

Dangerous Work

DANGEROUS WORK

**Reprisals against Environmental
Defenders**

October 2019

Acknowledgements

This report would not have been possible without the generous support of the Biodiversity Defenders Fund and the Trust for Mutual Understanding.

We are also grateful to all the activists who trusted us with their stories and who contributed their knowledge and expertise to this document.

Published by: Crude Accountability
P.O. Box 2345, Alexandria, VA, USA, 22301
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Copies of this report are available on crudeaccountability.org

ABOUT THE AUTHORS

CRUDE ACCOUNTABILITY

Crude Accountability is an environmental and human rights nonprofit organization that works with communities in the Caspian and Black Sea regions that battle threats to local natural resources and the negative impacts on their health. Crude Accountability works on the local, national, regional, and international levels in partnership with active communities and organizations committed to a just and environmentally sustainable world. Based in Alexandria, Virginia, Crude Accountability also collaborates with environmental organizations in the United States working on similar issues.



FracTracker Alliance is a nonprofit organization that supports groups across the United States, addressing pressing extraction-related concerns with a lens toward health effects and exposure risks on communities from oil and gas development. FracTracker Alliance provides timely and provocative data, ground-breaking analyses, maps, and other visual tools to help advocates, researchers, and the concerned public better understand the harms posed by hydrocarbon extraction.



Ecoforum of NGOs of Kazakhstan is the largest network of nonprofit environmental organizations from Kazakhstan.

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SUMMARY

Crude Accountability is proud to present the second edition of *Dangerous Work: Reprisals against Environmental Defenders*. We published the first edition of the report two years ago, documenting threats against and harassment of environmental defenders in countries of the former Soviet Union and the United States. Sadly, only two years later, the report needs to be updated because of the steady increase of reprisals against environmental defenders in both regions and around the world.

This issue of the report is produced in partnership with EcoForum of NGOs of Kazakhstan and Frackracker Alliance. We are grateful to our colleagues for their contributions to the report, for their sage advice, and for their solidarity as we tell these stories, which are not so different from each other, whether they are from Kazakhstan or South Dakota, Azerbaijan or Pennsylvania, Ukraine or Wisconsin. Environmental defenders are under threat around the world, and the cases in this report bear witness to some of these instances.

In 2017, 207 environmental and land defenders lost their lives. In 2018, 164 environmental and land defenders died doing their work around the world. These numbers do not include the other, non-lethal, forms of harassment, threats, and violence to which they are subjected.

Our report focuses on environmental defenders in countries of the former Soviet space and the United States. We also include one case from Poland; an example that is a bit outside the geographic purview of the rest of the report, but which involves environmental defenders from the former Soviet space and the issue of climate change, a global crisis which involves and impacts all of us.

In each of the cases highlighted, individual activists are threatened, maligned, and harassed for protecting the environment in the community where they live. Government bodies, corporations, and those working for them use whatever leverage they can find, usually with resources far greater than those available to the environmental defender, to try to stop them from their work. Protecting forests, protesting pipeline construction, demanding clean air and water, calling out corruption, and seeking access to information about investments and projects are some of the activities that have resulted in retaliation and reprisals against environmental defenders.

We invite you to read these stories, to get to know the individuals highlighted in our report, and to better understand the forces working to stop environmental defenders. This is not a comprehensive compilation, but rather a series of case studies that represent the larger environment in which these defenders work.

We dedicate this report to environmental defenders around the world, brave individuals who dare to stand up, to speak out, and to protect our planet and its inhabitants—including us—from degradation, corruption, and an unsustainable future.



DANGEROUS WORK

As we first reported in 2017, an alarming trend of violence and intimidation targeting environmental defenders is occurring worldwide. In spite of provisions in international law and conventions designed to protect them, environmentalists are at greater risk than ever before as governments, corporations, and hired thugs disregard the large body of international law, standards, and best practice, which defines the rights of environmental defenders.

We have identified several ways in which environmental defenders are experiencing significant pressure, reprisals, and retaliation. These include: 1) the creation of onerous laws designed to pressure environmental defenders; 2) legal harassment using existing laws to create administrative and criminal legal difficulties for environmental defenders; 3) character assassination and smears in the media, including on social media; and 4) violence against defenders.

In this report we include new cases, updated some of the previous, and highlighted trends in reprisals against defenders. We also include a case from Poland that demonstrates the cross-border nature of not only environmental problems, but also persecution of environmental defenders.

International Legal Framework of Environmental Rights

The United Nations Declaration of 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.¹

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.”² The Aarhus Convention is an international legally binding instrument granting environmental rights to the public 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 instrument, which may have a significant impact on the environment and access to justice, including both judicial and extrajudicial remedies relating to environmental issues.

The Aarhus Convention, as of 2019, has 47 signatories.³ Parties to the Aarhus Convention discussed in this report include Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Poland, Turkmenistan, and Ukraine. Of all former Soviet 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 United States is not a party to the convention, having withdrawn from negotiations in 2002.⁴

The convention has been in effect for nearly 18 years, serving as the key international instrument enabling environmentalists to exercise their right to protect the environment.

The Aarhus Convention, in its Article 2, para 5, and Article 9, para 2, recognizes the special status of environmental NGOs. A separate provision of the Aarhus Convention protects environmental defenders against persecution, punishment, and harassment. According to Article 3, paragraph 8, each Party must ensure that “persons exercising their rights to conformity with the provisions of this Convention shall not be penalized, persecuted, or harassed, in any way for their involvement.” In its findings and recommendations with regard to communication ACCC/C/2014/102 concerning compliance by Belarus, 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

¹ Principle 10, http://www.un.org/en/documents/decl_conv/declarations/riodecl.shtml

² Article 1, http://www.un.org/en/documents/decl_conv/conventions/orhus.shtml

³ <https://www.unece.org/env/pp/ratification.html>

⁴ <https://mapcruzin.com/news/rtk112502a.htm>

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.”⁵ The Aarhus Convention, therefore, obligates 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.

In addition, 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

“nongovernmental 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.”⁶

By persecuting and destroying environmental NGOs, governments effectively eliminate the key actors promoting the exercise of public environmental rights.

As noted above, most countries covered in this report are Parties to the Aarhus Convention. However, as Russia and the U.S. are not Parties to the Aarhus Convention, the cases from these two countries allow us to highlight the key trends outside of the Aarhus context.

As evidence of the need for additional protection of environmental defenders and monitoring of violence and reprisals perpetrated against them grew, in 2012, the United Nations Human Rights Council decided to “establish a mandate on human rights and the environment which will...study the human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment, and promote best practices relating to the use of human rights in environmental policymaking.”⁷

In August 2012, Mr. John Knox was appointed to serve as Independent Expert (until 2015), at which point he was named Special Rapporteur on Human Rights and the Environment, a position he held until 2018.⁸ In March 2018, the Human Rights Council further extended the mandate, and appointed Mr. David Boyd as the Special Rapporteur on Human Rights and the Environment.⁹

⁵ ACCC / C / 2014/102 /, para 66

⁶ CE / MP.PP / C.1 / 2005/2 / Add.5, para 16

⁷ <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>

⁸ Ibid.

⁹ Ibid.

Finally the Organization for Security and Cooperation in Europe (OSCE) also addressed the issue of environmental defenders in a special five-day training it held in May 2019, which was focused on three issues, including environmental protection.¹⁰

Hostile Environment

Despite the scope of international mechanisms designed to protect environmental defenders, the atmosphere in which they work in much of the world is decidedly hostile. Recent reports by highly respected organizations, Global Witness and Front Line Defenders, document brutal attacks on environmental defenders around the world, including murder. In 2016, on average, four environmental defenders were killed each week. And, according to Front Line Defenders, in 2016, 49 percent of human rights defenders murdered were working to defend land, indigenous, and environmental rights.¹¹ In 2017, 207 environmental defenders were killed around the world,¹² and in 2018, 164 environmental defenders lost their lives. Three of them were from Ukraine.¹³

Threats against environmental defenders in the OSCE region take place in a hostile environment. Our report focuses on these cases.

Trends of Harassment

In the former Soviet Union, environmental defenders are faced with increasingly repressive regimes seeking to marginalize independent NGOs working in many areas. These regimes use a variety of weapons to attack environmentalists, including legal, administrative, and physical threats. This is increasingly the case in the United States as well, with a variety of strategies being employed to try to stop environmental defenders from continuing their work. This is particularly true of harassment of environmental defenders working to stop oil and gas development.

Repressive Legislation

The introduction of deliberately tough legislative and regulatory measures against NGOs, including those protecting the environment, is part of a growing trend.

In the former Soviet space, legislation designed to limit the activity of civil society broadly has severe impacts for environmental defenders as well. The 2012 Russian law on “foreign agents”¹⁴ has since been used to label NGOs as “foreign agents” effectively interpreted as “enemies of the people.” Amnesty International’s 2016 report, “Agents of the People. Four Years of

¹⁰ <https://www.osce.org/odihr/420866>

¹¹ <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>.

¹² https://www.globalwitness.org/documents/19595/Defenders_report_layout_AW4_update_disclaimer.pdf

¹³ https://www.globalwitness.org/documents/19766/Enemies_of_the_State.pdf

¹⁴ 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/

"Foreign Agents" Law in Russia: Consequences for Society," notes that the foreign agent 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.¹⁵ Our report describes examples from Russia, but also from Kazakhstan and Ukraine, and the geography of NGO harassment through repressive legislation and the "foreign agent" label is not limited to these countries.

In addition to the foreign agent label, since 2015, Russia has instituted legislation regarding "undesirable organizations," which are international groups forbidden from working inside Russia. "Undesirable organizations" are forbidden from opening their own branches in Russia, distributing materials within Russian borders, and organizing events or programs. Russian banks are also supposed to freeze their assets. Russian citizens who work with these organizations can face penalties.¹⁶ This has created difficulties with financing and working with international partners for many civil society organizations in Russia, including environmental groups.

In the United States, environmental defenders who have worked to stop oil and gas development and transportation are facing new and threatening legislation, not only on the local and state level, but also on the national level. Legislation designed to protect pipeline infrastructure is on the books in many states, and it carries heavy fines and possible imprisonment for protesters in numerous forms.

The Trump administration has recently introduced new legislation, which would make it illegal to block pipeline construction sites, accompanied by a possible 20 year prison sentence.¹⁷ In addition, since Trump was inaugurated, 17 states have introduced bills that would criminalize participation in pipeline protests.¹⁸

The proposed changes to the current legislation, including changes to Section 18 of the law on criminal penalties, significantly broaden the type of activity that can be deemed criminal. Previously, the law stated that there was penalty for "damaging or destroying" pipeline construction or property. The current proposed draft expands that to read, "damaging, destroying, vandalizing, tampering with, impeding the operation of, disrupting the operation of, or inhibiting the operation of." Secondly, it broadens the legislation to include "a facility already in operation and a facility under construction and intended to be operated

¹⁵ 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/>

¹⁶ <https://meduza.io/en/feature/2019/04/24/the-trials-of-open-russia>

¹⁷ <https://theintercept.com/2019/06/05/pipeline-protests-proposed-legislation-phmsa-alec/>, accessed September 9, 2019.

¹⁸ Ibid.

as such a facility on completion of the construction.”¹⁹ These seemingly bureaucratic changes to the law fundamentally change the nature of protesting pipeline construction, even in cases where pipelines are taking over property through eminent domain. And it is because of these changes that protesting a pipeline could lead to a twenty year prison sentence.

In addition to the proposed changes to national legislation described above, the same language, which has been touted by interest groups supporting the oil and gas industry, has been introduced in twenty two states, and approved in nine, including Texas, Louisiana, Oklahoma, Tennessee, Missouri, Indiana, Iowa, South Dakota, and North Dakota.²⁰

In addition, SLAPP lawsuits are increasingly being used by companies in an effort to silence environmental defenders. SLAPP is short for Strategic Lawsuit Against Public Participation, and is only brought by businesses, government bodies, or elected officials against those who oppose them on issues of public concern.²¹

SLAPP cases from Pennsylvania, Texas, and other states involve oil and gas companies suing individuals who have spoken publicly about damages from fracking and gas drilling. In a case in Pennsylvania, Cabot Oil and Gas Company sued Dimock resident Ray Kemble, who claimed the company had severely

damaged his drinking water after drilling and fracking activity.²²

Legal Threats and Harassment

Many cases in the report focus on legal threats, both criminal and administrative, instituted by governments with the goal of impeding the work of environmental defenders. Burdensome legal fees, administrative checks, including financial monitoring and reporting mandated by new legislation to control civil society organizations, and accusations of libel and slander can tie civil society organizations and defenders up in legal processes that detract from their ability to do their environmental work. Cases from Russia, the U.S., and Kazakhstan highlight this tendency.

Character Assassination and Smears in the Media

In most of the countries highlighted in the report, environmental defenders are subject to character assassination in the media and on social media. Accusations of working for a foreign government, undermining the national interests of the country, and other smears are common among environmental defenders. Results of this include losing one’s job, shunning in the community, being called an extremist, and other unpleasant and dangerous labels.

¹⁹ USDOT Pipeline Safety Legislation Proposal, page 20. <https://www.phmsa.dot.gov/news/protecting-our-infrastructure-pipelines-and-enhancing-safety-act-2019-section-section-analysis>

²⁰ Lee, Fang, “Oil Lobbyist Touts Success In Effort To Criminalize Pipeline Protests, Leaked Recording Shows, August 19, 2019, <https://theintercept.com/2019/08/19/oil-lobby-pipeline-protests/>, accessed September 10, 2019.

²¹ <https://www.acluohio.org/slapped/what-is-a-slapp-suit>

²² <https://www.desmogblog.com/2017/08/13/cabot-fracking-5-million-lawsuit-water-contamination-ray-kemble-dimock>

Violence

Sadly, violence against environmental defenders is a growing trend throughout the countries covered in the report, including death.

Defenders face physical violence, threats to their families and themselves, damage to property—including their homes, offices, and land—and verbal violence in the media, including on social media.

None of these trends has improved in the past two years. On the contrary, the situation has become more dangerous for environmental defenders. The recent media attacks on Greta Thunberg, the Swedish climate activist, demonstrate the demonization of environmental defenders whose message is not welcome among powerful energy magnates and others who would prefer to deny that climate change and environmental degradation are threats to all of us.²³ The environmental defenders whose stories are told in this report are familiar with these types of threats, having experienced them themselves. From Azerbaijan to Pennsylvania, from Kazakhstan to South Dakota, from Russia to Texas, environmental defenders are challenging unjust laws, fighting corruption, standing up in the face of smear campaigns, and continuing their work even when faced with violence.

This report documents these stories and bears witness to the struggle of environmental defenders working to protect the planet, communities, and future generations. We stand in solidarity with all of them.

²³ <https://www.desmog.co.uk/2019/09/15/attacks-greta-thunberg-right-wing-free-market-network>

Armenia

Battle for Water in 2019

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.¹

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.²

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.³ At public hearings in December 2014, 200 residents opposed the project and sent an appeal to the Armenian Ministry of Nature Protection.⁴

In the spring of 2015, more than 2,000 Garni residents supported an open letter to President Serzh Sargsyan.⁵ People's concerns were brought to the attention of the World Bank's office in Armenia, whose representatives did not

¹ <http://ecolor.org/ru/news/sos/garni-residents-addressed-open-letter-to-armenian-president-serzh-sargsyan/7132/>

² Ibid.

³ <http://www.ecolor.org/ru/news/sos/garni-residents-complaint-on-qaghtsrashen-project-discussed-in-washington/8281/>

⁴ <http://www.ecolor.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/>

⁵ <http://ecolor.org/ru/news/sos/garni-residents-addressed-open-letter-to-armenian-president-serzh-sargsyan/7132/>

find any problems with the project.⁶ Nevertheless, Armenian government continued to ignore the public opinion and pushed the project forward.⁷ 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.⁸ 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.⁹

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. 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 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.¹⁰ 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.¹¹

It was only after the protests and after sending a complaint signed by 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.¹² 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

⁶ <http://www.ecolor.org/ru/news/water/world-bank-not-aware-of-garni-residents-concerns/7408/>

⁷ <http://www.ecolor.org/ru/news/sos/attempt-was-made-to-prevent-garni-residents-participation-in-public-discussions-with-persuasions-and-threats/7762/>

⁸ <http://ecolor.org/ru/news/water/qaghtsrashen-gravity-irrigation-project-divided-garni-community-into-two-fronts-garni-community-residents-vs-garni-community-head/8267/> ;

⁹ <http://ecolor.org/ru/news/sos/quotlets-save-goght-and-garni-from-desertificationquot-protest-action-continues-photos/8310/>

¹⁰ <http://hetq.am/rus/news/67977/noviye-ugroziy-v-adres-aktivistki-borbiy-za-reku-azat-arusyak-aiyvazyan.html>

¹¹ <http://ru.aravot.am/2016/05/23/210727/>

¹² <http://ecolor.org/ru/news/electionspoliticsecology/garni-residents-continue-fight-for-sake-of-changes-this-time-in-local-government-elections/8550/> ; <http://ecolor.org/ru/news/sos/garni-residents-complaint-on-qaghtsrashen-project-discussed-in-washington/8281/>

provides for the use of pumps, although one of the project's initial goals was that of saving energy.¹³

In the summer of 2019, residents of Kakhtsrashen held a protest in front of the government building, demanding water for irrigation that became unavailable from the Kakhtsrashen irrigation system.

The battle for the Azat River continues.

¹³ <http://ecolor.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.ecolor.org/ru/news/water/garni-proposing-alternative-qaghtsrashen-project-have-been-left-as-it-was/9159/>

Azerbaijan

Anti-corruption Activist Pressured for Demanding Transparency



Gubad Ibadoghlu

The Extractive Industries Transparency Initiative (EITI), established in 2002, is a global standard to promote the open and accountable management of oil, gas and mineral resources.¹ The Board of EITI is made up of government, private sector, and civil society representatives, with the primary objective 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.²

In 2003, Azerbaijan joined EITI, and a broad NGO Coalition was formed inside the country to take active part in consultations on generation and distribution of oil and gas revenues. However, in 2013, the political leadership of Azerbaijan—a country with serious human rights violations—started a campaign of repression against its critics and independent civil society. In the summer of 2014, a wave of arrests, based on trumped-up charges including tax evasion, illegal drug possession, and even high treason, swept the country.

Among those activists who were targeted by the government were members of independent groups working to promote transparency of public revenues in Azerbaijan. These groups were denied access to finances, with the government freezing the bank accounts of numerous NGOs and using legislative provisions, adopted earlier, to ban the groups from applying for and receiving funds from foreign donors. Some activists were banned from leaving the country. Some of them were subjected to special customs screening at the border checkpoints during their travel overseas visits and return home. At least half of the most active independent EITI coalition members were forced to suspend their activities, and others were targeted with slander and harassment.

Gubad Ibadoghlu, Doctor of Economics, Director of the Economic Research Center (ERC),

¹ <https://eiti.org/who-we-are>

² <https://eiti.org/>

and member of the EITI International Board and EITI National Coordinator in Azerbaijan was one of those affected.³

In 2013, the government made several changes to its legislation relating to NGOs, with additional changes in 2014. In total, 26 changes were made, including those pertaining to the registration and foreign fundings.⁴

In June 2014, the business account of ERC and the personal account of Ibadoghlu were both frozen, and Ibadoghlu was summoned to the Prosecutor General's Office for questioning as a witness in a case against a number of local and foreign NGOs.⁵ The government withdrew 8500 manat (US \$5000) from the group's organizational bank account without any warning, and, although the account was unfrozen in March 2016, the money has still not been returned.

Ibadoghlu said this was just one link in the chain of pressure being put on the country's civil society representatives by their government, which labeled virtually all NGOs that were receiving foreign funding as enemies of the state. Ibadoghlu also stated that all of the grants his organization received were registered with the Ministry of Justice and that he and the

Center were paying all taxes and filing all required reports on time.⁶

Due to reports of widespread curtailment of the activities of NGOs in Azerbaijan, the EITI Board sent a fact-finding mission to the country in September 2014 in order to independently assess the situation. It was deemed that conditions for activists were "clearly problematic" and a reason for concern.⁷ As such, on account of concerns that Azerbaijan was violating EITI rules, its status was downgraded from 'compliant' to 'candidate' in April 2015.⁸ Along with its downgraded status, the Azerbaijani government was given a list of corrective actions needed to restore its status.

On May 12, 2015, less than a month after the decision to downgrade Azerbaijan's membership status in EITI, when Ibadoghlu was traveling in the United States, the government increased its harassment of him and his organization. The ERC office was searched by staff of the prosecutor's office, who seized the NGO's computers, and financial and accounting records of ERC, the EITI Coalition, and the National Budget Group.⁹ They confiscated all of the organization's financial documents, 8 computers, and 1 laptop. In the summer of 2016, the equipment was returned, but all the memory and motherboards were ruined, making the

³ Ibid.

