

SENTENCE

IN THE NAME OF THE REPUBLIC OF KAZAKHSTAN

Almalinskyi District Court of Almaty

As part of the presiding judge Chinibekova G.D., with the secretary of the court session Dzhuniskadyrova A., with the participation of the public prosecutor - senior assistant prosecutor of the Almalinskyi district of Almaty Isenbayev A., defendants Adiatulin R.R., Shinybekov N.N., Sultanov D.A., Saitbekov D.M., Bastaubayev A.R., defender of the defendant Adiatulin R.R. - lawyer Lifshits I.A., defender of the defendant Bastaubayev R.A. - lawyer Satmurzayev Zh.A., defender of the defendant Saitbekov D.M. - lawyer Akhetova A.K., defense lawyer of the defendant Sultanov D.A. - lawyer Mukanov E.K., defender of the defendant Shinybekov N.N. - lawyer Sekeyev M.M., victim Mamedov M.B., his lawyers Khalelov A.D., Ashurbekov A.Sh. having examined in the city of Almaty in the courtroom on Sharipov Street 62, in the open main trial on February 18, 2013, a criminal case on charges against:

Adiatulin Radion Rafaelevich, DOB 03.11.1978, native of the city of Shymkent, ethnic tatar, previously not convicted, higher education, married, liable for military service, who used to work as a manager of SDT GROUP LLP, with his latest place of residence at: Shymkent city, Tauke Khan street, 32/2-6, under arrest since June 21, 2011, a copy of the indictment received on October 09, 2012, brought to trial under Articles 312 part 4 paragraphs "a, c", 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan,

Shinybekov Nurzhan Nurlanovich, DOB 17.12.1979, native of the city of Taraz, ethnic Kazakh, previously not convicted, higher education, married, liable for military service, who used to work as the director of Mys-Orda LLP, with the current place of residence at: Almaty region, Talgar city, Lermontov st., 4, who has been under arrest since September 18, 2012, a copy of the indictment received on October 9, 2012, brought to trial under Articles 312, part 4, paragraphs "a, c", 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan,

Sultanov Dinmukhammed Akhmedovich, DOB 22.09.1983, native of the Tashkent region, ethnic Kazakh, previously not convicted, higher education, married, liable for military service, not employed, with his place of residence before his arrest at: Almaty city, microdistrict "Aksai-1a" 29- 32,

problems and asked them to find out where Mamedov M.S. lived, what property was registered for him, what vehicles and with whom he usually chooses to move on and with, to photograph Mamedov M.B., and, if possible, make a video of his movements. Also, Adiatulin R.R. suggested that Mamedov M.B. can be found in the Ankara hotel or at the place of work in the Nurly Tau business center.

Defendant Sultanov D.A. informed his relative, senior inspector of the HR division of the DEPARTMENT FOR COMBATING ECONOMIC AND CORRUPTION CRIME in Almaty, Saitbekov D.M. about the alleged illegal actions and offered to find specialists to spy on Mamedov M.B.

In September 2010, Saitbekov D.M. turned to his colleague, the senior inspector of the HR division of the DEPARTMENT FOR COMBATING ECONOMIC AND CORRUPTION CRIME in Almaty, Bastaubayev R.A. and offered to carry out surveillance over Mamedov M.B., establish his place of residence, place of stay, the number of guards who are with him.

Bastaubayev R.A. agreed to his personal participation in the planned illegal actions, while Bastaubayev R.A. demanded payment for illegal actions in the amount of 400 US dollars, which is 59,016 tenge, per day.

Shinybekov N.N. and Sultanov D.A., deceiving Adiatulin R.R., told the latter that to carry out the surveillance, payment in the amount of 100,000 tenge is required for one day of work.

Adiatulin R.R. agreed to these conditions and at an unspecified time and place he handed over to Shinybekov N.N. 100,000 tenge for giving bribe in a group of persons by previous concert to law enforcement officers who will carry out visual surveillance and collect information on Mamedov M.B. Subsequently Shinybekov N.N., being an accomplice in giving a bribe, in a group of persons by previous concert, handed over the bribe received, at an unspecified time and in an unspecified place, to Sultanov D.A. to further pay to other persons as a bribe for surveillance.

