their environmental activism; a few cases are featured below in this report. In the vast majority of cases, the perpetrators were never punished.[21]

Igor Sapatov was gunned down by a hitman in a forest near Kazan on July 18, 2013, with a finishing shot to the head.[22] Sapatov had spent the five previous years fighting against the construction of elite cottages in a protected area along the banks of the Kama and Volga rivers. Before the murder, there had been attempts to set his house on fire, plant ammunition on him to get him arrested, and a violent attack. Kamsko-Ustinsky District, Tatarstan, 2013.

On July 19, 2013 at a fishing site, a fellow villager killed Nikolai Podolsky and Sergei Malashenko, prominent fighters against poaching in the Kola Arctic Region, with carefully aimed shots from a shotgun.[23] Both victims had been active at the Umbskiy Ekodorzor NGO conducting independent environmental inspections along the shores of the White Sea, cleaning up garbage, destroying poaching webs, and involving children and teens in environmental activities. Terskoy District, Murmansk Region, 2013.

In 2013, Mikhail Beketov, editor-in-chief of *Khimkinskaya Pravda*[24] and active opponent of the planned destruction of the Khimki Forest to make way for the Moscow–Saint Petersburg federal highway, died in hospital from injuries sustained in a brutal beating on November 13, 2008, the perpetrators of which were never identified. After the assault, he had to be hospitalized with a severe traumatic brain injury and concussion, shin fracture and multiple bruises, which required the amputation of his leg and four fingers, surgical removal of bone fragments from his

[21] http://network.bellona.org/content/uploads/sites/4/2016/01/fil_regiony_2015_OBL_BLOK.pdf p. 18-19
[22] http://www.xn----7sblcqa0agdljmb0c.xn--p1ai/news/y2013/838/, http://network.bellona.org/content/uploads/sites/4/2016/01/fil_regiony_2015_OBL_BLOK.pdf p. 18, http://www.evening-kazan.ru/articles/zemlyu-u-reki-polili-krovyu-ee-zashchitnika.html, https://www.svoboda.org/a/25461475.html, http://openbereg.ru/?p=3641, http://bellona.ru/2013/07/25/v-tatarstane-rasstrelyali-ekologa/
[23] http://www.xn----7sblcqa0agdljmb0c.xn--p1ai/news/y2013/838/, https://newizv.ru/news/society/24-07-2013/186137-opasnaja-professija
[24] http://bellona.ru/2014/12/17/presledovanie-ekoaktivistov-eto-ne/, http://bellona.ru/2013/04/08/pamyati-aktivista-ekologa-mihaila-bek/.

brain, and a series of other surgeries. Prior to the attack, the journalist had named the Khimki government and the city mayor as the masterminds behind the pressure against him.

On October 27, 2014, Zemfira Galliamova, director of the Kindness Dog Shelter, was found dead, strangled with a dog collar.[25] Earlier that year, her organization had come under severe pressure from government and municipal services enraged by the fact that their funding for the capture of stray dogs and cats had been suspended. According to her colleagues, she had received threats from doghunters shortly before her death.[26] On the day of her funeral, a group of doghunters armed with baseball bats raided the shelter. Ufa, Bashkortostan, 2014

In late 2011, environmentalist Alexander Senotrusov was brutally beaten with a baseball bat by unknown attackers in the Leningrad Region. Senotrusov had been a long-time staunch defender of the Bianki Meadow – a protected area created through his efforts – and of the shoreline of Lebyazhye from sale and development.[27] The attack on the environmentalist was included in the official Report of the Presidential Council for the Development of Civil Society and Human Rights published in March 2012. According to the report, Alexander Senotrusov suffered a closed craniocerebral injury and brain concussion, fracture of two ribs, and partial loss of sight in the right eye. There was virtually no investigation into the attack.[28] Lebyazhye, Leningrad Region, 2011.

On February 24, 2012 Igor Golubenkov, co-chairman of the local environmental group *Saving Taman!* and Assistant to the Deputy of Temryuk City Council in Krasnodar Region, was attacked and brutally beaten outside his home[29] by two men yelling "Stop your environmental work!" The environmentalist had to be hospitalized.[30] According to Golubenkov, it was an orchestrated attack related to his

[25] http://bellona.ru/2014/12/17/presledovanie-ekoaktivistov-eto-ne/, http://network.bellona.org/content/uploads/sites/4/2016/01/fil_regiony_2015_OBL_BLOK.pdf p. 15
[26] http://tv-rb.ru/novosti/incidents/zoozashchitniki_ne_veryat_v_suitsid_direktora_fonda_dobrota_zemfiry_gallyamovoy/ .
[27] https://www.svoboda.org/a/24438198.html, http://bellona.ru/2011/12/31/soversheno-pokushenie-na-aleksandra-iv/.
[28] http://old.president-sovet.ru/structure/group_4/materials/Doklad_ecolog.pdf, p. 7
[29] http://www.ewnc.org/node/7840, http://www.ewnc.org/node/7842.
[30] Ibid.

environmental efforts.[31] Golubenkov has been an active leader of *Saving Taman!* ever since the group was founded in response to environmentally-hazardous industrial projects on the Taman Peninsula and has opposed the construction of the Taman LPG terminal, as well as plans by EFCO OOO Food Ingredients company to increase the capacity of their transshipment complex and fat and margarine production facility in the port of Taman. Taman, Krasnodar Region, 2012

Municipal legislator Lyudmila Garifulina opposed a residential construction project that would destroy a forest in the village of Zelyony outside Moscow. In January 2013, she was attacked and stabbed and was hospitalized in grave condition in the intensive care unit.[32] Two months earlier, she had also been attacked by unidentified assailants who beat her on the head and tried to break her neck, but passers-by helped her escape. A local government official and the head of a municipal organization were arrested as suspects in the case opened into the stabbing of Garifulina, but no one was punished.[33] Noginsk District, Moscow Region, 2013

Since 2012, local residents in Voronezh Region have opposed the construction of a nickel mining and processing plant in an attempt to preserve the local environment, including the Khopyor River. According to a survey conducted by the Russian Academy of Sciences Institute of Sociology, some 98% of the local community are against the nickel mining project. Many of them have joined two protest campaigns, *Protect Khopyor!* and *Stop Nickel*. Their activists have been targeted by violence and intimidation. In May 2013, private security guards of the Ural Mining and Metallurgical Company attacked and beat four *Protect Khopyor!* activists, causing a severe brain concussion to Igor Zhitenev, a Cossack leader opposing the nickel project.[34] In late 2015, a masked assailant attacked *Stop Nickel* leader Svetlana Kuznetsova at the entrance to her home, hitting her on the head and back.[35]

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[31] Ibid.
[32] http://princip1.livejournal.com/201648.html, https://www.youtube.com/watch?v=IDhfRGi4PMw, https://www.ecmo.ru/news/sos-pokushenie-na-zashchitnicu-lesa-v-pos-zelenyy, https://www.svoboda.org/a/24881980/lbl1lbi6117.html, http://network.bellona.org/content/uploads/sites/4/2016/01/fil_regiony_2015_OBL_BLOK.pdf
[33] http://volgograd-times.ru/main_stories/11129
[34] https://www.svoboda.org/a/24985417.html
[35] http://www.article20.org/ru/news/v-borisoglebske-napali-na-aktivistku-antinikelevogo-dvizheni#.WSykW1Pyv-Y

On June 15, 2016, Alexander Veselov, Chairman of the Union of Ecologists of Bashkiria, was assaulted; according to Veselov, the assailants were shouting, "Mind your own business!" Before the attack, he had received telephone threats.[36] The environmentalist has been active fighting for compliance with environmental law in the construction of a solid waste landfill in the south of Bashkiria. He has also sharply criticized senior officials of the Bashkir Ministry of Nature Management and Ecology, accusing them of misleading environmental information, of lobbying for corporates and of poor performance as a government ministry. Ufa, Bashkortostan, 2016

On the night of September 8 to 9, 2016, eight masked men armed with knives, pistols, and batons attacked the camp of Environmental Watch on the North Caucasus (EWNC) and Greenpeace volunteer firefighters; the camp was located on private territory.[37] Beaten and injured in the attack were Mikhail Kreindlin (Greenpeace Russia) and Andrey Polomoshnov (Volunteer Firefighters of Transbaikalia). The assailants forced the firefighter team leader Grigory Kuksin to the ground and fired a shot above his head.

The attackers damaged the firefighters' car, tents and other equipment, and threw a stun grenade; they also accused the firefighters of being anti-patriotic. The authorities opened a criminal investigation into the attack on the camp. Greenpeace had previously led similar rescue missions to Russian regions prone to fires. This time, the environmentalists came to Krasnodar Region to help the Ministry of Emergencies firefighters, who were lacking special-purpose vehicles and equipment to deal with seasonal fires annually affecting the area. The volunteer firefighters also faced other types of pressure, such as being evicted from their base by the local authorities, being stopped from leaving the camp on a firefighting mission, being detained, and, finally, obstructed from attending a press event.

[36] http://bellona.ru/2016/06/17/aleksandr-veselov/
[37] Беллона Россия, http://bellona.ru/2016/09/14/ecovahta-agent/. EWNC, http://ewnc.org/node/23076, http://ewnc.org/node/23025, http://ewnc.org/node/23022. Greenpeace Russia, http://www.greenpeace.org/russia/ru/System-templates/-1/?tag=%D0%BD%D0%B0%D0%BF%D0%B0%D0%B4%D0%B5%D0%BD%D0%B8%D0%B5, http://www.greenpeace.org/russia/ru/news/2016/10-20-Kuban/

In April 2017, environmentalist Yaroslav Nikitenko found threatening graffiti painted next to the entrance to his Moscow home, alongside a drawing of a gravestone bearing his name.[38] Nikitenko has been active in a high-profile campaign against development in one of Moscow's districts, protesting against the developer's violations of the environmental law and potential negative consequences for the local green area, including a pine forest and part of the Moskvoretsky Park. Moscow, 2017.