⁴ Azerbaijan Establishes Total Control over NGOs. Retrieved from Contact.az: http://www.contact.az/docs/2016/Chetin_sual/042200153777en.htm

⁵ <http://eiti.geology.gov.kz/kz/about-us/publikatsii-v-smi/136-genprokuratura-azerbajdzhana-provela-obysk-v-tsentre-economicheskikh-issledovani>

⁶ <https://www.radioazadlyg.org/a/26560644.html>

⁷ Azerbaijan: EITI Board should sanction government for civil society crackdown. Retrieved from Sherpa: <https://www.asso-sherpa.org/azerbaijan-eiti-boardsanction-government-civil-society-crackdown>

⁸ <https://eiti.org/news/azerbaijan-downgraded-to-candidate-country>

⁹ <https://www.pwyp.org/pwyp-news/azerbaijan-authorities-raid-civil-society-offices-in-continued-crackdown-on-ngos/>

computers were unusable. The financial documents were also returned, but in such a mess that the filing system was completely destroyed.

The criminal case, which the government opened against Ibadoghlu personally in 2015, is still open and ongoing. Ibadoghlu was charged with abuse of power, tax evasion, and illegal business. The authorities claim that the activity of ERC between 2010 and 2015 was illegal because the organization failed to pay Value Added Tax (VAT), although civil society organizations are exempt from paying VAT in Azerbaijan. Approximately 20 other organizations were included in the criminal case.

The government claimed not to have information about ERC's grant and that the organization had placed no information about it on its website, and thus was in violation and subject to payment of VAT since they were, according to the government, working as a commercial organization.

Ibadoghlu described the events as a new phase of pressure on independent activists, which was connected with his membership on the EITI board. Government-oriented newspapers and online resources publish defamatory articles about Ibadoghlu and others in Russian and Azeri in an effort to compromise his reputation by claiming he is a foreign agent.¹⁰

At a 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 EITI standards.¹¹ Azerbaijan's government failed to take meaningful corrective action beyond a few superficial measures. Registration of grants and donors for civil society still requires government permission. Thirty NGO members of the National EITI Coalition have not been able to register with the government, and it is virtually impossible for the Coalition and its independent members to access funding from international donors. The Coalition has no budget, office, equipment, or facilities to conduct events. Some Coalition members are facing criminal charges and have been denied international passports or permission to leave the country, according to Ibadoghlu.¹²

In March 2017, the EITI Board suspended Azerbaijan's membership due to the government's failure to engage civil society. Following this decision, the government of Azerbaijan announced its withdrawal from EITI.¹³

In June 2018, Dr. Ibadoghlu lost his teaching position at the Azerbaijan State University of Economics as a direct result of his independent civil society work. At the time, he was a tenured professor at the university, a position he had held for 21 years. He had received an invitation

¹⁰ \$32 million to turn Azerbaijan to Ukraine, <http://haqqin.az/news/20415>
Another \$14 million for Azeri revolution, <http://haqqin.az/news/20676>

¹¹ <https://www.radioazadlyg.org/a/28090006.html>

¹² <https://www.kavkaz-uzel.eu/articles/297080>

¹³ <http://www.kavkaz-uzel.eu/articles/298971/> and <https://eiti.org/news/azerbaijan-withdraws-from-eiti> and <https://www.reuters.com/article/us-azerbaijan-eiti/azerbaijan-leaves-transparency-group-after-membership-suspended-idUSKBN161007>.

to participate in the Board Meeting of the Extractive Industries Transparency Initiative (EITI), of which he is was a Board member at the time. In June, Ibadoghlu sent a letter to the rector asking for permission to travel to Berlin to attend the EITI meeting. The rector denied his request, and Ibadoghlu decided to go anyway. When he returned, he discovered that he had lost his position at the university.

In September 2017, Dr. Ibadoghlu accepted a researcher position at the Institute for Advanced Study in Princeton, and his family joined him in New Jersey, where his son was admitted to the local public high school. In the spring of 2017 before the early president election on April 11, in preparation for their return to Azerbaijan, where his son would re-enter Azerbaijani high school, Ibadoghlu was informed by the authorities that his son would not be accepted back into high school in Azerbaijan without documentation from the US Department of Education verifying that he had actually attended school and completed the school year in the United States. Of course, this request is absurd in the US context, as the Department of Education would have no record of this information.

Ibadoghlu believes he was under surveillance in Azerbaijan. A camera was placed at the entrance to the office of his organization in Baku, and the guard there told him, "Anything is possible. You

should watch your office. One day there could be a fire."

Currently, Dr. Ibadoghlu is a visiting professor at Rutgers State University of New Jersey. After one academic year, his teaching position was extended and Ibadoghlu returned to his home country during the summer to obtain a visa for the 2019-2020 academic year. While in Baku, Ibadoghlu again faced surveillance, his phone was tapped, and he was the subject of a smear campaign in government oriented newspapers.¹⁴ In August 2019, the pro-government Real TV played a leading role in the black PR campaign against him; its Sunday broadcasts have insulted and threatened Ibadoghlu.

At present, Ibadoghlu continues to await the results of the ongoing surveillance, the return of the money withdrawn by the state from his organizational bank account, and the return of some normalcy in which he could work as a civil society representative without fear of reprisal or intimidation. That day seems a long way off.

¹⁴ https://publika.az/news/nida_tehlil/285560.html
<https://metbuat.az/news/1230209/qubad-ibadoglu-abs-dan-xususi-missiya-ile-qayidib.html>
<http://stimulxeber.az/manset/26527-qubad-badoglu-ne-etmek-isteyir-achiqqlama.html>
<http://yenixeber.org/manset/76870-qubad-badoglu-ile-bagli-sensasion-iddialar-.html>
<https://www.azexeber.com/xeberler/qubad-ibadoglu-absdan-xususi-missiya-ile-qayidib>
<https://azfakt.com/news.php?id=76290>
<http://www.operativ.tv/qubad-ibadoglu-iddialara-cavab-verib.html>

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.¹ 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.² On October 9, 2009, public hearings were held in

the town of 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 relevant court decision.³ 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 Belarus. Tatiana Novikova and Andrey Ozharovsky 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, they were arrested on misdemeanor charges ("hooliganism"). Ekodom chairperson Irina Sukhiy and human rights

¹ <http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc2014102-belarus.htm>

² http://atom.belta.by/ru/dosie_ru/view/stroitelstvo-belorusskoj-aes-xronologija-sobytij-41/

³ http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2014-102/Communication/Annex_8.pdf

activist Mikhail Matskevich who came to their colleagues' help were arrested as well. 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, Tatiana 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 Tatiana Novikova's life-supporting medicines. 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.⁴ 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 Kirillenkov 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 NPP construction in

Belarus. Police blocked Tatiana Novikova of Ekodom in Irina Sukhiy's apartment, which served as the meeting place for protesters against the Belarus NPP construction. Having detained Irina Sukhiy, the police continued to patrol the entrance to her home until the street action was over.⁵

Based on the aforementioned facts, in April 2014, Ecodom filed a Communication with the Aarhus Convention Compliance Committee alleging non-compliance by Belarus with Article 3 paragraph 8 of the Aarhus Convention. The ACCC found that the arrests of the four environmental activists on July 18, 2012, and the prolonged document check of Irina Sukhiy on April 26, 2013, constituted harassment, penalization, and persecution in non-compliance with Article 3, paragraph 8 of the Convention.⁶

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.⁷ 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

⁴ See UNECE website, <http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc2014102-belarus.html>

⁵ Ibid.

⁶ Findings and recommendations with regard to communication ACCC/C/2014/102 concerning compliance by Belarus. Adopted by the Compliance Committee on June 18, 2017, <http://www.unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>

⁷ http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2014-102/Correspondence_with_communicant/frCommC102_openingstatement_CC50_07.10.2015_rus.pdf

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.

Georgia

Attempts to Discredit 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.¹

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.² 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 not surprisingly, 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 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 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.³

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

¹ See Green Alternative's website, <http://greenalt.org/about-us/>

² Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, p. 6.

³ Ibid.

- some 150 to 350 hectares of forest would be flooded.⁴

A number of the country's 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."⁵ On October 15, 2013, a group of 54 NGOs urged the government to stop trying to discredit environmental organizations,⁶ 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."⁷ During a press briefing on May 15, the Minister of Energy and Deputy Prime Minister of Georgia described the activists as "a destructive force" and once again hinted at their foreign connections by referring to "internal and external enemies."⁸ On November 13, 2017, this official was appointed mayor of Georgia's capital, Tbilisi.

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?

⁴ <http://www.kavkaz-uzel.eu/articles/238590>

⁵ Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, c. 7

⁶ 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

⁷ Implementation of Aarhus Convention in Georgia. Alternative report, Green Alternative, April 2014, p. 7

⁸ <https://www.youtube.com/watch?v=QiKi9EyZkW4>

Kyrgyzstan and Kazakhstan:

Deliberate Restriction of NGO Activity and More Risks for Environmentalists

Russia's "foreign agents" law, passed in 2012,¹ 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."² 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,³ 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 2016.⁴ 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 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-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;

¹ 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

² Agents of the People. Four Years of "Foreign Agents" Law in Russia: Consequences for Society, Amnesty International, 2016, page 35.

³ <https://www.hrw.org/ru/news/2013/12/06/252037>

⁴ <https://rus.ozodi.org/a/27732610.html>

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. In addition to this, the tax law does not specify the types and minimum value of property subject to these reporting requirements.⁵ 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 Kazakhstan's most popular television channels, broadcast reports

designed to discredit protesters against the controversial changes to the Land Code.⁶

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.

In 2017, protests occurred in Bishkek, Kyrgyzstan, 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 widely publicized in mass media, municipal officials interpreted the protests as driven by environmentalists' self-serving motives.⁷ 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

⁵ <http://adilet.zan.kz/rus/docs/Z1600000012#39>

⁶ <http://www.zakon.kz/4792910-pervyj-kanal-kazahstana-pokazal.html>. ¹⁴³http://zanoza.kg/doc/358188_ekologicheskije_voyny_na_ylice_toktonalievaja_nachalas_vyrybka_derevev.html ¹⁴⁴http://livingasia.online/2017/06/15/greenpeople_bishkek-2/

⁷ http://livingasia.online/2017/06/15/greenpeople_bishkek-2/

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.

Kazakhstan

Defender of Villagers Affected by Oil and Gas Condensate Field Faces Arbitrary Detention and “Suspended” Prosecution

Karachaganak Petroleum Operating BV (KPO), a consortium which includes ENI (Italy), Shell (Netherlands), Chevron (US), Lukoil (Russia), and KazMunaiGas (Kazakhstan). The field's intensive development has caused severe environmental pollution and serious health damage among Berezovka's residents, particularly children. For more than ten years, Solyanik has helped the villagers to fight for relocation and medical assistance for their affected children.



Sergey Solyanik

Sergey Solyanik has been active in Kazakhstan's environmental movement since 1990. One of the environmental issues he has tackled concerns hydrogen sulfide emissions at the Karachaganak Oil and Gas Condensate Field and their impact on the health of nearby Berezovka's villagers. The field is operated by

Since 2002, Berezovka's residents tried to get the authorities and KPO to facilitate their relocation to a safer place.⁸ Time has shown that the villagers' concerns were well-founded, as on November 28, 2014, 25 children in Berezovka suffered acute health problems caused by toxic emissions from the field. Even after the tragedy, the authorities and the company refused to take

⁸ <https://crudeaccountability.org/campaigns/karachaganak/>

responsibility and compensate the villagers for the damage to their children's health.⁹ However, in December 2015, the authorities began the resettlement of villagers to the neighboring city of Aksai and the newly built village of Araltai; the relocation was completed by January 1, 2018.¹⁰ According to the company, the relocation was linked to Karachaganak's expansion making Berezovka part of the field's Sanitary Protection Zone.¹¹

Solyanik continues monitoring the situation in Berezovka, because the affected children are still suffering from serious health consequences of the toxic poisoning. The two most affected girls underwent a comprehensive medical examination in March 2018 and were diagnosed with toxic encephalopathy likely caused by exposure to hydrocarbons and their fumes.¹²

Solyanik resides in Almaty, which is located at a considerable distance from the village of Berezovka where the poisoning occurred. During his periodic monitoring visits, he has repeatedly faced administrative arrests and threats of criminal prosecution, apparently designed to discourage his advocacy for the children affected by the environmental poisoning.

In May 2016, when Solyanik, together with his colleagues from Russia and the U.S., interviewed

the affected children's parents, he and his colleagues were arrested by the migration police and detained for several hours, allegedly for irregularities found in his foreign colleagues' registration paperwork. Following a few phone calls to a lawyer and mass media outlets and the activists' warning that they would report the arbitrary detention to the prosecutor, they were released with the apology that their arrest was an administrative error.¹³ In the fall of 2016, the parents of affected Berezovka children informed Sergey that the local police were trying to collect evidence to build a criminal case against him and other advocates of their children.

On May 7, 2019, Sergey Solyanik was once again arrested by police, this time together with his wife, while he was on a monitoring visit taking photographs in the area where Berezovka used to be. According to the police, the couple was arrested for being in the "environmental zone where photography was prohibited" - despite the fact that visiting and taking photographs of the area (i.e. the company's sanitary protection zone) is not prohibited by Kazakhstani law.¹⁴ The arrest was performed with the help of KPO employees who refused to introduce themselves. The manner in which the environmentalist was arrested and escorted to the police station was in contravention of articles

⁹ <https://crudeaccountability.org/children-berezovka-time-help/>

¹⁰ <http://mgorod.kz/nitem/v-zko-zavershilos-pereselenie-zhitelej-berezovki-i-bestau/>

¹¹ <http://www.kpo.kz/ru/novosti/novosti-kompanii/novosti-kompanii/article/pozicija-kompanii-karachaganak-petroleum-opereiting-bv.html>

¹² <https://crudeaccountability.org/kazakhstani-doctors-recognize-the-children-of-berezovka-kazakhstan-are-seriously-ill-but-do-not-offer-appropriate-treatment/>

¹³ <https://rus.azattyq.org/a/27742398.html>

¹⁴ <http://adilet.zan.kz/rus/docs/V1500011124#z78>

208 and 157 of the Code of Criminal Procedure of Kazakhstan.¹⁵

Once at the Burlin District Police Station, Solyanik was told that he'd been brought there for an interrogation as part of criminal proceedings against him, of which he had not been formally notified. It was only during the interrogation in the investigator's office that Solyanik learned about the criminal case initiated against him on January 5, 2017, under article 274 of the Criminal Code of Kazakhstan, allegedly for "dissemination of knowingly false information," i.e. defamation. Solyanik refused to answer questions without his lawyer present and was eventually issued an official summons to show up for interrogation on the next day. Solyanik's wife was also questioned by the police, although she could not have been involved in the past events in question. She was asked questions to establish what the couple was doing in Berezovka on the day of their arrest. On the next day, Sergey Solyanik was interrogated in the presence of his lawyer; the investigator asked Solyanik about the community and civic activists' involvement in helping the affected children of Berezovka. On the same day, Solyanik appealed against his unlawful arrest to the prosecutor's office, but the only irregularity that the prosecutor's office of West Kazakhstan region found was the failure to issue Solyanik a formal paper stating that he'd been delivered to the police station.¹⁶

In late May 2019, when Solyanik was back home in Almaty, the investigator informed him that his involvement in the "crime" was not proven and

the case against him was suspended. The West Kazakhstan region prosecutor's office response to Solyanik's complaint reveals that the pre-trial inquiry opened against him on December 23, 2016, was triggered by letters from the Burlin district akim and the health department of West Kazakhstan region, both alleging defamation and referring to a press release and a one-minute video of the affected Berezovka children. It appears that the following quote from the press release authored by Solyanik was the only reason behind his prosecution and interrogation: "Over the past two years, the situation with the children's health has not improved. The children have not received any help, and it appears that there will be no punishment for those responsible for the tragedy. The criminal case into the poisoning has been suspended while Kazakhstan has spent more than a year waiting for Russia's assistance with examining the evidence. However, our Coalition will continue to seek help for the Berezovka children. We urge everyone who does not want large oil companies to continue injuring children to join us. These children are not someone else's children for us, they are our children!" A careful review of the entire press release has not revealed any direct or indirect reference to the officials whose complaints triggered the defamation case.¹⁷

This case highlights the lack of effective domestic remedies for environmentalists targeted by arbitrary arrests and "suspended" prosecutions. Even harmless acts such as taking photographs of the sanitary protection zone

¹⁵ <http://adilet.zan.kz/rus/docs/K1400000231>

¹⁶ Response from the prosecutor's office of West Kazakhstan region of July 19, 2019, No. 2-06-19-06242

¹⁷ https://bureau.kz/iz_drugikh_istochnikov/chujie_deti/

around an operation, although it is not prohibited by law, can be used as ground for arrest and delivery to a police station. Given that many residential buildings in Kazakhstan are located in sanitary protection zones of various enterprises, this enforcement practice implies that residents and visitors of these buildings can be arrested at any time should they choose to take photographs. In addition, a brief and inoffensive quote in the press release which does not mention anyone in particular has been used to initiate a defamation case based upon complaints from the local officials. Should this law enforcement approach be accepted as legitimate, this would mean that government officials can use the *actio popularis* mechanism to initiate private prosecution against human rights defenders, including environmentalists, or any other individuals for criticizing their performance in their area of competence.

In early June 2019, Solyanik filed a complaint with the United Nations Special Rapporteur on the Situation of Human Rights Defenders, challenging the arbitrary actions of Kazakhstani officials. Kazakhstan is a Party to the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention) since January 11, 2001.¹⁸ Thus, a communication was also filed with the Aarhus Convention's Bureau, alleging a violation of Article 3, paragraph 8 of the Convention in respect of Sergey Solyanik being persecuted by the state for his environmental activism.



Abandoned village of Berezovka

Slander Used to Silence Kok Zhailau Defenders

A public campaign to stop the construction of a ski resort near Almaty, the largest city in Kazakhstan, has become a national symbol of the people's fight for their environmental and civil rights. The site is Almaty residents' favorite mountain hiking spot; before 2014, it was part of Ile Alatau National Park.¹ The idea to make it into a ski resort emerged in the early 2000s, but the bulk of the decision-making and public consultations occurred much later, in 2012-2018.

The project triggered public concerns not only due to environmental risks to Kok Zhailau but also due to the substandard environmental impact assessment and the estimated high cost of the project to the public budget. Public funds were planned to be used not only for building the ski slopes equipped with snowmaking machines, alongside a hotel and restaurants, but also for connecting electricity, household gas and the water supply with a sewage system, and for paving a road to a remote and unpopulated mountainous area. While skiing remains an elite hobby of relatively few people in Almaty and broader Kazakhstan, the proposed project would require an initial investment of US450 million (subsequently reduced to some US200 million in 2018). Moreover, the Aarhus Convention Compliance Committee found numerous violations in the proposal's public consultation process. With growing public awareness of the environmental and economic

risks of the project, the ranks of its opponents multiplied.

Since 2012, efforts to save Kok Zhailau have entered an active phase, as more environmentalists, scientists, lawyers, economists, journalists, and concerned citizens have joined the campaign. Facing the growing popularity of Kok Zhailau defenders, the other side has targeted them with slanderous attacks in mass media, describing them as extremists engaged in subversive activity against the state. While initially, specific journalists and analysts led the blame campaign against the environmentalists, later on it was increasingly driven by anonymous authors. While the authors of the slanderous publications were different, most used similar language and offensive epithets designed to damage the environmentalists' reputation.

Journalist Yaroslav Krasienko, widely known in Kazakhstan for his scandalous publications and offensive remarks, was the first to launch a verbal attack against Kok Zhailau defenders. His article of October 25, 2012, entitled *King of the Hill: NGO Battle for Ski Resort* targeted two environmental groups - Crude Accountability and Green Salvation - which led the campaign in defense of Kok Zhailau at the time. He used epithets such as "green saboteurs," "environmental blackmail," "green terror" and "[foreign] intelligence residencies" in respect of Crude Accountability for being a US-based NGO and Green Salvation for receiving grants from the US-based National Endowment for Democracy.² In 2013, Bekzhan Idrisov, press secretary of the ski resort project, joined the

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² <http://forum.polismi.org/>

blame campaign, using patriotic rhetoric and hurling unfounded accusations of extremism at his opponents. In particular, in September 2013, he publicly alleged that opponents of the construction project had been involved in an armed attack against land surveyors conducting a site assessment for the project. While this information was never confirmed, many media outlets republished it.³

In 2015-2016, the ski resort construction project was suspended due both to public protests and the lack of funds for its implementation. Ironically, both journalists who used aggressive patriotic rhetoric to blame Kok Zhailau defenders left Kazakhstan in 2016: Krasienko moved to Russia to work for state television, while the current residence of Idrisov, who complained of persecution by the authorities and emigrated, is unknown. Everyone has the right to choose their country of residence, but the two journalists' stories illustrate the shallowness of patriotic rhetoric in the discussion of environmental and other public concerns in Kazakhstan.

In November 2017, a new feasibility study was undertaken in preparation for building a mountain spa resort - rather than a ski resort - in Kok Zhailau. This development triggered new attempts to discredit the environmental movement in the public eye and tip the balance in favor of the construction. One such attempt was an article by the well-known Kazakhstani film director Yermek Tursunov, published under the flashy title of "Points for a Pose" and describing

the defenders of Kok Zhailau as "environmental Taliban," implying allegedly extremist nature of this peaceful civil campaign.⁴ The environmentalists publicly responded to the accusations via newspaper and voiced their intent to seek protection from defamation using domestic and international remedies. Since then, many offensive publications against Kok Zhailau defenders have been anonymous, and their focus expanded to target individual members of the *Save Kok Zhailau!* activist group: Azhar Dzhandosov, Vadim Ni, and independent expert from Russia Alexander Khoroshev. Although these activists did not benefit from international grants, such accusations were still used against them.

