



Independent  
Project  
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## IPAM Project Complaint

Date Time  
07/16/2020 15:34

**Name, surname of the person (s) or name of the organization (s) filing the complaint ("the applicant complaints ")**

Leonid Vilnits family eco-farm Rodnik

**Complainant contact information (include address and, if possible, telephone number and address Email).**

**Country**  
RUSSIAN FEDERATION

**Telephone**

**Email**

**Is there an authorized representative who is filing this complaint on behalf of the complainant complaints?**

No

**If 'Yes', please include the name and surname of the representative, and information to contact him**

n/a

**Do you want this complaint to be kept confidential?**

No

**If 'Yes', please explain the reason for your privacy request**

n/a

**Please provide the name and description of the EBRD project in question**

Project number 42659

Commercial mining of gypsum at the southern site of the Gomzov gypsum deposit Saint-Gobain LLC construction products Rus near the village of Gomzovo, Nizhny Novgorod region. EBRD provided project financing and entered the capital with a 33% stake.

**Describe the harm that has been caused or may be caused by this project**

Legal facts of illegal inclusion of land plots of Ecofarm Rodnik into the borders have been established mining allotment of a gypsum quarry, a sanitary protection zone, a dangerous zone of blasting operations. It created a permanent and immediate threat to the lives and health of the owners and workers of the farm, damage and harm to poultry, animals,



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pollution with poisons, chemicals, dust of the earth, air, water supply sources within the boundaries of the eco-farm. More information will be sent via Email.

**Have you contacted the EBRD to try to resolve the harm that has been caused or may be caused by this project?**

Yes

**If yes, please indicate when, to whom and how you contacted**

From 2013 to 2017, appeals were sent to various departments of the Bank

**Please provide the content of the answers you received**

Dear Mr Vilnits,

Thank you for forwarding to the EBRD your letter of 21 September 2016 addressed to the Office of the Prosecutor of the International Criminal Court regarding Saint-Gobain Construction Products Russia. Please rest reassured that EBRD is committed to ensuring that all projects that we finance are implemented in line with the Bank's Performance Requirements. We are monitoring compliance and are closely liaising with our clients to promote good practices of stakeholder engagement. We have shared your letter with Saint-Gobain to inform the Company of your concerns and allow for an appropriate follow-up.

In order to obtain further clarification on the specific issues that you raise in your letter we encourage you to address your concerns directly to Saint-Gobain Construction Products Rus (\_\_\_\_\_).

We stay at your disposal for any further queries.

Sincerely, Civil Society Engagement Unit, European Bank for Reconstruction and Development

**Have you contacted the project sponsor (client) to try to resolve the harm problem, which is or can be caused by this project?**

Yes

**If yes, please indicate when, to whom and how you contacted**

From 2011 to 2017, requests were repeatedly sent with a proposal to resolve disputed issues company management

**Please provide the content of the answers you received**

Meeting on the issue of inspections of illegal activities at the quarry in Gomzovo, held on 30 November in Nizhny Novgorod, chaired by Governor Shantsev, was held in accordance with the laws and regulations governing the activities of the Governor and the Government of Nizhny Novgorod area.



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I have no information about the use of the administrative resource by our company on issues economic or any other activities of the company, especially to defeat someone's rights.

On the contrary, according to the information I have, for almost 5 years, representatives of the Rodnik farm actions are taken against our company that do not coincide with the stated development goal peasant farming, including with the involvement of administrative (state) authorities: sending claims to various courts, organizing inspections by state bodies, publishing incriminating information in the press. Regarding the establishment of a communication channel, I bring to Your information that our company is not currently considering options for conducting a joint activities in the agricultural sector.

Best regards, \_\_\_\_\_

**If you have not contacted the EBRD and / or the project sponsor (client) to try solve the problem of harm that has been caused or can be caused, explain why**

n/a

**If you believe the EBRD is not complying with the requirements of its own policy documents, indicate which documents are in question**

Violation of the charter and articles of association of the Bank

**Please include any other complaints you have made to try to resolve the issue (issues) outlined in this complaint (for example, lawsuits or complaints to other authorities)**

ICC p. Our Reference: OTP-CR-416/16

Dear Sir, Madam

The Hague, Tuesday, 15 August 2017

On behalf of the Prosecutor, I thank you for your communication received on 05/12/2016, as well as any subsequent related information.

As you may know, the International Criminal Court ("the ICC" or "the Court") is governed by the Rome Statute, which entrusts the Court with a very specific and carefully defined jurisdiction and mandate. A fundamental feature of the Rome Statute is that the Court may only exercise jurisdiction over persons for the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity and war crimes. These crimes are carefully defined in the Rome Statute (Articles 6 to 8) and further elaborated in the Elements of Crimes, adopted by the Assembly of States Parties.

Based on the information currently available, the conduct described in your communication does not appear to fall within these stringent definitions. Accordingly, as the allegations appear to fall outside the jurisdiction of the Court, the Prosecutor has confirmed that there is not a basis at this time to proceed with further analysis. The information you have submitted will be maintained in our archives, and the decision not to



proceed may be reconsidered if new facts or evidence provide a reasonable basis to believe that a crime within the jurisdiction of the Court has been committed.

I hope you will appreciate that with the defined jurisdiction of the Court, many serious allegations will be beyond the reach of this institution to address. I note in this regard that the ICC is designed to complement, not replace national jurisdictions. Thus, if you wish to pursue this matter further, you may consider raising it with appropriate national or international authorities.

I am grateful for your interest in the ICC. If you would like to learn more about the work of the ICC, I invite you to visit our website at [www.icc-cpi.int](http://www.icc-cpi.int). Leonid Vilnits

Yours sincerely, \_\_\_\_\_

**Are you seeking a Compliance Review where the PCM will determine whether the EBRD has violated its relevant policy documents in regarding the approved project?**

Yes

**Are you pursuing a Problem-solving Activities to restore dialogue between you and the project sponsor (client) to resolve the issue (s) on the merits complaints without identifying those responsible or responsible?**

Yes

**What results do you hope to achieve by filing this complaint with the PCM?**

Restoring legality and justice. Termination of illegal mining activities in the quarry until violations are eliminated and the conditions conducive to them are rehabilitated, bringing to justice those responsible for causing harm and systematization of corruption. Compensation for damage and harm.