

Inscript:

Received on June 26, 20(illegible)

(signed)

RESOLUTION**IN THE NAME OF THE RUSSIAN FEDERATION
(BY DEFAULT)**

April 03, 2013

Moscow

Golovin's district court of Moscow city composed of
presiding judge Mrykhina O.V.,
at secretary Naumenko D.N.,

upon examination in the open court of the civil case No. 2-1763/13 at the suit of Mamedov
Mekhti Bakhadurovich to Zharnikov Dmitry Sergeyevich and Neave Limited about protection of
honor, dignity, business reputation and recovering of emotional damages,

FOUND:

Plaintiff Mamedov M.B. seize the court with the suit to defendants Zharnikov D.S. and Neave Limited about protection of honor, dignity, business reputation and recovering of emotional damages, clarifying suit's requirements, requests to declare utterances outlined on the website <http://www.compromat.ru> in A. Khudyakov's article "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" as inconsistent with reality and discrediting the honor and dignity of Mamedov Mekhti Bakhodurovich; to oblige Neave Limited (British Virgin islands), the administrator of domain <http://www.compromat.ru/page 31404/html>, to argue against information placed on the web site <http://www.compromat.ru>, discrediting the honor, dignity and business reputation of the plaintiff; to oblige Neave Limited (British Virgin islands), the administrator of domain <http://www.compromat.ru/page 31404/html> in a week from entering of court decision into the legal force to place of the website [compromat.ru](http://www.compromat.ru) the message about held court decision and on recognition of argued information as inconsistent with reality, as well as to remove the text of appeal from the webpage <http://www.compromat.ru>; to charge from Neave Limited (British Virgin islands), the administrator of domain <http://www.compromat.ru/page 31404/html>, damages for caused emotional distress in the amount of 1,000,000 Russian rubles.

The Plaintiff motivated his own requirement by the reason that Neave Limited is the Administrator of the second-level domain [compromat.ru](http://www.compromat.ru) and in accordance with Rules of registration of domain names in domains RU and RF of the Russian Federation it bears responsibility for procedure for domain use, as well as for possible infringement of rights of thirds persons related with domain use as well as is liable for losses risk related with such infringements The Registrar of the second-level domain [compromat.ru](http://www.compromat.ru) is Registration Network Information Center CJSC. On September 22, 2011 on the website www.compromat.ru there was

placed A.Khudyakov's article "Short leash for Makhti Mamedov's friends. Corrupter, "Player" and drug baron near the door of the house of the president of Kazakhstan". Said article is a blatant lie abasing his honor and human dignity, affecting his business reputation because outlined information is inconsistent with reality and is not confirmed by any official document; information is discrediting and related to the plaintiff personally. As a result of publication of discrediting information on the website, he felt a strong brainstorm and feelings, emotional and physical sufferings.

Representative of plaintiff Mamedov.M.B., acting on the basis of the power of attorney, Gurtuchenko E.A. arrived to court session, supported in full applied plaintiff's claims to the defendant Neave Limited based on arguments outlined in the suit, was fine with consideration of the case as a default proceeding.

The Defendant Zharnikov D.S. was properly notified on the date, place and time of case consideration, has not arrived to the court session; have not submitted statements of defense to the court.

The Defendant Neave Limited was properly notified on the date, place and time of case consideration, the representative has not arrived to the court session; has not submitted statements of defense to the court.

Upon hearing of the plaintiff's representative, checking and studying materials of the case, the court found the suit is subject to partial satisfaction on the following grounds.

In accordance with the article 23 of the Constitution of the RF everyone shall be entitled for protection of his honor and reputation.

By virtue of Article 17 of the Constitution of the RF in the Russian Federation rights and freedoms of the human and citizen are recognized and guaranteed according to generally recognized principles and rules of international right and in accordance with the Constitution of the Russian Federation. Herewith execution of rights and freedom of human and citizen should not offend rights and freedoms of other persons.

According to the Article 151 of the Civil Code of the RF if citizen is done emotional damages (physical or emotional suffering) by actions infringing his private not-property rights or trenched on other intangible benefits that belong to the citizen, as well as in other cases provided by law, the court may impose upon the abuser liability to compensate specified damages.

Upon determination of amounts of emotional damages' compensation, the court takes into consideration the guilty degree of the abuser and other circumstances that deserved attention. The court also should take into consideration the degree of physical and emotional sufferings related with individual features of the person who is done the damage.