New outbursts of blame targeting the environmentalists occurred at every important decision-making step in the Kok Zhailau construction project.

Foreign funding has been the cornerstone of most accusations against Kok Zhailau defenders. Thus, on November 2, 2018, they held a press conference to announce the findings from an independent expert review of the preliminary environmental impact assessment and the results of a citizens' inquiry into numerous violations of public procurement law in hiring the providers of the Kok Zhailau project feasibility study and preliminary impact assessment. Following the press conference, a number of publications accused Kok Zhailau defenders of "working against Kazakhstani interests," namely by involving a Russian

³ https://forbes.kz/news/2013/09/26/newsid_41287, <https://tengrinews.kz/crime/zaschitniki-kok-jaylyau-napali-s-nojami-na-geodezistov-242447/>, https://online.zakon.kz/Document/?doc_id=31448850

⁴ https://forbes.kz/life/opinion/ochko_za_pozu/

national⁵ in conducting the assessment and allegedly financing it from the US-based NED's grant funds.⁶ After the public hearings on November 4, 2018, some Kazakhstanis living abroad supported the wave of public anger at the authorities' failure to address citizens' concerns. In response, an anonymous author published a post entitled *Some People Prefer to Love Motherland from Afar* on Yvision.kz, a popular Kazakhstani web portal.⁷ The author referred to Madina Zhalgas who picketed in New York to defend Kok Zhailau; the accusation was based on the fact that Madina had received a grant from the US Embassy to support her in studying English for a year and covering her progress in social and conventional media.

Despite all attempts to discredit Kok Zhailau defenders, public support of their cause continues to grow. As a result, in early April 2019, following a recommendation from President Tokayev, the Kok Zhailau development project was officially suspended.⁸ This case demonstrates that no ultimate remedies against defamation are available and no one in today's globalized world can be fully protected from accusations of acting in the interests of foreign countries and receiving foreign financial support. But after a while, society no longer accepts such arguments in the debate on the country's future and discards them as foul play.

⁵ <https://www.nur.kz/1761287-zasitnikov-kok-zajlau-obvinili-v-rabote-protiv-kazahstana-foto-video.html>

⁶ https://aqparat.info/news/2018/11/16/9056274-kto_platit_protivnikam_kokzhailyau.html

⁷ <https://yvision.kz/post/819696>

⁸ <https://www.nur.kz/1787593-resenie-po-kok-zajlau-prinali-po-rekomendacii-prezidenta-tokaeva.html>

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.⁹ 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."¹⁰ 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 producers from China, this raised concerns in society about potential political, social, and environmental consequences of such decisions.¹¹ 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

⁹ "Max Bokaev Calls to Protest Rally Again," ["Макс Бокаев опять зовет на митинг"] Akzhayik, 21 October 2010, <http://акжайык.каз/ru/news/view/5411>

¹⁰ Ibid.

¹¹ www.bbc.com/news/world-asia-36163103

development?"¹² 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 unlabelled 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.¹³ As for the overall non-transparency of foreign investments, in September 2016, Vice-Minister for Investment

and Development Khairov said that information about US\$26 billion worth of Chinese investments in Kazakhstan and the details of proposed 51 joint ventures was confidential and could not be disclosed.¹⁴

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 protests. In response to massive public discontent, the President of Kazakhstan announced a moratorium on the amendments to the Land Code.¹⁵



Talgat Ayanov (left) and Max Bokaev during trial, 2016. Image by Radio Azattyq

¹² 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

¹³ <http://env.kz/wp-content/uploads/2017/04/Otvvet-Parlamenta.pdf/>

¹⁴ <https://informburo.kz/novosti/perechen-novyh-kazahstansko-kitayskih-predpriyatij-ne-raskryvayut-chinovniki-rk.html>

¹⁵ Adilet Legal Information System of Normative Legal Acts of the Republic of Kazakhstan, <http://adilet.zan.kz/rus/docs/U1600000248#z0>

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.¹⁶

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
- 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 were serving their sentences in North Kazakhstan, 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,¹⁷ and in the case of Bokaev, despite his serious illness (hepatitis C).¹⁸ 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.¹⁹

Talgat Ayanov requested mitigation of his sentence, which was granted by a decision of the Aktobe city court on April 13, 2018, and he

¹⁶ 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

¹⁷ <https://defendlawyers.wordpress.com/2017/02/14/kazakhstan-ongoing-arbitrary-detention-of-max-bokayev-and-talgat-ayanov/>

¹⁸ <https://www.nhc.nl/human-rights-defender-bokayev-activist-ayanov-sentenced-five-years-prison/>

¹⁹ <https://rus.azattyq.org/a/bokaev-golodovka-v-tyurme/28572770.html>

was released from the penal colony to spend the remaining three years, one month and 16 days of his sentence under custodial restriction.²⁰

Meanwhile, Max Bokaev's imprisonment continues. While serving his sentence in the general regime penal colony in North Kazakhstan, he was subjected to ill-treatment: on one occasion, he was placed for a few months in a punishment cell for refusing, for health reasons, to perform compulsory physical exercise outside in freezing cold, and denied phone calls from family.²¹ Furthermore, the fact of his disciplinary punishments was used in January 2018 to deny his request to move him to a less remote penal facility, and only in August 2018 he was transferred to a general regime colony in Aktobe, closer to his home.²² Bokaev tried to challenge in court the lawfulness of his disciplinary punishments which were based on internal regulations classified for official use only.²³ However, the court dismissed all complaints filed by Bokaev and his family.

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.²⁴ Furthermore, this right is enshrined in Article 32 of Kazakhstan's Constitution.²⁵ 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. Industrial giant against eco-activist

²⁰ https://tengrinews.kz/kazakhstan_news/aktivista-talgata-ayana-osvobodili-iz-kolonii-342190/

²¹ <https://rus.azattyq.org/a/29072911.html>

²² <https://rus.azattyq.org/a/29468743.html>

²³ <https://rus.azattyq.org/a/29439148.html>

²⁴ Adilet Legal Information System of Normative Legal Acts of the Republic of Kazakhstan, http://adilet.zan.kz/rus/docs/K070000212_

²⁵ Ibid, http://adilet.zan.kz/rus/docs/K950001000_

Industrial Giant against Eco-activist

Temirtau is one of the most polluted cities in Kazakhstan. A thick smog hangs over the city almost year-round. According to the Department of Ecology, total poisonous emissions in Temirtau in 2017 amounted to more than 287,000 tons, or more than one and a half tons per year for each resident.¹

The primary source of industrial emissions is the ArcelorMittal Temirtau JSC (AMT) metallurgical plant. AMT, part of the ArcelorMittal international steel manufacturing corporation, is the largest enterprise in the mining and metallurgical sector of Kazakhstan.²

AMT was responsible for the largest share of Temirtau's emissions in 2017: more than 221,000 tons.³ As a result of these emissions, in the winter of 2018, the snow that fell in the city turned black. Local residents petitioned the authorities to address the "catastrophic environmental situation."⁴ In response, AMT management reported that emissions had already been significantly reduced, and the plant's activity was only one of many factors affecting the local environment.⁵

The residents had launched the campaign to defend their rights. Among them was Stanislaw

Wojciechowski, a local entrepreneur who was determined to draw the attention of the authorities to the environmental situation in hopes of improving it. Armed with a video camera, he filmed and posted videos on the Internet detailing the city's environmental struggles. The videos received hundreds of views and comments. He also filmed at the site of AMT's metallurgical plant, adding comments noting that, to put it mildly, not everything was safe at their facilities. During the summer of 2018, Wojciechowski filmed and posted over 20 videos.⁶

In August 2018, AMT's management filed a complaint with the police against Stanislaw Wojciechowski. The company accused Wojciechowski of violating Article 274 of the Criminal Code, "Distribution of knowingly false information." If convicted, he would have faced a fine of up to 12,000,000 *tenge* (about \$33,000) or up to five years in prison.⁷

An ordinary citizen of Temirtau had no hope of fighting AMT's squadron of lawyers and hired experts. Wojciechowski was unable to find a lawyer in time to build his defense and, critically, appeared before the court without evidence to document his claims against the company. The results of analysis by the Department of Ecology that would confirm Wojciechowski's suspicions about the impact of the company's emissions, did not go public until much later. In September

¹ <https://rus.azattyq.org/a/temirtau-voitsekhovski-arcelormittal/29487802.html>

² <https://www.arcelormittal.kz/>

³ <https://rus.azattyq.org/a/temirtau-voitsekhovski-arcelormittal/29487802.html>

⁴ <https://informburo.kz/novosti/arselormittal-temirtau-oshtrafovali-za-chyorny-sneg-v-gorode.html>

⁵ Ibid

⁶ <https://rus.azattyq.org/a/temirtau-voitsekhovski-arcelormittal/29487802.html>

⁷ <http://www.fergananews.com/news/31989>

2018, Wojciechowski was forced to agree to a settlement with AMT, publishing a retraction and apology to the company on his social media accounts.⁸ He was also forced to remove two of his original videos and refute the information they contained. In addition, Wojciechowski faced a series of troubling incidents, including three separate attacks by unidentified assailants. Wojciechowski believes these attacks were the result of his efforts to expose AMT.⁹

It is worth noting that almost immediately after the settlement, a specialized court upheld a lawsuit by the Ecology Department against the industrial giant. The company was required to pay a fine of 1.395 billion *tenge* (about \$3.8

million) for violating environmental protection laws.¹⁰

Wojciechowski continues his fight against corporate environmental violations, working as a director for the Healthy Kazakhstan fund and continuing to post videos on Temirtau's environmental issues across social media.¹¹



⁸http://myhot-news-info.blogspot.com/2018/12/blog-post_12.html

⁹ http://myhot-news-info.blogspot.com/2018/12/blog-post_12.html

¹⁰ <https://informburo.kz/novosti/na-14-mlrd-tenge-oshtrafovali-amt-za-zagryaznenie-okruzhayushchey-sredy.html>

¹¹ <https://kursiv.kz/news/obschestvo/2019-04/v-vodokhranilische-pod-temirtau-nashli-neizvestnoe-veschestvo>

Poland

Harassing Environmental Activists More Important Than Fighting Climate Change?

The 2018 UN Climate Change Conference (COP24) was held between December 2 and 15 in Katowice, Poland. Its main objective was to agree on a set of guidelines for implementing the 2015 Paris Climate Change Agreement, which was finally achieved after long negotiations by adopting the "Katowice Climate Package."¹² However, the Climate Conference will be remembered for another incident, clearly inconsistent with international law: 14 accredited participants were stopped at the border and denied entry to Poland so they were unable to attend the summit. This was the first such incident in the 24-year history of climate negotiations.

Ahead of the climate summit, on January 29, 2018, Poland adopted the law "On specific solutions related to the organization of sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change in the Republic of Poland." Article 17.1

of the law allowed the authorities to collect and use personal data of the climate conference participants.¹³ Reflecting the Polish authorities' fear of climate change marches, which often take place during the annual climate conferences, the January 29, 2018 law also banned any spontaneous assemblies in Katowice during COP24.

Although the official reason for denying entry to accredited conference participants was their alleged "threat to national security," this measure specifically targeted environmentalists from Eastern Europe, the Caucasus, and Central Asia, of whom nine were from neighboring Ukraine. There was also a Belgian national, a coordinator at Climate Action Network (CAN) Europe, the largest and most influential NGO coalition represented at the climate talks, who was heading to COP24 but denied entry and detained for seven hours at the Polish border; she was allowed entry only after the Belgian embassy intervened.¹⁴ As another indication of the Polish border guards' selective approach, civil society activists from the Caucasus and Central Asia rarely attend international climate conferences or participate in climate change marches, even authorized ones; however, an activist from Kyrgyzstan and a member of the official Georgian delegation were stopped at customs alongside NGO representatives from Ukraine and Russia.

In denying entry to environmentalists, Poland's border police told them that their names were on some "special [banned] list." Apparently, any

¹² <https://unfccc.int/process-and-meetings/the-paris-agreement/paris-agreement-work-programme/katowice-climate-package>

¹³ https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL_POL_23.04.18.pdf

¹⁴ Amnesty International public statement, 11 December 2018, EUR 37/9550/2018, <https://www.amnesty.org/download/Documents/EUR3795502018ENGLISH.PDF>

"blacklist" of activists compiled by the Polish authorities was not based on factual evidence, since none of the accredited COP24 participants barred from entry had any prior problems with the visa regime either in Poland or in other EU countries; most of them did not attend the previous climate conference hosted by Poland – the November 2013 COP19 in Warsaw – thus the Polish authorities could not have had any records of their past involvement in spontaneous environmental protests. Indeed, for the participant from Kyrgyzstan (who had no problems with the law in her home country), it was her first accreditation to the UN climate conference, or to any international forum for that matter, so the Polish authorities had no reason whatsoever to blacklist her.

Some of those barred from attending the UN climate conference in Katowice faced pressure from border patrol officers during their detention. According to member of the Georgian delegation Nugzar Kokhreidze, the Polish authorities confiscated his passport and restricted his movement for several days telling him to "either [voluntarily] buy a ticket for the next flight and leave or face deportation through court proceedings."¹⁵ Environmental activist from Kyrgyzstan Maria Kolesnikova was detained in Warsaw and interrogated as someone "posing a threat to public safety." She was forced to sign some papers in Polish – a language she does not understand – and threatened with ruining her visa history if she refused.¹⁶

Poland is a Party to the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention) since February 15, 2002.¹⁷ Thus, by denying certain civil society representatives access to COP24, the Polish authorities acted in contravention of Article 3, para 7 of the Aarhus Convention, which states that each Party shall promote the application of the principle of public participation in decision-making on environmental matters, including climate change talks. This obligation is further specified in the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums. Furthermore, the Polish authorities' actions such as detention, restriction of movement, and intimidation of activists raise serious concerns in terms of compliance with the international standards under Article 3, para 8 of the Aarhus Convention, because the accredited participants of the climate conference in Katowice were, beyond any doubt, persons exercising their rights in conformity with the provisions of the Convention. The Polish government was under an obligation to protect them from penalty, persecution and harassment, which at least some of them faced during their detention in the airport transit zone.

While the civil society representatives who were denied access to COP24 did not report the above facts to the Aarhus Convention Compliance Committee, other human rights groups brought them to the attention of a number of UN Special Rapporteurs after the

¹⁵ Living Asia, https://livingasia.online/2018/12/15/climate_defendre_refused_to_enter_katowice/

¹⁶ VESTI.KG, <https://vesti.kg/obshchestvo/item/56961-nekotorye-temy-po-mneniyu-evropejskikh-vlastej-podnimat-ne-stoit.html>

¹⁷ United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=_en

incidents. Even before COP24, on April 23, 2018, five UN Special Rapporteurs raised the issue before the Polish government by stating that the newly adopted law was specifically tailored to address assemblies around the climate conference and thus created risks of Poland's non-compliance with both the International Covenant on Civil and Political Rights and the Aarhus Convention in respect of the Katowice climate conference participants.¹⁸

No spontaneous climate protests, which had scared the Polish government so much, were observed during COP24. The authorized March for Climate on December 8 took place amid heavy presence of police, wearing bulletproof vests and holding batons, all along the marchers' route.¹⁹ There were no law and order disruptions during the march, just as no serious public order problems had occurred during the climate marches of past years. Even if the civil society representatives denied entry to Poland had taken part in the March for Climate, they would not have had too much influence due to the extremely low number of Russian-speaking participants. Apparently, they were selectively targeted because the Polish authorities found it easier to intimidate those activists of the global environmental movement who were already used to arbitrary restrictions of their right to peaceful assembly and thus less likely to raise the issue of their discrimination.

¹⁸ The OHCHR website, https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL_POL_23.04.18.pdf

¹⁹ The Ecologist, <https://theecologist.org/2018/dec/12/heavy-police-presence-katowice-climate-march>

Russia

Since the release of the first Dangerous Work (2017) report, pressure on environmental NGOs has further increased in Russia, with more criminal and administrative charges brought against environmentalists and more insults and accusations of promoting political agendas and private interests hurled at them. A few cases of pressure on environmentalists are presented below, but numerous other incidents have not been included in this report.

The harassment of environmentalists is part of a broader trend of suppressing independent nonprofit groups and associations in Russia. Likewise, methods used to persecute environmental groups are similar to those faced by other nonprofits: red tape and refusals to sanction rallies and other public gatherings, criminal and administrative charges, slander, marginalization, accusations of self-promotion or acting on someone's behalf, and being labelled "foreign agents."

This chapter focuses specifically on methods used to threaten environmentalists with criminal and administrative sanctions. In addition to harassment by the government, one should not forget that environmentalists often stand in the way of business interests, including major corporations and as well as individual business owners. This report outlines several such cases. Unfortunately, the law enforcement authorities often side with powerful corporate players, while

pro-government media and other government-controlled groups use such cases to further marginalize and discredit environmentalists, accusing them of pursuing political agendas, being hired by competitors, or undermining the country's economic growth.

Waste Management Protests

A major highlight of the report is the unique social and environmental phenomenon that emerged in Russia between 2018 and 2019, namely the so-called "garbage protests" against the operation of current landfills and the construction of new ones across Russia. Having emerged independently in many regions of the country, the garbage protests have grown into a broad grassroots movement covering, by various estimates, some 25-30 of Russia's 85 constituent regions, and growing.¹

This grassroots movement is unique in that it has brought together actors from across a vast political and social spectrum, including people who have never thought of themselves as environmental activists.²

The government has been trying to intimidate protesters by using its entire arsenal of measures such as slander and insults, accusations of being paid to advance certain agendas, denial of requests to hold rallies, employing corporate security agencies to suppress protesters, and bringing administrative and criminal charges against them.

¹ <https://www.rbc.ru/business/12/10/2018/5bbf1ff49a7947f41673dfd2>

² <https://www.novayagazeta.ru/articles/2018/04/10/76122-kak-musomyy-krizis-mobilizoval-obschestvo>

The garbage protests are an outcome of a years-long critical situation with household and municipal waste management, aggravated by a lack of effective public participation mechanisms to give local residents a role in decision-making on environmentally and socially significant matters.³

The crisis stems from multiple issues including the absence of a working waste processing and sorting system in the country and lax regulation of existing landfills, which are often unable to cope with the sheer volume of waste. As a result, residents of nearby areas are continuously exposed to foul odors from the landfills and increasingly affected by related health problems. Against the backdrop of growing public discontent and no meaningful steps taken by the government or businesses to deal with pollution, plans to build new waste incineration plants and landfills near residential areas come as a shock.⁴ In addition to this, the overall decline in people's living standards and dwindling trust in the government contribute to the escalation of garbage protests.⁵

Among dozens of garbage protests across Russia, those in Moscow, Yaroslavl, and Arkhangelsk regions stand out in terms of both public participation and intensity of harassment against environmental activists.

Moscow and surrounding metropolitan area account for 16% of the total volume of garbage in Russia, and waste management challenges faced by the capital arouse particular concerns.⁶

The existing landfills cannot accommodate the needs of the ever-growing metropolis, so new dumping sites are required. The shortage of facilities is aggravated by the fact that landfill operators often fail to comply with waste management standards.

A few landfills in Moscow region, namely those in Kolomna, Klin, and Volokolamsk, have become protest hotspots.

Aleksinsky Quarry, a landfill outside Klin, has long been a source of public discontent over numerous environmental violations. On March 10, 2018, the Moscow region Ministry of Emergencies website posted an announcement stating that the landfill would be closed; the residents welcomed the news as a positive response to their concerns. However, despite the announcement, trucks continued to carry garbage to the landfill on the next day. About a hundred people joined a spontaneous protest at the entrance to the landfill.

Protesters called the police and asked to stop the garbage trucks, referring to the Ministry of Emergencies' announcement. The police arrived but instead of stopping the trucks, they arrested some protesters. Eight activists faced fines between 10 to 20 thousand rubles for participation in an unauthorized rally.

At a short distance from Klin, in Volokolamsk district, the Yadrovo landfill is another source of public outrage. However, instead of negotiating with the local residents on the matter, the district head attempted to discredit the protesters by

³ https://www.oprf.ru/files/1_2019dok/Doklad_TKO_OPRF25012019.pdf

⁴ http://www.j-spacetime.com/actual%20content/t16v3-4/PDF/2227-9490e-aprovr_e-ast16-3_4.2018.61.pdf

⁵ <https://www.novayagazeta.ru/articles/2018/04/10/76122-kak-musomyy-krizis-mobilizoval-obschestvo>

⁶ <https://www.kommersant.ru/doc/3600872>

referring to their rallies as "political actions orchestrated and paid for by the political opposition."⁷

What made her statements particularly cynical was that in March of the same year (2018), dozens of local children suffered symptoms of landfill gas poisoning and needed medical attention.⁸

The Volovichi landfill in Kolomna, after numerous waste management violations over the last years, has become an environmental disaster, with streams of foul-smelling filtrate from the dump flowing into the local rivers and poisonous gas emissions threatening the residents' health.