Further, Sultanov D.A., being an accomplice in receiving a bribe, in a group of persons by previous concert, at an unspecified time and in an unspecified place, gave 60000 tenge to Saitbekov D.M. as a bribe for spying on Mamedov M.B., and divided the remaining 40,000 tenge equally with Shinybekov N.N.

Saitbekov D.M., being an official, being an accomplice in taking a bribe, by a group of persons by previous concert, received a bribe in the amount of 60,000 tenge for illegal actions and handed them, at an unspecified time and at an unidentified place, to Bastaubayev R.A.

Bastaubayev R.A., being an official, a group of persons by previous concert, received a bribe in the amount of 60,000 tenge for illegal actions on visual surveillance of Mamedov M.B. and collecting video materials.

For three days, unidentified persons and Bastaubayev R. could not establish the whereabouts of Mamedov M.B. On the fourth day, a person unidentified by the investigation found Mamedov M.B. in the courtyard of the Nurly Tau business center, filmed it with a video camera, and on the fifth day filming was done by an unidentified person on a video camera, when Mamedov M.B. left with a driver in a car, but then lost the car of Mamedov M.B. out of sight. Also, an unidentified person went after Mamedov M.B. into the courtyard of a house in the area of Dostyk-Klochkova street, made handwritten notes and videos about it.

2 mini-videotapes and handwritten records concerning the private life of Mamedov M.B., Bastaubayev R.A. at an unspecified time and in an unspecified place handed over to Saitbekov D.M. and received from him as a bribe 800 US dollars, which is 118,032 tenge, which had been transferred by Adiatulin R.R. through Shinybekov N.N. and Sultanov D.A. Later, a video cassette through Sultanov D.A. and Shinybekov N.N. at an unknown time and in an unknown place was transferred to Adiatulin R.R.

In a week's time, Bastaubayev R. and persons unidentified by the investigation voluntarily stopped spying on Mamedov M.B.

In the period from October 20, 2010 to January 2011, Mamedov was undergoing treatment outside the Republic of Kazakhstan.

In early January 2011, at the request of Adiatulin R.R., visual surveillance and collection of information in relation to Mamedov M.B. was resumed for a monetary reward in the amount of 100,000 tenge through the defendants Shinybekov N.N., Sultanov D.A. and Saitbekov D.M., on the basis of which Bastaubayev R. near the residential building behind the hypermarket "Mega" filmed the car of Mamedov M.B., and also made video recordings near the building of the financial police. The cassettes with the video recordings were given to Saitbekov D.M. for further transmission to Adiatulin R.R. through Sultanov D. and Shinybekov N.N. Then Bastaubayev R. through the Internet, having learned about the criminal attempt on Mamedov M.B., stopped spying.

On January 19, 2011 Bastaubayev R.A. met with Mamedov M.B. in the office of the Nurly Tau business center and told him about the ongoing surveillance.

In October 2010, Adiatulin R.R. turned to Shinybekov N.N. with a request for a fee to receive details of telephone conversations of subscriber No. 87017553168 belonging to Mamedov M.B.

Shinybekov N.N. forwarded the request of Adiatulin R.R. to Sultanov D.A. and at their request, unidentified by the investigation officers of the Organized Crime Control Department of

the Department of Internal Affairs of the Almaty region, having received detailed telephone conversations, handed them over, for which Sultanov D. handed over USD 2,000 to an unidentified police officer.

In March 2011, Adiatulin R.R. requested Shinybekov N.N. and Sultanov D.A. to find law enforcement officers who can wiretap and record telephone conversations conducted by Mamedov M.B. via phone number 87017553168.

On this occasion, Shinybekov N.N. and Sultanov D.A. again turned to an unidentified person by the investigation. The latter introduced Shinybekov N.N. and Sultanov D.A. with an unidentified by the investigation officer of the Organized Crime Control Department of the Department of Internal Affairs of the Almaty region.

Shinybekov N.N. offered an unidentified police officer to carry out illegal wiretapping and recording of telephone conversations of Mamedov M.B. for monetary reward, to which he agreed and demanded a bribe for this in the amount of 7,000 US dollars, which is 1,026,900 tenge. Shinybekov N.N. and Sultanov D.A., having agreed among themselves, told Adiatulin R.R. that they had found a police officer who was ready to organize wiretapping and recording of telephone conversations Mamedov M.B. for 15,000 US dollars, intending to embezzle the difference in the amount of 8,000 US dollars, which is 1,173,600 tenge.