It is a sad fact that threats, violent attacks, and other criminal acts targeting environmental activists have become commonplace in Russia. In most cases, such incidents are clearly connected to certain environmental conflicts, fuelled by the absence of dialogue between governmental and corporate actors on one hand and the public on the other. Environmentalists have repeatedly faced intimidation and attacks over protests against the destruction of Khimki forest to make way for a federal road between Moscow and Saint Petersburg;[39] environmental activists in Zhukovsky had their cars set on fire and a bottle of an incendiary mixture thrown into the window of an activist's apartment;[40] defenders of Torfanka park[41] and Tyoply Stan were targeted by attacks.[42] The conflicts described above occurred in the city of Moscow and its metropolitan area as a public reaction to the authorities' destructive urban policies leading to a loss of green space ("over 15 years, Moscow has lost a green area equal to almost 1,000 football fields").[43] This observed trend prompted the Presidential Council for Civil Society and Human Rights to issue a recommendation for the authorities to solicit public opinion and develop a set of rules to facilitate stakeholder consultations on environmental matters.[44]

[38] https://www.novayagazeta.ru/news/2017/04/13/130700-eko-aktivist-nikitenko-pozhalovalsya-v-spch-posle-ugroz-v-svoy-adres
[39] http://old.president-sovet.ru/structure/group_4/materials/Doklad_ecolog.pdf, p. 6-7
[40] http://bellona.ru/2016/07/13/zhukovskiy/
[41] http://bellona.ru/2016/02/19/torfianka/
[42] http://bellona.ru/2016/09/30/bespredel-moskva/
[43] http://www.greenpeace.org/russia/ru/news/2016/greenMoscow/
[44] http://old.president-sovet.ru/structure/group_4/materials/Doklad_ecolog.pdf, p. 9

Russia: Criminal Charges against Activists

The widely-publicized cases of Yevgeny Vitishko and Suren Gazaryan are among the numerous examples of intimidation and repression targeting environmentalists in Russia.[45] Their prosecution was intended as revenge for Gazaryan's and Vitishko's work to oppose the unlawful seizure of public forests and the Black Sea coastline to build what the environmentalists believed to be a residence for former Krasnodar Governor Alexander Tkachyov (the so-called "Tkachyov's Dacha"). Following unsuccessful attempts to bring the violators to justice and force the Russian supervisory authorities to intervene, a group of activists held a peaceful protest and spray-painted the illegally installed fence. The purpose was to demonstrate that the fence actually existed, as the prosecutor's office had earlier responded to the environmentalists' appeals by denying the existence of any fence around "Tkachyov's Dacha" or any environmental violation, despite convincing evidence that the illegally constructed fence was physically there. In June 2012, a Russian court sentenced Yevgeny Vitishko and Suren Gazaryan for their exercise of freedom of expression and protest against a cynical violation of citizens' rights each to suspended three-year prison terms, with two years of probation, under Article 167, part 2, of the Russian Criminal Code.[46] Their verdict read as follows: "S. V. Gazaryan and Ye. G. Vitishko intentionally caused significant damage to other's property out of hooligan motives."[47]

However, the authorities did not stop at giving Vitishko and Gazaryan suspended sentences. In November 2012, Gazaryan was accused of making death threats to three armed security guards during his independent environmental inspection of "Putin's Palace."[48] He was then forced to leave Russia to avoid a new criminal case against him. On December 20, 2013, a court of first-instance replaced Vitisko's

[45] http://president-sovet.ru/presscenter/topics/read/18/
[46] http://www.ewnc.org/node/13314
[47] http://ewnc.org/node/13314
[48] http://bellona.ru/2012/11/01/surena-gazaryana-ne-smogli-posadit-za/

suspended sentence with a three-year prison term in a settlement colony.[49] On February 3, 2014, just before the Olympic Torch was brought to Krasnodar, Vitishko was arrested for 15 days for allegedly "swearing at a bus stop."[50] During the Sochi Olympics, after serving 15 days of administrative arrest, he was secretly escorted to a settlement colony. Special Rapporteur on the situation of human rights defenders Michel Forst sent an appeal to the Russian authorities expressing concern over the alleged enforced disappearance of Vitishko.[51]

According to Andrey Babushkin, member of the Presidential Council for Civil Society and Human Rights, Vitishko's prosecution was unlawful, and the environmentalist was subjected to numerous arbitrary penalties while in prison,[52] and these penalties were subsequently referred to in court proceedings in April and July 2015 to justify refusal to grant him conditional release or mitigate his sentence.[53]

Public pressure both in and outside Russia forced the authorities to release Vitishko on December 22, 2015, following a court ruling of November 10, 2015 to mitigate his punishment and replace the unserved part of his sentence by restriction of liberty.[54] His sentence expired on March 22, 2017. Amnesty International named Yevgeny Vitishko a prisoner of conscience.[55]

The story of Yevgeny Vitishko is just one example of how all levels and instruments of state power in Russia are used to suppress environmental activism. According to independent sources, a number of Russian activists have been tried and sentenced solely for their environmental work, including Sergei Loshkarev (sentenced to 2 years, tried to stop the razing of a grove in his home city)[56]; Maxim Petlin (3 years, protested residential development in urban parks)[57]; Mikhail Bezmensky and Igor

[49] https://ovdinfo.org/documents/2013/12/25/postanovlenie-o-zamene-evgeniyu-vitishko-uslovnogo-sroka-na-realnyy
[50] http://ewnc.org/node/14780
[51] http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-28-63-Add-1.pdf, para 416.
[52] http://president-sovet.ru/presscenter/news/read/2918/
[53] http://www.ewnc.org/node/19693, http://www.ewnc.org/node/18633
[54] http://ewnc.org/node/20372, http://www.ewnc.org/node/20087
[55] https://amnesty.org.ru/node/2799/
[56] https://memohrc.org/news/memorial-schitaet-ekologicheskogo-i-kazachego-aktivista-loshkareva-politzaklyuchennym
[57] http://www.politzeky.ru/politzeki/dela-grazhdanskih-aktivistov/41097.html

Zhitenev (spent more than a year in prison for protecting the Khopyor River from nickel extraction near a protected area in Chernozemye);[58] Mikhail Boyarishchev (another defender of the Khopyor River sentenced to 2.5 years for allegedly setting fire to drilling rigs).[59] Suspended sentences were given to Nikolai Kuznetsov (sentenced to 2 years with a 3-year suspended sentence and a written undertaking not to leave; protested the construction of an airport in his city)[60] and Alexander Dovydenko (game warden given a 3-year suspended sentence for apprehending poachers).[61]

The list of environmentalists subjected to prosecution, searches, detention, and intimidation has been growing.[62] Recently, activists in danger of criminal prosecution have included Valery Brinikh (accused of extremism after publishing an article about hog manure pollution),[63] Andrey Rudomakha and Dmitry Shevchenko (accused of defamation by Alexander Remezkov, former vice-governor of Krasnodar Region, in connection with their environmental activism in the North Caucasus;[64] earlier, Rudomakha had been accused of a libel attack on a judge).[65]

This review of violations targeting environmentalists in Russia highlights the urgent need for Russia to sign, ratify, and fully implement the Aarhus Convention. Doing so will help Russia avoid or at least significantly reduce the magnitude of violations against environmentalists and help advance the country's environmental and human rights objectives.

[58] https://memohrc.org/special-projects/delo-zhiteneva, https://www.svoboda.org/a/27790651.html
[59] http://www.kasparov.ru/material.php?id=54C219F7F3447&ion_id=4354A73076FEC
[60] http://bellona.ru/2014/01/16/ekologicheskie-itogi-goda-v-rossii-2013/, http://nkuznetsov.livejournal.com/15517.html
[61] http://bellona.ru/2016/10/19/anti-ngo/
[62] http://network.bellona.org/content/uploads/sites/4/2016/01/fil_regiony_2015_OBL_BLOK.pdf, p. 20
[63] http://agora.legal/cases/show/Delo-ekologa-Valeriya-Briniha-ob-ekstremizme/3
[64] https://www.novayagazeta.ru/news/2017/04/14/130734-v-krasnodare-proshli-obyski-i-vyemki-v-dome-gde-ne-bylo-ni-ofisa-pravozaschitnoy-organizatsii-ni-kogo-by-to-ni-bylo-iz-ee-uchastnikov
[65] https://www.novayagazeta.ru/news/2013/10/31/78541-v-sochi-zaderzhan-izvestnyy-ekolog-andrey-rudomaha-podnimayuschiy-v-tom-chisle-ekologicheskie-problemy-olimpiady

Environmental Watch on the North Caucasus: Twenty Years of Repression

We also briefly describe the twenty-year-long history of pressure against Environmental Watch on the North Caucasus (EWNC) and its members. The case of EWNC serves as a graphic example of the atmosphere in which environmentalists work in Russia to oppose predatory policies pursued by corporate and government actors who fight back using the entire state apparatus, from senior officials to rank-and-file police officers, to pressure environmentalists into submission and protect business ventures which destroy the environment and violate people's rights. Their desire to crush EWNC and stop its members from defending the environment and communities has been manifested in a variety of ways, from beating and imprisonment to document checks under the pretext of protecting public security and morals.