In March 2018, the outraged locals held round-the-clock duty blocking the entrance to the Volovichi landfill for garbage trucks. The police tried to oust the activists, threatening them with administrative charges, fines, and arrests. In response to the threats, the protesters began to leave the site slowly one by one via the nearby pedestrian crossing, so that formally they were complying with the police orders while effectively preventing the garbage trucks from approaching the landfill.⁹

As a result of the protests, 24 of the 39 landfills around Moscow stopped accepting more garbage, and the authorities were forced to look for other solutions; eventually, they decided to

transport garbage from Moscow and surrounding areas to other Russian regions.

In particular, in **Arkhangelsk Region**, the authorities are planning to build a landfill in Shies, a village and railway station in Lensky district near the border with the Komi Republic.¹⁰ According to the official website of what is called "EcoTechnoPark Shies," Moscow will transport some 500 thousand tons of garbage per year to this new landfill in Arkhangelsk.¹¹

In late 2018, many residents of Arkhangelsk and other cities and villages of the region, such as Severodvinsk, Shenkursk, Kotlas, Urdom, and Krasnoborsk, protested against the import of garbage from Moscow.¹²

The number of protesters in different communities ranged from a few dozen to 2,500.¹³ While the local authorities eventually sanctioned the rallies, they initially tried to discourage citizens from protesting.

Thus, on February 3, 2019, in Shenkursk, protesters were only allowed to hold a peaceful picket at the outskirts of the city but not in the central park. In Arkhangelsk, the regional center, the rally organizers were warned by police that they would be fined if the protesters holding posters marched over the bridge in the city

⁷ <https://www.novayagazeta.ru/articles/2018/03/24/75932-vybrosy-i-vbrosy>

⁸ <http://mosday.ru/news/item.php?1393197&view=full>

⁹ <https://www.novayagazeta.ru/articles/2018/03/28/75972-musomyi-veter-peremen=-03u>

¹⁰ <https://www.rbc.ru/politics/18/10/2018/5bc7abe39a79476afcb1bc55>

¹¹ <https://shies.ru/>

¹² <https://www.rbc.ru/politics/18/10/2018/5bc7abe39a79476afcb1bc55>

¹³ <https://29.ru/text/gorod/65910311/>

center, because the campaigning was allowed only in strictly designated places.

Closer to Moscow, in **Yaroslavl region**, which also faces the prospect of receiving Moscow garbage, the situation has been similar.¹⁴

The local authorities put pressure on activists even before the action, when regional legislator Alexander Vorobyov applied for a permit to hold a rally in the city's central square; the municipal authorities declined and suggested the city park as an alternative venue; however, the park was cluttered with construction materials and unsuitable for a public gathering.

To undermine the credibility of campaigners protesting against depositing garbage from Moscow in Yaroslavl Region, the authorities employed the usual strategy of hurling insults and accusations of "filling someone's order for money." For example, governor of Arkhangelsk Region Igor Orlov, speaking to federal mass media, described the protesters as "people with limited understanding of the matter, on the one hand, and political speculators on the other."¹⁵

He also said in a press statement, "we will explain things to those people who are smart, to patriots of Arkhangelsk region, and they will support this important and promising project for the region."¹⁶

The governor added that the authorities could not be bothered with providing explanations to

those "who try to earn primitive political dividends from this [situation]... While we build factories and create jobs, they just fill the orders of their customers who pay them."¹⁷

A few activists from Arkhangelsk region faced criminal charges. For example, on June 10, environmentalist Nikita Baryshnikov was arrested in Shies and accused of exceeding his rights and disobeying police officers, as well as a violent assault. Baryshnikov was ordered to stay at least one kilometer away from Shies, prohibited from taking part in activities related to the garbage problem, and from communicating with other persons involved in the case. At the preliminary inquiry stage, Baryshnikov had to undergo a psychiatric examination at a clinic in Arkhangelsk. As of this writing, criminal charges against Baryshnikov have been dropped.

Andrei Borovikov is another activist prosecuted for protests against the Shies landfill and charged with repeated violations of the procedure for organizing rallies. The judge found Borovikov to be the organizer of the unsanctioned rally on April 7, 2019, and sentenced him to 400 hours of compulsory labor.

In July, 2019, the European Parliament adopted a resolution which, *inter alia*, called upon the

¹⁴ <https://www.kommersant.ru/doc/3600886>

¹⁵ <https://mbk.news/suzhet/elitnye-kottedzhi/>

¹⁶ Ibid.

¹⁷ Ibid.

Russian authorities to drop criminal charges against Borovikov.¹⁸

Ecodefence Case: Using "Foreign Agents" Law to Harass Environmentalists

As mentioned in our 2017 *Dangerous Work* report, one of the most hostile forms of pressure on environmental and other NGOs in Russia is their listing in the so-called "foreign agents" registry; this practice has continued in 2019. The "foreign agents" law adopted in 2012 requires NGOs that receive foreign funding and engage in broadly defined "political activity" to register, voluntarily or otherwise, as "foreign agents," a term with a strong negative connotation, synonymous with "spy" or "traitor."¹⁹

The "foreign agent" label is associated with huge fines paralyzing nonprofit operations, with critical and often slanderous campaigns in pro-government media, with frozen bank accounts, checks and inspections diverting time and energy from the NGO's core work, searches, bans on exiting the country, and other

restrictions preventing NGOs from their normal day-to-day activities.

In July 2014, the Russian Ministry of Justice entered Ecodefence in the "foreign agents" registry; the reason stated in the Ministry's act was that the NGO had campaigned against the construction of a nuclear power plant in Kaliningrad Region. The environmentalists had persuaded some potential investors not to invest in the environmentally unsafe nuclear power plant project, and the construction stopped.²⁰

The Ministry of Justice labelled Ecodefence's campaign as political activity. "We have evidence to prove that pressure against us was initiated by the federal Ministry of Justice rather than the local authorities. Is being an environmentalist a crime? Or is there someone behind them who does not like our opposition to nuclear power plants, open-pit coal mines and logging? All that Ecodefence has ever done aims to defend nature and people's rights," says Vladimir Sliviyak, co-chair for Ecodefence.²¹

Ecodefence refused to accept the "foreign agent" label and has tried (unsuccessfully) to challenge it.

The Ministry of Justice initiated 28 administrative cases against Ecodefence for non-compliance with the "foreign agents" law. The NGO was unable to pay some of the fines imposed, being a nonprofit with activity-based funding.

¹⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2019-0006_EN.html

¹⁹ <https://www.hrw.org/news/2019/06/25/russia-environmentalist-faces-criminal-charges>

²⁰ <https://bellona.ru/2019/06/25/izvestnyj-rossijskij-ekolog-obratilas-za-politicheskim-ubezhishhem-v-germanii/>

²¹ Idid.

In December 2018, the Russian authorities froze Ecodefence's bank account for failure to pay some 2.2 million-ruble worth of fines and penalties.

As of June 2019, five criminal cases have been opened against Ecodefence's leader in Kaliningrad, Alexandra Koroleva, all under Criminal Code article 315 (2) for "malicious non-compliance with a court's decision" carrying the sentence of up to two years in prison.²²

Although Ecodefence is not the only Russian NGO refusing to pay enormous fines associated with the "foreign agent" label, this was the first instance of criminal proceedings instituted by the government against a civil society organization. An extremely dangerous precedent, this can lead to further and tougher repression of Russia's civil society.

The regional branch of the Federal Bailiffs Service issued a statement which read, "it was established as part of the enforcement proceedings that the chair of the organization had a possibility of complying with the court order by paying the fines from the funds received in the organization's account, but the debtor failed to take any action to pay the administrative fines due." This finding was used as ground to initiate criminal proceedings.²³

According to the statement issued by the organization, this was not true, and the NGO truly could not afford to pay the huge fines.²⁴

Koroleva was forced to leave the country and seek political asylum in Germany.

Her case caused a wide public response in and outside Russia. In June 2019, 45 prominent Russian and international organizations signed a letter demanding to put an end to harassment of the NGO.²⁵ In July 2019, the organization requested that the regional prosecutor check the legality of the charges against Koroleva.²⁶

Persecution of Kronotsky Reserve Environmentalists

Kronotsky Reserve located in Russia's far east in Petropavlovsk-Kamchatsky region on Kamchatka Peninsula boasts a unique landscape bordering the offshore area of the Pacific Ocean, with eight active volcanoes, thermal lakes, the famous Geyser Valley, and waterfalls. This natural reserve is one of the oldest in Russia.²⁷

In June 2018, former deputy director of Kronotsky Reserve Alexander Ilyin was arrested on charges of "misappropriation and embezzlement" of budget funds allocated for cleaning the reserve. According to investigators, Ilyin had conspired with the company that won the procurement tender and pocketed some of the funds received.

²² <https://ecodefense.ru/2019/06/19/five/>

²³ <http://r39.fssprus.ru/news/document26887455/>

²⁴ <https://ecodefense.ru/2019/07/17/prosec/>

²⁵ <https://ecdru.files.wordpress.com/2019/06/solidarity-with-ecodefense-jun28-45-signatures.pdf>

²⁶ <https://ecodefense.ru/2019/07/17/prosec/>

²⁷ <http://www.kronoki.ru/>



In February 2019, police arrested Kronotsky Reserve's scientific director Daria Panicheva at her workplace, also on embezzlement charges.²⁸ Panicheva was not allowed to visit her home and was instead immediately transported to Khabarovsk Territory. The investigator threatened Panicheva, single mother of a young son, that her child would be sent to an orphanage. The investigator's conduct caused a public outcry, and thanks to public pressure, Panicheva was able to return home to her son. While the campaign in her defense has produced some results, she is still under house arrest and facing charges.²⁹

Oksana Terekhova, Kronotsky Reserve's deputy director for finance, is also under house arrest on charges of aiding the embezzlement.

According to independent media and Kronotsky's representatives, the criminal cases against the environmentalists have something to do with major Russian oligarchs trying to use the reserve for personal profit. There are plans to build a fishway via the Kronotsky River for industrial production of sockeye salmon. According to media reports, this project, estimated to bring some \$120 million in profits,

²⁸ <https://kamchatinfo.com/news/society/detail/29677/>

²⁹ <http://activatica.org/blogs/view/id/6397/title/zaderzhana-sotrudnica-kronockogo-zapovednika-vystupavshaya-v-ego-zashchitu>

is sponsored by Gleb Frank, a relative of Putin's close friend.³⁰

Panicheva publicly opposed plans of using the conservation area for industrial operation, and according to her colleagues, this was the real reason behind her prosecution.

Slander Campaign against "Sibay, Breathe!" Environmental Movement, Bashkortostan

Sibay, a city in Bashkortostan on the border with Chelyabinsk region, hosts a branch of the Uchalinsky Mining and Processing Plant (UMPP) that owns a depleted copper quarry. In December 2018, Sibay residents complained of smog, the smell of sulfur, and related health problems. According to environmentalists, their probable cause was the release of hydrogen sulfide resulting from the oxidation of copper ore on the smoldering quarry's slopes, which, in turn, could have been caused by UMPP's negligence in observing safety standards. The environmentalists estimated that the poisonous gas in the atmosphere could be 25 times higher than the maximum permissible concentration.

According to the regional Ministry of Health, 1,454 residents of the small town, including 497 children, sought medical attention for poisoning symptoms in just a week between January 16 and 22, 2019.

The environmentalists and Sibay residents demanded the local authorities and the industrial facility take urgent measures to eliminate the hazard and compensate those affected. They intended to hold a rally to oppose "UMPP's attempts to conceal the true causes of the environmental tragedy" and "their failure to take effective and timely action to stop the burning of ore."³¹

Later, however, the rally's initiators reported pressure from the authorities to abandon their plans; e.g. the local bureaucrats denied authorization on the pretext that some other event had been scheduled to take place on the same venue at the same time.³²

Using the standard approach to suppressing protests in Russia, the authorities accused the protesters of pursuing a certain political agenda for money, trying to destabilize the local situation, undermining the region's reputation, and making the community vulnerable to external forces. A member of the city council warned the locals "not to be led by some visiting political technologists." The city council head reposted the message on his social media page, and the author of the warning claimed that other

³⁰ Ibid.

³¹ <https://gorobzor.ru/novosti/obschestvo/23454-aktivisty-sibaya-vnov-namereny-provesti-miting>

³² <https://news.rambler.ru/other/41765704-ekologicheskij-miting-v-sibae-ne-sostoitsya/>

members of the local administration shared his opinion.³³

Sibay head of administration Rustem Afzalov, addressing a community meeting in the village of Arkaim, shamed the environmentalists and local residents for trying to reveal the truth about the air pollution. According to Afzalov, those who led the movement for clean air were "obscure people having nothing to do with Sibay," and their only motives were self-promotion and greed.

At the same time, a series of posts in social media accused the rally organizer Ilshat Murtazin of selfish motives and referred to his allegedly criminal past.

Defending Numto Park in Khanty-Mansi Community

Little has been said about environmental issues faced by small indigenous communities in Russia, although their traditional lands often come under threat, particularly from resource-extracting companies. In 2012, the Russian Ministry of Justice suspended the activity of the Russian Association of Indigenous Peoples of the North, Siberia, and the Far East (RAIPON), officially because their charter conflicted with the Russian law. However, human rights defenders and environmentalists familiar with RAIPON's work believe that the real reason for suspending

the NGO was to make the resource-rich indigenous lands conveniently accessible for extracting corporations.³⁴

In Khanty-Mansiysk Autonomous District, shaman Sergei Kechimov, who belongs to the Khanty, a small indigenous community in Russia's Far North, was prosecuted and convicted. A staunch defender of the Numto National Park and the sacred lake Imlor from Surgutneftegaz oil company, Kechimov was charged with making death threats against two Surgutneftegaz employees and sentenced to correctional labor; then he was amnestied and did not serve his sentence. The trial and conviction of the Khanty shaman caused a public outcry, and the Greenpeace Russia intervened on behalf of Kechimov. Both the Khanty and his defense lawyer are convinced that the oil industry has been trying to get rid of him to access the hydrocarbon reserves under the Khanty's sacred lake.³⁵

“Nonexistent” Fences and Violent Assaults against Lake Lassylampi Defenders

The case of defenders of Lake Lassylampi in Leningrad region resembles the incident with Environmental Watch on the North Caucasus activists and a “nonexistent” fence around the

³³ <http://www.bashinform.ru/news/1273352-v-sibae-gotovitsya-otkrytoe-obrashchenie-soveta-gorodskogo-okruga/>

³⁴ <https://www.idelreal.org/a/29767302.html>

³⁵ Ibid.

governor's residence described in the previous *Dangerous Work* report.³⁶

Located on the shores of Lake Lassylampi in Novo-Toksovo, Leningrad region, are dachas (summer residences) of a few wealthy Russians, including Rosneft's CEO Andrei Shishkin. The owners of these estates unlawfully fenced off and installed a locked and guarded gate on the paved road, which the locals had used to access the lake.

Following complaints, a court ordered that the fences be removed, and soon the State Environmental Committee in Leningrad region reported that the fences had been taken down. Although the fences were restored just half an hour after the report, officially they no longer exist. After unsuccessful attempts to get the local prosecutor's office to take steps (to which the prosecutor responded that the fences were no longer there), a group of some 60 local residents and environmentalists got together on August 11, 2018, and removed three illegal fences surrounding the elite estates.

While doing this, they were physically attacked by the estate owners' staff and faced death threats; the attackers broke an activist's finger (the injury was documented by physicians at Toksovo Hospital and at Vreden Trauma Institute). Instead of arresting the attackers, the police who arrived at the scene blamed the activists for damaging property.

The attacker who broke the activist's finger claimed that he had been assaulted.

After the incident, some of the environmentalists were summoned to police investigators of the

Vsevolozhsky Regional Department of the Ministry of Interior, but the activists ignored the summons. Some time later, they were summoned to a higher authority, the Central Ministry of Interior Office for St. Petersburg and Leningrad region.

In 2017, when activist Dilyara Novopashina invited NTV, one of Russia's largest television companies, to film the illegal fences, an estate owner's son and a security guard with a dog attacked the woman and her 12-year-old nephew. Although Dilyara's nephew was able to film the estate owner's son kicking the woman, the police refused to open proceedings into the assault despite the evidence.

According to some reports from August 2018, the local residents redeemed a small path to the lake that they could use; however, the estate owners continued to threaten them with dogs and eventually blocked access to the path by planting trees and piling logs across it.

Harassment of Online Communities

Also in Leningrad region, a web-based environmentalist community came under attack from a local business. The **Nevsky Non-Ferrous Metals Plant (NNFMP) pressed libel charges against Ecology in Rybatskoe**, a group on Vkontakte social network, and then sued the social network as well.

Ecology in Rybatskoe is a social media community moderated by its members and posting reports on the weather and ecology in

³⁶ https://crudeaccountability.org/wp-content/uploads/CA_Report_Dangerous_Work-compressed.pdf

Rybatskoe district of St. Petersburg. Interviewed by *Vedomosti*, the group's moderators assumed that NNFMP's management may have been annoyed at some of their posts, adding,

"perhaps they would prefer us to breathe their [hazardous] emissions and keep quiet."³⁷

Mass media have also reported complaints from Rybatskoe residents about smoke, pungent odors and air pollution in the neighborhood.³⁸

According to NNFMP's spokesman, the company requested that the court shuts down the Ecology in Rybatskoe group for "disseminating slander" and publishing "false or distorted information for money."³⁹ According to the company, they had tried to contact the group's moderators but failed. In turn, the group members insist that no one has contacted them about the lawsuit. The group's prospects now depend on whether or not the court finds its posts defamatory.

Recently, an increasing number of trolls have been pestering the group, claiming that its only purpose is to post fake information for money to facilitate a hostile takeover of a business; according to a group member, "We tried to find a common language with them, but a huge number of insults is all we got."⁴⁰

Environmental Watch on the North Caucasus

The case of Environmental Watch on the North Caucasus (EWNC) is a graphic example of the negative and hostile atmosphere in which environmental defenders in Russia are working. An organization that opposes the corrupt, destructive, and predatory practices of corporate and government actors that abuse natural resources and public goods for their own benefit, EWNC has been attacked repeatedly by the corporate and governmental bodies it works to hold to account. This includes being subjected to violence, imprisonment, false legal charges, trumped-up administrative offenses, slanderous and libelous statements about members of the organization, and intimidation in the press, in person, and on line.

Environmental Watch on the North Caucasus is a Russian environmental and human rights NGO working in the North Caucasus. In an effort to promote social and environmental justice for all residents of Krasnodar Krai and other regions of the North Caucasus, EWNC appeals to the relevant public authorities, litigates environmental cases, conducts independent environmental inspections, helps local communities defend their environmental rights, documents environmental violations, exercises

³⁷ <https://www.vedomosti.ru/technology/articles/2019/01/16/791583-zavod-v-kontakte>

³⁸ <https://nevnov.ru/558247-gar-i-edkii-zapakh-plastika-komitet-po-borbe-s-korruptsiei-ldpr-obratilsya-k-rosprirodnadzoru-za-otvetami-po-promyshlennym-vybrosam-v-rybackom>

³⁹ Ibid.

⁴⁰ <https://www.vedomosti.ru/technology/articles/2019/01/16/791583-zavod-v-kontakte>

freedom of assembly, and raises public awareness.⁴¹

Founded in 1997, EWNC is one of the leading environmental organizations in all of Russia, and has grown from a small group to one of the most respected environmental organizations in the country. Well known for its bold watchdogging of corrupt land acquisition, development, and destruction of environmentally sensitive areas in the North Caucasus region, among the organization's campaigns were monitoring the 2014 Sochi Olympics, construction of luxury vacation homes by oligarchs and government figures on the shores of the Black Sea, and destruction of old growth forest in the Utrish Reserve. These are only a handful of the group's campaigns, but they have resulted in severe reprisals against the organization, including violence, arrest, smear campaigns, and lawsuits.

Crude Accountability has documented over 140 violations against Environmental Watch and its members. Seventy of these violations occurred between 2012 and 2016, with a range of violations from beating and arbitrary detention to imprisonment to intrusive document checks, trumped up lawsuits, and character defamation.

As we documented in an earlier version of this report,⁴² repression against EWNC ramped up

significantly in 2012 prior to the Sochi Olympics, against which the organization led an environmental campaign to hold the International Olympic Committee and the Russian government accountable for multiple violations of environmental and other law.⁴³

Legal Assaults

EWNC was placed on the Foreign Agent registry in 2016.⁴⁴ The organization challenged the ruling in court, but lost, and then in September 2017, sent a letter to the Ministry of Justice requesting they be removed from the list. In January 2018, they learned that they had been removed, but there was no public announcement of the fact.⁴⁵ Both the organization and Andrey Rudomakha, as head of the organization, were repeatedly fined for failure to state their membership in the registry in published materials, underwent extensive financial and administrative scrutiny, and had organizational bank accounts frozen during the 2 years the organization was labeled a foreign agent. In addition, the stigma of being considered a foreign agent was damaging personally and professionally to the organization and its members.

⁴¹ www.ewnc.org

⁴² https://crudeaccountability.org/wp-content/uploads/CA_Report_Dangerous_Work-compressed.pdf

⁴³ <https://time.com/2828/sochi-winter-olympics-environmental-damage/>, accessed September 29, 2019.

⁴⁴ <https://globalvoices.org/2018/07/05/wrongly-labeled-as-foreign-agents-russian-environmentalists-face-regulatory-punishment-and-violent-threats/>, accessed September 29, 2019.