According to the Article 152 of the Civil Code of the RF, 1. The citizen shall be entitled to demand by court rebuttal of information discrediting his honor, dignity or business reputation, if the disseminator of such information doesn't prove that they consist with realty. 2. If information discrediting honor, dignity and business reputation of the citizen is disseminated in mass media, they should rebut at the same mass media. If notified information is contained in the document outgoing from the organization such document should be changed or recalled. In other cases rebuttal procedure shall be determined by court. 3. The citizen against whom mass media published information derogating his rights or interests secured by the law shall be entitled to

publish his own answer in the same mass media. 4. If court decision is not executed the court shall be entitled to levy a penalty on abuser collected in the amount and according to the procedure provided for by remedial legislation to the income of Russian Federation. Payment of penalty does not reveal the abuser from responsibility to execute action provided for by court decision 5. The citizen against whom mass media published information derogating his rights or interests secured by the law shall be entitled to together with rebuttal of such information request reimbursement of losses and emotional damages caused by its dissemination. 6. If it's impossible to define a person who disseminated information discrediting the honor, dignity and business reputation of the citizen, a person against whom such information is disseminated shall be entitled to seize the court with application on recognition of disseminated information as inconsistent with reality.

According to Article 43 of the Civil Code of the RF a citizen or organization shall be entitled to request from editorial office rebuttal of information inconsistent with reality and discrediting their honor and dignity that was published in this mass media. Also legal representatives of the citizen have such right, if a citizen himself/herself has no opportunity to request the rebuttal. If the editorial office of mass media has no evidence that disseminated information consists with reality, it shall rebut such information in the same mass media. If the citizen or organization submitted text of rebuttal it means that this text shall be disseminated subject to its compliance with requirements of the current Law. The editorial office of radio, TV program that should disseminate the rebuttal can provide the requested citizen or the representative of organization with possibility to read its own text and send it to records.

According to explanations of Supreme Court Plenum of the RF No.3 dated February 24, 2005 "On court practice on cases about protection of honor, dignity and business reputation of citizens and legal entities" on cases of current category it's necessary to take into consideration that circumstances important for the case by virtue of Article 152 of the Civil Code of the Russian Federation, which should be determined by judge at accepting the statement of claim and preparing the case to court proceeding, as well as in court proceeding process, include: the fact of dissemination of information by the defendant on the plaintiff discrediting the nature of this information and their inconsistency with reality. In case of absence of at list one of notified circumstances the suit can not satisfied by court (clause 7).

Dissemination of information discrediting the honor, dignity of citizens or business reputation of citizens or legal entities means publishing of such information in printed media, broadcasting by radio and TV, demonstration in newsreel programs and in other mass media, dissemination in the Internet, as well as with using other types of telecommunications network, outlining in efficiency reports, public speaking, statements addressed to officials or communication in either form, including oral, to at least one person. Communication of such information to the person who they are not related to cannot be recognized as dissemination, if the person communicated such information took sufficient confidentiality measures to prevent they will become known to third persons...

Information inconsistent with the reality is statements about facts or events which did not happen to be during the time to which argued information is related. Information contained in court decisions and adjudications, determination of preliminary hearing bodies and other

procedural and official documents, for appeal and contestation of which there is another court procedure established by law, cannot be considered as inconsistent with reality.

Discrediting is information which contain statements about the violation of current legislation by citizen or legal entity, breach of faith, wrong and improper behavior in private, social and political life, dishonesty at business and operation as well as entrepreneurship, violation of business ethic or normal business practices which derogate the honor, dignity of the citizen and business reputation of the citizen or legal entity.

According to the clause 8 of current determination courts should delimit cases on honor, dignity and business reputation (Article 152 of the Civil Code of the Russian Federation) from cases on protection of other intangible benefits listed in Article 150 of this Code violated in connection with dissemination of information about the citizen whose immunity is specially protected by the Constitution of the Russian Federation and the laws as well as dissemination of which can cause emotional damages even in the case when this information corresponds to reality and doesn't discredit the honor, dignity and business reputation of the plaintiff.

According to the clause 9 of the Determination by virtue clause 1 of article 152 of the Civil Code of the Russian Federation the defendant shall be liable to prove consistency of disseminated information with reality. The plaintiff should prove the fact of dissemination of information by the person whom the suit is brought to, as well as discrediting nature of this information.

Compensation of emotional damages shall be determined by court in monetary form at taking decision. Upon determination amount of compensation of emotional damages courts should take into consideration circumstances notified in part 2 of article 151 and clause 2 of article 1101 of the Civil Code of Russian Federation and other circumstances that deserved attention. If discrediting information inconsistent with reality is disseminated in mass media, the court upon determination of the amount of compensation for emotional damages should considerate the nature and content of the publication, as well as the degree of inconsistency of inadequate information. Herewith amount of compensation subject to collection should be equal to caused damages and don't lead to prejudice of media freedom (clause 15).

In accordance with article 10 of the Convention on protection of human rights and fundamental freedoms and in accordance with article 29 of the Constitution of the Russian Federation that guarantee the right to freedom of thoughts and speech, as well as to media freedom, position of the European court on human right upon consideration of cases on protection of honor, dignity and business reputation, courts should differentiate happened to be statement about facts, consistency with reality of which may be verified and evaluative judgment, opinions and believes which are not subject of court protection in the procedure of article 152 of the Civil Code of the Russian Federation, whereas being expression of subjective opinion and viewpoint of the defendant they cannot be verified with the view to their consistency with reality.