Environmental Watch on the North Caucasus (EWNC) is a Russian environmental and human rights NGO working in the North Caucasus. In an effort to promote social and environmental justice, EWNC appeals to the relevant public authorities, litigates, conducts independent environmental inspections, helps local communities defend their environmental rights and environment, documents environmental violations, exercises the freedom of assembly, and raises public awareness.

This means that in addition to exercising their rights to a favorable environment, reliable information regarding its condition and compensation of any damage to health or property caused by environmental violations (Article 42 of the Russian Constitution), EWNC members also comply with their obligation as citizens to protect the environment (Article 58 of the Constitution) using the legal remedies available to them. Over the twenty years since its establishment, EWNC members have engaged in a wide range of environmental activities, from opposing the

destruction of urban parks and gardens to protecting UNESCO World Natural Heritage, and have scored an impressive number of victories.[66]

Over the twenty years between 1996 and 2016, including ten years of joint environmental work between Crude Accountability and EWNC, we documented at least 140 violations against EWNC and its members, of which 70 were committed between 2012 and 2016. The range of violations varied from beating and arbitrary detention to intrusive document checks under the pretext of public order and morality.

The intentional and systematic nature of repression targeting the group became obvious in 2012 before the 2014 Olympics. Repression continued after the Olympics, and today the organization is threatened with closure, while its leaders Andrey Rudomakha and his deputy Dmitry Shevchenko may face prison terms.

On May 11, 2010, EWNC member Yevgeny Mamula visited the Abinsk Forest Service office (Abinsk, Krasnodar Region), bringing along a report of findings from an independent inspection of forest cutting operations.[67] Alexander Aristov, head of the Forest Service, invited Mamula in and then assaulted and beat him, continuing to cast blows even after the environmentalist lost consciousness. Then Aristov stopped the beating, but continued to hold Mamula in his office and called the police stating that Mamula had attacked him. The police questioned Mamula, who was later hospitalized with a brain concussion, contusion of soft facial tissues, and bruises on his limbs and back. The police refused to open a criminal investigation or even to conduct a pre-investigation check.[68]

On April 30, 2011 in Primorsko-Akhtarsk (Krasnodar Region), two unidentified assailants attacked and beat Alexander Biryukov, EWNC Board Member, in the courtyard outside his home.[69] Biryukov sustained multiple injuries and a brain

[66] https://ru.wikipedia.org/wiki/, www.ewnc.org.
[67] EWNC, http://ewnc.org/node/5454, http://ewnc.info/files/lines-doc/t-rosha/051310_Mamula-SME.pdf, http://ewnc.org/node/5474, see also http://ewnc.org/node/6955
[68] Ibid.
[69] EWNC, http://ewnc.org/node/6555 Rossiiskaya Gazeta, Aiming at the Head [Целились в голову]. 12 May 2011, http://www.rg.ru/2011/05/12/birukov.html

concussion and needed to be hospitalized. Biryukov had been actively involved in protecting water resources in Primorsko-Akhtarsk District of Krasnodar Region.

On May 15, 2012, during the hearing of Suren Gazaryan and Yevgeny Vitishko's case at the Tuapse District Court, someone slashed the tires of an EWNC member's car. When EWNC members tried to follow the offender and call the police, another attacker deliberately directed his car at Igor Kharchenko and nearly ran over two EWNC members.[70]

Threats of physical violence intended to intimidate EWNC activists were made against Andrey Rudomakha, Dmitry Shevchenko, Gayane Antonova, Vladimir Perebeinos, Suren Gazaryan, Maria Ukhova, and Vladimir Yurkevich during environmental inspections and rallies. In 2014, Vladimir Kimayev was injured in what he believes to be an engineered car crash connected with his efforts to promote compliance with the environmental law in the context of preparation for the 2014 Olympics.[71]

Both public and private actors have relied on arbitrary arrests and detention to intimidate EWNC members and suppress their environmental activities. In most cases, such arrests and detentions targeted participants in peaceful meetings and independent environmental inspections: in 31 of the 43 reported cases involving violation of freedom of assembly, the event participants were arrested and/or detained. For example, the independent inspection of "Putin's Palace" on February 11, 2011 resulted in arrests of the participating environmentalists, human rights defenders, and journalists by FSB agents guarding the facility and by the police. The authorities unlawfully seized the activists' personal belongings, including their equipment containing records from their inspection.[72] An independent

[70] EWNC, http://ewnc.org/node/8399, http://ewnc.org/node/9523, http://www.ewnc.org/node/8421, http://ewnc.org/node/9285. YouTube, https://www.youtube.com/watch?v=bMwQucQT6tY Caucasian Knot, http://www.m.kavkaz-uzel.ru/articles/209889/. EWNC,http://ewnc.org/node/8692. EWNC,http://ewnc.org/node/9523

[71] http://ewnc.org/node/17887

[72] Yabloko, http://www.yabloko.ru/regnews/Krasnodar/2011/02/12, http://www.yabloko.ru/regnews/Krasnodar/2011/02/12_0; LiveJournal. Suren Gazaryan. http://gazaryan-suren.livejournal.com/7966.html; ЭВСК, http://www.ewnc.org/node/6224, http://www.ewnc.org/node/6226, http://www.ewnc.org/node/6228,http://www.ewnc.org/node/6243, http://www.ewnc.org/node/6243, http://www.ewnc.org/node/6263, http://www.ewnc.org/node/6273, http://www.ewnc.org/node/6237, http://www.ewnc.org/node/6247, http://www.ewnc.org/node/6297; VKonatkte, https://vk.com/album-1073578_127999153?s=1; Novaya Gazeta, http://www.novayagazeta.ru/society/7117.html; Appealing Unlawful Actions [Обжалование незаконных действий]: LiveJournal. Suren Gazaryan, http://gazaryan-

environmental inspection of "Tkachyov's Dacha" on February 27, 2011 also ended in arrests and in administrative detention of Suren Gazaryan, Yevgeny Vitishko and Zufar Achilov.[73] During arrests, environmentalists are often subjected to violence and cruel treatment. Some of the tricks used by the authorities to sanction arrests include fake invitation to negotiations; during arrests, activists' personal items, including photo and video equipment with records of violations, are confiscated; document checks are often conducted under the pretext of maintaining law and order and fighting crime, extremism, and terrorism; to justify an ID check, the police may falsely claim that they have been tipped off regarding a certain activist. The case of Suren Gazaryan and Yevgeny Vitishko described above has been the most blatant incident of deprivation of liberty for environmental work.

Pressure on EWNC increased during the preparation for the Sochi Olympics (2007-2014). In addition to tried and tested repressive techniques such as arrest, detention, search, violence during arrest, beating, threats, and disruption of public events and independent inspections, as well as "preventive conversations" with EWNC members, their adversaries used methods that are nothing short of criminal. On February 4, 2014, just before the Olympic Torch procession in Krasnodar, someone smashed the windows and slashed the tires of EWNC member Igor Kharchenko's car, but it was Kharchenko who was then violently apprehended by the police and taken to a medical examination, which proved that Kharchenko was sober, and then to the police department. On the next day, a court sentenced the activist to administrative arrest. The trial was behind closed doors and lasted for just five minutes; the judge denied Kharchenko's request to add any evidence disproving his alleged "refusal to obey a police officer" to the case file. According to the police, Kharchenko had refused to obey them by failing to approach the police car. It is clear from available video footage that a series of events, such as spying on

suren.livejournal.com/7966.html; EWNC, http://www.ewnc.org/node/6957, http://www.ewnc.org/node/13436; video footage: YouTube, https://www.youtube.com/watch?v=ZBTt5ActIqA, https://www.youtube.com/watch?v=BEfUcxOiBYE.

[73] EWNC, http://www.ewnc.org/node/6310, http://www.ewnc.org/node/6321, http://www.ewnc.org/node/6333. Novaya Gazeta, http://www.novayagazeta.ru/politics/6887.html. Novaya Gazeta, http://www.novayagazeta.ru/news/5885.html. EWNC,http://ewnc.org/node/6378. EWNC, http://www.ewnc.org/node/6335. EWNC, http://www.ewnc.org/node/6350, http://www.ewnc.org/node/6364, http://www.ewnc.org/node/6370, http://www.ewnc.org/node/6360. EWNC, http://ewnc.org/node/6370. EWNC, http://www.ewnc.org/node/6378

EWNC activists and their detention a day before the incident with Kharchenko, a failed attack on the EWNC office, and the mentioned attack on Kharchenko and his car were all part of a pre-planned campaign involving criminal gangs and endorsed by the police.[74]

In addition to targeted pressure on EWNC leaders and active members, the authorities have been trying to obstruct the NGO's entire operation. The most common obstacle that the authorities have used against EWNC has been obstruction of independent environmental inspections, e.g. by unlawfully denying the environmentalists access to the facilities they intend to inspect, arresting them, or stopping their car for a document check under the pretext of a security operation, such as Anaconda, etc. In addition to this, every peaceful meeting held by EWNC tends to make the authorities nervous, causing them either to stop the meeting from taking place by refusing the group's application for permission to hold a meeting, by launching a slander campaign in the mass media against EWNC and its leaders, or by attempting to intimidate the organizers. Failing that, the authorities can disrupt the event as it proceeds, e.g. by dispersing the participants or arresting the organizers and/or participants on fake pretexts, such as failure to obey a police officer. Another tactic is to send an agent to stand next to someone holding a single-person picket and use this as a pretext to apprehend the picketer for "violating the rules of holding public actions" (pickets by more than one person require authorization). And finally, the authorities use repression after the event by initiating administrative proceedings against the activists, resulting in unfair penalties.

Demonizing EWNC in the mass media is another tool used to suppress the group. Government officials and their loyal media have attributed political and profit-seeking motives to both EWNC and Andrey Rudomakha and have accused them of being anti-patriotic and acting on behalf of the West.