⁴⁵ <https://globalvoices.org/2018/07/05/wrongly-labeled-as-foreign-agents-russian-environmentalists-face-regulatory-punishment-and-violent-threats/>

Andrey Rudomakha and Dmitry Shevchenko were accused of defamation by Alexander Remezko, former vice-governor of Krasnodar Krai, in connection with their environmental activism.⁴⁶ Rudomakha was also accused of a libel attack on a judge.⁴⁷

Violating Right to Freedom of Assembly

We documented 43 cases involving violation of the right to freedom of assembly. In 31 of these cases, participants in rallies, demonstrations, inspections, and other peaceful public events were arrested and/or detained. For example, on February 27, 2011, Environmental Watch conducted an environmental inspection of construction of luxury properties by former governor of Krasnodar Krai Tkachev in a protected forest on the Black Sea. The inspection ended with the arrest and administrative detention of three activists: Suren Garyazan, Yevgeny Vitishko, and Zufar Achilov.⁴⁸ This case received wide-spread publicity because as a result, Gazaryan and Vitishko were sentenced to suspended three-year prison

terms, with two years' probation, under Article 167, part 2 of the Russian criminal code.⁴⁹

In November 2012, Gazaryan was accused of making death threats to three armed security guards during an independent environmental inspection of Putin's Palace.⁵⁰ He was forced to leave Russia in order to avoid a new criminal case against him. He received asylum in Estonia,⁵¹ and he continues his scientific and environmental work outside of Russia.

On December 20, 2013, a court of first-instance replaced Yevgeny Vitishko's suspended sentence with a three year prison term in a settlement colony outside of Tambov, far from Krasnodar Krai.⁵²

On February 4, 2014, just before the Olympic torch procession took place in Krasnodar city, Vitishko was arrested and held in jail for fifteen days for allegedly "swearing at a bus stop."⁵³ During the Sochi Olympics, after serving fifteen days of administrative arrest, he was secretly escorted to a settlement colony. UN Special Rapporteur on Human Rights Defenders Michel Forst sent an appeal to the Russian authorities

⁴⁶ <https://www.novayagazeta.ru/news/2017/04/14/130734-v-krasnodare-proshli-obyski-i-vyemki-v-dome-gde-ne-bylo-ni-ofisapravozaschitnoy-organizatsii-ni-kogo-by-to-ni-bylo-iz-ee-uchastnikov>

⁴⁷ <https://www.novayagazeta.ru/news/2013/10/31/78541-v-sochi-zaderzhan-izvestnyy-ekolog-andrey-rudomaha-podnimayuschiy-vtom-chisle-ekologicheskie-problemy-olimpiady>

⁴⁸ 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>

⁴⁹ <http://www.ewnc.org/node/13314>

⁵⁰ <http://bellona.ru/2012/11/01/surena-gazaryana-ne-smogli-posadit-za/>

⁵¹ Grant Podelco, "Russian Environmentalist Granted Asylum in Estonia," RFE/RL, June 13, 2013, <https://www.rferl.org/a/russia-activist-gazaryan-gazarian-estonia-asylum/25015788.html>

⁵² <https://ovdinfo.org/documents/2013/12/25/postanovlenie-o-zamene-evgeniyu-vitishko-uslovnogo-sroka-na-realnyy>

⁵³ <http://ewnc.org/node/14780>

expressing his concern over the enforced disappearance of Vitishko.⁵⁴

Andrey Babushkin, member of the Presidential Council for Civil Society and Human Rights, called Vitishko's prosecution unlawful; Vitishko was subjected to numerous arbitrary penalties while in prison,⁵⁵ which were subsequently used to justify refusal to grant him conditional release or to mitigate his sentence in court proceedings in April and July 2015.⁵⁶

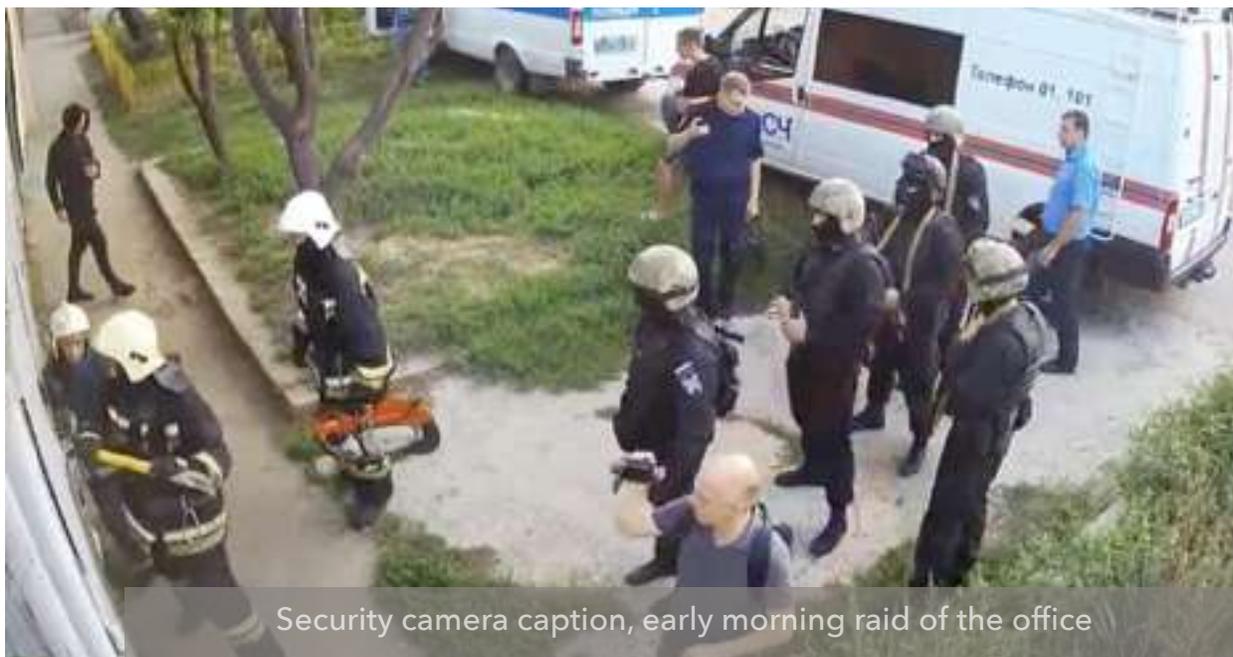
Public pressure inside and outside of Russia forced the authorities to release Vitishko on December 22, 2015, following a court ruling of November 10, 2015 to mitigate his punishment and replaced the unserved portion of his

sentence with restriction of liberty.⁵⁷ His sentence expired on March 22, 2017. He was named a prisoner of conscience by Amnesty International.⁵⁸

Since his release, Vitishko continues his environmental work and continues to live in Krasnodar Krai.

Police Aggression and Office Raids

On February 4, 2014, the tires were slashed and windows were broken in Igor Kharchenko's car. However, instead of apprehending those who vandalized his car, the police violently apprehended Kharchenko, who was taken to the



⁵⁴ <http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-28-63-Add-1.pdf>, para 417.

⁵⁵ <http://president-sovet.ru/presscenter/news/read/2918/>

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⁵⁷ <http://ewnc.org/node/20372>, <http://www.ewnc.org/node/20087>

⁵⁸ <https://amnesty.org.ru/node/2799/>

police department. On the next day he was sentenced to administrative arrest in a trial that took place behind closed doors and lasted only 5 minutes. The judge denied Kharchenko's request to add any additional evidence to disprove the allegation of "refusal to obey a police officer" to the police file. According to the police, Kharchenko refused to obey them by failing to approach the police car when they apprehended him. It is clear from available video footage that a series of events, including spying on EWNC activists, their detention before the incident with Kharchenko, a failed attack on the EWNC office, and the attack on Kharchenko and his car were all part of a pre-planned campaign, which involved criminal gangs and were endorsed by the police.⁵⁹

Over the course of the past five years, there have been numerous raids on the office of Environmental Watch. In April 2017, Environmental Watch's office was raided early in the morning by the Russian authorities. They broke down the door, blasted open the organization's safe, and confiscated equipment, including computers, flash drives, phones, and digital and paper files. Staffers were treated brutally by the police and office furniture, and personal items were destroyed during the raid.⁶⁰

In the first nine months of 2019, EWNC was raided three times by the local authorities. The

first two raids, in April and in July, occurred at around 6AM.⁶¹ Some members of the organization had spent the night in the office, and were awoken when the authorities broke down the door, raiding the space carrying automatic weapons, and wearing riot gear and balaclavas. They took computers, hard drives, flash drives, paper files, and cellular phones, broke open the office safe, and destroyed furniture and other items in the building. They were also violent with members of EWNC,



including Rudomakha.⁶² In September 2019, the office was raided again, however, they did not take materials and equipment this time. Authorities claimed they were seeking information about members of the organization

⁵⁹ Youtube, <https://www.youtube.com/watch?t=122&v=Lw3d8ovQHUY>, accessed September 29, 2019.

⁶⁰ <https://crudeaccountability.org/russian-ministry-internal-affairs-replied-demand/>

⁶¹ <https://zona.media/news/2019/05/22/krasnodar>, <https://zona.media/news/2019/07/30/ekovaxta>, accessed September 29, 2019.

⁶² https://video.search.yahoo.com/search/video;_ylt=A2KLfS00CZFdeg8ArBhXNyoA;_ylu=X3oDMTB0N2Noc211BGNvbG8DYmYxBHBvcwMxBHZ0aWQDBHNIYwNwaXZz?p=%D0%BE%D0%B1%D1%8B%D1%81%D0%BA+%D0%AD%D0%BA%D0%BE%D0%BB%D0%BE%D0%B3%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B0%D1%8F+%D0%92%D0%B0%D1%85%D1%82%D0%B0&fr2=piv-web&fr=mcafee#id=2&vid=683e0e6c8de4b532d1697c7e3ceaf818&action=view

who they claimed were also members of Open Russia, an “undesirable organization” in Russia. EWNC has no connection to Open Russia.

Physical Violence and Character Assassination

In 2010, 2011 members of EWNC suffered numerous physical attacks, including against Yevgeny Mamula, who was assaulted and beaten by the Abinsk Forest Service on May 11, 2010.⁶³ Aleksandr Biriukov, a member of Environmental Watch’s board, was attacked and beaten outside his home on April 30, 2011.⁶⁴ Both men suffered concussions and brain injury.

Environmental Watch member Igor Kharchenko was almost run over by a car on May 15, 2012, while at a court hearing for Suren Gazaryan and Yevgeny Vitishko, after someone slashed the tires of one of EWNC’s cars.⁶⁵

Threats of physical violence, intended to intimidate members of EWNC, 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 was an engineered car accident connected with his efforts to promote compliance with the law in the context of preparing for the 2014 Sochi Olympics.⁶⁶

⁶³ 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>

⁶⁴ <https://rg.ru/2011/05/12/birukov.html>, accessed September 29, 2019.

⁶⁵ 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.kavkazuzel>.

⁶⁶ <http://ewnc.org/node/17887>

⁶⁷ <https://youtu.be/-Rpp9Ww0B9M>, accessed September 29, 2019.

On December 28, 2017, Andrey Rudomakha, Viktor Chirikov, and Alexander Savelev returned from an independent environmental inspection to the EWNC office by car in the evening, after it was already dark. As they opened the gate to the office to park the car inside, three men fell on them, and attacked Rudomakha brutally. They managed to separate Chirikov and Savelev from Rudomakha, who they savagely beat and kicked. Rudomakha was taken to the hospital by ambulance, where he was treated for a concussion, fractured skull, broken nose, and other injuries. He spent over two weeks recovering in the hospital before doctors released him. He also required significant dental work following the attack because of severe damage to his mouth and teeth.

The attack was captured on video because following previous harassment and raids, EWNC had installed security cameras at the entrance to their office.⁶⁷ The video was provided to the police, and shows clearly the nature of the attack, and contains in focus images of the attackers. As of this writing, the Krasnodar police have still not found the perpetrators of the attack.

On January 9, 2018, less than two weeks after Rudomakha was attacked, he and EWNC then deputy coordinator Dmitry Shevchenko received

death threats by email.⁶⁸ The threats came from the email address, smertrudomakhe@gmail.com (death to Rudomakha). Both emails were accompanied by doctored photos of the activists. Rudomakha's lawyer requested state protection for Rudomakha considering the seriousness of the threats and the brutality of the attack he suffered in December. Unfortunately, that protection was not provided, and as of this writing, although the attack on Rudomakha was recorded on video and the death threats were submitted to the police, the attackers have not been found. Rudomakha took the authorities to court for failure to act, and the judge found the authorities guilty of failure to protect him as a citizen.

On September 19, 2019, throughout the city of Krasnodar, posters were hung up claiming that Andrey Rudomakha is a pedophile, leading a group of pedophiles associated with EWNC. It also urged people to demand Rudomakha be removed from the Governor's Environmental Council (of Krasnodar Krai), of which Rudomakha is a member. The posters contained pictures of Rudomakha and included his home address. This crude and degrading attempt to defame Rudomakha's character is especially alarming in the environment of violence and harassment in which the organization is operating. The international Civic Solidarity Platform wrote a statement in defense of Rudomakha and sent it to the President's Council on Human Rights, to the Governor of Krasnodar Krai, and to representatives of member states to the Organization for Security and Cooperation in

Europe demanding protection of Rudomakha and that the authorities stop this gross harassment.⁶⁹

Environmental Watch on the North Caucasus continues to work despite the decades of harassment, violence, and efforts to discredit their work and their members.

⁶⁸ <https://es-la.facebook.com/ewnc.russia/posts/death-threats-against-ewncless-than-two-weeks-after-the-brutal-attack-on-ewnc-co/10156183802209434/>

⁶⁹ <http://civicsolidarity.org/article/1623/international-civic-solidarity-platform-condemns-recent-defamation-russian>

Turkmenistan

Using Law to Eliminate Independent NGOs

It may be hard to believe now, but in the late 1990s and early 2000s Turkmen NGOs were among the most active environmental groups in Central Asia.

Turkmenistan's green activists used to set trends for the entire region with regard to technical skills and the use of electronic media, networking, and fundraising.

The Dashoguz Ecological Club and the Catena Ecological Club in Ashgabat 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

its use of electronic media. In a country where public access to environmental information was limited, the NGO played a key role in maintaining a continuous exchange of environmental data among green activists in Central Asia, in particular via *Ecotan News*, an electronic publication produced in both Russian and English. *Ecotan News* was edited by the director of Catena, Andrey Aranbaev, 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 World Wildlife Fund (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 on the international level and involved in international organizations both by serving on the steering bodies of the International Social Ecological 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, as well as 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."¹

Stripping environmental NGOs of their legal status soon caused them to stop their operations in Turkmenistan. The 2003 law 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."² 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 were 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.

¹ See UNECE website <http://www.unece.org/env/pp/compliance/Compliancecommittee/05TableTurkmenistan.html>

² 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>]

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. This is the case in Turkmenistan.

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. They focused on the environmental problems affecting the Aral Sea region and protected areas, and worked to raise public awareness of environmental issues and improve Turkmenistan's environmental laws. However, the cases of these two individuals marked the beginning of a series of high-profile persecutions targeting environmentalists in Turkmenistan.

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 alleged 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, 2003.³ Fearing further repression, Tukhbatullin left Turkmenistan and was granted political asylum in Austria.

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 on his life, which might have looked like heart failure.⁴ Appeals by these two prominent human rights organizations prompted the Austrian authorities to take additional security measures to ensure Tukhbatullin's safety. At present, Tukhbatullin works as the editor of *Chronicles of Turkmenistan*, an online news portal, and as a human rights defender.

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 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

³ <http://www.seu.ru/projects/farid/>

⁴ <https://www.amnesty.org/en/latest/news/2010/10/austria-debe-protoger-activista-turcomano-exilio/>

continued in 2009, when he was arrested once again, this time for allegedly breaking a stranger's wrist as he attacked Zatoka in a marketplace. According to sources, the man's wrist had been broken before the incident.⁵ 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.⁶

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 medical treatment for Mr. Myatiev. 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, 2010.⁷

The history of persecution of environmental defenders in Turkmenistan outlined above is a vivid example authorities' paranoid 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, 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.

We have no new cases of harassment in Turkmenistan to report, not because the situation has improved, but because the environmental movement has gone so far underground in the country that we have no information to add. We are sure there are environmental defenders working hard to protect the natural world in Turkmenistan, just as they do in every other country.

⁵ <http://www.seu.ru/projects/zatoka/>

⁶ <http://ru.crudeaccountability.org/Andrey-zatoka-svobodn/>

⁷ Chronicles of Turkmenistan, "Epilogue to Myatievs' Case," 16 Jul. 2010, <http://www.chrono-tm.org/en/?id=1429>

Ukraine

Government Inaction Kills

Civil society activists in Ukraine are not born, but choose under compelling circumstances. Some try to prevent a company from polluting the local river, others campaign to stop property developers from cutting down forests, and still others work to expose corruption schemes. Local activists often create inconveniences for government bureaucrats, law enforcement agencies, and unscrupulous businesses. No matter how altruistic and beneficial their goals, many activists run into a wall of opposition from those having power or money. By trying to break the wall, they are treated by the system as enemies and attacked not only verbally in the courtroom, on social networks, and in the mass media but also physically in dark alleys and entrance halls of buildings. Activists face threats, intimidation, assaults, and even murder.⁸

Over the past two years, Ukraine has experienced a wave of orchestrated assaults targeting activists but massively ignored by the law enforcement authorities. According to a statement by civil society representatives,

“at least 55 activists have been attacked in total since early 2017 and more than 40 in the past 12 months.”⁹

The police did not only fail to find the masterminds but even refused to arrest the attackers in most cases.¹⁰

On September 27, 2018, NGO representatives held a “Vigil at Bankova” in Kiev outside President Poroshenko’s administration building, demanding that the authorities investigate attacks targeting the country’s civic activists. About 500 people took part in this peaceful protest, followed by similar actions in ten other Ukrainian cities.¹¹ The vigils were held in response to the violent attack against activist Ekaterina Gandzyuk on July 31, 2018, in Kherson. The incident moved the entire country, and Ekaterina’s friends and the lawyers of other targeted activists’ got together and compiled *Gandzyuk’s List* which included data on 55 attacks against public figures. The human rights activists noted that the information on the list was just the tip of the iceberg, while the actual number of such crimes, particularly in the provinces, was much higher. Almost a quarter of all victims on the list were activists defending nature and the right to a healthy environment.¹² Some of the most striking stories are outlined below.