For wiretapping, Adiatulin R.R. transferred as bribes to Shinybekov N.N. through the transfers system "Western Union" 4,000 US dollars, which is 581,960 tenge.

From the money received Shinybekov N.N. gave a bribe in the amount of about 2,500 US dollars to an unidentified police officer, which is 364,525 tenge.

Realizing his criminal actions, a police officer unidentified by the investigation misled Tulegenov D.S., an operative of the Organized Crime Control Department of the Department of Internal Affairs of the Almatinskyi Region, informed him that a member of an organized criminal group Zhexembekov K.S. is the user of telephone number 87017553168.

In connection with the information received from an unidentified police officer on March 30, 2011 Tulegenov D.S. issued a resolution on wiretapping and recording telephone conversations of subscriber number 87017553168 and received the sanction of the prosecutor of the Almaty region. On the basis of this decision, wiretapping and recording of telephone conversations of Mamedov M.B. were realized. Under unknown circumstances, a police officer unidentified by the investigation received a recording of the tapped conversations of Mamedov M.B. and in May 2011 handed over to Sultanov D.A. a computer flash-card with a record of telephone conversations of Mamedov M.B. Sultanov D.A. sent the specified flash card by a method unidentified by investigation, to Adiatulin R.R. in Shymkent. A few days later Shinybekov N.N. received from an unidentified police officer a second flash card with a record of telephone conversations of Mamedov M.B. and transferred it, by a method unidentified by investigation, to Adiatulin R.R.

Further, fearing exposure, Adiatulin R.R., Shinybekov N.N., Sultanov D.A. and Saitbekov D.M. stopped their criminal activities.

Thus, Adiatulin R.R. by a group of persons by previous concert gave bribe to an official for committing deliberately illegal actions, illegally collected and disseminated information about the private life of Mamedov M.B., constituting his personal secret, without his consent, illegally violated the secrecy of telephone conversations of Mamedov M.B.

Shinybekov N.N. committed complicity, that is, aiding in giving a bribe to an official for the commission of deliberately illegal actions, by a group of persons by previous concert, illegally collected and disseminated information about the private life of Mamedov M.B., constituting his personal secret, without his consent, illegally violated the secrecy of M.B. Mamedov's telephone conversations.

Sultanov D.A. committed complicity, that is, aiding in the receipt of a bribe by an official for the commission of deliberately illegal actions, by a group of persons by previous concert, illegally collected and disseminated information about the private life of Mamedov M.B.,

constituting his personal secret, without his consent, illegally violated the secrecy of M.B. Mamedov's telephone conversations.

Saitbekov D.M. committed complicity, that is, aiding in receiving a bribe by an official for knowingly committing illegal actions, by a group of persons by previous concert, illegally collecting and disseminating information about the private life of Mamedov M.B., which constitutes his personal secret, without his consent.

Bastaubayev R.A., being an official, through an intermediary received a bribe in the form of money for himself for illegal actions in favor of the bribe-giver, illegally collected and disseminated information about the private life of Mamedov M.B., constituting his personal secret, without his consent.

Defendant Adiatulin R.R. did not admit his guilt in the charges brought against him and testified that he is familiar with Shinybekov N.N. from childhood. Through Shinybekov N.N. he met with Sultanov D.A. Does not know Mamedov M.B. well, saw several times at Latyev I., has no unfriendly relationship to him. He did not commit any illegal actions and did not ask anyone about it. He does not have the money to pay a bribe, since he works as a manager of a limited liability partnership and has young children and elderly parents who are dependent on him. Asks the court to acquit him.