[74] YouTube, https://www.youtube.com/watch?t=122&v=Lw3d8ovQHUY

Between 2013 and 2014, alongside other Russian NGOs, EWNC faced a series of intrusive and discriminatory inspections by the FSB, the Prosecutor's Office, the Center for Combating Extremism, the Ministry of Justice, and the Tax Service. During these inspections, the authorities scrutinized the NGO's documents for inconsistencies and insisted on finding minor or imaginary irregularities followed by warnings, fines, citations, and reports. The inspecting authorities committed numerous violations in the process, such as demanding access to the organization's private correspondence under threat of a fine and illegally viewing it on March 27, 2013, and "advising" the attending EWNC members against publishing their report on the environmental consequences of the preparations for the Sochi Olympics.

Between 2013 and 2014, EWNC was subjected to six discriminatory inspections, including a probe into alleged extremist activity, a check under the "foreign agents" law and a general review of compliance with the Russian law and consistency between the organization's charter and founding documents and its actual operation. By imposing disproportionate penalties for blown-up and imaginary irregularities such as minor technical errors in the charter, the authorities were trying to force the NGO to dissolve. On top of this, EWNC was punished repeatedly for the same error: first by imposing a penalty, then by suspending the group's activity, and finally by trying to get it liquidated. However, when the case reached the Russian Supreme Court, the Ministry of Justice of Adygea, acting as the plaintiff, abandoned its claims, and the proceedings against EWNC were dropped.

Other reported violations against EWNC and its members have included illegal wiretapping, shadowing, suppression of opinion, denial of access to environmental information, falsification of public hearings, and discrimination.

Since the spring of 2016, EWNC has come under even stronger pressure after being included in the "foreign agents" registry. Huge fines have been imposed on the organization and on Andrey Rudomakha personally, their office has been searched, and equipment confiscated. The mass media continue to demonize the environmentalists who have recently been involved in a series of court proceedings,

forcing them to divert time and resources away from the main cause of protecting the environment and people's rights. In addition to this, since July 2017, criminal proceedings are pending against Andrey Rudomakha and Dmitry Shevchenko, who are charged with libel for exposing former deputy governor Alexander Remezkov (currently a member of the Russian State Duma) as the owner of property constructed, according to EWNC's investigation, in gross violation of the environmental law. The authorities clearly intend to use every method possible to stop all activity of this environmental and human rights group.

Ukraine: Murders of Environmentalists

On May 26, 2009, Alexey Goncharov, volunteer of the Kyiv Ecological and Cultural Center, was killed outside his home on Zhukov Island Reserve in Kyiv, by two unidentified assailants, in front of his wife and young child.[75] The men also beat his wife, who then had to be hospitalized with severe injuries. This happened on the day after Goncharov had brought a team from the ICTV television channel to the site of illegal sand mining in the reserve's protected area. Deliberate destruction or causing damage to nature reserves is a crime in Ukraine. Yet since the early 2000s, more than a dozen firms had been illegally mining sand on Zhukov Island, and Goncharov had been trying to stop them. Since all his appeals to the government had failed, he turned to the mass media and it finally made a difference.[76]

Alexey's relatives described him as an empathic and passionate man. He lived with his wife and two children in Zhukov Island in a small house he built with his own hands. Their peaceful life was disrupted by sand miners coming close to the Goncharovs' house. Eight consecutive times, Alexey called the police to the site where the sand mining equipment was working, but every time, the police would first apprehend but then release the miners. In addition to this, Alexey filed appeals with law enforcement authorities, but they were unresponsive and protective of the illegal business which apparently generated substantial profits for those involved. The illegal operators had been able to mine sand in the reserve without problems for eight years before Goncharov confronted the violators. At first they attempted to bribe him, then they threatened him, and then hired two hitmen to beat him to death after he brought the ICTV channel crew to the island.[77] It is noteworthy that soon after his murder, spokesman of the Kyiv police Polischuk said that Goncharov was not an environmentalist as he was not formally a member of any environmental

[75] http://ecoethics.ru/godovschina-gibeli-goncharova/
[76] http://ecoethics.ru/v-kieve-nachali-ubivat-zaschitnikov-prirody/ ; http://ecoethics.ru/kudy-vede-rozsliduvannya-vbyvstva-na-zhukovomu/
[77] http://ecoethics.ru/kudy-vede-rozsliduvannya-vbyvstva-na-zhukovomu/

organization. The Kyiv Ecological and Cultural Center (KECC) responded with a public statement saying that Goncharov was killed for doing his duty of defending nature as a Ukrainian citizen and should have been protected by the country's laws. For more than two years, Goncharov had been a volunteer with KECC,[78] one of the oldest and most well-known environmental organizations in Ukraine committed to protecting the country's nature reserves.[79]

An official investigation into the incident established that businessmen Nonik and Gonchar were implicated in Goncharov's death. According to journalists, Nonik, who had initiated the illegal sand mining operation in the island and repeatedly threatened Alexey in person, was the key mastermind behind the environmentalists' murder. Police Major Laguta, Nonik's relative, was covering up the illegal business. The two hitmen were never found. The police officers implicated in the case were not punished, but only transferred to other positions. The late Goncharov's family – his widow and two children – had to leave Ukraine for the Czech Republic fearing for their lives.[80]

On August 1, 2012, environmentalist Vladimir Goncharenko, leader of the Movement for Citizens' Right to Environmental Safety in Dnepropetrovsk, was brutally beaten by unknown assailants while on the way to his dacha, and died in intensive care on August 3, 2012. His colleagues, relatives, and friends are absolutely certain that the murder was directly linked to Goncharenko's last investigation. At a press conference on July 27, 2012, he spoke about the illegal storage and transportation of three heat exchangers, with a total weight of 180 tons, contaminated with hexachlorobenzene – a chemical prohibited as a polytropic poison of Hazard Class 6.1 under the UN Stockholm Convention. Having conducted his own investigation, Goncharenko found that the Ukr-EURO Company had attempted several times to transport the dangerous cargo under the guise of scrap metal, and without a special permit, to Ukrainian metallurgical plants. The

[78] http://ecoethics.ru/novaya-informatsiya-ob-ubiystve-goncharova/
[79] http://ecoethics.ru/about/
[80] http://ecoethics.ru/godovschina-gibeli-goncharova/

environmentalist notified the supervisory authorities of the violations he found, but they did not show much interest. It is also worth noting that after Goncharenko's death, neither the local nor the central authorities offered any comment. Indeed, according to the official version, his death was not linked to his environmental activism, but resulted from a conflict between drivers on the road.[81] Two years after Goncharenko's murder, there has been virtually no progress either in the investigation or in addressing the environmental problems he revealed. No information is available on the identities of either the hitmen or the masterminds behind the killing.[82]

Vladimir Goncharenko was a well-known figure in Ukraine, publisher of the *ECO Safety* newspaper, member of the Ukrainian Academy of Engineering Sciences, and the International Academy of Sciences of Ecology and Safety of Humans and Nature. According to his colleagues, he had received numerous anonymous threats. "The greatest enemies of ecology are the indifference, incompetence, and sometimes criminal inaction of our officials responsible for ensuring a safe environment for human life and health," Goncharenko once said. He also said that public access to reliable information was a major challenge in Ukraine. *ECO Safety* was one of the few reliable sources of environmental information and was often used by government as well as the public and mass media.[83]

Goncharenko was one of the first proponents and creators of Ukraine's scrap metal recycling industry and contributed to drafting and promoting relevant legislation. The numerous environmental problems that he witnessed inspired him to join the ranks of environmentalists. In 2007, Goncharenko founded and led the Movement for Citizens' Right to Environmental Safety, and in 2010, he started publishing *ECO Safety*. Leading by example, he worked to show others how to use effective and legal methods of fighting for the right to a safe environment.[84] For his outstanding contribution to Ukraine's environmental movement, Goncharenko was

[81] http://www.greenpeace.org/russia/ru/news/blogs/green-planet/blog/41963/
[82] https://dnepr.comments.ua/news/2014/08/15/163838.html
[83] http://uainfo.org/blognews/22193-v-dnepropetrovske-bandity-ubili-izvestnogo-ekologa-vladimira-goncharenko.html
[84] http://ecopravo.org.ua/2012/08/11/in-memory-of-goncharenko-v-i/

posthumously awarded the Creator of the Planet Order from the International Academy of Sciences of Ecology and Safety of Humans and Nature.[85]

[85] http://ecopravo.org.ua/2012/10/01/eco/

Belarus: Activists Persecuted for Protests against Nuclear Power Plant Construction

Persecution for anti-nuclear environmentalism has been a long-standing trend in post-Soviet countries. 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.[86] Ekodom is 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 Anti-Nuclear 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.[87] On October 9, 2009, public hearings were held in Ostrovets to discuss the nuclear power plant's environmental impact 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

[86] http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc2014102-belarus.html
[87] http://atom.belta.by/ru/dosie_ru/view/stroitelstvo-belorusskoj-aes-xronologija-sobytij-41/

relevant court decision.[88] In contrast, concurrent anonymous distribution of leaflets in support of the NPP construction was not considered an offense.

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 Ostrovets. Tatyana Novikova, Andrey Ozharovsky, Ekodom chairperson Irina Sukhiy, and human rights activist Mikhail Matskevich 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, all four were arrested on misdemeanor charges ("hooliganism"). 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, Tatyana 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 Tatyana Novikova's life-supporting medicines. Tatiana 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.[89] According to Andrey 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.