⁸ <http://cripo.com.ua/scandals/?p=250817/>

⁹ <http://krymsos.com/news/---movchannya-vladi-nas-vbivaye---pivstotni-gromadskikh-organizatsii-vimagayut-vid-poroshenka-viznati-represiyi-proti-aktivistiv-ta-sklikati-rnbo/>

¹⁰ <https://www.pravda.com.ua/news/2018/09/26/7193250/>

¹¹ <https://www.pravda.com.ua/rus/news/2018/09/27/7193424/>

¹² https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

Murder in Kherson



Ekaterina Gandzyuk, member of the city council and adviser to the mayor of Kherson, was doused in concentrated sulfuric acid on July 31, 2018 outside the entrance to her home. She sustained chemical burns over more than 40 percent of her body and severe damage to her eyes. The activist was urgently transported to Kiev, where she underwent 11 surgeries but died on November 4, 2018 from the aftermath of the acid attack, at the age of 33. Gandzyuk was known for her criticism of the local government and law enforcement officials, in particular of their failure to investigate attacks on civic activists. She also accused the head of the Kherson Regional Administration of masterminding assaults against the environmentalists who opposed logging in the region.¹³ At first, the police categorized the

attack against Gandzyuk as misdemeanor (“hooliganism,”) but then reclassified the crime under public pressure into “attempted murder.”¹⁴ In their haste to quench public indignation, the authorities promptly arrested a random man as a suspect. A journalistic investigation proved the man innocent and further undermined the already feeble trust in the law enforcement authorities and their ability to effectively investigate attacks on civic activists. After Ekaterina's death, the Coalition for the Protection of Civil Society demanded the resignation of the Kherson police leadership and urged Prosecutor General of Ukraine Yuriy Lutsenko and Minister of Internal Affairs Arsen Avakov to step down as well.¹⁵ Public pressure got things moving forward. By April 2019, there were eight suspects in the Gandzyuk case, four of whom, including the actual attacker Nikita Grabchuk, confessed to committing the crime for money.¹⁶ On July 16, 2019, the Prosecutor General's Office of Ukraine suspended the investigation with respect to two suspected masterminds, Vladislav Manger, Head of the Kherson Regional Council, and Aleksey Levin, a local crime boss who is currently on the run.¹⁷ Other potential accomplices are under investigation for abuse of office and for setting fire to a forest in Kherson region.¹⁸ The investigators believe that the main motive behind the attack on Gandzyuk was her public

¹³ <https://www.bbc.com/russian/news-46092455>

¹⁴ https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

¹⁵ https://humanrights.org.ua/material/vbivstvo_kati_gandzjuk_aktivisti_vimagajut_vidstavki_lucenka_i_avakova

¹⁶ https://24tv.ua/ru/ubijstvo_ekateriny_gandzjuk_novosti_segodnja_rassledovanie_smerti_gandzjuk_n1110952

¹⁷ <https://ru.tsn.ua/ukrayina/ubijstvo-gandzyuk-gpu-ostanovila-rassledovanie-v-otnoshenii-glavnyh-figurantov-dela-mangera-i-levina-1383750.html>

¹⁸ <https://ukranews.com/news/644627-ubijstvo-gandzyuk-rassledovanie-protiv-mangera-i-levina-priostanovili>

campaign against corruption-related logging and arson. In fact, Ekaterina considered Vladislav Manger a probable mastermind behind the attack on her, which she mentioned in an interview shortly before her death.¹⁹

Terrorizing the Protector of Vumivsky Forest



Valentina Aksenova, a journalist and activist of the Protect the Forest initiative in the village of Petropavlovskaya Borshchagovka in Svyatoshinsky District, Kiev Region, has been active since the spring of 2016 in efforts to save Vumivsky Forest in Petropavlovskaya Borshchagovka. Her mother's home, in which three generations of her family had been raised, is located at the edge of the forest. The campaign to protect the forest started in 2014, when Building Development (BD) Holding began construction of the Echo Park residential complex in the area. In August 2015, the local residents succeeded in getting the construction stopped on one site (but the first building of the Echo Park residential complex has since been built there). Criminal proceedings were opened against Alexei Kodebsky, the head of Petropavlovskaya Borshchagovka village council, but the investigation has made no progress and the case file still sits in the Prosecutor General's office. It was discovered at the time that

¹⁹ <https://112.ua/obshchestvo/gpu-ostanovila-rassledovanie-protiv-mangera-i-levina-po-delu-gandyuk-501376.html>

Kodebsky had appropriated a hectare of Vumivsky Forest, allegedly for haymaking, and then gifted the plot to someone affiliated with BD Holding.²⁰ Prior to that, the plot had illegally been reclassified from a first-category (protected) forest to general use land. Sadly, this legal trick to enable development in protected natural areas has become standard in Ukraine.²¹

Valentina joined the campaign to save the forest; she exposed violations and testified in courts to stop the development. She started receiving threats in the summer of 2016, when someone poisoned her dog.²² In the fall of the same year, someone posted leaflets around the village with photographs of Valentina and other “inconvenient” activists; the leaflets described them as terrorists, bandits, and fraudsters.²³ Starting in January 2017, Aksenova began to receive threats regularly, and her entire family was terrorized. BD Holding's sales managers wrote to her that she would soon need to save herself, not the forest.²⁴ Aksenova reported the threats to the police but with no result.²⁵ On February 18, 2017, leaflets calling for an armed coup to overthrow the government were posted around the entire Svyatoshinsky District; the leaflets indicated Valentina's address as the

contact point. Someone published a letter, allegedly on behalf of the Save the Forest campaign participants, which contained threats against the country's leadership. Some campaigners were summoned for interrogation to the Security Service of Ukraine (SBU) and the President's security service. On Valentina's birthday on March 7, around 50 people gathered in front of her mother's house holding posters which read “Impale Valentina on a stake!” and “Death to Aksenova!” They tried to get inside and threw stones into the courtyard. On March 30, on the second day after the activists' victory in court, a similar gathering of some 300 people in front of her home included armed men wearing balaclavas and camouflage.²⁶ On April 11, unknown persons entered the family's courtyard at night and burned their van. The fire brigade arrived 45 minutes after the call from the fire department located a mere 4 km from Valentina's home.²⁷ On April 30, someone set fire to the family's other car, an SUV.²⁸ At that time, Aksenova learned that SBU Head Vassily Hrytsak lived in Petropavlovskaya Borshchagovka and was a friend of the village head Alexey Kodebsky.²⁹ After her second vehicle was burned, Valentina

²⁰ <https://glavcom.ua/interviews/valentina-aksonova-pislya-togo-yak-nam-spalili-druge-avto-meni-podzvoni-i-skazali-gotuvati-trunudlya-ditini-455359.html> ; <https://kv.hromady.com.ua/2018/08/16/aktyvistka-valentyna-aksonova-my-zhyly-yak-na-vijni-ne-znaly-chy-proknyemosya-sogodni/>

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ <https://ukranews.com/news/491237-borba-za-vumyvskyy-les-zhurnalystke-sozhgly-avto>

²⁸ https://24tv.ua/ru/aktivistka_vyehala_iz_ukrainy_iz_za_ugroz_detali_n885332

²⁹ <https://glavcom.ua/interviews/valentina-aksonova-pislya-togo-yak-nam-spalili-druge-avto-meni-podzvoni-i-skazali-gotuvati-trunudlya-ditini-455359.html>

received a phone call from a stranger telling her to either shut up or prepare a coffin for her child. Valentina realized that staying in Kiev was too dangerous for her and moved abroad but refused to stop campaigning. The country's main TV channel soon featured a series of reports about the activists' efforts to save the forest.³⁰ In the early summer of 2017, the activists scored a number of victories in the courts to stop and ban the Echo Park construction. Valentina came back to Ukraine but had to leave the country again in the fall. In October 2017, a number of people who had opposed Kodebsky and BD Holding's illegal construction were arrested and their homes were searched.³¹ They were accused of organizing a criminal gang to extort money from the developer.³² It was obvious that the local construction mafia, in collusion with the local authorities, were behind the persecution of activists.³³ However, the villagers rose to their defense; it was revealed that the searches of activists' homes were performed by the same individuals who had "protested" outside Valentina's house on March 7 and 30.³⁴ Still, Valentina decided to leave the country, saying, "After what these people have done, the only thing left is to either lock me up or destroy me physically. A few bogus criminal cases have been instituted against me, and when I saw the investigators rummaging through my three-year-

old son's toys during a search of my home, I finally realized that I must take him away to a place where they cannot take his mom away from him."³⁵ Since then, the activist has lived outside of Ukraine while following the local developments closely. The construction in the forest has been suspended and the developer denied permits, and litigation continues to reclassify the land plot back into communal and national property.³⁶

The Protect the Forest initiative is a vivid example of how people can get together and win an impressive victory in a relatively short period of time. Thanks to their joint efforts, Vumivsky Forest remains untouched, while the corrupt officials who like to keep their murky deals private have been exposed. According to Valentina,

"Fighting for the forest means more for me than just fighting for clean air - it's a fight for our rights, for our freedom, for our homeland. We will continue to do everything we legally can to protect the forest from development.

³⁰ https://24tv.ua/ru/aktivistka_vyehala_iz_ukrainy_iz_za_ugroz_detali_n885332

³¹ <https://glavcom.ua/interviews/valentina-aksonova-pislya-togo-yak-nam-spalili-druge-avto-meni-podzvoni-i-skazali-gotuvati-trunudlya-ditini-455359.html>

³² https://antikor.com.ua/articles/202392-humalisty_nashli_svjazj_mehdu_psevdoaktivistami_i_chlenami_opg_zanimavshejsja_vymogatelstvom

³³ <http://cripo.com.ua/scandals/?p=250817/>

³⁴ <https://kpravda.com/valentina-aksonova-obshhestvennyj-aktivist-kak-odioznyj-zastrojshhik-rukami-policii-koshmarit-zashhitnikov-lesa-pod-kiyevom/16828>

³⁵ <http://cripo.com.ua/scandals/?p=250817/>

³⁶ Ibid

Although, I have to admit that now, four years after the Revolution of Dignity, the authorities in Ukraine still hold tolerant attitudes towards corruption. Anyone who has money and access to administrative resources can orchestrate criminal prosecution of their opponent, construct suspicions out of nothing and buy a court verdict.”³⁷

Murder of Nikolay Bychko

Nikolay Bychko, an activist from the village of Eskhar, Chuguevsky District of Kharkov Region, was found hanged on June 5, 2018, in a forest near his village. Bychko was an active member of the local self-government and administrated the Initiative Youth of Eskhar Facebook page.³⁸ An active campaigner against water pollution and corruption, Nikolay monitored the situation around local water treatment facilities, which for more than a year had been used to dump industrial waste, causing pollution of the air and the waters of Uda and Seversky Donets rivers.³⁹ A local utility provider that owned the water treatment facilities had signed a contract with a private company co-founded by a brother of the

then village head Anatoly Legkosherst. Bychko often travelled to the water treatment facilities to document the situation and take water samples; then he usually returned home via the forest. On June 4, 2018, he did not return from one of these trips, and on the next day, his body was found hanging from a tree two kilometers from the water treatment plant, with his bicycle and a bottle of water nearby.⁴⁰ The entire village was shocked at the news of the 23-year-old activist's death; no one believed the investigator's assumption that it was a suicide. Many villagers were certain that the young man was killed for his active fight against the company dumping industrial waste into the community's sewage system.⁴¹ On June 7, Eskhar residents protested against what they believed to be a biased investigation: they blocked the nearby highway and walked to the city of Chuguev to picket outside the district prosecutor's office.⁴² After Bychko's death, the village head Legkosherst stepped down under public pressure, and the contract with the polluting company was terminated.⁴³ According to the head of the Center of Information on Human Rights Tatyana Pechonchik, citing lawyer Roman Likhachev, the Chuguev District police investigators did not take the steps needed to investigate Bychko's

³⁷ <https://glavcom.ua/interviews/valentina-aksonova-pislya-togo-yak-nam-spalili-drugye-avto-meni-podzvonili-i-skazali-gotuvati-trunudlya-ditini-455359.html>

³⁸ https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

³⁹ <https://www.pravda.com.ua/rus/news/2018/12/30/7202647/>

⁴⁰ https://24tv.ua/ru/delo_poveshennogo_aktivista_bychko_zakryli_aktivisty_obnarodovali_svoju_versiju_proizoshedshego_n1089057

⁴¹ <https://www.segodnya.ua/regions/kharkov/v-harkovskoy-oblasti-prodolzhaetsya-rassledovanie-smerti-molodogo-ekologa-1161796.html>

⁴² <https://www.ukrinform.ru/rubric-regions/2477289-v-eshare-pohoronili-pogibsego-aktivista.html>

⁴³ <https://www.segodnya.ua/regions/kharkov/v-harkovskoy-oblasti-prodolzhaetsya-rassledovanie-smerti-molodogo-ekologa-1161796.html>

murder.⁴⁴ During the first month following the murder, virtually no investigative measures were carried out, leading to loss of critical evidence from the crime scene. The paperwork needed for a forensic examination was delayed for about a month, and there was no effective oversight of the investigation.⁴⁵ The lawyer also questioned the method of Nikolay's alleged "suicide" (he could not have set up the stump from which he allegedly jumped to his death) and the fact that his nose was broken indicated that perhaps the attackers stunned him first and then hanged him.⁴⁶ The lawyer who criticized the investigation was later removed from the case and received threats from strangers.⁴⁷ The outraged villagers regularly protested in the village center, demanding reports from the police about the progress of the investigation. At the same time, some unknown persons tried to prevent the dissemination of information on Bychko's case.⁴⁸ On December 28, 2018, the local police closed the case, announcing Nikolay's death to be suicide, with reference to forensic examination findings.⁴⁹ However, an ad-hoc investigative commission set up at the Parliament was dissatisfied with the investigation into Bychko's death and found multiple procedural irregularities in the investigative actions. According to member of Parliament Elena

Sotnik, the commission members believe that Bychko was murdered.⁵⁰

The third activist murdered in Ukraine is Nikolay Yarema, a member of the Belichansky Fisher civic organization. In March 2018, Yarema was found dead by the Svyatoshinsky Lake near Kiev.⁵¹

Yarema was actively opposing the illegal activities on the lake's territories. Shortly before the violent murder, Belichansky Fisher activists organized protests in front of the Prosecutor General's Office. Yarema was found with numerous hematomas on his body and head.⁵²

An investigation is still underway; no suspects have been identified.

Violent Assaults

Mikhail Berchuk, prize-winner of the Paralympic javelin event and environmental activist living in Vlasovka, Kirovograd Region, was brutally assaulted on October 10, 2016, and March 14, 2017. In the latter case, the assault took place in the daytime outside the village store in front of Mikhail's neighbors. The attackers broke his arm and fractured his skull with baseball bats, so he had to be rushed to the ICU.⁵³ The activist has

⁴⁴ https://24tv.ua/ru/delo_poveshennogo_aktivista_bychko_zakryli_aktivisty_obnarodovali_svoju_versiju_proizoshedshego_n1089057

⁴⁵ <https://www.pravda.com.ua/rus/news/2018/12/30/7202647/>

⁴⁶ <http://dozor.kharkov.ua/news/crime/1206666.html>

⁴⁷ <https://www.pravda.com.ua/rus/news/2018/12/30/7202647/>

⁴⁸ Ibid

⁴⁹ <https://www.057.ua/news/2260377/glava-nacpolicii-nazval-pricinu-smerti-aktivista-iz-eshara-nikolaa-bycko>

⁵⁰ <http://dozor.kharkov.ua/news/crime/1206666.html>

⁵¹ <https://www.currenttime.tv/a/ukrainian-murdered-activists-2018/29583473.html>

⁵² <https://www.segodnya.ua/kyiv/kaccidents/v-kieve-zhestoko-ubili-obshchestvennogo-aktivista-smi-1126789.html>

⁵³ <http://cripo.com.ua/scandals/?p=250817/>

been campaigning against the local environmental polluters: Gidrosend and Viktor@Co companies producing sunflower oil, ketchup, and mayonnaise.⁵⁴ According to Berchuk, both companies try to save costs on water treatment and by doing so pollute local water resources. Mikhail became concerned about the environmental situation after his mother died of stomach cancer.⁵⁵ Eighteen months after the second attack, the police failed to identify the attackers although many villagers witnessed the incident and the license plate number of the attackers' car was known.⁵⁶ Everyone in the village is aware that Berchuk is at war with Vlasovka's head of administration who, according to Mikhail, has been covering up the polluters, being a co-owner of one of them.⁵⁷

Increasingly and disturbingly common in Ukraine are assaults on activists who oppose illegal logging for housing development in the green areas of many cities.⁵⁸ On June 24, 2017, Svetlana Pidpala was assaulted in broad daylight in the center of Odessa. A journalist and activist of the Green Leaf NGO, Svetlana campaigned against the destruction of green zones and urban development along the coastline in Odessa.⁵⁹

On September 5, 2018, in the city of Nikolaevka, Donetsk Region, three masked men assaulted Viktor Dibrov, chairman of the Eco-Motherland NGO. Victor has been campaigning against "black loggers" who cut down trees along highways. He was attacked after a report from his recent investigation was televised.⁶⁰

In April 2018, Igor Lukashenko, a defender of Yalansky Park in Zaporozhye, sustained a head injury as he was trying, together with other residents, to stop tree cutting in a city park for building a shopping center.⁶¹ Another activist in Zaporozhye, Dmitry Malyar, addressed members of the city council on October 31, 2018, urging them to save the city's green zones from elimination; three athletic men assaulted him, breaking his arm, on November 2 as he was returning home from work.⁶²

The attacks on environmentalists demonstrate that civic activism in Ukraine can be a life-threatening activity, mainly because the whistleblowers are defenseless against influential officials, wealthy business owners, and even outright criminals. The law enforcement authorities are in no hurry to investigate crimes against activists, and few such cases make it to court. No reliable statistics on such attacks are

⁵⁴ https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

⁵⁵ <http://cripo.com.ua/scandals/?p=250817/>

⁵⁶ <https://www.opendemocracy.net/ru/kto-zakazal-aktivistov/>

⁵⁷ <http://cripo.com.ua/scandals/?p=250817/>

⁵⁸ https://www.pravda.com.ua/cdn/graphics/2018/09/movchannja_vlady_nas_ubyvaje/

⁵⁹ <https://goodnovost.info/2018-10-19-09-06-bandity-mestnaya-vlast-i-pravooxraniteli-prevrashayut-odessu-v-kriminalnuyu-kloaku> ; <https://www.unian.net/online/archive/8877.html>

⁶⁰ <https://theworldnews.net/ua-news/politsiia-slavianska-rassleduet-izbienie-aktivista-v-nikolaevke>

⁶¹ <https://www.regionnews.net.ua/2018/04/16/3771/>

⁶² https://humanrights.org.ua/material/u_zaporizhzhii_pobili_aktivista_jiakij_vistupav_protiv_znishhennjia_zelenih_zon

available, since only high-profile cases become public, and the actual numbers can be hundred-fold, especially in the provinces.⁶³ The police do not keep separate records of attacks against civil society activists, even though the UN Declaration on Human Rights Defenders (1998) requires that States conduct prompt an impartial investigations of unlawful acts committed against people acting non-violently in public interests. According to civil society activists, the root cause of the situation is that control over the country's provinces is devolved to local elites, while the central government does not interfere in their affairs in exchange for their loyalty.⁶⁴ This sends the local authorities a signal that they are free to do whatever they choose to activists and no one will be held accountable for this. There is also an alarming tendency at the highest level to vilify the most prominent civil society representatives by openly questioning their honesty, selflessness and freedom from political affiliation. The situation in Ukraine is similar to that in Russia, in which the authorities are deliberately trying to undermine public trust in the non-governmental sector and thus deprive it of grassroots support. If they succeed, there will be no one left to fight for people's rights.⁶⁵

⁶³ <http://cripo.com.ua/scandals/?p=250817/>

⁶⁴ Ibid.

⁶⁵ Ibid.

USA

Beverly Braverman

in love with the area for its beautiful mountains and opportunities for outdoor recreation, and with their isolated property for its peaceful, rustic simplicity. Braverman currently acts as the Executive Director of the Mountain Watershed Association.



Beverly "Bev" Braverman has been subjected to multiple forms of intimidation because of her longstanding efforts holding coal companies accountable for the health and wellbeing of the communities they operate in.

Since the early 1980s, Braverman and her husband have called the Indian Creek Watershed in Fayette County, PA home. They fell

Her activism began when she heard that the newly formed company Pennalan wanted to establish a landfill in an abandoned, 100+ foot open strip mine in the nearby community of White, PA. Concerned, she began to research potential environmental consequences, and found that the landfill's placement put the underlying freshwater aquifer at risk for hazardous leachate contamination. "I thought I

was moving to nirvana," Braverman reflects, "but instead I moved to a place that would become a continuing battle."

She and other motivated residents successfully pushed the local zoning board to deny the landfill special exception in 1987. The landfill was not built, and the community's morale was invigorated.

In 1992, Braverman heard of another disruptive project by Rand Am, a company with the same owners as Pennalan. The project was an underground, or "deep" coal mine. She called Pennsylvania Department of Environmental Protection (PA DEP), then known as the Pennsylvania Department of Environmental Resources (PA DER) and asked if a permit application to develop a deep mine in Donegal and Saltlick Townships had been submitted. They said no, but failed to mention they were in pre-application discussions with Rand Am.

Two years passed and Braverman was surprised to again hear rumors of the deep mine. This time, DER confirmed that there was a permit application. She and other concerned citizens wrote to them, arguing the application process was reopened because the paper inappropriately noticed the permit.

She formed the Mountain Watershed Association (MWA) that year with other community advocates, an organization that works to protect and restore the Indian Creek Watershed in Fayette and Westmoreland Counties. MWA focuses primarily on protecting the area from impacts of coal extraction.

Four years of concerted efforts prevented permitting the Rand Am deep mine. She gained

community notoriety as a formidable activist, but also attracted the attention of more adversaries promoting undesirable land uses.

Braverman began experiencing anonymous intimidation suspected to be spurred by MWA's activities - beginning with sabotage of her personal vehicle. Her tire lug nuts were loosened on four occasions in 1995. On the fourth occasion, her teenage daughter was driving the vehicle, when the tire suddenly uncoupled. Braverman and her family were on vigilant alert following that incident.

In 1997, while driving, Braverman heard an alarming sound coming from under the vehicle's hood. She immediately pulled over and had the car towed, and the mechanic remarked that there were four bolts missing that connect the drive shaft to the transmission. Braverman suspected interference by the same or similar parties that had dismantled her tires.

Some months later, her vehicle's manifold exploded. From the severity of the explosion and the damage incurred, Braverman suspected that someone had tied an M-80, a powerful firecracker, to the manifold.

Because of this disturbing sabotage, Braverman became more cautious about where she parked, but she never considered leaving work or Indian Creek. She taught karate classes at the time, and her students were so upset about the intimidation she was experiencing that they insisted on accompanying her out of the building after each class.

The MWA began to grow, expanding to protect the Youghiogheny Watershed - primarily from activities associated with coal and shale gas

extraction. MWA continued to oppose the mining projects, gas development, and other damaging activities in the community.

Then, some 20 years after the original permit for the deep coal mine in 1996 was denied, the PA DEP issued a permit in 2016 for LCT Energy to begin construction, despite concerns over acidic discharges, aluminum contamination, and loss of pristine headwater streams. Braverman was devastated that this project was approved after decades of hard-fought, community-led resistance, and more than \$8 million raised and spent on Indian Creek's restoration.

And she continued to experience intimidation. One time, she came home to a message on her answering machine in which a low voice repeatedly whispered, "Yipee-ki-yay, Beverly Braverman," a notorious phrase from a scene in the movie *Die Hard*, in which the gun-toting protagonist prepares for a violent confrontation. The threatening message was intimidating.