Defendant Shinybekov N.N. admitted guilt in the charges against him in part and showed that they had known Adiatulin R.R. since childhood, knows Sultanov D.A. well. In August 2010, Adiatulin R.R. asked to collect information about their former partner, about which he informed Sultanov D.A. Also, Adiatulin R.R. asked for help to find a bodyguard for his boss Ildar Latyev, who often comes to Almaty, for which he recommended Isayev B. After a while, Sultanov D.A. reported that he had found a person who could help collect information, about which he informed Adiatulin R.R. and introduced them to each other. Subsequently, he received a disc from Sultanov D.A., which contained a video tape with the car, and handed it over to Adiatulin R.R. In October 2010, Adiatulin R.R. informed that Mamedov M.B. had been shot and asked to find out who shot him, who visits him in the hospital. Sultanov D.A. introduced him to the officer of the Organized Crime Control Department of the Almaty Region, Bayzullayev A., who introduced him to Narymbayev E. In October 2010, he turned to the police officer Narymbayev E. or Bayzullayev A., does not remember about the printout of telephone conversations of Mamedov M.B. Having received the details of the telephone conversations from them, he kept it with him and intended to give it to Adiatulin R.R. when he arrived. At the end of January 2011, Sultanov D.A. said that there was information about Mamedov M.B., gave him the disks and said that the guys deserve a reward. Having looked at these disks, on which there was no information, where some car had been removed, he returned them to Sultanov D.A., who explained that Saitbekov D.M. gave these disks to him, and they had been given to him by a person who directly collects information. After the new year they are with Adiatulin R.R. talked about the payment for the services of I.Latyev's bodyguard, the payment was 1,000 US dollars per month. For security services, Adiatulin R.R. owed payment for several months and through the bank transferred the remaining amount for security services in the amount of 4,000 US dollars, which he transferred to Isaev B. In February-March 2011, Adiatulin R.R. asked him to wiretap Mamedov M.B., about which he asked Narymbayev E. In May, Narymbayev E. said that the telephone number of Mamedov M.B. was on tapping and asked 10,000 US dollars for it, to which Adiatulin R.R. refused. In early June 2011, he learned that Sultanov D.A. got detained. Upon arrival at the Department of Internal Affairs, he was also detained, accusing him of being an accomplice in the attempted murder of Mamedov M.B. Then he talked with Mamedov M.B., who demanded that he compensate him for material damage, spent on the operation, to which he agreed and fully compensated him for the damage. After that, he testified at the direction of the police officers, and also convinced Sultanov D.A. to give the same testimony, because he wanted to remain at liberty. He asks the court to acquit him on charges of bribery, since he did not transfer any money to anyone.

Defendant Sultanov D.A. he admitted guilt in the charges against him in part and showed that he has known Shinybekov N.N. for more than 10 years, met with Adiatulin R.R. 3-4 times, Saitbekov D.M. is his relative, does not know Bastaubayev R. He did not receive bribes from anyone, he has nothing to do with wiretapping of telephone conversations, he turned to Saitbekov D. with a request of Shinibekov N., who said that his childhood friend was asking for help, asking "to have an eye on a man". In September, at one of the events, he met with his relative, Saitbekov D, and asked if he had such people, to which he replied that he recently worked as an HR officer and did not know. After September 22, on his birthday, he met with Saitbekov D.M., who said that he had a friend who could help in this matter, which he reported to Shinybekov N. Shinybekov N. told him the approximate location of the person to be followed, the brand of his car, and at the same time named the Ankara hotel, Nurly Tau, where he works. After some time, Saitbekov D. gave him a disk, which he gave to Shinybekov N. After the new year, Saitbekov D. called and gave more disks, he also gave them to Shinybekov N.N. At the same time, Saitbekov D. said that his friend asks for a reward, to which he said that there was no such agreement. Shinybekov N.N. also refused and returned the discs, saying there was nothing there. He returned these discs to Saitbekov D. He did not meet with Adiatulin R.R. about Mamedov and there was no conversation. He has known Narymbayev E. from his student days. At one event, he introduced Shinybekov N. with Baizullayev, who previously had worked as an officer. At one of the meetings Shinybekov N. said, that Narymbayev borrowed money from him in the amount of 2,500 US dollars and is not returning it. After a while, he conveyed Shinybekov's request to Bayzullayev N., who also called Narymbayev there. Narymbayev confessed and said due to financial difficulty he could not give the money back and said that he would sell the car and repay the debt. About wiretapping of a cell phone of Mamedov M.B. he did not know anything; he became aware of this during the investigation. He was detained on June 5 for committing theft, and later charged with attempted murder. During the investigative actions he saw Shinybekov N.N., who asked to support his testimony. The investigators also explained that if he gives such testimony, the criminal case will be stopped. Since Shinybekov N.N. was at liberty, he gave the same testimony to free himself. In fact, he did not receive money from anyone, he himself did not conduct surveillance, in 2010 he handed one disc from Saitbekov D. to Shinybekov N., in 2011 D. Saitbekov's friend, on his own initiative, followed Mamedov M. and took photos, which he gave to Saitbekov D. Saitbekov D. handed the disks to him, he handed them to Shinybekov N.N., who returned them back to him, since there was nothing there, he returned the disks to Saitbekov D. He asks the court to acquit him in parts of the charge of taking bribes.

