

*To Mr. Jit Peters, Chairperson of the Bureau of the Aarhus Convention*

Dear Mr Peters,

We are writing to you on behalf of a number of Ukrainian NGOs following the recent murder of environmentalist Volodymyr Honcharenko and failure by the authorities to adequately investigate the allegations he had made four days before the murder concerning chemically contaminated scrap metal posing a grave danger to health in the Dnipropetrovsk region.

We were most surprised to learn from colleagues present at the meeting of the Working Group of the Aarhus Convention in Geneva on 4 September that Ukraine's official representative had stated that the government has taken the investigation into Mr Honcharenko's allegations under its control, that an investigative committee had been formed and that the results of an analysis of the scrap metal in question would be provided on 10 September.

We are not aware of any committee and no results of any analysis have thus far been forthcoming: neither in response to our requests nor in official reports on the Ministry of Ecology website.

All our efforts to ensure proper investigation and response have been met with resistance. Beginning in 2009 Volodymyr Honcharenko and his organization ("For the rights of citizens to environmental safety" — NGO later on) had been following the movements of three heat-exchangers originally from Ivano-Frankivsk since there were strong grounds for believing them to be seriously contaminated with the highly toxic chemical hexachlorobenzene.

From the very outset, when the authorities were informed of this likely danger up till the present, what we have encountered is total unwillingness to conduct any investigation. This is in breach of Ukraine's Constitution and laws, and of the Aarhus Convention. Attempts to deny any problem and muffle voices of concern are especially disturbing in the light of Mr Honcharenko's murder since there are compelling reasons for believing this to have been linked to his civic activities.

Here are just some of the violations, documented by the NGO:

1. Inaction from the Ministry of Emergencies and the Traffic police who were warned in advance that scrap metal contaminated with the highly toxic hexachlorobenzene was to be transported through Kryvy Rih on 10 July 2012 without the appropriate permits and without any safety precautions. Not one representative of these State agencies was present. It is likely they deliberately kept away since the weight of the load alone meant that the traffic police needed to be in attendance. They were not.
2. No response was received to the NGO's requests sent on 11 July 2012 to the Chief Medical Officer of the Dnipropetrovsk region, the Environmental Inspectorate of the Region, The Minister of the Interior and the Head of the State Administration of the Region. A response was received from the Regional Prosecutor's Office. This included an order to the Kryvy Rih Environmental Protection Prosecutor's Office to make an assessment and report on the results by 10 August 2012. Nothing has been reported so far.
3. The denial from the Ministry of Emergencies in an official response that toxic scrap metal had been transported through the city of Kryvy Rih on 10 July 2012 This was despite the fact that members of the NGO had followed the vehicles in questions and taken photographs.

4. Incomplete and inaccurate information in the press release from the Kryvy Rih City Council from 3 August 2012. The document reports that measurements were made only of the air in the working zone whereas at the relevant temperature the chemical is in crystal form. Such a test, even if carried out as claimed, cannot be considered an accurate test to determine whether the scrap metal is contaminated.
5. Incomplete and inaccurate information in the response from the State Administration of the Dnipropetrovsk Region on 7 August 2012. The authorities once again assert that the metal does not pose any danger to health and to the environment despite having no evidence given the lack of any proper tests.
6. Samples of the scrap metal were taken without members of NGOs, the media, etc being present and without the NGO, who had asked for such tests, being informed. The NGO only learned of this post factum via a response from the Kryvy Rih Environmental Prosecutor's Office on 20 August 2012.  
This is despite the fact that during a phone call on 30 August and at a meeting in person (with a member of the NGO Natalya Kozhyna) on 31 August the Deputy Chief of the Regional Environment Office assured us, that the small samples of the scrap metal were still being stored in State Environmental Inspectorate of the Dnipropetrovsk region, not sent for testing to any Institute.
7. False and inaccurate information provided by the Mayor of Kryvy Rih in an interview to the city's online media on 29 August 2012. In particular, without reference to any documents and without elaboration, he stated that the absence of toxic substance had been «tested in all laboratories». This conflicts with all the other official responses, for instance with the response of the Kryvy Rih environmental prosecutor's office.

Given the serious nature of the environmental concerns and the failure by the Ukrainian authorities to respond appropriately, transparently and ensure that the public are informed, we would respectfully call upon the Bureau to keep this issue under review and inform the Working Group, observers and us of any progress made.

Yours sincerely,

The Civic Movement "For the right of citizens to environmental safety"

The National Ecological Centre of Ukraine

The Kharkiv Human Rights Group

The Ukrainian Helsinki Human Rights Union

Pechenihy

Civic Watch

The Kray Environmental Club

Green Ukraine