

Dear Josephine Toop!

Conditions residents of the street Bokeikhanov in Zhetysu district of Almaty getting worse every day. Public authorities: Almaty City Akimat of Zhetysu district, Department of Ecology, Department of Energy, not only did not take any measures to remedy the situation and compliance with environmental legislation, the Law on public health, international rules and regulations, but also contribute to the violation of these laws.

Residents forbidden to improve their living conditions, however, the owners of industrial enterprises carry out work without adherence to sanitary protection zones. Upon termination of the project EIA public hearings are held, views of the residents who were forced to live in an industrial area, not taken into account. In residential areas, with the permission of the state, built and opened facilities to small and medium-sized businesses. Construction is carried out without compliance with construction, environmental, sanitary norms and rules.

Appeal against actions of state agencies in the courts is extremely difficult. Courts are hundreds of reasons for rejecting the claims, the suit dragged on for months. Stand on the side of entrepreneurs all - the courts and prosecutors at all levels, environmental, public health services. Appealing the flagrant violations of laws, residents refer to the applicable international and national laws. However, contrary to the laws and common sense, all decisions are made in favor of the offenders, with the judge did not indicate on what basis of articles of the Law of decision. There is a substitution of concepts, officials allowed arbitrary, advantageous to entrepreneurs, the interpretation of legislation.

In this situation, industrial enterprises not only continue to operate without complying with health and environmental regulations, but also expand its production, modernizing industrial equipment at existing open up new activities. All this is due to the need to improve the living conditions of people in other parts of the city due to the well-being of residents of the street Bokeikhanov. Officials declare it openly.

In addition, access to justice prevents preliminary review of supervisory review. Back in 2009, before the Kazakhstan's OSCE chairmanship was officially recognized. In the "National Action Plan for Human Rights in the Republic of Kazakhstan for 2009-2012," in particular stated that it is necessary: "14. Abolish the preliminary review of supervisory review as part of 3 judges as prejudicing the rights of citizens to a fair consideration of their complaint. At present, the supervisory authority consists of 2 stages: preliminary proceedings as part of 3 judges, whose decisions are not appealed; final consideration consisting of 5 judges who hear cases unless prosecuted in the preliminary examination. This mechanism causes the genuine grievances of citizens and legal entities "(National Action Plan for Human Rights in the Republic of Kazakhstan for 2009-2012. - Astana, 2009, p.126).

However, since then nothing has changed, and a preliminary review of supervisory review was not cancelled.

Kind regards,
residents of the street Bokeikhanov
Gatina Lubov,
Gmerintseva Marina Vladimirovna