Defendant Saitbekov D.M. admitted the guilt in the charge brought against him in part and testified that Mamedov M.B., Adiatulin R., Shinybekov N. did not know. He has known Sultanov D.A. for about 10 years, this is his relative, has known Bastaubayev R. since 2005. In September 2010, at one of the meetings, Sultanov D.A. asked if he had any acquaintances who could observe the movement of vehicles, he replied that he had recently been certified, the HR division did not deal with such issues. After 10 days, his colleague Bastaubayev R. said that he was going to the hospital and he invited him to watch the movement of cars, to which he agreed. He reported this to Sultanov D., who reported the state plate number of the car and the alleged location of the person in the Ankara and Nurly Tau hotel, that he handed over to Bastaubayev R. After 3-4 days Bastaubayev R. handed over an envelope with disks, which he handed over to Sultanov D.A. In January 2011, after the old new year, Bastaubayev R. said that on his own initiative he performed surveillance the car and handed over the disks, and also asked for help with the money of \$500, since it was his daughter's birthday, his salary was not enough. The next day he handed over the disks to Sultanov D.A., and also informed about his request to help with money. After a while Sultanov D.A. returned the disks to him, he returned them to Bastaubayev R. and said that he could not help with the money. After the arrest, he learned that criminal attempt against Mamedov M.B. was committed. 2-3 days before his arrest, he visited SI-1, SI-18 to find out why Sultanov D.A. was detained and take the parcel to him, but he was

not there. When he arrived at the Department of Internal Affairs, he was detained and pressured. Then they were locked up in the TCC (Temporary Containment Cell) for two days, on the third day they began to interrogate, and Bastaubayev's testimony was given. The police officers demanded to testify on their instructions, promised that they would be released, just like Shinybekov N. and Bastaubayev R. He asks the court to acquit him in terms of taking a bribe, since he had not received money from anyone.

Defendant Bastaubayev R.A. admitted his guilt in the prosecution brought against him in part and testified that he knew only Saitbekov D.M. Saitbekov invited him to perform surveillance over Mamedov M.B., he agreed, as he was on sick leave. Saitbekov D.M. reported his possible place of stay in the Ankara hotel and his workplace in the Nurly Tau business center. To fulfill Saitbekov D.'s request, he asked his friend Abakulov T. About 2 days from morning to evening, Abakulov T. was in front of the Ankara hotel and was looking for Mamedov M.B., but he never saw him. On the third day, Abakulov drove to the Nurly Tau building, stood for one day, but did not find Mamedov. On the fourth day, Abakulov said that he saw Mamedov in the courtyard of the Nurly Tau business center. He carried out surveillance only in the evening, 2-3 times. He followed Mamedov M.B.'s car, gave the cassette to Saitbekov D., after that he refused. In January 2010, he read on the Internet that there was an attempt on the life of a large businessman and, got frightened, then he told Mamedov M. about everything and he was detained. After that, at the direction of the investigator, he asked for money from Saitbekov D. for 3 discs, which were filmed during the investigative and operational search activities. What recording was on the disks he is not aware of, Saitbekov D.A. returned them, saying there was nothing there. Before the arrest, he did not receive money for surveillance. He asks the court to acquit him in terms of receiving a bribe.

The guilt of the defendants, despite their partial admission of their guilt, is fully confirmed by the testimony of the victim and witnesses.