In accordance with article 56 of the Civil Procedure Code of the RF each party should prove those circumstances to which it refers as on bases of its requirements and objections, unless otherwise is provided by the law.

As established by court and follows from explication of the plaintiff's representative, case materials, case materials on refusal in initiation of criminal case, informational website "www.compromat.ru" is posted on the web-page with domain name "http://www.compromat.ru". On September 22, 2011 on the website www.compromat.ru there was posted A. Khudyakov's article "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan". Also on the notified website there was posted information on personal information of Mamedov M.B. Notified circumstances are confirmed by protocol of survey of written evidence outlined on the webpage: "http://www.compromat.ru" certified by notary dated May 02, 2012 in accordance with requirements of articles 57, 68 of Civil Procedure Code of the RF, articles 102, 103 of the Basement of legislation of the Russian Federation on Notaries (volume 2, p.c. 1-54). All reviewed pages from the website are printed out, stitched, numbered and affixed by seal.

Information litigated by the plaintiff posted in the Internet on abovementioned address is publicly available and appeal to general public.

According to the response of Regional Network Information Center CJSC (RNIC CJSC) dated November 09, 2012, RNIC CJSC is a registrar of second-level domain compromat.ru. As of May 22, 2012 Neave Limited was the administrator of the second-level domain compromat.ru (volume, p. c.413).

According to the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications dated December 05, 2011 there is no information on registration of Internet-resources with names "www.compromat.ru" ... as electronic periodical publications in the Unified All-Russian Register of mass media (volume 1, p.c. 319).

The representative of the plaintiff at court session explained that following expressions outlined in sections "Corruption in epaulets and mantles", "On financial part", "Heroin "Borman", "Kidnapping as an argument", "Enter to the "Family" were subject to litigation, namely:

- «... Name Mekhti Bakhadurovich Mamedov says little for Russian reader. Meanwhile exactly this man in his forties controls the transit of Afghan drugs to Russia created a powerful corruption network in Kazakhstan and neighboring countries...; ... He can be a very good friend for «prosecutors», special services and just banditsDrug traffic, raider attacks, bribery, blackmail, extortion and kidnapping – all these is listed in the biography of the hero of our story... Azerbaijani Mamedov grew up in Syrdarya of Uzbek SSR; there he did his first steps in business. These steps have been strongly tied to the criminal environment, because in those times it was not easy to become the director of a large restaurant, a then supplier of cars from "AvtoVAZ". In 2004 after his business partner was killed and the business from hearsay pushed up by Uzbek special services, Mamedov left Uzbekistan and refused from Uzbek citizenship. It is said that he received Kazakh citizenship illegally. Department of National Security Committee of the South Kazakhstan region in 2006 initiated the verification of citizenship, the facts of illegal citizenship obtaining were established but with the help of prosecutor office of SKR he managed to wiggle out because our hero knew with whom he needed to be friends and make business";

- «...Mamedov started to do raiding. One of first victims was businessmen Olimzhan Irismetov and Kairat Pazylbekov, owners of the supermarket "Mereke" in Shymkent of SKR. Afterwards from this particular supermarket captured by Mamedov heads of the prosecutor's office, courts and financial police were provided with free foodstuffs and expensive alcohol drinks. The raiding business of Mamedov expands and relations with employees of prosecutor's office, financial police, courts and National Security Committee play the crucial role. The scheme is very simple. Mamedov, without any fear, comes to a businessman and informs him that soon he will have problems of such and such nature, says that he has information and can solve these problems in any law enforcement bodies. If the owner does not agree, he organizes illegal prosecution with fabrication of criminal case followed by seizure of assets or property. Today Mamedov's assets include large amounts of money and property taken by raiding. He also does not hesitate to legalize property of his partners. Dozens of businessmen in Kazakhstan have already suffered from attacks of this group. In his raiding schemes Mamedov used the former Deputy Chief of the National Security Committee Department for Almaty S. Asainov, who was charged with conflict of interest and abuse of powers and was sentenced by a military court of Almaty garrison under article 380 Part 2 of the Criminal Code of the RK to 6 years in general regime penal colony ... »;

- in the article Mamedov M.B. is accused of corrupt relations in all structures of the law enforcement system of the Republic of Kazakhstan – Prosecutor General's Office, the Ministry of Justice, in courts of different levels, including the Supreme Court, with the assistance of officials who, allegedly, organizes fabrication of materials of criminal cases and illegal persecution of businessmen;