On another occasion, a man connected to a local strip mine aggressively publicly confronted Braverman, telling her that she did not belong in the community. In yet another, a black SUV quickly advanced on her on an isolated back road. She pulled over, for fear that they would try to run her off the road. They sped past, and she was left wondering if this was an attempt to intimidate her.

The unrelenting harassment caused Braverman and her family psychological harm. "Now the retaliation doesn't seem to be as overt. Elsewhere, people are being terrorized on their own properties, in part because of 'eminent domain,' but so far, not here." This has been invoked by companies - like Sunoco - in order to

install gas pipelines that cut through private property.

But Braverman will not give up her stand for clean water and air in the Indian Creek and Youghiogheny Watersheds anytime soon.

**She says simply,
"This is my home."**

Veronica Coptis

Veronica Coptis was born and raised in Green County, PA, where she now works as the Executive Director of the advocacy organization Center for Coalfield Justice (CCJ). Since experiencing devastating impacts of coal mining on public lands in her home community, Coptis has been passionate about her organization's mission: "to improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower, and organize coalfield residents; and to protect public and environmental health." In response to her work protecting a public park from mining-induced harms, Coptis was subject to digital harassment, reputational attacks, and threats of physical violence.

Her activism started in Greene County's Ryerson Station State Park, a 1,164-acre area enjoyed for its beauty and recreational opportunities. In 2005, the 62-acre Duke Lake was destroyed by coal mining activities led by Consol Pennsylvania Coal Company LLC ("Consol Energy"). In response, the Department of Conservation of Natural Resources (DCNR) reached a settlement after a six-year legal battle with the company.

Sadly, the settlement did not entail restoring Duke Lake.

A teenager at the time, Coptis was moved to act. She became involved with CCJ and was able to channel and act on her conviction that public lands should not be destroyed for private profit.

In 2014, Consol Energy sought to mine in Ryerson Station State Park using "longwall

mining," where large sections of rock are sheared off, oftentimes causing the ground above it to collapse. Longwall mining is the same method of extraction that caused irreparable damage to Duke Lake.

Despite the known risks of longwall mining to surface waterways and built structures, the PA Department of Energy approved Consol Energy's permit to mine Bailey Mine's Lower East Expansion, which laid partially under the Park's North Fork Dunkard Fork headwaters. Along with the Sierra Club, CCJ appealed the permit under the auspices of the Clean Streams Law and coal mining regulations. If the mining project was allowed to proceed as described in Consol Energy's permit application, the DEP and Consol Energy openly predicted that the water loss incurred from mining activities would negatively impact aquatic life.

As litigation continued, Coptis - who was at that time one of CCJ's only staff members originally from Greene County - began to experience intimidation from Consol Energy employees. "The litigation came with the steep price of character attacks and threats on our organization, and on me as an individual," she explains. Various Consol Energy employees began to post defamatory remarks and threats on CCJ's Facebook page, mostly targeted at Coptis. Those on the side of the coal industry continually harassed her, commenting on her character, appearance, and family history. They posted Coptis' personal address on Facebook, as well as photos of her and her child with the caption, "This is who is stealing your jobs."

On top of the various forms of digital harassment, Consol Energy also paid for a series of billboards displayed around Green County

targeting CCJ. One depicted a little girl in a hardhat with the text, "No future: brought to you by Center for Coalfield Justice."



Despite the relatively minor impact that CCJ's litigation would have on Consol Energy's overall mining operations, the operator fought back relentlessly, employing fear tactics in their employees, encouraging them to retaliate against environmental advocates. In typical fossil fuel industry fashion, Consol Energy representatives pitted jobs against health and the environment. This is a powerful narrative in rural Pennsylvanian counties with a legacy of coal extraction, where well-paying jobs are few and far between.

In September of 2017, CCJ won their legal case against Consol Energy's mining operation in the headwaters of Ryerson Station State Park, forcing the operator to change its plans and employ a less aggressive form of mining underneath the stream. There were temporary layoffs, and the company encouraged a false rumor that they had no permits to go elsewhere. The entire mining operation at the Bailey Mine Eastern Expansion Area covered 3,175 acres, split into panels stretching several miles each. The area under dispute represented 0.9 million of the 26 million tons of coal that Consol Energy would produce that year.¹

Coptis remained cool-headed during the litigation, and refused to engage in the jobs vs. the environment narrative. "It wasn't the workers' fault. They were being told the wrong information by the operator." She is quick to point out that many of the coal workers expressed their value for the public park and its value to the public.

"It is clear to me as we build more power in the community, we can only expect our opponents to push back with more violence."

The harassment against Coptis escalated to threats of gun violence at a CCJ fundraising event. Determined not to allow the intimidation to impede her advocacy, Coptis and her team continued with the fundraiser, enlisting the help of Steel City Gun Club, an anti-racist, anti-fascist community defense organization that provided pro-bono private security.

¹ <http://investors.consolenergy.com/2018-02-06-CONSOL-Energy-Announces-Results-for-the-Fourth-Quarter-2017>

Fortunately, no physical violence occurred, but the situation took a psychological toll on Coptis, her family, and her colleagues. As she puts it, "I came into this knowing the potential dangers involved in my work, and I've consented to taking on that risk. My husband, on the other hand, married into that context without choosing it." Her husband, a former Marine, has experience working in the coal mines. He said that the experience put him on high alert.

Now pregnant with her second child, Coptis continues to work tirelessly with community members in Greene County for a local economy that supports clean water, clean air, and the protection of land and resources. At the same time, she remains vigilant and aware that future conflict with coal companies and the fossil fuel industry at large are all too likely.²

Michele Garman



Michele Garman's family has lived on the same tract of land in Vienna, Ohio, for four generations. Until recently, she hoped that her son - the fifth generation - would continue the legacy. But with an injection well right outside her front door, it is not the same healthy landscape it once was.

The injection well was installed in 2015, but not before Garman put in a two-year fight to prevent it - from when they bought the land, received the permit, and began installation.

Garman was concerned from the get-go and researched the possible negative health effects of the fracking industry and waste injection activities. She attended community meetings of various local authorities, at which she would present a litany of environmental issues,

² <https://www.newyorker.com/magazine/2017/07/03/the-future-of-coal-country>

<https://www.refinery29.com/en-us/2018/02/187763/environmental-activism-pennsylvania-center-for-coalfield-justice>

<https://www.post-gazette.com/news/environment/2018/08/06/ryerson-station-park-consol-longwall-mining-subsidence-pennsylvania-environmental-hearing-board/stories/201807280005>

<https://archive.triblive.com/news/state-halts-efforts-to-restore-greene-countys-duke-lake/>

including concerns for air and water quality, soil contamination, and earthquakes – accompanied by a list of chemicals and radioactive substances present at injection sites, most of which are hard to pronounce.

She wrote letters to public officials and the state Department of Natural Resources (OH DNR). She called them repeatedly and took every opportunity to speak publicly about and protest the injection well sites. All of this to virtually no avail – as far as authorities were concerned, DNR had the final say, and they said it was just “salt water and brine” going into the ground. “It became clear from the frame of mind in responses they offered that they had already made up their minds. They kind of had a response for everything,” Garman explains.

She says community members dismissed her findings at first, because they thought fracking industry development might be a good economic stimulus for the area. But when one of three injection wells owned by her neighbors had another spill, a lot of people started calling her and asking questions.

Her positions as Vienna Township zoning secretary and on the local school board afford her close working relationships with the township government and other local authorities with whom she could speak at meetings, where she could protest freely – only if it remained separate from her position.

And she kept on protesting against the wells. Garman organized “toxic tea parties” in front of her house, adjacent to the injection well property, and was careful to demonstrate on her property and the public road, which she confirmed with local police was legal to do. But

she was swiftly confronted by oil and gas industry advocates and employees.

Industry representatives first contacted the police about her demonstrations, claiming they were picketing too close – but she had confirmed she was within her rights. Her neighbors would question her and tell her to sell her land and leave. They would video and photograph the protests. Garman says it was “really weird.”

Landowners of the injection well site visited the township administration and tried to have her fired, saying she was using her position on the Zoning Board to influence people. But she kept the issues separate and kept her job and continued her advocacy.

One local industry supporter decided to run for school board – something he says was to intimidate her – that if she shut her mouth, he would drop it. But she was undaunted, and people saw through his mission.

But harassment continued. She received veiled threats from industry employees, who would stop on the road at her protest and tell her to “come visit, it’s perfectly safe.”

“All I could was keep making people aware,” Garman reflects.

She pressured OH DNR to closely monitor the sites for air and water quality, but she was never satisfied with their practices.

And oil and gas industry insiders kept coming for her. Industry supporters reported her to the police repeatedly, multiple times claiming she was trespassing. “If I had done anything against

the drilling company that was improper, they would have arrested me or whatever - but I stayed within my limits, and they [the police] made sure they [industry supporters] stayed within theirs," she recalls. "I don't want to give them any reason to come back at me."

Garman finds that most local people support her now, that they still ask her about the well next to her when she is out about town. "A handful of people support the industry, but they don't really say much to me about it. They know if you argue with me about it, you're going to lose."

Though not as active as she used to be, Garman still takes up the fight. She takes the protest signs in her yard down intermittently, to comply with law, but she still takes any chance she can to talk to anyone about it - be it students, public officials, or friends and neighbors.

"It's just gotten to the point, it's not like it can consume my life. I have to keep living, I have a son going to college and everyday things to take care of. Life needs to go on, too."

Rekumani aka Bill Greendeer



Rekumani, aka Bill Greendeer, seeks to teach people to take better care of the earth, to live off the land. A member of the Ho-Chunk tribe native to Wisconsin, he used to work in construction, until he realized its processes are hard on the Earth. Then he noticed how quickly the oil and gas industry drastically altered his home in Tomah, deteriorating forests and fields across the community and Ho-Chunk ancestral lands.

For the past five years, frack sand mining activities are destroying lands tied to Rekumani's culture, contaminating water resources, and poisoning animals. "Sand mines just want the profit," he says, citing several instances where excavation crews flooded land with no compensation, and multiple encounters of uncovered sand trucks whisking dust and sand into the air. The air monitors are positioned too far away from the frac sand sites to accurately

register the air quality, where sand is easy to see and sounds like rain on the windshield.

Three years ago, Rekumani decided to take a walk - a long walk up the (then unfinalized) Enbridge Line 61 pipeline, from Delavan to Superior, WI.³ He walked over 400 miles in 33 days, staying on public routes as close to the Line 61 as possible - which he says is one of the largest pipeline corridors in the US. Winona LaDuke joined him for parts of it, and he joined her at the Standing Rock protests.⁴

Rekumani says he started walking to find out what Enbridge's plans were, "what they were actually about." The pipeline would transport over a million barrels of contaminated tar sands across WI every day, a dangerous load to funnel into pressurized pipelines and channel across the landscape. He wanted to raise awareness about the projected pipeline and the environmental damages it would bring to the state and Illinois - where the materials it diverts head for refinement.

His name, Rekumani, means, "deer that runs in the direction of the solid wind," which he says embodies his spirit of environmental stewardship and defense - a fitting determination for him and his decision to walk the pipeline.

But his walk was not a peaceful one, though he tried to maintain his integrity and keep himself

separate from who he calls saboteurs of his walk. They tried to intimidate him, following him closely on his walk and filming him. Some people joined him on his journey, and though most were supporters, there were some joiners who acted irresponsibly - people he believes are tied to the oil and gas industry. Unbridle was sending representatives to towns ahead of Rekumani's path, visiting homeowners and telling them not to engage with him. The walkers were even harassed by off-duty sheriffs in one county.

Rekumani also received death threats in voicemails and phone calls at all hours of the day - but the ones he saved as evidence disappeared from his call log and inbox. They would say things like, "You better watch what you're saying," "You better watch where you walk," an intimidating consideration for him, in the middle of such a long journey.

Rekumani remains undeterred and continues advocating for the environment and the rights of nature. He is a Ho-Chunk community leader and liaison for the rights of nature. In 2016, the Ho-Chunk Nation General Council took the first vote for a tribal constitutional amendment for the rights of nature - the first tribal nation in the US to do so.

Rekumani has studied law, the US Constitution and government, to empower his advocacy, and he now works with groups at multiple levels to have the rights of nature recognized in law. He has appeared before the UN and works regularly with the Community Environmental Legal

³ <https://www.waterislifemovement.com/enbridge-wisconsin-corridor>

⁴ <http://thecirclenews.org/environment/riding-the-line-enbridge-and-the-horse-nation/>

Defense Fund to advance the rights of nature in legislative and policy drafting.

Megan Holleran

Outside New Milford, Pennsylvania, lays a half-wooded, lakefront farmstead with a hayfield, a few cottages, and a grove of sugar maples tapped for sap and syrup-making – in use for more than a decade. Megan Holleran’s grandparents moved to the Susquehanna County property in the 1950s. Her mother was raised there. Megan calls it “beautiful.”

She was working with an archeological crew on the Constitution Pipeline when she learned that the same Williams pipeline had the family’s land in their sights – including the stand of maples.



Shortly thereafter, a truckful of land agents visited the Hollerans. The family told them, “We’re not interested.” The agents ignored the response and suggested that the pipeline would not be put there anyway. Megan knew it was a

lie, and that the company would use eminent domain if it did not have its way. "We won't say yes," the Hollerans unambiguously replied.

A year passed, and the family was taken to court. The judge gave Williams the right to take immediate possession - prior to any compensation - and access the land.

The Constitution Pipeline was planned to transport fracked natural gas across 24 miles in Pennsylvania, and 100 miles in New York, but Williams was having trouble getting permits in the Empire State. Despite the conundrum, the Federal Energy Regulatory Commission (FERC) granted the company partial notice to proceed. They could exercise nonmechanized tree clearing on the PA portion of the route.

Surveyors came out on multiple occasions. Megan and her family tried everything they could within legal bounds to stop the pipeline from tearing up their land. They tried intervening with FERC. They asked Williams to please wait until NY reached a decision on permits. Their requests were ignored.

So, Megan and her friends held group protests as they monitored pipeline activities. "They [Williams] weren't following the rules most of the time," she remembers. Williams officials and private security arrived in a bevy of trucks one day. She approached them to plead her points, but was surrounded by the Williams crew, who filmed the encounter.

"I felt very intimidated," Megan recalls.

She bravely reminded them that they did not have to cut down the trees.

The next day, the Hollerans were summoned before a judge for contempt of the court order that granted Williams possession. The company claimed they had blocked access to the pipeline. The judge found them not in contempt but clarified that if any person on the property inhibited access, the family would be found in contempt, and would be subject to fines of up to \$30,000 per day. And there were further conditions - the Constitution project was given an extra "safety" buffer to keep people away. "My aunt couldn't go into her own backyard," Megan says.

In February 2014, Williams private security posse escorted tree cutting crews to the Holleran property. They were joined by a van of US Marshals armed with semi-automatic rifles, and outfitted in combat gear. "It looked like a military occupation," Megan says. "It was a crazy day."

The crews - and the Marshals - stayed for three days, while the Hollerans peacefully but painfully watched their trees cut down, one by one. A month later, NY denied a water quality permit for the pipeline. The project shut down.

The trees remain on the ground today, and Megan's family has not received a cent. Eight years after the ordeal first began, a compensation hearing has been scheduled, but can any amount really restore normalcy lost?

*Addendum: On August 28th, 2019, the Federal Energy Regulatory Commission overturned NY's permit denials for the Constitution Pipeline. Appeals are likely to be filed.*⁵

Bill Hughes

Bill Hughes was raised in an industrial town a few miles east of Pittsburgh, PA. After he married his wife Marianne in 1969, they thought of a rural setting for raising children, and looked south to West Virginia. Eventually, they bought 79 acres with an old farm house. It was the last and only home up a hollow in an almost abandoned valley. To Hughes, a humble man, it was "a little piece of Almost Heaven."

Bill and Marianne's first child, a son, was born right before they moved from Pittsburgh. Two years later, they had a daughter. Peace and quiet characterized life in Wetzel County - until the shale gas invasion accelerated in 2009.

"By January 2010, the traffic was surrounding us and completely unavoidable," Hughes said. For the next few years, truck accidents, blocked roads, travel delays, road damage, infrastructural damage, and demolished signs and guardrails were routine. The noticeable impacts eroded the community's quality of life, but other concerns began to bother Hughes.

In fall of 2000, Hughes had been appointed to serve on the county Solid Waste Authority. "West Virginia state regulation eventually required that the solid waste drill cuttings from the well bore be taken to a landfill," Hughes explained. "With a

limit of 10,000 total tons per month, almost any quantity of drill cuttings would overwhelm and exceed the Class B classification of the landfill." Soon, with the proliferation of drilling waste, the state began to allow landfills to exceed their legal limits. Unsurprisingly, this practice had an ominous downside: drill cuttings are radioactive.

"The byproduct of the drilling process contains radium-226," Hughes said. "It has a half-life of 1,600 years and is water soluble." According to *Science Daily*, a 2016 study in the American Chemical Society Journal *Environmental Science & Technology Letters* "...some well waste from the Marcellus shale in Pennsylvania contained radioactive material not previously reported, with the potential for leaching from landfills into the environment. In addition to uranium-238 and radium-226, the researchers report the samples contained elevated levels of the environmentally persistent radioactive isotopes uranium-234, thorium-230, lead-210, and polonium-210." Hughes astutely pointed out that all landfill liners will eventually leak.

Over 15,000 tons of drill cuttings per month arrived at the Wetzel County landfill by mid-2012. The West Virginia Department of Environmental Protection began to require the building of separate cells within landfills, by which they would then be allowed to receive nearly unlimited amounts of drill cuttings. According to Hughes, it was a regular topic of concern for the Solid Waste Authority, who hired legal representation to object to the issuance of this special permit modification. A majority of the board members had serious concerns about the large increase in tonnage at the landfill.

⁵ <https://www.spglobal.com/platts/en/market-insights/latest-news/natural-gas/082919-ferc-puts-constitution-pipeline-back-on-track-finding-new-york-waived-water-authority>

Hughes testified at a hearing in early 2015 at the WV Public Service Commission regarding the Wetzel landfill's pending permit request for the special cell for drill cuttings. Delays irritated the owners of the landfill, and in February 2016, Hughes became a defendant in a federal lawsuit filed against him. A summons was delivered to his home, and he and the vice-chair were thanked for their public service by being removed from the board of the Authority.

That March, Hughes' attorney filed a 36-page Motion to Dismiss. The landfill filed a massive objection and the case sat. Over six months later, the federal judge in Wheeling issued his ruling in Hughes' favor and dismissed the case. The landfill appealed. More months passed, during which Hughes rejected an offer to negotiate and settle the case. The Fourth Circuit issued a final dismissal order in March 2017.

The unnerving ordeal was over, but through those long months and the preceding years, the waste kept flowing. From 2010 through 2017, about 850,000 tons of drilling waste found a home at the Wetzel County landfill.

The waste issues had been a weight on Bill's shoulders, but they weren't the only ones. He was most distraught about the social impacts of the extraction craze, how it, "contaminated the long-standing Appalachian culture and eroded our community history." He called it collateral damage. "The old normal is forever gone." Hughes lamented.



In March 2019, Bill Hughes passed away from cancer. His legacy lives on through a multitude of lives he touched, whether students, activists, or everyday people. Armed with facts and a pervasive smile, he led tours to fracking sites where his careful documentation and reporting forced many drillers into compliance. The preceding story was derived from an interview with him in 2018.

Jill Hunkler

Jill Hunkler has lived near the Slope Creek reservoir outside of Barnesville, Ohio, for over 30 years. She grew up on its banks, and years later built her own home on the opposite shore, in a private little holler where her mother and sister once lived, too. But after 7 years of fighting the oil and gas industry, Hunkler's idyllic life in rural Ohio is coming to an unjust end.

She first noticed increased truck traffic in 2013, when the first pipeline had already been laid. But when leasing agents began visiting her family and neighbors, Hunkler was alarmed and defiant.

The fracking companies were buying off landowners in this financially desperate area but were not following through on the promises of royalties, had little documentation to justify the figures they offered, and had no record of the actual amount of oil and gas they took from the land. She immediately began investigating the fracking industry.

Hunkler found further infrastructural plans for the pipeline, its compressor stations and injection wells, and plans for an experimental fracking waste processing facility to be built in the industrial park in town. She learned about the environmental health risks and issues of air and water quality related to the proposed operations and was especially alarmed by the lack of protective measures at the waste facility.

Hunkler held public information meetings in her community to fight the waste facility, and she attended Barnesville Village Council meetings and Belmont County Commissioner meetings to

share her findings with local authorities. She repeatedly asked them to support her protests of fracking construction, drawing attention to the lack of oversight and accountability in this irresponsible development. She was met with aggression and negativity, but she persisted.

A couple local authorities had personal interests in the waste facility, which Hunkler brought to light, supported by information from County Commissioner meetings and the Belmont County Port Authority. She fought this case for two years and won - the waste facility plans would be aborted.



"It was never an option to lose," she says. She gained support from the community in time. "The

attitude and energy I carried into meetings and to the public, it created a massive wave of resistance that worked." And her work was far from over.

At the same meeting where she fought the waste facility, a fracking representative proposed lease agreements allowing them to build and install two frack pads 500 feet from the shoreline of Slope Creek reservoir. She countered his presentation with a report about the health risks and water and air quality issues related to compressor stations, and the risks posed to their drinking water supplies by frack pads close to the reservoir.

