**Crude Accountability rejoinder to responses by KPO, Eni, Shell & KazMunaiGas**

**Note: This is an unofficial English translation of the original Russian rejoinder**

Dear colleagues!

We have read with interest the company responses to the report on poisoning of children from the village of Berezovka (Kazakhstan) by KPO [Karachaganak Petroleum Operating BV] emissions in November 2014, which was published on your website www.business-humanrights.org/.

In response to KPO's allegations that the statements of Crude Accountability about the consortium's involvement in poisoning of children are groundless and unconfirmed, we draw attention of all interested parties to the following facts, which KPO persistently continues not to "notice."

These facts are confirmed by documents and official references, in contrast to the unfounded allegations of the KPO's Corporate Communications department.

1. "Reliability" and "objectivity" of the KPO environmental monitoring system

The public and residents of the village of Berezovka do not believe in the objectivity of information from state bodies and KPO about the harmlessness of the company's operations, as the company pays for the activity of the private enterprise Gidromet Ltd, which simultaneously conducts production monitoring for KPO and provides data to local environmental authorities. State monitoring units of "Kazhydromet" in the West Kazakhstan region have not been available since 1998, when they were closed due to lack of funds. **Therefore, KPO data cannot be compared with anything.** Back in 2002, the Prosecutor General's Office of the Republic of Kazakhstan recognized as a violation the fact that data by private enterprises carrying out industrial monitoring are used to prepare "state monitoring reports".

Moreover, when the Office of the Compliance Advisor Ombudsman (CAO) [of the International Finance Corporation] conducted an audit following the first complaint of Berezovka residents in 2008, it was discovered that the monitoring of air emissions and air quality, applied by KPO, does not meet International Finance Corporation (IFC) requirements. One of the most serious violations was the fact that reports do not contain monitoring data on hydrogen sulfide emissions for the period from 2003 to 2006.[[1]](#footnote-1) It was during these years that the residents of Berezovka complained about health problems due to hydrogen sulfide emissions.

After the poisoning of children, on December 3, 2014, Serik Karamanov, the Prosecutor of the West Kazakhstan region [hereinafter referred to as WKO] told the media that one of the two KPO ecological monitoring stations in Berezovka that automatically monitored the hydrogen sulfide content in the air was turned off on November 28 for repair work. On February 13, 2015, the WKO Environmental Prosecutor's office stated that KPO's environmental monitoring stations in Berezovka are installed at a height of four meters, which does not comply with international air quality control standards. They should be located at an altitude of 1.5 to 3.5 meters from the ground. During the investigation it was also discovered that the WKO Department of Ecology did not check the legality of the installment of these monitoring stations by KPO. According to WKO Environmental Prosecutor's office, the WKO Ecology Department made a favour to KPO, as a result of which KPO's environmental monitoring stations were accepted, despite the violation of the standards.

Finally, after the tragedy, on December 30, 2014 a state station for environmental monitoring of the Republican State Enterprise "Kazgidromet" was installed in the village of Berezovka. An umbrella measuring emissions into the atmosphere was installed at a height of 2.8 meters and measured all the emissions in the air from one and a half to three and a half meters. And the station immediately began to record excess of hydrogen sulfide norms, which was announced on 21 April 2015 by Baubek Samitov, Deputy Director of the West Kazakhstan branch of Kazhydromet.

**Apparently, such amazing "flexibility" during the monitoring allows KPO management to claim that there are no harmful substances in the air around the Karachaganak field or, as one of the high-ranking employees of the consortium claimed in 2003, they are a result of the use of stove heating by local residents.**

2. KPO statements that there were "no incidents" at Karachaganak's facilities that could affect health of Berezovka residents on 11/28/2014

In the afternoon of November 28, 2014, after the morning incident at school, Steve Wright, Manager of Occupational Health and Safety Department of KPO, arrived in Berezovka and told local residents that they had no incidents, the monitoring stations were accurately tuned and did not record anything.

Although, according to local residents, some children fainted at school two days before November 28. During these days there was a strong and unpleasant smell of gas in the village.

On November 29, 2014 Deputy Head of WKO Health Department Manshuk Aymurzieva confirmed the fact that children of Berezovka were exposed to an unknown toxic substance with selective effects on the central nervous system. And Deputy Head of WKO Ecology Department Yerlan Saparov said that gas annealing was carried out at Karachaganak on November 27.

Finally, on December 3, 2014 the WKO Public Prosecutor Serik Karamanov stated at a press conference that on the eve of the mass poisoning of children in Berezovka hydrogen sulphide was released at GP-3 complex gas processing unit due to an accident at a gas injection compressor. Previously, KPO managers denied this fact. During the prosecutor's inspection it was established that a condensate leakage lasting for 2 minutes occurred at KPO complex gas processing unit (GP-3) on 27 November 2014 at 14:19, and gas was annealed through flare systems. Serik Karamanov also said that the Prosecutor's office had established facts of gas emissions into the atmosphere from installations on the territory of the deposit on 17, 18, 25 and 27 November 2014, exceeding the maximum permissible concentration of hazardous substances. The prosecutor of the region also said that the supervisory authority will give a legal assessment of KPO Manager Steve Wright’s statement to the villagers that there were no emissions at the field.

In December 2014, WKO Department of Ecology conducted an unscheduled audit of KPO on compliance with environmental legislation and facts of environmental pollution during gas combustion. In July 2015, based on audit results, KPO was fined 9.5 billion tenge (48 million US dollars) for unauthorized emissions of pollutants in 2014.