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 Ostrovets NPP

[88] http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2014-102/Communication/Annex_8.pdf
[89] See UNECE website, http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc2014102-belarus.html

construction. Police blocked Tatiana Novikova of Ekodom in Irina Sukhiy's apartment, which served as the meeting place for protesters against the Ostrovets NPP construction. Having detained Irina Sukhiy, the police continued to patrol the entrance to her home until the street action was over.[90]

Since Belarus was directly affected by the catastrophic consequences of the Chernobyl nuclear power plant accident, the country's environmentalists and the general public cannot help but worry about potential risks involved in the development of the nuclear power industry. The Chernobyl disaster affected a quarter of the country's population.[91] Quite often, plans to construct new nuclear power plants in the post-Soviet space are not driven by energy needs, but instead serve as symbols to strengthen the political and economic ties between countries. Any expression of criticism or concern over the environmental risks of such construction projects are regarded as hostile acts against the governments and companies involved and deliberately suppressed. More broadly, repression of anti-nuclear activists highlights the risks faced by environmentalists in a country where voicing a dissenting opinion means coming into conflict with the authorities.

[90] Ibid.
[91] http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2014-102/Correspondence_with_communicant/frCommC102_openingstatement_CC50_07.10.2015_rus.pdf

Georgia: Attempts to Discredit a Strong and Independent Environmental NGO

Green Alternative is an NGO established in 2000 to protect the environment, and biological and cultural diversity in Georgia by promoting economically sound and socially acceptable alternatives, establishing the principles of environmental and social justice, and upholding public access to information and decision-making processes. The NGO's thematic priorities include environmental and social aspects of the energy sector, extractive industries and transport development, as well as promoting biodiversity conservation, mitigation of, and adaptation to climate change, and waste and water management. An important area of their work is participation in decision-making on draft legislation, development programs and plans, and major infrastructure projects.[92]

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.[93] 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 quite expectedly, 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's and Parliament's decisions. Meanwhile, in its Ruling No. 2/1/524 of April 10, 2013, the Constitutional Court of Georgia issued Resolution No.2/1/524 finding the

[92] Green Alternative's website, http://greenalt.org/about-us/
[93] Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, p. 6.

provision which released polluting actors from liability to be unconstitutional as it contravened Article 37, paras 3 and 4 of the Constitution; this ruling confirms that the NGOs' criticism was well-founded.[94]

In 2013, Green Alternative opposed plans to construct the 702 MW Khudoni Hydropower Plant. Among others, the NGO raised the following environmental and social concerns:

- the project would destroy a number of rare and endangered plant species, but its cumulative biodiversity impact had not been sufficiently assessed;
- the construction would involve flooding two villages and having to resettle some 2,000 people; and
- some 150 to 350 hectares of forest would be flooded.[95]

A number of 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 non-governmental organizations."[96] On October 15, 2013, a group of 54 NGOs urged the government to stop trying to discredit environmental organizations,[97] but without result. 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."[98] Today, attempts to discredit Green Alternative continue. During a press briefing on May 15, the Minister of Energy and Deputy Prime Minister of

[94] Ibid.
[95] http://www.kavkaz-uzel.eu/articles/238590/.
[96] Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, p. 7
[97] Report on the fact finding mission to upper Svaneti, Georgia "Environmental & social impacts of the Khudoni hydropower project", CEE Bankwatch Network, March 2014, http://greenalt.org/wp-content/uploads/2013/10/NGO_statement_on_Khudoni_HPP_project_15_October-2013_GEO_1.pdf
[98] Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, p. 7.

Georgia described the activists as "a destructive force" and once again hinted at their foreign connections by referring to "internal and external enemies."[99]

Today's international environmental law relies on the principles of access to environmental information and public participation in decision-making; commitment to these principles has been declared by all countries of the United Nations Economic Commission for Europe (UNECE). By virtue of their independent and uncompromising position, environmental NGOs play an essential role in promoting adherence to these principles of international law and contribute to sustainable development and to balancing environmental, social, and economic interests and those of the current and future generations. But when it comes to decision-making on key environmental issues, governments increasingly tend to blame their own mistakes and lack of effective public participation on environmental NGOs, accusing them of radicalism and even implying – or openly alleging – that environmentalists serve as "agents of influence" on behalf of other countries. But would environmental impact assessment and public participation really make sense if governments expected only positive feedback and unconditional support of all their decisions, while attempting to discredit any serious opponent?

[99] https://www.youtube.com/watch?v=QiKi9EyZkW4

Azerbaijan: EITI Activists under Pressure

The Extractive Industries Transparency Initiative (EITI) is a coalition of governments, companies, civil society, and international organizations, established in 2002. Its aim is to collect and publish data on countries' revenues from oil, gas, and natural resources, and to strengthen the extractives sector governance for public benefit. Therefore, active involvement of civil society is a cornerstone of the EITI.[100]

In 2003, Azerbaijan joined the EITI, and a broad NGO coalition was formed to take an active part in consultations on generation and distribution of oil and gas revenues. However, in 2013, the political leaders of Azerbaijan – a country where the human rights situation had long been problematic – started a campaign of repression against its critics and independent associations. In the summer of 2014, a wave of arrests, based on trumped-up charges of misdemeanor, tax evasion, illegal drug possession, and even high treason, swept the country.[101]

Activists targeted by the government included independent groups working to promote transparency of public revenues in Azerbaijan; these groups were denied access to finance. The government froze numerous NGOs' bank accounts and used legislative provisions adopted earlier to ban the groups from seeking and receiving funds from foreign donors. Some activists were banned from leaving the country. At least half of the most active EITI groups suspended their activities, while some others were targeted by slander or harassment. Activists affected by government pressure included Gubad Ibadoglu, Doctor of Economics, Director of the Economic Research Center (ERC), and member of the EITI International Board and EITI National Coordinator in Azerbaijan.[102] In late August 2014, ERC and Ibadoglu's bank accounts were frozen, and he was summoned to the Prosecutor General's Office for

[100] https://eiti.org/
[101] https://www.radioazadlyg.org/a/26532292.html
[102] Ibid.

questioning as a witness in the case against a number of local and foreign NGOs.[103] Ibadoglu then said that this was just one link in the chain of pressure on the country's civil society by a government, which had labeled virtually all NGOs supported by foreign donors as enemies of the state. Ibadoglu also said that all grants awarded to ERC were registered with the Ministry of Justice and both he and the Center were paying all their taxes and filing all required reports.[104]

In May 2015, the government's harassment of Ibadoglu and his organization increased as the ERC office was searched by prosecutorial staff who seized the NGO's computers alongside financial and accounting records of the Center, EITI Coalition, and the National Budget Group. Ibadoglu had left the country by that time and commented on the events by describing them as a new phase of pressure on independent activists connected with his membership on the EITI Board. In April 2015, Azerbaijan's EITI status was downgraded from "compliant" to "candidate" due to problems with civil society participation, and two days later the country's authorities sanctioned a search of the ERC premises.[105] In July 2015, the prosecutor's office imposed a fine of 135,000 manat (approximately 118,000 euro) on the Center, without a prior tax audit or evidence of violations, forcing the NGO to suspend its activities.

Meeting in October 2016, the EITI Board discussed Azerbaijan's membership and allowed the government six months to take corrective action with respect to civil society participation in accordance with the EITI Standards.[106] Sadly, Azerbaijan's government failed to take meaningful corrective action beyond a few superficial measures. Registration of grants and donors still requires government permission. Thirty NGO members of the National EITI Coalition have not yet been registered. It is virtually impossible for the Coalition and its independent members to access funding from international donors. The Coalition has no budget, office, equipment,

[103] http://eiti.geology.gov.kz/kz/about-us/publikatsii-v-smi/136-genprokuratura-azerbajdzhana-provela-obysk-v-tsentre-ekonomicheskikh-issledovanij
[104] https://www.radioazadlyg.org/a/26560644.html
[105] https://www.radioazadlyg.org/a/27015246.html
[106] https://www.radioazadlyg.org/a/28090006.html

or facilities for conducting events. Some Coalition members are facing criminal charges and have been denied travel passports or permission to leave the country, according to Ibadoglu.[107]

In March 2017, the EITI Board suspended Azerbaijan's membership due to the government's failure to engage civil society, in violation of the EITI requirement to involve a wide range of stakeholders. Following this decision, the Government of Azerbaijan announced its withdrawal from the EITI, despite the negative impact this decision may have on the country's investment attractiveness.[108]

[107] http://www.kavkaz-uzel.eu/articles/297080/
[108] http://www.kavkaz-uzel.eu/articles/298971/

Armenia: Battle for Water in 2016

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.[109]

The Kakhtsrashen project aims to provide irrigation to 387 hectares of land in the villages of Ararat Region at the expense of residents of Kotay Region whose water supply comes from the Azat River and Azat Reservoir. Water would be drawn for irrigation during the entire irrigation season from April to October, leaving a minimum amount of water in the river. The rural community of Garni of approximately 8,000 residents already faces a shortage of drinking and irrigation water, as some 1,000 hectares of their land remain without irrigation. In addition to this, the project could have a negative impact on the local plants and wildlife in the Azat and Garni Gorges and the Khosrov Reserve, so that local residents may lose their main source of revenue from tourism, as the Garni Gorge is one of the most popular tourist destinations in Armenia.[110]

Since its inception, local residents have strongly and repeatedly opposed the Kakhtsrash system of gravity-fed irrigation, arguing that the project would harm both the villagers of Garni and the local environment. Although a formal environmental review and an impact assessment of the project were conducted, people resented the fact that their arguments against the project were ignored, and the project's potential social and environmental impact was underestimated.[111] At public hearings in December 2014, 200 residents opposed the project and sent an