- in the article Mamedov M.B. is accused that with the assistance of the Deputy Chairman of the Financial Police Service Ongarbayev S. he was blackmailing businessmen, was engaged in illegal seizure of another's property with the falsification of materials of criminal cases: "One of Mamedov's financial fraud was stealing money from BTA Bank with the direct assistance and participation in this illegal transaction of the former owner of BTA Bank Mukhtar Ablyazov. Mamedov received cash in the amount of USD 6,000,000 at the cash office of the bank. The fact of receipt of this amount was documented. But Mamedov did not stop and trying additionally to sue from the bank state-owned USD 10,000,000, relying on his patrons in the Prosecutor General's Office. In the court this case has the support of the chairman of Almaty City Court Barpibayev T. Until recently, the bank receives lawsuits from Mamedov demanding receiving the money. The National Bank turned to the General Prosecutor's Office on illegality of receipt of this amount by Mamedov and evasion of taxes, but Mamedov's patrons in the General Prosecutor's Office and Prosecutor's Office in Almaty hidden this fact";

- The author in its article calls Mamedov M.B. as "Heroin" Borman" that "having such relation in the security services and law enforcement agencies, has decided to go beyond banal raiding, and do more profitable business. According to the operative information Mamedov for several years has been one of the most active participants in drug traffic in the territory of the former Soviet Union. ... In 2007, in connection with the received information that Mamedov is actively involved in drug trafficking through the territory of Kazakhstan, the Department of National Security Committee of Jambul Region, filed an operational and observational case No.

5-116/07 of June 20, 2007; according to materials of which there is a clear criminal relation of Mamedov with criminal gangs that control drug traffic. It was found that Mamedov was connected by friendship with the son in law of the President of Tajikistan Emomali Rakhmon, who in turn introduced Mamedov and the son of Nuritdin Rakhmon, the brother of President of Tajikistan. Russian and Uzbek special services consider he is the primary holder of Tajik drug traffic from Afghanistan ...", the author refers to certain materials of "operational and supervisory case of the National Security Committee Department in Zhambyl region No. 5 - 116/07 dated June 20, 2007, from materials of which there is a clear criminal relation of Mamedov with criminal gangs that control drug traffic";

- "... However, now Mekhti Mamedov does business in a large, internationally. He repeatedly went to Moscow to meet with organizers of drug traffic across the CIS, has a close connection with the criminal leaders of ethnic Azerbaijani group in Russia. Mamedov also repeatedly traveled to Amsterdam for a meeting with leaders of the criminal gang that controls transit of drugs from Afghanistan through Russia to Europe ..."

- The article contains accusation of Mamedov M.B. in kidnapping of a child: "... last year Mamedov with the support of unknown persons committed theft of the son of citizen Amangaliyeva M.A., demanding issuance of title documents to use of subsurface gold deposit "Kardayskaya area" and aluminum deposit "Taldy-Aschesayskoe", with total value of USD 3 million. Mamedov, according to Amangaliyeva, threatened her with violence and demanded to take a statement from the police. Then he turned to the DIA of Almaty with a counter statement demanding to take Amangaliyeva to criminal liability for defamation. The end of this noisy story is unknown, but methods used by Mamedov are very revealing";

- The article contains accusation that Mamedov M.B. "... is trying to use his corrupt ties to exert influence on the family of the President of Kazakhstan"; "... Control over drug traffic, the powerful corruption network, which includes serious people, "deciding issues" on the level of heads of security services, the police and the prosecutor's office – is, perhaps, the ultimate dream of any worthless mafia. But it is not about our hero. His ambitions are higher. He wants to address issues at the highest level, and it needs as much as to get on the inside the most important Kazakh family, in the family of the president ...".

According to explanations of the plaintiff's representative at the court hearing, the issue of legality of obtaining of citizenship of the Republic of Kazakhstan by Mamedov M.B has been repeatedly investigated by various bodies. As a result, law enforcement bodies and supervising prosecutor's office based on results of appropriate inspections have decided that no violations in obtaining citizenship of the republic of Kazakhstan by me had been committed. Moreover, Mamedov M.B. turned to court bodies himself who settled in court the legality of obtaining citizenship. Mamedov has never been engaged in raiding. There is no document confirming the foregoing. There are no materials of operational and supervisory case from which purportedly a relation of Mamedov M.B. with criminal gangs that control drugs trade can be seen. According to the response received from the Committee of penal system of Ministry of Internal Affairs of the Republic of Kazakhstan (ref. No.14/5-1-3/ЖТ-М-3329 dated October 13, 2011), all "information" outlined in the publication about visiting of any correctional institutions by Mamedov was completely rebutted. There is an official response from the National Security

Committee Department of Zhambyl region that neither case No. 5-116/07, no other documentary inspections with regard to Mamedov M.B. are available. No criminal cases against him (Mamedov M.B.) were initiated. Also in the posted article Mamedov M.B. is accused in kidnapping of child from Amangaliyeva. However, Amangaliyeva L. groundlessly accused Mamedov M.B. in kidnapping of her son having written a deliberately false statement to the police. Then she demanded to rewrite participatory interests in companies owned by Mamedov in her name and she will revoke a statement. To her false statement Amangaliyeva L. attached a copy of notarized contract that allegedly Mamedov is due to a certain amount. When law enforcement bodies verified this contract, it was revealed that it is forged, which was also confirmed by the notary whose seal and signature is forged. It was also found that the son of Amangaliyeva L. has been never kidnapped and he has not been lost. Currently Amangaliyeva L. is convicted for knowingly false information and for use of knowingly forged documents, the judgment became final. Allegations of attempts of Mamedov M.B. to use his corrupt ties to exert influence on the family and the President of Kazakhstan are defamation.