The victim Mamedov M.B. he testified to the court that on October 9, 2010, near his house at the address: Almaty, Dostyk ave. 248 "A", a criminal attempt was made on him; Medov M who shot at him was arrested at the crime scene. The attempt on his life was organized by Latyev I., in respect of whom, according to his statements, several criminal cases were initiated, on January 29, 2010, the Medeu District Court of Almaty issued an absentee decision to recover 271,187,700 tenge from Latyev in his favor, and the property of the latter was arrested. On August 24, 2010, the Medeu District Court of Almaty ruled to recover 63.296.979,39 tenge from Latyev in his favor. Because of this, a conflict situation developed between him and Latyev. On January 19, 2011, Bastaubayev R. voluntarily came to his office and told about the crime committed against him. After that, the police investigators identified the rest of the accomplices of this crime. By the investigating authorities, the facts of spying on him, transferring and receiving bribes by Shinybekov N., Sultanov D., Saitbekov D., Bastaubayev R. for illegal surveillance activities were established by the results of special operational-search measures, when the defendants were not detained and no one had a lever on them. During the interrogations of Shinybekov N., Bastaubayev R., he did not take part himself. Sultanov D.A., being the accused, gave confessions, Shinybekov N.N. he himself wrote petitions for recognition of him as an intermediary in bribery. He believes that the guilt of the defendants on all the charges brought against him has been fully proven. The defendants, being the accused, have repeatedly given confessions addressed to law enforcement agencies, their relatives compensated for the material damage. The imposition of a punishment is left to the discretion of the court.

Witness Saparbayev Zh.E. - an officer of the National Security Committee of the Republic of Kazakhstan in the South Kazakhstan region, presented testimony to the court that he did not receive the information on departures and arrivals of Mamedov M.B., and also, he does not know Latyev I. and Adiatulin R.R.

Witness Salykov E.Kh. – an authorized operative of the Internal Affairs Directorate of the Enbekshikazakhskiy district of the Almaty region, presented testimony to the court that on October 15, 2010, an authorized operative of the Organized Crime Control Department of the

Internal Affairs Directorate of the Almaty region Baizullayev gave him an order on behalf of the investigator Zhumakhmet and asked for details of telephone conversations in GSM Kazakhstan LLP. In the office building of "GSM Kazakhstan" LLP, on the basis of an order, he received the details of telephone conversations of subscriber No. 87017553168, about which he drew up a protocol. Subsequently, he gave the decree, the protocol of the seizure and the details to Bayzullayev.

Witness Zhumakhmet A.Zh. presented testimony to the court that on March 1, 2010 he had caused a criminal case No. 101194003100065 on the grounds of a crime under Art. 178 p. 2 pp "A, C, D" of the Criminal Code of the Republic of Kazakhstan at the request of Kazyiev T.R.. In the materials of the criminal case, there is no decree on the seizure of the details of the telephone conversations of the subscriber No. 87017553168. The order addressed to Salykov was not drawn up or signed by them. At present, the criminal case has been suspended by the proceedings and is kept in the archive.

Witness Nurgalin M.T. during the investigation testified that his uncle Bastaubayev R.A. in the fall of 2010, in the vicinity of the Mega-Ceiter complex, he had him in a car as the passenger and went somewhere. In the winter of 2010, Bastaubayev asked him for a video camera and took it with him.

Witness Bikmetov R.Sh. During the investigation, he testified that at the request of his friend Adiatulin R.R. sent a transfer "Western union" in the name of Shirybekov N.N., and also sent money to a guy named "Andrey" for spare parts for a car in Atyrau. Also he received things and sealed documents through the bus drivers at the request of Adiatulin R.

Witness Dyusembayeva L.K. - specialist of "GSM Kazakhstan" LLP, during the investigation she testified that on October 15, 2010, the operative of the Internal Affairs Directorate of Enbekshikazakh district, Salykov E.Kh. took the details of telephone conversations of subscriber No. 87017553168.

Witness Tulegenov D.S. - an authorized operative of the Organized Crime Control Department of the Department of Internal Affairs of the Almaty region, during the investigation, testified that in his production there was material in relation to an active participant in an organized criminal organization Zhexembekov K.S. In mid-March 2011, an authorized operative of the Organized Crime Control Department of the Department of Internal Affairs of the Almaty Region Narymbayev E.M. told him that Zhexembekov was using the telephone number 87017553168. He registered the information received from Narymbayev on behalf of his authorized representative, after which on March 30, 2011 he issued a decree on wiretapping and recording telephone conversations of subscriber number 87017553168, which was authorized by the prosecutor's office of the Almaty region. On April 4, 2011, he went on vacation. Nobody informed him that by his order the wiretapping of telephone conversations was carried out.