[109] http://ecolur.org/ru/news/sos/garni-residents-addressed-open-letter-to-armenian-president-serzh-sargsyan/7132/
[110] Ibid.
[111] http://www.ecolur.org/ru/news/sos/garni-residents-complaint-on-qaghtsrashen-project-discussed-in-washington/8281/

appeal to the Armenian Ministry of Nature Protection.[112] In the spring of 2015, more than 2,000 Garni residents supported an open letter to President Serzh Sargsyan.[113] People's concerns were brought to the attention of the World Bank's office in Armenia, whose representatives did not find any problems with the project.[114] Nevertheless, Azerbaijan's government continued to ignore the public opinion and pushed the project forward.[115] Perhaps the reason was that water from the Azat River, according to Garni residents, was needed to irrigate the lands belonging to Armenian Prime Minister Hovik Abrahamyan.[116] A similar situation arose in the neighboring village of Gokht, where another gravity irrigation project, feeding from the Gegardalich Reservoir, was contemplated. According to Gokht residents, no public hearings on the project were conducted; all decisions were taken by the village administration behind closed doors. The villagers also said that water from the reservoir would be used to irrigate the gardens of certain oligarchs.[117]

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.[118] 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

[112] http://www.ecolur.org/ru/news/sos/200-garni-villagers-beating-alarm-signal-on-danger-threatening-to-khosrov-reserve-symphony-of-stones-garni-gorge-and-garni-village/6914/
[113] http://ecolur.org/ru/news/sos/garni-residents-addressed-open-letter-to-armenian-president-serzh-sargsyan/7132/
[114] http://www.ecolur.org/ru/news/water/world-bank-not-aware-of-garni-residents-concerns/7408/
[115] http://www.ecolur.org/ru/news/sos/attempt-was-made-to-prevent-garni-residents-participation-in-public-discussions-with-persuasions-and-threats/7762/
[116] http://ecolur.org/ru/news/water/qaghtsrashen-gravity-irrigation-project-divided-garni-community-into-two-fronts-garni-community-residents-vs-garni-community-head/8267/ ; http://epress.am/ru/2016/05/16/%D1%83%D1%87%D0%B0%D1%81%D1%82%D0%BD%D0%B8%D1%86%D0%B5-%D0%BF%D1%80%D0%BE%D1%82%D0%B5%D1%81%D1%82%D0%BE%D0%B2-%D0%B2-%D0%B0%D1%80%D0%BC%D1%8F%D0%BD%D1%81%D0%BA%D0%BE%D0%BC-%D1%81%D0%B5%D0%BB%D0%B5.html
[117] http://ecolur.org/ru/news/sos/quotlets-save-goght-and-garni-from-desertificationquot-protest-action-continues-photos/8310/
[118] http://ecolur.org/ru/news/sos/sos-the-residents-of-garni-village-threatened/8199/

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.[119] 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 same people who had visited Ayvazyan: Saakyan identified them in a photo.[120]

It was only after the protests and after sending a complaint signed my more than 520 Garni residents directly to the World Bank's Headquarters in Washington, D.C. that the project was suspended and construction equipment removed from the gorge.[121] After that, a revised and, according to water sector officials, compromise version of the project was adopted. However, the local residents still do not agree with the changes made to the Kakhtsrashen project, since the problem of water intake from the Azat Reservoir has not been solved. In addition, the updated version provides for the use of pumps, although one of the project's initial goals was that of saving energy.[122] The battle for the Azat River continues.

[119] http://hetq.am/rus/news/67977/noviye-ugroziy-v-adres-aktivistki-borbiy-za-reku-azat-arusyak-aiyvazyan.html
[120] http://ru.aravot.am/2016/05/23/210727/
[121] http://ecolur.org/ru/news/electionspoliticsecology/garni-residents-continue-fight-for-sake-of-changes-this-time-in-local-government-elections/8550/ ; http://ecolur.org/ru/news/sos/garni-residents-complaint-on-qaghtsrashen-project-discussed-in-washington/8281/
[122] http://ecolur.org/ru/news/water/garni-residents-claiming-amended-version-of-qaghtsrashen-gravity-irrigation-system-not-solving-problems-and-proposing-alternative-versions-sos-garni-initiative-group/9100/ ; http://www.ecolur.org/ru/news/water/garni-proposing-alternative-qaghtsrashen-project-have-been-left-as-it-was/9159/

Kazakhstan: Criminal Prosecution for Protesting against Changes in Laws on Land and for Posting on Social Media

When no other remedies are available, environmentalists often have no other option but to organize public protests, although these have been rare in Kazakhstan. In the country's western regions, activists have on many occasions applied for permission to hold rallies, strikes or pickets, only to be denied such permission on far-fetched pretexts, such as a celebration of St. Valentine's Day.[123] As a result, even without permission, some activists hit the street to voice their protest publicly – formally, in violation of the law.

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."[124] In November of 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

[123] "Max Bokaev Calls to Protest Rally Again," ["Макс Бокаев опять зовет на митинг"] Akzhayik, 21 October 2010, "http://ақжайық.қаз/ru/news/view/5411
[124] Ibid.

producers from China, this raised concerns in society about potential political, social, and environmental consequences of such decisions.[125] Environmentalist Max Bokaev expressed concerns over the Government's ill-conceived plans to lease land to foreign citizens and companies for 25 years and to hold large-scale 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. The views he expressed were based on the UN Brief "Foreign land purchases for agriculture: What impact on sustainable development?"[126] Indeed, subsequent developments proved some of his publicly voiced concerns to be at least partially valid. In May 2016, an inspection of an operation run by one of the several Chinese companies renting land in Kazakhstan revealed numerous violations of land and forest law, and evidence of illegal import and use of 19,400 liters of unlabeled pesticides authorized by a letter from a Department for Consumer Rights Protection official. However, as of February 16, 2017, no criminal proceedings had been brought against the Chinese company or the Kazakh official for the illegal import of pesticides.[127] As for the overall non-transparency of foreign investments, in September 2016, Vice-Minister for Investment and Development Khairov said that information about $ 26 billion worth of Chinese investments in Kazakhstan and the details of 51 proposed joint ventures was confidential and could not be disclosed.[128]

Meanwhile, between April 26 and May 21, 2016, dozens and sometimes hundreds of people hit the central squares of Kazakhstan's cities to voice their protest against the government's policy, despite local authorities' denials of permission to hold such

[125] www.bbc.com/news/world-asia-36163103
[126] Mann H, Smaller C. Foreign land purchases for agriculture: What impact on sustainable development? New York: The United Nations; 2010 p. 8. Report No.: 8
[127] http://env.kz/wp-content/uploads/2017/04/Otvet-Parlamenta.pdf
[128] https://informburo.kz/novosti/perechen-novyh-kazahstansko-kitayskih-predpriyatiy-ne-raskryvayut-chinovniki-rk.html

protests. In response to massive public discontent, the President of Kazakhstan announced a moratorium on the amendments to the Land Code.[129]

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.[130]

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 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 large-scale 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

[129] Adilet Legal Information System of Normative Legal Acts of the Republic of Kazakhstan, http://adilet.zan.kz/rus/docs/U1600000248#z0

[130] Ситуация с безопасностью правозащитников, активистов в Республике Казахстан (Обзор с октября 2015 г. по июль 2016 г.) (Report on the situation of human rights defenders and activists in Kazakhstan, review of October 2015 to July 2016) ОО "Кадыр-Касиет", г. Астана, 2016 г., сс. 53-55

- 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 are serving their sentences in North Kazakhstan, which is 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,[131] and in the case of Bokaev, despite his serious illness (hepatitis C).[132] In June 2017, Bokaev appealed the 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.[133]

Expression of dissent on certain issues through participation in meetings, rallies, marches or manifestations is explicitly mentioned as an environmental right under Article 13 (1) of the Environmental Code.[134] Furthermore, this right is enshrined in Article 32 of Kazakhstan's Constitution.[135] Nonetheless, the authorities and mass media in Kazakhstan denounce public protests as irresponsible and even extremist acts. Repression such as firing from work, intimidation, blackmail, and harassment targeting environmental activists, their families, and close friends has always been common in Kazakhstan, but this case signals an alarming trend towards even harsher methods of suppressing environmental activism, such as lengthy prison terms.

[131] https://defendlawyers.wordpress.com/2017/02/14/kazakhstan-ongoing-arbitrary-detention-of-max-bokayev-and-talgat-ayanov/.
[132] https://www.nhc.nl/human-rights-defender-bokayev-activist-ayanov-sentenced-five-years-prison/
[133] https://rus.azattyq.org/a/bokaev-golodovka-v-tyurme/28572770.html
[134] Adilet Legal Information System of Normative Legal Acts of the Republic of Kazakhstan, http://adilet.zan.kz/eng/docs/K070000212
[135] Ibid, http://adilet.zan.kz/rus/docs/K950001000

Kyrgyzstan and Kazakhstan: Deliberate Restriction of NGO Activity and More Risks for Environmentalists

Russia's "foreign agents" law, passed in 2012,[136] has triggered a new wave of witch-hunts targeting NGOs in some post-Soviet countries. According to a 2016 Amnesty International report, this law has been used to undermine and discredit a range of effective and active NGOs and as a result, "many organizations that have made a significant contribution to promotion of human rights, civil society and to the wellbeing of citizens have been forced to close down."[137] The trend towards legislative restriction of NGO activities, combined with a campaign to discredit them by using the "foreign agents" label has gradually spread to the Central Asian countries with the strongest and most active environmental NGOs: Kyrgyzstan and Kazakhstan.