The court requested case files on refusal to open a criminal case No. 30/19186 on the basis of statement of Mamedov M.B. (Volume 1, p.c.75-392).

On December 26, 2011, the senior investigator of the 3 division of Inquiry Organization Department of the Main Directorate of the Ministry of the Interior of Russia for Moscow has issued a regulation on refusal to institute criminal proceedings on the statement of Mamedov M.B. upon dissemination of publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" by unidentified persons on the website "www.compromat.ru"... in the absence of offense under the Criminal Code of the RF, on the basis of paragraph 2 of s.1 of Article 24 of the Criminal Code of the RF (Volume 1 1, p.c.347-351). This regulation established that actions of individuals who posted in the Internet publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" on the website "www.compromat.ru"..., formally have signs of a crime under Art. 129 of the Criminal Code of the RF, defamation, that is, dissemination of knowingly false information discrediting the honor and dignity of another person and damaging his/her professional reputation (as amended by Federal Law of December 7, 2011). However, in accordance with the Federal Law of December 7, 2011 No. 420-FZ "On Amendments to the Criminal Code of the Russian Federation and Certain Legislative Acts of the Russian Federation" article 129 of the Criminal Code is considered voided.

Materials of case on refusal to initiate a criminal case No.30/19186 on the basis of statement of Mamedov M.B. include Report of inspection of electronic resource in the Internet, compiled on December 28, 2011 on the fact of inspection of the web-site "www.compromat.ru" (Volume 1 p.c.370-392).

According to the Certificate of investigation attached to materials of case on refusal to initiate a criminal case No.30/19186 on the basis of statement of Mamedov M.B, the text of presented publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan", posted on the website "www.compromat.ru" includes statements in which facts of reality and situation related to M.B.

Mamedov and expressing a negative opinion of him and actions attributed to him received verbal expression (Volume 1 p.c.324-335).

Materials of the inspection also include regulation to institute criminal cases in which a victim is Mamedov M.B. on involving of individuals as defendants (volume 1 p.c.110-118, 128-140, 148-151); a default judgment of Medeu district court of Almaty dated January 29, 2010 on collection of the amount of debt for the benefit of Mamedov M.B. (volume 1 p.c.123-127); resolution of the Criminal Cases Collegiums of the Almaty City Court dated September 16, 2009, according to which the sentence of Medeu district court of Almaty dated September 21, 2009 regarding Amangaliyeva L.A., convicted on the basis of art.325 of Part 1 of the Criminal Code of the RK, art.325 of part 3 of the Criminal Code of the RK, art.351 of Part 1 of the Criminal Code of the RK is upheld (Volume 1 p.c 153-161); communication of the Committee of Correctional System from the Ministry of Interiors of the Republic of Kazakhstan dated October 13, 2011 that according to information obtained from territorial divisions of Committee of Correctional System it's impossible to confirm or deny the fact of visiting of institutions by Mamedov M.B. within dates specified in the request, because in some correctional institutions visitors' registers have been destroyed due to expiration date; in accordance with existing data dated November 21, 2009, Mamedov M.B. was not placed in detention facilities of Almaty (volume 1 p.c.228); communication of the National Security Committee Department of Zhambyl region dated October 11, 2011 that case No. 5-116/07 specified in the statement does not appear in the National Security Committee Department of Zhambyl region; absence of any documentary materials with regard to Mamedov M.B. (volume 1 p.c.229); decision on refusal to institute criminal proceedings dated March 5, 2010 according to the statement upon obtaining of citizenship of the Republic of Kazakhstan by Mamedov M.B (volume 1 p.c.230-231).

Analyzing the nature of information contained in the text of publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan", posted on the website "www.compromat.ru", the court comes to the conclusion that information contained in the said publication is discrediting because they contain statements on violation by Mamedov M.B. of applicable law, wrong, unethical behavior in personal and social life, which certainly detracts his honor, dignity and business reputation, create for users, getting acquainted with this information on the website, negative opinion of the plaintiff discrediting his honor, dignity and business reputation. The court also considers that disseminated information includes statements on facts, since information is presented in the affirmative form and do not contain value judgments.

By virtue of the law the defendant shall be liable to prove consistent of disseminated information with the reality.

In the course of proceedings the court was not presented any evidence in support of facts outlined in a publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan". Also there is no evidence that at the time of dissemination of disputed information the defendant had reliable information about commission of above unlawful acts by the plaintiff and/or made an attempt to verify this information.