**If we follow the logic of KPO, then statements of officials and results of inspections by the Prosecutor's office and WKO Environmental Department in 2014 "had no basis and were not confirmed", and the penalty for violation of environmental legislation was "invented" by the authorities.**

3. Medical examination of children inside Kazakhstan

For more than three years since the tragedy, the affected children of Berezovka have been receiving diagnoses in Kazakh state clinics that are not related to the poisoning. And the children are not being treated properly. In fact, an unofficial policy of silencing the toxic poisoning is applied to the affected children.

Thus, on November 28, 2014, the affected children took blood and urine tests at the district hospital in Aksai. However, none of them received test results. Moreover, Head Physician of the hospital, Maksut Baicherkeshev, told their parents that day that the children became ill due to overwork. On January 20, 2015, at a meeting in Berezovka, representatives of the WKO health authorities claimed that virtually all children who were ill had chronic diseases such as chronic bronchitis or iron deficiency anemia. In response, the indignant parents said their children had been diagnosed incorrectly, and publicly expressed their distrust of WKO doctors, doubting their professionalism and honesty.

Examinations inside Kazakhstan and placement of children at a sanatorium at the expense of KPO did not have a positive effect. The affected children continue to experience health problems, and health of some children has even deteriorated.

Therefore, the parents of the affected children repeatedly appealed to the authorities to conduct medical examination and treatment of children in an independent clinic abroad. The Ministry of Health of Kazakhstan sent these requests to WKO doctors, about whom the parents had already expressed their distrust. The WKO doctors gave their conclusion that the children of Berezovka do not need consultations of international specialists and treatment abroad.

As noted in a report by Baskut Tunchak, the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, who visited Kazakhstan in spring of 2015 and investigated the situation in Berezovka: "In my view, in Kazakhstan there appears to be a systematic and wide-spread deficiency in: (1) generating information on pollution in the environment that threatens human rights, in particular the right to health; and (2) enabling public access to information in a manner that allows people to defend their rights. For example, I heard from the father of a victim in Berezovka who’s son was evaluated eight times for certain toxic substances in his hair, blood and nails to explain the incidence of seizures, nausea and headaches, **but could not access the resulting information**."[[2]](#footnote-2)

Nevertheless, WKO Health Department conducted a medical examination of Berezovka residents after the tragedy and had to admit that half of the residents have chronic diseases, and 80% of children suffer from lung diseases.

Since neither the authorities nor KPO were willing to pay for examination abroad, the public raised funds. In March 2018, two children underwent in-depth examination at the Semashko Children's Center for Diagnosis and Treatment (Moscow), one of the oldest children's clinics in Russia. The girls were diagnosed with "toxic encephalopathy" (G92) - brain poisoning with hydrocarbons (X46). There are also opinions from other private clinics in Russia and Kazakhstan, where parents took their children at their own expense, and where they were also diagnosed with toxic brain poisoning.

**Now the public has documented evidence of toxic poisoning of Berezovka children with hydrocarbons, the source of which was KPO activity.**

4. "Timely" and "effective" investigation into the poisoning of children in Kazakhstan

A criminal case on the poisoning of the children was opened on 29 November 2014 and suspended in autumn of 2015, as the investigative authorities of Kazakhstan sent a request for assistance in conducting expert examinations to competent authorities of Russia. For almost three years the investigative bodies of Kazakhstan "had been waiting" for a response from their Russian counterparts, who only in January 2018 reported that they could not help "because of their lack of competence." On 11 April 2018, parents were informed that the case is closed due to lack of corpus delicti. Although materials of the criminal case feature numerous facts of KPO's negative impact on the environment and health of local residents. In particular, "petroleum ether" (a mixture of light hydrocarbons obtained from associated petroleum gases) was found in the victims' blood. Components of "petroleum ether" were discovered in samples of gas taken from KPO equipment during the investigation.

Moreover, the authorities tried to misinform population and international organizations about the true causes of the tragedy. On January 20, 2016, Energy Minister Vladimir Shkolnik said that the reason for the mass discomfort of children on November 28 was a school boiler house in Berezovka. Although the criminal case on "involvement" of the boiler house in the tragedy was closed by investigative unit of WKO Department of Internal Affairs for lack of corpus delicti on August 24, 2015. In their comments on the report by Baskut Tunchak, the authorities also denied the toxic poisoning of children and provided incorrect information on progress of the investigation and the causes of the tragedy.[[3]](#footnote-3)

Only in December 2015 the authorities and KPO began resettlement of Berezovka residents to Aksai, justifying this by expanding activities in Karachaganak and enlarging the boundaries of the Sanitary Protection Zone. The resettlement of residents was completed by January 1, 2018, although it is obvious that the real reason for the resettlement was the tragedy of November 28. However, the parents of the poisoned children have not still received any compensation for health damage, neither from KPO, nor from the state.

In fact, the authorities of Kazakhstan and KPO refused to take responsibility for the tragedy that took place on November 28, 2014.

As Baskut Tunchak pointed out in his report: "...the Special Rapporteur is not convinced that the violations of the right to health of the residents of Berezovka have been remedied in accordance with international human rights standards...".[[4]](#footnote-4)

**NGOs and parents of the affected children submitted a complaint to the UN Special Rapporteur on the environment and human rights considering the long-term inactivity of the authorities and KPO, the fact that the public has been warning about the risk of such a tragedy since early 2000s demanding the resettlement of Berezovka residents.**

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1. http://www.cao-ombudsman.org/cases/document-links/documents/CAO\_Audit\_Report\_C\_I\_R7\_Y06\_F079\_ENGLISH.pdf [↑](#footnote-ref-1)
2. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15803&LangID=E [↑](#footnote-ref-2)
3. A/HRC/30/40/Add.2, 20.08.2015, para 74, 75, 79, 81. [↑](#footnote-ref-3)
4. A/HRC/30/40/Add.1, 15.09.2015, para 61, 94. [↑](#footnote-ref-4)