On September 6, 2013, two members of parliament in Kyrgyzstan proposed a bill similar to the Russian "foreign agents" law. Even though President Atambayev spoke against the bill,[138] the parliament continued to discuss it in 2014 and 2015, before finally rejecting it by a small majority of 65 of 111 attending members in May 2016.[139] Yet for a fairly long period, the country's NGOs faced the threat of being labeled "foreign agents," which is commonly used throughout the region to discredit independent NGOs regardless of whether they have received funds from foreign entities or individuals or from international organizations.

While the Government of Kazakhstan has not yet considered adding the "foreign agent" phrasing to its law, over the past two years it has introduced certain measures designed to toughen control over NGO activities and funding sources by requiring them to file three types of reports. In addition to general reporting to tax

[136] Federal Law No 121-FZ of 20 June 2012, on Amending Certain Federal Laws in Regard of Regulating the Activities of Nonprofit Organisations Performing the Functions of Foreign Agents
[137] Agents of the People. Four Years of "Foreign Agents" Law in Russia: Consequences for Society, Amnesty International, 2016, page 35.
[138] https://www.hrw.org/ru/news/2013/12/06/252037
[139] https://rus.ozodi.org/a/27732610.html

and statistical authorities required from all legal entities, the Law of December 2, 2015 requires NGOs to report separately on their activities, members, property, funding sources, and use of funds or face administrative penalties for non-compliance.[140] The Law of July 26, 2016 amended the Tax Code by making it mandatory to report any receipt of funds or property from non-residents and any use of such funds to support the following activities:

- legal services, including legal education, protection and representation of citizens or entities, and legal advice;
- public opinion research and polls, sociological surveys, and publication and dissemination of their findings;
- collection, analysis, and dissemination of information.

While the law does not refer explicitly to NGOs, it effectively makes them the real target of these requirements by adding a long list of exemptions for government bodies, organizations and officials, and for commercial companies.[141] In addition to this, the tax law does not specify the types and minimum value of property subject to these reporting requirements. According to a written explanation of October 12, 2016 given by a tax official in response to an NGO's request, this reporting requirement applies to all types of property used for the said purposes, including small-value items like flash drives, tee-shirts, or baseball caps.

This climate of hostility and suspicion around NGO activities has seriously worsened the situation of environmental groups in Kazakhstan and Kyrgyzstan. Many people now prefer to engage in environmental activism without setting up or joining an NGO to avoid being accused of serving foreign interests or having to deal with excessive reporting or face fines for non-compliance. However, practice reveals that non-affiliation does not protect individuals opposing major policy decisions from accusations of being financed by foreigners. In May 2016, Eurasia, one of

[140]See Adilet Legal Information System of Normative Legal Acts of the Republic of Kazakhstan, http://adilet.zan.kz/rus/docs/Z1500000429.
[141] Ibid, http://adilet.zan.kz/rus/docs/Z1600000012#39.

Kazakhstan's most popular television channels, broadcast reports designed to discredit protesters against the controversial changes to the Land Code.[142]

Another downside of being forced to switch to single-handed environmental activism is its limited scope. In the absence of an institutional framework and financial resources, environmentally-conscious citizens in Kazakhstan and Kyrgyzstan tend to focus on local protests, often concerning urban development, such as massive cutting of trees to make space for roads and parking lots or residential housing projects in protected areas. Sometimes, poorly designed urban development plans, lack of publicity or public participation in decision-making, and problems with documentation have triggered mass protests. The authorities usually react by persecuting activists who then face repression for protesting against relatively small-scale projects.

During the preparation of this report, protests occurred in Bishkek, Kyrgyzstan,[143] 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 administrative citation for their attempt to save the trees.[144] In their statements widely publicized in mass media, 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. This is an illustration of the prevalent bias against public participation and activism. The environmentalists issued administrative citations may later face fines and even criminal charges should they take part in future rallies. These are real and serious risks involved in environmental street protests in Kazakhstan and Kyrgyzstan.

[142] http://www.zakon.kz/4792910-pervyjj-kanal-kazakhstana-pokazal.html.
[143]http://zanoza.kg/doc/358188_ekologicheskie_voyny._na_ylice_toktonalieva_nachalas_vyrybka_derevev.html
[144] http://livingasia.online/2017/06/15/greenpeople_bishkek-2/

Harassment of Environmental Defenders in the United States

The work of environmental defenders is stressful and dangerous throughout the world, including in the United States, where they face threats, detention, verbal assault, and other forms of harassment by the authorities and corporations. They are even charged with committing acts of terrorism. The power of companies and the cooperation of private security forces with government bodies means that, despite the established tradition of democracy, good governance and the rule of law, environmental defenders protect the environment at great personal risk.

During the past decade, a peaceful environmental movement as grown in opposition to the extraction of shale oil and gas, the development of tar sands and the ongoing US dependency on oil and gas for its energy. In response to this citizen protection of the environment, the government, in collaboration with the private sector, is using laws, which were developed to protect society, to harass, suppress, and persecute peaceful American environmentalists. In these cases, there is an attempt to **criminalize environmental activism**, the actions of which are critical forms of First Amendment expression and in compliance with international human rights law.

The **endurance of the Standing Rock Sioux** in protecting their land and water from destruction by the Dakota Access pipeline has become a globally recognized symbol of modern environmental activism and resistance. The Standing Rock movement is the largest and most high-profile Native protest in the United States in four decades.[145] Thousands of people, led by Native American water protectors, and including climate activists and indigenous rights advocates, protested and physically obstructed pipeline construction on the Standing Rock reservation in 2016-2017.[146] The protests, which lasted for 10 months, resulted in extreme violence against those who protected the land by setting up camp to stop the

[145] https://www.theatlantic.com/science/archive/2017/06/dakota-access-standing-rock-sioux-victory-court/530427/
[146] https://www.theatlantic.com/science/archive/2017/06/dakota-access-standing-rock-sioux-victory-court/530427/

construction of the pipeline in an area that threatened the water supply of the Standing Rock Sioux and those living downstream. According to camp medics, at least 1,000 protesters "have been treated for chemical poisoning, hypothermia, rubber-bullet and "nonlethal" beanbag wounds, and many more serious injuries, all as a direct result of violence from militarized police, who sometimes arrive by the hundreds…In all, some 750 people have been arrested in dozens of confrontations with police. Many have been held in dog kennel[s][147]…"[148] Hundreds of protesters face charges (between 400 to 600 people).[149]

An investigation by *The Intercept* revealed that the international private security and mercenary firm TigerSwan targeted the Standing Rock movement with military-style counterterrorism measures and led a multifaceted sweeping and invasive surveillance operation against protesters.[150] The firm collaborated closely with federal, state, and local law enforcement in at least five states.[151] According to the investigation, TigerSwan[152] worked at the behest of the company building the pipeline, Energy Transfer Partners, to stop the activity of the water protectors.[153] In its communications, TigerSwan described the Standing Rock water protectors as "an ideologically driven insurgency with a strong religious component" and compared the non-violent protesters to jihadist fighters, characterized them as unpredictable and menacing, thus, justifying extraordinary security measures.[154]

The fact that a security firm hired by an oil and gas company cooperated with US law enforcement on all levels working to undermine the protest movement is deeply

[147] http://www.latimes.com/nation/la-na-north-dakota-pipeline-20161028-story.html
[148] http://www.thedailybeast.com/taxpayer-funded-horror-at-standing-rock
[149] https://www.democracynow.org/2017/6/16/standing_rock_sioux_chair_on_militarized
[150] https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/
[151] https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/
[152] http://www.tigerswan.com/about-tigerswan/
[153] https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/
[154] https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/

anti-democratic and violates the very basis of respect for human rights and the environment.

The Standing Rock movement was covered widely by the media around the world, and the fight is not over. In June 2017, the Standing Rock Sioux won a landmark case in federal court, when Judge James Boasberg ruled that the US Army Corps of Engineers had not conducted an adequate study of the environmental consequences of the pipeline when it first approved the project.[155] However, there are other significant instances of harassment of environmental defenders in the United States, particularly among those who are addressing environmental concerns related to natural resource extraction.

Information obtained by *Bold Nebraska* through the Freedom of Information Act revealed that TransCanada, the company behind the Keystone XL pipeline project, provided security briefing to Nebraska authorities.[156] In the briefing, TransCanada warned authorities to look into the application of state and federal anti-terrorism laws against activists opposing the pipeline.[157] According to *The Earth Island Journal*, TransCanada gave a presentation on corporate security to the FBI and law officials in Nebraska; it held a session with law enforcement in Oklahoma City on the company's strategy during which the company suggested that district attorneys should explore anti-terrorist laws to persecute activists.[158] In March 2014, American law enforcement officials spied on and infiltrated a group of environmental activists in Oklahoma who were participating in a larger protest movement against TransCanada's tar sands pipelines. The infiltration led "to the

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[155] https://www.theatlantic.com/science/archive/2017/06/dakota-access-standing-rock-sioux-victory-court/530427/

[156] https://www.theguardian.com/environment/earth-insight/2014/jan/21/fracking-activism-protest-terrorist-oil-corporate-spies, https://popularresistance.org/transcanada-calls-nebraska-ranchers-agressive-and-abusive-talks-of-terrorism/, https://www.desmogblog.com/2013/06/14/anti-keystone-xl-activists-labeled-possible-eco-terrorists-internal-transcanada-documents,

[157] https://www.scribd.com/document/147203140/TransCanada-Presentation-on-Security-to-Local-Law-Enforcement-Part-1-of-3?ad_group=1235627&campaign=VigLink&content=27795&irgwc=1&keyword=ft500noi&medium=affiliate&source=impactradius , https://popularresistance.org/transcanada-calls-nebraska-ranchers-agressive-and-abusive-talks-of-terrorism/