Committee Department of Zhambyl region that neither case No. 5-116/07, no other documentary inspections with regard to Mamedov M.B. are available. No criminal cases against him (Mamedov M.B.) were initiated. Also in the posted article Mamedov M.B. is accused in kidnapping of child from Amangaliyeva. However, Amangaliyeva L. groundlessly accused Mamedov M.B. in kidnapping of her son having written a deliberately false statement to the police. Then she demanded to rewrite participatory interests in companies owned by Mamedov in her name and she will revoke a statement. To her false statement Amangaliyeva L. attached a copy of notarized contract that allegedly Mamedov is due to a certain amount. When law enforcement bodies verified this contract, it was revealed that it is forged, which was also confirmed by the notary whose seal and signature is forged. It was also found that the son of Amangaliyeva L. has been never kidnapped and he has not been lost. Currently Amangaliyeva L. is convicted for knowingly false information and for use of knowingly forged documents, the judgment became final. Allegations of attempts of Mamedov M.B. to use his corrupt ties to exert influence on the family and the President of Kazakhstan are defamation.

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Analyzing the nature of information contained in the text of publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan", posted on the website "www.compromat.ru", the court comes to the conclusion that information contained in the said publication is discrediting because they contain statements on violation by Mamedov M.B. of applicable law, wrong, unethical behavior in personal and social life, which certainly detracts his honor, dignity and business reputation, create for users, getting acquainted with this information on the website, negative opinion of the plaintiff discrediting his honor, dignity and business reputation. The court also considers that disseminated information includes statements on facts, since information is presented in the affirmative form and do not contain value judgments.

By virtue of the law the defendant shall be liable to prove consistent of disseminated information with the reality.

In the course of proceedings the court was not presented any evidence in support of facts outlined in a publication "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan". Also there is no evidence that at the time of dissemination of disputed information the defendant had reliable information about commission of above unlawful acts by the plaintiff and/or made an attempt to verify this information.

Thus, court hearing confirmed the fact of dissemination of information about the plaintiff by the defendant discrediting the nature of this information and their inconsistency with the reality. Taking into account that the right of citizens to protect honor and dignity is a constitutional right, the court finds that requirements of the plaintiff Mamedov M.B. on recognition of statements contained on the website <http://www.compromat.ru>. in the article of A.Khudyakov "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" as untrue and discrediting his honor and dignity; on liability of Neave Limited (British Virgin islands), the administrator of domain <http://www.compromat.ru/page/31404/htm>, to rebut information posted on the website <http://www.compromat.ru>., discrediting his honor, dignity and business reputation of the plaintiff; liability of Neave Limited (British Virgin Islands), administrator of domain <http://www.compromat.ru/page/31404/htm>, to post on the website [compromat.ru](http://www.compromat.ru) a message on held court decision on recognition of disputed information as inconsistent with reality, lawful, reasonable and subject to satisfaction.

According to Article 206 of the Civil Procedure Code of the RF 1. When making a court decision requiring the defendant to perform certain actions that are not related to the transfer of property or amounts of money, the court in the same decision may indicate that, if the defendant fails to perform a decision within the prescribed period, the plaintiff shall be entitled to take these actions at the expense of the defendant with reimbursement of necessary expenses. 2. If these actions can be performed only by the defendant, the court sets the timeframe in the decision within which the judgment should be enforced.

Subject to provisions of the Article 206 of the Civil Procedure Code of the RF the court considers it possible to establish the period of decision execution within ten days from the date of entering the decision in the legal effect.

Upon determination of the amount of compensation for emotional damages, the court shall take into account specific circumstances of the case, nature and extent of disseminated information, nature of emotional sufferings caused to the plaintiff, requirements of reasonableness and fairness and considers it possible to recover 50,000 Russian rubles from the defendant to the plaintiff in respect of compensation of non-pecuniary damage.

However, the plaintiff's claim for compelling the defendant Neave Limited to remove text of the message from the webpage <http://www.compromat.ru>; compelling Neave Limited, an administrator of domain <http://www.compromat.ru/page/31404/htm>, to bring him apologizes for dissemination of information which is inconsistent with reality, shall not be satisfied, since by virtue of Art. 152 of the Civil Code of the RF a citizen shall be entitled to demand rebuttal of information discrediting his honor, dignity or business reputation, reimbursement of damages and emotional damages caused by their dissemination. The court also takes into account that a notarized protocol of survey of written evidences was made on May 2, 2012.

Based on the above and circumstances set at court hearings, there are no grounds for satisfaction of plaintiff's demands against Zharnikov D.S., however the court considers that the plaintiff's representative has not supported stated demands against the defendant Zharnikov D.S. at court hearing.