So began the battle for to save Slope Creek. Eventually armed with a 2,500-signature petition, Hunkler led the arduous battle to fight the frack pads on Slope Creek - and won! The victorious feeling did not last, however. In 2014, the oil company began constructing the pads in a different location, still less than a mile from Hunkler's home and the reservoir.

Since then, she never knows what she will find when she visits her house in the holler. She has not lived at her Slope Creek home full-time since 2016, due to illnesses borne from fracking activity. Her sister and nephew developed long-term negative health impacts, which eventually forced them to abandon their home. But health issues are not the only byproduct of the fracking industry Hunkler has had to face.

For the past 3 years, she has been targeted by employees of the fracking industry. Despite living in an isolated area, she hears fracking

trucks idle at the top of her driveway, doors open and shut, and voices talking, making her fear that she is being spied on. Her mailbox disappeared on one occasion.

Hunkler says they know what she looks like, where she lives, and what car she drives. She has been followed "alarmingly close" by fracking trucks, and workers have attempted to bar her from continuing down roads she knows are public. She has been warned countless times that the model and license number of her car were circulating on their radios, ensuring her that she was being watched. She has had multiple verbal exchanges with industry employees, who have photographed her and her car, questioned what she was doing, and told her to watch herself.

Hunkler quit her job to be a full-time activist, a job she says was necessitated by the corrupt corporations rooting around her backyard. Her Native American heritage suffuses a deeper meaning in her environmental work. What began as a desire to preserve the history, traditions, ceremonies, and teachings of indigenous people naturally evolved into environmental advocacy.

Since 2012 she has continued to spread awareness of the issue, speaking with local governments, presenting to university classes, and traveling around the area to photograph and map fracking sites - even in the face of retaliation.

Chase Iron Eyes

"*Mni Wiconi*, 'water is life.' Activism is a response to violence," Chase Iron Eyes begins, discussing his experience fighting the "Black Snake", Energy Transfer Partners (ETP) Dakota Access Pipeline (DAPL), built to pipe Bakken crude oil to east coast refineries for export.



Chase's motivated opposition to fossil fuel industry expansion comes from his drive to "spiritually wake people up." He exclaims, "We are the warriors of light! To be born is a political act for Indigenous People." He notes that no country has a system of laws that humanizes Mother Earth.

"All laws protect and serve capital and corporations, not people. Big extraction rules the day, tied directly to national security and the military-industrial complex. Conversely, Indigenous People are born free radicals, beacons against the prevailing order that seeks

to separate humans from sacred relationships with Mother Earth that are ours by divine right. Humans do not want a culture that champions consumption and billionaire values."

Chase Iron Eyes is incredibly accomplished, a powerful figure of environmental activism and frontline action. He was born and raised on the Standing Rock Reservation, a member of the Oglala Sioux Tribe. Besides practicing law, Chase is a member of the Lakota People's Law Project and cofounder of the Native American news website *Last Real Indians*. He even ran for the US House of Representatives in 2016.

Chase Iron Eyes entered the fight against the DAPL in 2016 when his wife was arrested during a protest. The pipeline was not finished at the time. Its path transects land treaties of the Standing Rock Sioux Tribe recognized since 1848 and crosses the Tribe's primary water source in a most sensitive location. At the time, Chase was running for Congress. The actions of his wife and other women, and their subsequent arrest at a pipeline building site, inspired Chase and other tribal members to more actively engage with and oppose the pipeline.

The Standing Rock protests lasted nearly a year and gained widespread political support and media coverage. There were daily direct actions during certain periods. Pipeline owners ETP hired TigerSwan security force to intimidate demonstrators and disrupt peaceful protests. ETP spent a lot of money for a sophisticated operation in the high plains, consisting of active military and ex-military private contractors, in addition to the \$38 million spent by the state of ND. These networks were even used to track and intimidate Chase and his daughter while they were away from the Oceti Sakowin Camp.

Chase Iron Eyes was arrested with 75 others on occupied Oglala Sioux land in late January 2017. He was charged with felonies for inciting a riot and criminal trespassing. While many other Water Protectors were forced into plea deals and are still serving prison sentences, Chase fought the charges and won.

Being labeled a “criminal” weighed heavily on Chase’s soul. It was a loss of peace of mind, a quiet state of mind. Court actions made him question his faith in the objectivity of the judicial process. All of his frontline activism has been supported by legal standings of a treaty, the Constitution, or international law. As an Indigenous Person, protecting the Sioux’s treaty rights are an inherent responsibility. His desperation over the court’s transgression made him recognize his responsibility to build bridges to other communities suffering oppression from colonial forces – forces that are propagating that sickness across the world.

Since the trial, Chase has dedicated his life to fighting endless war machine trafficking, violence, and genocide – cruelties supported by American foreign policy. Chase now seeks to wake people up, to get them to recognize that Mother Earth is sacred.

“People are seeking a deeper connection. They do not like this spiritual void of a chemical reality that we are stewing in that teaches the myths that humans are the apex of evolution and can technologize their way to salvation. This does not lead the spirit in good directions, into nature where we can put the screens down. The path to spiritual liberation is in connection rather than separation. The Western World does not recognize or respect the human relationship to nature. It has been watered down and

conditioned since the end of the Vietnam War, and the end of Tribal Nations protecting their sovereignty, such as my ancestors at Wounded Knee. And industry has been successful at implementing new riot laws. If Indigenous People want to hold a prayer ceremony on a sacred site in treaty territory at a pipeline, they face 20 years in prison. How do you fight that? These are *Mother Earth Liberation Politics*.”

A major concern for Chase is what comes next for environmental defenders. He sees it as very unpredictable. He is concerned for safety, so that the murder of activists does not continue, in private or publicly by military contractors – which happens in other parts of the world.

Security is one of the reasons he likes living on the reservation. “All the cops are Lakota. It is much safer.” He is also concerned about the deterioration of human rights, and the criminalization of activism that more people will be compelled to take up as the climate crisis take on different forms and manifests in different ways.

Ellen Gerhart



In 1983, Ellen Gerhart and her husband purchased 48 acres of land in rural Huntingdon County, Pennsylvania - a parcel replete with a stream, pond, woods, and wetlands. They loved the wildlife, and their daughters delighted in roaming the property.

After 30 years of teaching special education to hearing impaired children, Ellen retired in 2015. But retirement has been far from restful.

That year, a land agent contacted her with intentions to gain an easement for the Mariner East 2 Pipeline. Sunoco Logistics had already surveyed the Gerhart's land, and drawings showed a route under the pond and through the wetlands. For three acres, the agent offered \$14,000. Ellen's response was an unequivocal

"No." A day later, the offer increased to \$30,000. The Gerharts did not budge. Soon they were in court facing eminent domain proceedings.

The Mariner East 2 Pipeline is designed to move volatile natural gas liquids to Marcus Hook, a refinery near Philadelphia. Such a project does not normally trigger rights of condemnation, but the company argued that the public would benefit from access to propane via spur transmission lines. The

Huntingdon County judge ruled in favor of Sunoco and allowed tree cutting to begin, even though the project had yet to receive permits from the Pennsylvania Department of Environmental Protection (PA DEP).

Ellen and her daughter, Elise, organized "tree sits" that eventually spanned more than 500 days, but the injustices continued. In the spring of 2016, a time when the Migratory Bird Act precludes the felling of trees, a timber crew came to the property. Ellen presented Sunoco's own injunction, which cited the Migratory Bird Act, to the workers - and later, the state police - corroborating that assertion. It was to no avail. She was charged with trespassing on her own property and spent four days in jail, two of those spent in solitary confinement.

By 2018, pipeline construction was well underway. Tired of constant noise, lights, and private security surveillance, Ellen decided she "had had enough." She went onto the easement and stood in front of one of the machines.

"Sunoco claimed I was there at 8:00 a.m. and harassed them all day," Ellen recalls. This time she was charged with indirect contempt of court that imposed a sentence of two to seven months

in jail and a \$2,000 fine. But the dark time had a small bright spot. "I had a chance to talk to a lot of people about pipelines," Ellen says.

Ellen was released after two months and placed on parole for five months. But the injunction remains in effect, barring Ellen and her family from entering the easement, or from accessing property on the other side of the easement.

Friends and family were also arrested throughout this ordeal. Ellen watched a corporation destroy more than 150 of her trees. The Gerharts contend that wetlands on their property were misclassified by Sunoco consultants, therefore permits were issued improperly. A judge will decide their case soon.

Construction of Mariner East has caused sinkholes, water well problems, and more than 100 spills or "inadvertent returns" of drilling fluids all along its 350-mile path across Pennsylvania. The Gerharts and many other families are human casualties of this destructive project. Undeterred and unwavering, Ellen and Elise stay actively involved in advocacy against pipelines.

Scott Martens



An anthropologist by training and a carpenter by trade, Scott Martens has decades of experience as a social justice and environmental activist. He's lived with his wife in Minisink, NY, for the past 12 years, the site of several notable gas infrastructure projects, including the Millennium Pipeline, the Valley Lateral Connect pipeline, a natural gas compressor station, and a meter station. Ten minutes away in the neighboring town of Wawayanda, pipelines feed into a massive fracked gas power plant. Martens was concerned about the environmental and health impacts that oil and gas development were having on the previously bucolic area, only to

become more firmly opposed after his first child arrived in 2014.

The Valley Lateral Connect pipeline was built to transport natural gas from the controversial 240-mile Millennium Pipeline to the CPV Valley Energy Center power station in Wawayanda. Martens was unsatisfied with the way the project was communicated to the public and was distressed at the environmental and health impacts the lateral pipeline and the power station would have on his community and his family. The process of extracting, transporting, and burning natural gas is devastating to the environment, the climate, and human health.

The way Martens sees it, “This is about power and money – and a total disregard for our environment and the climate crisis – at the expense of capitalism and keeping the fossil fuel industry alive.”

Martens channeled his frustrations and fears by engaging likeminded citizens in opposing the water quality permit of the lateral pipeline. He and his allies posted videos on social media, distributed information to fellow community members, and picketed on the side of the road. They were able to engage directly with hundreds of community members to get thousands of signatures asking for the water permit to be declined. Under considerable public pressure, the New York State Department of Environmental Conservation (NYS DEC) denied the permit.

Just when Martens could taste victory, the Federal Energy Regulatory Commission (FERC) overrode the decision on the water permit, granting Millennium permission to begin construction on the pipeline. Together with the NYS DEC, Scott and the community group Protect Orange County took their case against Millennium to federal court – but they lost.

A self-described optimist, Martens was not deterred in his resistance of the project. He knew that the environmental and health stakes were high. His tactic of choice this time was to search for endangered species’ habitats that would be affected by the project. He began walking the 7.8-mile Valley Lateral Pipeline on nearly a daily basis, until one day he spotted a bald eagle. He was hopeful that he had found the key to stopping the pipeline altogether, in turn delaying the construction of the power station.

Martens was confident that a picture of this magnificent endangered creature in its nest would be compelling evidence, so for weeks during the chilly month of November, he awoke before dawn and waited by the eagle’s resting place. Finally, on December 1st, 2017, he got the photo he was waiting for, and sent it to the NY DEC. There was no reaction and tragically, construction of the pipeline began just two days later. Martens was onsite when the workers arrived to begin, and he advised them that in proceeding with construction, they were breaking federal regulations by threatening a bald eagle’s habitat. But they continued without hesitation.

A few weeks later, a state trooper pulled into his driveway and delivered Martens a notice that he was being arrested for trespassing on

Millennium's easement. This began a long litigation between Martens and Millennium, who had brought the charges against him. In the end, Martens agreed to a series of stipulations, including a restraining order of 100 feet from any Millennium property, which represented a significant amount of land in Orange County and beyond.

The case brought against Martens was considered a SLAPP lawsuit. Strategic Lawsuits Against Public Participation (SLAPP) are intended to intimidate those who criticize government or speak out on issues of public interest. SLAPPs are brought against individuals to silence them through harassment and significant financial burden.

Although the charges against Martens were intended to dissuade his activism, he persisted in exposing Millennium's violation of the federal American and bald eagle protection act. He was capturing video footage of the pipeline's construction on the nesting bald eagles' territory when he was arrested the second time.

"They didn't have a valid case against me," Martens says. "They wanted to keep me from doing what I was doing. They were successful because I have children - I can't risk being put in jail."

Martens continued to film Millennium's activities at a safe distance, speak out, document violations - and more recently decided to run for local office. Although at times he has felt defeated throughout his battle with Millennium, he says, "I'm an optimist, so I tend to say that we're meeting every blow with more solidarity, new ideas, and good people who are dedicated to a better future."

Vera Scroggins



Vera Scroggins settled in Susquehanna County, Pennsylvania in 1991. The rural, pastoral area in the state's northern tier was a change from her years on Long Island, but she enjoyed the bucolic surroundings - until fracking arrived in 2008. About two years earlier, she had noticed trucks performing seismic testing, and neighbors talking of leasing. "Shocking," is how she describes her first time witnessing a drill rig on a farm in the community of Dimock.

Vera saw a sample of sullied drinking water only two months later. In her 17 years as a local, the groundwater had been clear and pure - a gift from Mother Earth. She thought, "What are they going to do now that their water is contaminated?" Then she noticed water deliveries that affected landowners, courtesy of Cabot Oil and Gas. "It felt like I was in another country."

Vera has enjoyed videography and photography for years. As extraction began to boom, she decided it was time to document and learn more about the happenings around her. She began taping and taking pictures of the industry's activities, contacting the PA DEP with her

concerns, and talking to employees of the gas companies. One day, someone asked if she could arrange a tour to show them and others what she was seeing.

By 2013, Vera was coordinating and facilitating four tours a week. Diverse participants - journalists, farmers, elected officials, activists, celebrities - came from all over PA, from NY and other states, and even other countries. At last count, people from five continents have experienced the tours and benefited from her insights. Because they were the largest operator in the County and the recipient of many of the DEP-issued Notices of Violations, Cabot Oil and Gas often became the focus of the tours.

A sheriff came to her door with a court summons later in 2013. Before a judge on a Monday morning, she experienced the full force of a wealthy fossil fuel company. Cabot's entourage included a team of lawyers and 12 employees. They alleged she was a nuisance and a danger to their operations. The company requested an injunction, and the judge - who had personal oil and gas interests - granted their wish. Vera was required to remain 500 feet from Cabot operations and was forbidden to set foot on any of their leased lands. Due to the company's extensive holdings, she had essentially been banished from 40 percent of the county. And she would need to find safe passage on her own - they would not give her a list of Cabot controlled land.

The legal tribulations were only part of her ordeal. Cabot security would sometimes follow her. Disparaging articles appeared in industry publications. Cars would drive menacingly close. Threatening emails invaded her inbox.

"I no longer felt like a US citizen," Vera says. "My freedoms had been taken away."

The Guardian UK wrote a story about her plight. Pro-bono attorneys from the ACLU, Public Citizen, and other groups came to her defense. Her situation slowly improved. Fines were paid, community service hours logged, terms of probation followed. Eleven court appearances led to a reduction in the scope of the injunction, to a keep away distance of 100 feet. But the injunction is permanent, in effect for the rest of her life.

Vera fights on, despite the impediments. She is surrounded by hundreds of fracked wells, 53 compressors, and two compressed natural gas facilities. Family members have moved away, relationships have become strained. She calls the experience "surreal."

But hope prevails. "Neighbors are now seeing the truth about the industry," Vera explains, "And I still give tours."

Sharon Wilson



Sharon Wilson had “a ringside seat to the circus” living in West Texas. That circus is the birthplace of modern fracking. She did not know how ethically corrupt the oil and gas industry was at that time – she just knew that she had to get out of the gas patch for the sake of her sons’ health.

Now, after years spent community organizing on the front lines, she resides in Dallas, TX, where she is the Senior Organizer for the nonprofit Earthworks Oil and Gas Accountability Project. Wilson has briefed NATO Parliamentary Assembly, Environmental Protection Agency (EPA) regulators, and even former EPA Administrator Gina McCarthy on the impacts of oil and gas extraction. In 2014, she became a certified optical gas imaging thermographer. She now travels the world making visible the invisible methane pollution from oil and gas facilities.

Prior to community organizing, Wilson worked for the oil and gas industry in Fort Worth. While working for them, she learned that the industry had, “a very disturbing sense of entitlement; the lack of ethics was objectionable.” Regardless of the “obscene amount of money” she was making, Wilson decided she could not spend her days in that environment. She left the industry and bought a 42-acre ranch in West Texas, not knowing what was heading her way.

Wilson started noticing things shortly thereafter. Some days, the air turned brown. She remembers seeing ponds she thought ranchers were digging for cattle. Instead, operators were filling them, unlined, with “orange sludgy, slimy goo, and they either would just leave it, or it would break and spill onto the farmers’ lands.” No one understood what was happening, but she needed answers.

She began writing letters to editors in all the local papers, but the comments were brutal. One memorable commenter threatened, “to take me [Sharon] and my lovelies out, Chicago-style.” Death threats were common. So, she started her blog *TexasSharon.com*, and people reached out in droves to ask for help.

As she tells it, Wilson’s organizing was, “very boots-on-the-ground, grassroots-oriented, a great deal of ‘kitchen table organizing,’ where you start with one concerned mother sitting across from you, her table still sticky from peanut butter and jelly sandwiches.” With hard work, her activist community grew quickly from one mother, to three, to an entire coalition in multiple communities. But the industry pushed back. “It’s like guerilla warfare,” she says earnestly. “Industry likes to keep their thumb on top of opposition. But now there’s too many voices

from too many different areas, and they wield some power. In Texas, if you get anywhere at all, it's a good thing."

Billion-dollar company Range Resources accused Wilson of 'conspiracy to defame,' claiming she had conspired with landowners, scientists, other NGOs, and even the EPA. Wilson was terrified.

"It's frightening when a company has that much power, when their ethics are quite questionable. They use the legal system against their enemies. You never know what they might stoop to in order to silence you, or to what lengths they might go to manufacture something."

Wilson describes herself as lucky that an attorney offered to represent her *pro bono*, because "he said it was a righteous claim." His name is Scott McClain. Instead of asking Wilson to keep quiet, McClain told her to keep telling the truth, so she ridiculed and made ruthless fun of Range Resources. She calls it "Level 2 fun. It is miserable when you're going through it, but when you look back, you laugh at how ridiculous it was – such an obvious misuse of the justice system." Range Resources dropped the case. Their intent was to shut Wilson up, nothing more.

Wilson continues to empower communities so that they can fight effectively on local, national, and even global levels. She is often approached by industry workers during her thermographic work, and she is regularly threatened. She has been illegally detained by an entire wellsite crew, as well as the local sheriff when he arrived. But according to Wilson, she "doesn't put up with the bullshit." As she sees it, "It's not everybody that is going to be willing to put

themselves out in front of the firing squad, but the most important thing to remember is that these people are bullies. The best way to deal with bullies is to call them out publicly. It is to expose them. If I get a threat, I make it public. I make a police report and insist there is a report on file."

She is concerned that legal threats will dissuade future fighters from participation, but she wants people to know that she has been arrested numerous times, and her resolve is only stronger.

She says the industry will use all efforts to destroy your reputation, but to stay dedicated to the cause and remain steadfast.

"We need to recognize what's at stake in what we're facing today. We have a moral obligation to be brave and face this with courage, even if we are afraid – to do whatever we can to stop oil and gas expansion, and make sure that future generations have a chance to turn the ship around on climate change."

Conclusion

If the second half of 20th century will be remembered in history as an era in which the international community recognized its shared responsibilities, across borders and ideologies, to protect human rights in the aftermath of the devastation wreaked by the two world wars, the first part of the 21st century is at risk of being remembered as the period when those covenants and international conventions failed to protect environmental defenders.

While the Aarhus Convention, UN covenants to protect human rights, and recognition of the right to a clean environment are hallmarks of the 20th century, the past decade has been marked by a startling trend of reduced respect for the rule of law, shrinking space for civil society activists of all kinds, and direct attacks on environmental defenders. Environmental defenders are killed at rates higher than deaths of soldiers in the UK and Australian armies deployed in war zones. Not surprisingly, threats to environmental defenders are higher in countries with high levels of corruption and disregard for the rule of law.

The stories documented in this report are part of this story.

International efforts to protect environmental defenders, and in particular, the establishment of the office of the UN Special Rapporteur on Human Rights and the Environment, are a step in the right direction to protect defenders. However, as long as corporations are given the same rights as individuals (as is the case in the U.S.), environmental defenders will continue to be at risk in their struggle to protect the environment. Similarly, the struggle against corruption and kleptocracy means that environmental defenders—especially those in opposition to large corporations, economic interests of the state, or natural resource extraction—are fighting a battle against an opponent with far greater resources than they have.

Threats to the environment are broader than national governments and can no longer be addressed on the national level. Transnational corporations, international financial institutions and banks, and multinational interests drive much of the economy of extraction, deforestation, transport of fossil fuels, and other environmentally damaging “development.” The response to these threats must be equally international. The United Nations, the OSCE, signatories to Rio, the Paris Convention, and other significant international covenants must actively protect environmental defenders and bring to justice those who threaten and harm them.

The international environmental community stands in solidarity with defenders around the world. This report is dedicated to all those who protect the environment, their communities, and the future of us all.