[158] http://www.earthisland.org/journal/index.php/elist/eListRead/undercover_agents_infiltrated_tar_sands_resistance_camp_to_break_up_planned/

successful pre-emptive disruption of their protest action."[159] According to the sources, this pre-emption was part of a larger pattern of governmental surveillance of tar sands protesters. The Department of Homeland Security kept a close eye on tar sands opponents and routinely shared information with TransCanada, and vice versa.[160]

In December 2013, **Moriah Stephenson and Stefan Warner**, Oklahoma activists in the Great Plains Tar Sands Resistance, held a peaceful protest action at the office building housing Devon Energy, a corporation playing a leading role in oil and gas drilling. Stephenson and Warner, as a result of this action, **were charged with terrorism** for simply opening a protest banner.[161] The activists opened an anti-fracking banner and some of the glitter they had used to decorate their sign happened to scatter onto the floor of the building. Police characterized the glitter as a potentially "dangerous or toxic" substance of a "black powder" causing panic.[162] However, the US environmental correspondent for *The Guardian* reported a different account:

"*After a few uneventful minutes, [the activists] Stephenson and Warner took down the banner and left the building – apologising to the janitor who came hurrying over with a broom. A few people, clutching coffee cups, wandered around in the lobby below, according to Stephenson. But she did not detect much of a response to the banner. There wasn't even that much mess, she said. The pair had used just four small tubes of glitter on their two banners.*"[163]

The activists were arrested and booked under the felony charge "terrorism hoax," which can be accompanied by up to ten years in prison. The charge was later

[159] https://www.theguardian.com/environment/earth-insight/2014/jan/21/fracking-activism-protest-terrorist-oil-corporate-spies
[160] http://www.earthisland.org/journal/index.php/elist/eListRead/undercover_agents_infiltrated_tar_sands_resistance_camp_to_break_up_planned/
[161] https://www.theguardian.com/environment/2014/jan/10/terror-charges-oklahoma-fossil-fuel-protest
[162] https://www.theguardian.com/environment/2014/jan/10/terror-charges-oklahoma-fossil-fuel-protest
[163] https://www.theguardian.com/environment/2014/jan/10/terror-charges-oklahoma-fossil-fuel-protest

dropped, but the pair stood trial for misdemeanor disorderly conduct and was found not guilty in August 2016.[164]

Beginning in 2001, **Julia Bonds**, a renowned American environmental defender who died of cancer in 2011,[165] dedicated the last years of her life to stopping mountaintop removal coal mining. Through the organization she helped to found, Coal River Mountain Watch, she protected Appalachian communities from the industry's coal mining practices which led to the contamination of drinking water with heavy metals including arsenic, mercury, and lead. Mountaintop removal posed serious health risks for local residents and was destroying their homes, the environment, and their health. As a result of these violations by Massey Energy, the company responsible for mountain top removal in Bonds' home town of Marfork Hollow, West Virginia, and throughout Appalachia, local residents, including Bonds, were forced to abandon their homes. Bonds' grassroots activism resulted in major victories for the communities, but at the price of her personal safety. She was routinely threatened with anonymous phone calls,[166] she received repeated death threats,[167] and was insulted and physically attacked.[168] The intimidation intensified whenever she organized a protest.[169] Bonds and fellow environmental activists were threatened by armed security guards when they showed visitors and journalists the devastation of natural sites caused by mining.[170]

Maria Gunnoe is another American environmental defender who fights to protect Appalachia from devastating mountain removal coal mining practices. Along with Julia Bonds, she has spent over a decade fighting to protect the land and communities in southern West Virginia. She took on the Frasure Creek Mining Company, which was blowing up the mountains around her home. As a result of her

[164] http://gptarsandsresistance.org/, http://www.motherjones.com/politics/2013/12/tar-sands-keystone-protesters-arrested-terrorism-glitter/
[165] http://www.washingtonpost.com/wp-dyn/content/article/2011/01/04/AR2011010406697_2.html
[166] http://www.goldmanprize.org/recipient/julia-bonds/, http://grist.org/article/slaughter/
[167] http://www.nytimes.com/2012/07/09/opinion/appalachia-turns-on-itself.html
[168] http://www.nytimes.com/2011/01/16/us/16bonds.html
[169] http://www.goldmanprize.org/recipient/julia-bonds/
[170] http://www.goldmanprize.org/recipient/julia-bonds/

activism, Gunnoe received numerous threats on her life,[171] she was assaulted[172] and arrested.[173] According to Gunnoe's neighbors, people were planning an arson attack on her home.[174] Her children were harassed at school and her daughter's dog was fatally shot.[175] Gunnoe found unofficial "wanted" posters with her face on them appearing around her hometown.[176] When Gunnoe testified before congress about water pollution resulting from mountaintop removal, a Republican congressman accused the environmental defender "of possessing child pornography after she tried to present a photograph of a 5-year-old girl being bathed in contaminated, tea-colored water."[177] As a result, Gunnoe had to take serious measures to protect herself and her family.[178] She and other members of Coal River Mountain Watch continue their outreach and organizing work to fight against mountaintop removal coal mining.[179]

In 2009, **Helen Slottje** learned that shale gas drilling was being organized in rustic, small towns in New York, which would scar the pristine landscape by construction, drilling equipment, and waste pits. "Families were left to deal with dirty water and air, suffering health problems as a result."[180] Slottje provided local residents with pro-bono legal assistance to protect their property from destruction by shale gas extraction. With her assistance, they creatively applied zoning and land laws to establish a ban on fracking, and "[m]ore than 170 towns and cities throughout New York have passed local laws prohibiting fracking based on Slottje's innovative legal framework."[181]

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[171] http://www.goldmanprize.org/recipient/maria-gunnoe/
[172] http://www.rollingstone.com/politics/lists/the-fossil-fuel-resistance-meet-the-new-green-heroes-20130411/maria-gunnoe-the-mountaintop-warrior-19691231
[173] http://www.rollingstone.com/politics/lists/the-fossil-fuel-resistance-meet-the-new-green-heroes-20130411/maria-gunnoe-the-mountaintop-warrior-19691231
[174] http://www.goldmanprize.org/recipient/maria-gunnoe/
[175] http://www.goldmanprize.org/recipient/maria-gunnoe/
[176] http://www.nytimes.com/2012/07/09/opinion/appalachia-turns-on-itself.html
[177] http://www.nytimes.com/2012/07/09/opinion/appalachia-turns-on-itself.html
[178] http://www.goldmanprize.org/recipient/maria-gunnoe/
[179] http://crmw.net/, https://blog.vocalminority.us/vocal-minority-funds-coal-river-mountain-watchs-fight-for-environmental-justice-41cdb74b5f6d
[180] http://www.goldmanprize.org/recipient/helen-slottje/
[181] http://www.goldmanprize.org/recipient/helen-slottje/

During the course of this work, Slottje was openly threatened and ridiculed by the gas industry. She was verbally assaulted, and harassed by pro-industry individuals who followed her to her car late at night after community meetings. This guerilla campaign against her continued for a couple of years.[182] Slottje returned to private practice after the state of New York banned fracking in New York.[183]

[182] http://www.earthisland.org/journal/index.php/elist/eListRead/ny_attorney_wins_goldman_environmental_prize/ , http://www.goldmanprize.org/recipient/helen-slottje/
[183] http://www.cedclaw.org/about-us

Conclusion

The fulfillment of the principles of the Rio de Janeiro declaration and the provisions of the Aarhus Convention attest to the key role of environmental civil society organizations and activists in the protection of the environment and the achievement of sustainable development. They implement principles and put into action statements from documents that define the basis of the international right to a clean and healthy environment and to sustainable development. Environmental activists involve the general public in preserving the natural world, promoting a sustainable way of life, and furthering contemporary environmental standards in the planning and the economic activities of enterprises.

Unfortunately, numerous and varied instances of harassment, punishment, physical violence, and even murder of environmentalists in the countries of the former Soviet Union and the United States of America portray a depressing picture and highlight frightening trends in the spread and intensification of the atmosphere of suspicion and hostility by the state and business against environmental organizations and activists. Environmental protection has become a dangerous profession in many countries, but individual states are already presenting themselves as "white spots" on the map of the global environmental movement. Independent environmental organizations and activists are viewed as the final barrier against further destruction of natural ecosystems, the realization of destructive projects, and the furtherance of unsustainable models of production and consumption. Therefore, in many countries, modern "witch hunts" are being launched against activists, threatening not only the fulfillment of citizens' rights to life and a healthy environment, but also the opportunity to achieve sustainable development goals.

It is time for the international community to pay attention to not only improving access to environmental information, public participation in decision-making, and access to legal recourse, but also enabling civil society and individual citizens to fearlessly enjoy their environmental rights. We encourage all interested parties in environmental, human rights, and international organizations, governments, and

state bodies to unite to work together to improve the current situation for environmental defenders.

ABOUT US

Crude Accountability is an environmental and human rights nonprofit organization that works with communities in the Caspian and Black Sea regions who are impacted by oil and gas development and the accompanying threats to their environment and health. Based in Alexandria, Virginia, Crude Accountability also collaborates with environmental organizations in the United States working on similar issues.

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Ecoforum of NGOs Kazakhstan is a national network of environmental nongovernmental organizations established in 1997. Ecoforum provides a platform for free exchange of information and ideas among environmental activists, implements joint public campaigns by environmental nongovernmental organizations, and amplifies the voices of environmental organizations and activists within and beyond Kazakhstan.

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CRUDE ACCOUNTABILITY

ECOFORUM OF NGOs KAZAKHSTAN

2017