Based on the above and following Articles 194-199, 235 of the Civil Procedure Code of the Russian Federation, the court

DECIDED:

To recognize as inconsistent with reality, discrediting honor, dignity and business reputation of Mekhdi Mamedov Bakhadurovich information contained in the text under the heading "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan", posted on the website "www.compromat.ru", namely in sections "Corruption in epaulets and mantles", "On financial part", "Heroin "Borman", "Kidnapping as an argument", "Enter to the "Family" were subject to litigation, namely:

- «... Name Mekhti Bakhadurovich Mamedov says little for Russian reader. Meanwhile exactly this man in his forties controls the transit of Afghan drugs to Russia created a powerful corruption network in Kazakhstan and neighboring countries...; ... He can be a very good friend for «prosecutors», special services and just banditsDrug traffic, raider attacks, bribery, blackmail, extortion and kidnapping – all these is listed in the biography of the hero of our story... Azerbaijani Mamedov grew up in Syrdarya of Uzbek SSR; there he did his first steps in business. These steps have been strongly tied to the criminal environment, because in those times it was not easy to become the director of a large restaurant, a then supplier of cars from "AvtoVAZ". In 2004 after his business partner was killed and the business from hearsay pushed up by Uzbek special services, Mamedov left Uzbekistan and refused from Uzbek citizenship. It is said that he received Kazakh citizenship illegally. Department of National Security Committee of the South Kazakhstan region in 2006 initiated the verification of citizenship, the facts of illegal citizenship obtaining were established but with the help of prosecutor office of SKR he managed to wiggle out because our hero knew with whom he needed to be friends and make business";

- «...Mamedov started to do raiding. One of first victims was businessmen Olimzhan Irismetov and Kairat Pazylbekov, owners of the supermarket "Mereke" in Shymkent of SKR. Afterwards from this particular supermarket captured by Mamedov heads of the prosecutor's office, courts and financial police were provided with free foodstuffs and expensive alcohol drinks. The raiding business of Mamedov expands and relations with employees of prosecutor's office, financial police, courts and National Security Committee play the crucial role. The scheme is very simple. Mamedov, without any fear, comes to a businessman and informs him that soon he will have problems of such and such nature, says that he has information and can solve these problems in any law enforcement bodies. If the owner does not agree, he organizes illegal prosecution with fabrication of criminal case followed by seizure of assets or property. Today Mamedov's assets include large amounts of money and property taken by raiding. He also does not hesitate to legalize property of his partners. Dozens of businessmen in Kazakhstan have already suffered from attacks of this group. In his raiding schemes Mamedov used the former Deputy Chief of the National Security Committee Department for Almaty S. Asainov, who was charged with conflict of interest and abuse of powers and was sentenced by a military court of Almaty garrison under article 380 Part 2 of the Criminal Code of the RK to 6 years in general regime penal colony ... »;

- Accusation of Mamedov M.B. in corrupt relations in all structures of the law enforcement system of the Republic of Kazakhstan – Prosecutor General's Office, the Ministry of Justice, in courts of different levels, including the Supreme Court, with the assistance of officials who, allegedly, organizes fabrication of materials of criminal cases and illegal persecution of businessmen;

- Accusation of Mamedov M.B. that with the assistance of the Deputy Chairman of the Financial Police Service Ongarbayev S. he was blackmailing businessmen, was engaged in illegal seizure of another's property with the falsification of materials of criminal cases: "One of Mamedov's financial fraud was stealing money from BTA Bank with the direct assistance and participation in this illegal transaction of the former owner of BTA Bank Mukhtar Ablyazov. Mamedov received cash in the amount of USD 6,000,000 at the cash office of the bank. The fact of receipt of this amount was documented. But Mamedov did not stop and trying additionally to sue from the bank state-owned USD 10,000,000, relying on his patrons in the Prosecutor General's Office. In the court this case has the support of the chairman of Almaty City Court Barpibayev T. Until recently, the bank receives lawsuits from Mamedov demanding receiving the money. The National Bank turned to the General Prosecutor's Office on illegality of receipt of this amount by Mamedov and evasion of taxes, but Mamedov's patrons in the General Prosecutor's Office and Prosecutor's Office in Almaty hidden this fact";

- "Mamedov having such relation in the security services and law enforcement agencies, has decided to go beyond banal raiding, and do more profitable business. According to the operative information Mamedov for several years has been one of the most active participants in drug traffic in the territory of the former Soviet Union. ... In 2007, in connection with the received information that Mamedov is actively involved in drug trafficking through the territory of Kazakhstan, the Department of National Security Committee of Jambul Region, filed an operational and observational case No. 5-116/07 of June 20, 2007; according to materials of

which there is a clear criminal relation of Mamedov with criminal gangs that control drug traffic. It was found that Mamedov was connected by friendship with the son in law of the President of Tajikistan Emomali Rakhmon, who in turn introduced Mamedov and the son of Nuritdin Rakhmon, the brother of President of Tajikistan. Russian and Uzbek special services consider he is the primary holder of Tajik drug traffic from Afghanistan ...", the author refers to certain materials of "operational and supervisory case of the National Security Committee Department in Zhambyl region No. 5 - 116/07 dated June 20, 2007, from materials of which there is a clear criminal relation of Mamedov with criminal gangs that control drug traffic";

- "... However, now Mekhti Mamedov does business in a large, internationally. He repeatedly went to Moscow to meet with organizers of drug traffic across the CIS, has a close connection with the criminal leaders of ethnic Azerbaijani group in Russia. Mamedov also repeatedly traveled to Amsterdam for a meeting with leaders of the criminal gang that controls transit of drugs from Afghanistan through Russia to Europe ..."

- Accusation of Mamedov M.B. in kidnapping of a child: "... last year Mamedov with the support of unknown persons committed theft of the son of citizen Amangaliyeva M.A., demanding issuance of title documents to use of subsurface gold deposit "Kardayskaya area" and aluminum deposit "Taldy-Aschesayskoe", with total value of USD 3 million. Mamedov, according to Amangaliyeva, threatened her with violence and demanded to take a statement from the police. Then he turned to the DIA of Almaty with a counter statement demanding to take Amangaliyeva to criminal liability for defamation. The end of this noisy story is unknown, but methods used by Mamedov are very revealing";

- "Mamedov M.B. ... is trying to use his corrupt ties to exert influence on the family of the President of Kazakhstan"; "... Control over drug traffic, the powerful corruption network, which includes serious people, "deciding issues" on the level of heads of security services, the police and the prosecutor's office – is, perhaps, the ultimate dream of any worthless mafia. But it is not about our hero. His ambitions are higher. He wants to address issues at the highest level, and it needs as much as to get on the inside the most important Kazakh family, in the family of the president ...".

Oblige Neave Limited within 10 days from the date of entering of court decision into legal force to rebut information disseminated in the Internet at: <http://www.compromat.ru>. on the website "[http //www.compromat.ru](http://www.compromat.ru)" in the text under the heading "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" by posting of message on taken court decision directly next to the text under the heading "Short leash for Makhti Mamedov's friends. Corrupter, "player" and drug baron near the door of the house of the president of Kazakhstan" at the specified address of the Internet resource.

To collect 50,000 Russian rubles from Neave Limited in favor of Mekhdi Mamedov Bakhadurovich for compensation of non-pecuniary damage.

To refuse in satisfaction of the rest part of claim requirements against Neave Limited.

To refuse in satisfaction of claim requirements of Mekhdi Bakhadurovich Mamedov against Zharnikov Dmitry Sergeyevich on protection of honor, dignity and business reputation and compensation for emotional damages.

The defendant shall be entitled to file to the court that made a default judgment the statement to cancel this decision within 7 days of receipt of a copy of the decision.

The decision may be appealed by the parties to the Moscow City Court according to appeal procedure within one month after expiration of time for submission by the defendant of statement on cancellation of this court decision, and in case if such statement is submitted – within one month from the date of issuance of the court's determination to refuse satisfaction of such statement by filing an appeal through the Office of Civil Affairs of Golovinskiy District Court of Moscow.

Judge

Stamp:

TRUE COPY

Judge (signed)

Secretary (signed)

Golovinskiy District Court of Moscow * Russian Federation *

Seal:

21 * Golovinskiy District Court of Moscow * Russian Federation

Stamp:

TRUE COPY

Judge (signed)

Secretary (signed)

Decision, determination has entered into legal force
on May 17, 2013

Judge (signed)

Secretary (signed)

Golovinskiy District Court of Moscow * Russian Federation *

Seal:

21 * Golovinskiy District Court of Moscow * Russian Federation

Stamp:

Stitched and numbered on 13 pages

Judge (signed)

Secretary (signed)

Seal:

21 * Golovinskiy District Court of Moscow * Russian Federation

Текст-перевод документа с русского языка на английский язык выполнен переводчиком Бадаловым Чингисом Биналиевичем

The translation of the document from Russian into English was carried out by the translator BADALOV CHINGIS BINALIYEVICH

Республика Казахстан, город Алматы.
Двадцать пятое июля две тысячи тринадцатого года.

Republic of Kazakhstan, Almaty city.
THE TWENTY FIFTH OF JULY TWO THSOUSAND AND THIRTEEN

Подпись Бадалов Чингис Биналиевич

Республика Казахстан, город Алматы,
Двадцать пятое июля две тысячи тринадцатого года

Я, Махажанова Эльмира Бекежановна, нотариус города Алматы, действующая на основании лицензии №0001876, выданной Министерством Юстиции Республики Казахстан от 03 июня 2004 года, свидетельствую подлинность подписи известного мне переводчика Бадалова Чингиса Биналиевича, которая сделана в моем присутствии. Личность его установлена, дееспособность, а также полномочия его проверены.

Republic of Kazakhstan, Almaty city,
THE TWENTY FIFTH OF JULY TWO THSOUSAND AND THIRTEEN

I, Makhazhanova Elmira Bekezhonovna, Notary Public of Almaty city, License № 0001876, issued by the Ministry of Justice of the Republic of Kazakhstan of June 3, 2004 certify authenticity of signature of the translator BADALOV CHINGIS INALIYEVICH, who is personally known to me, which was subscribed hereinabove in my presence. Her identity is registered, ability to work and credentials are checked.

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