Witness Sagimbayev R. testified to the court that in the course of the investigation of this criminal case Bastaubayev R. voluntarily appeared to the victim Mamedov M., later on by police investigators he was detained and taken to the Department of Internal Affairs of Almaty. Bastaubayev R. testified that he had been monitoring Mamedov M. in the period before the new year's eve 2011 and after and gave the phone number of the person who ordered his surveillance. Later, special operational-search measures were carried out with the participation of Bastaubayev R., and wiretapping of the defendants' cell phones was established. After a conversation with Bastaubayev R., Saitbekov D. called back Sultanov D., who later called Shinybekov N., after that he called Adiatulin R. Operational search activities lasted about 3 months and in March their personal data were established. Personal data were established one by one. First, Saitbekov D. was identified, who called Sultanov D., external surveillance was carried out, after which the personal data of Sultanov D. were established and, one by one, every 15 days, the personal data of all the defendants were established. Adiatulin R. was established in March, when he flew in for a meeting from Shymkent. His personal data was established via a ticket from the airport. The meeting between Adiatulin R., Shinibekov N., Sultanov D. was recorded by police investigators. During the investigation of the criminal case, no pressure was

exerted on the defendants by the investigation. A few days after the arrest of Sultanov D. Shynybekov N. himself appeared. A measure of restraint against Shynybekov N. was not chosen, a criminal case was refused, in connection with assistance in solving a particularly grave crime in accordance with Article 65 of the Criminal Code, and it was also refused to initiate a criminal case against Bastaubayev R. With the participation of Bastaubayev R., repeated interrogations were carried out, as well as special operational measures. With the permission of the prosecutor, his mobile phone was tapped, audio-video recording of his meetings was made. Bastaubayev R. was presented with an audio-video device, special equipment, a purse. When handing the purse to Bastaubayev R., a handover protocol was drawn up; upon returning, the sound recording device was examined. The purse was returned in the car, there were no attesting witnesses, as this was a secret event. Bastaubayev R. himself signed the protocols. Bastaubayev R. provided 400 US dollars, explaining that Saitbekov D. gave it as payment.

Witness Belgibayev testified to the court that in October 2010 a criminal attempt was made, Medov S.M. was detained. In January 2011 investigator Sagimbayev R. informed him that the office of the victim Mamedov M.B. "Nurly Tau" was visited by a man who was allegedly hired to monitor his actions. Bastaubayev R. was in Mamedov's office, whom he brought for questioning to the investigator. On January 20-25, he learned from investigator Sagimbayev R. that Bastaubayev R. said that Saitbekov D., a financial police officer, should give him money for spying on M. Mamedov. After that Sagimbayev R. received permission to hold special events and held all actions for the delivery of special equipment. Subsequently, from the words of Sagimbayev R., he learned that Saitbekov D. had met Bastaubayev R. in the area of the stadium, and gave Bastaubayev R. 400 US dollars, and Bastaubayev, in turn, gave the CDs to Saitbekov. In the future, operational and investigative measures were carried out, Saitbekov's telephone conversations were tapped to find out where he would transfer the discs. After that, Sultanov D. and Shynybekov N. were identified by them. According to their conversation, it was established that "Mr. X from Shymkent" and his "big boss" demand continuation, "listeners and peekers to be mounted", that is, their meanings in professional language: peekers - means to watch, listeners - means to listen. In addition, they listened to a conversation where Sultanov D. told Saitbekov D. that his man had defected to their side and surrendered. In mid-March, Adiatulin flew to Almaty, and they met in a cafe on Gogol-Furmanov for about 40 minutes. When he was on vacation, he learned that Sultanov had been detained on suspicion of theft. Saitbekov was detained by officers of the financial police, who, after interrogation, arrested him. Shynybekov came himself, he and Bastaubayev were under recognizance not to leave. After that, on a separate order, he delivered Adiatulin from Shymkent to Almaty.

Chief expert Gotovko N.N. testified to the court that during the examination she was not guided by the instruction for conducting the examination of 2002, because it was canceled on 24.05. 2011, and a new instruction was approved. Voice samples were provided by the court. During the trial, the defendants gave evidence that was recorded on a cell phone's dictaphone and on a separate dictaphone. The voice sampling protocol is optional for the expert. An application was made to obtain comparative samples in a similar way, but a letter from the court was provided that they could not additionally provide samples in full, and it was indicated that an examination was carried out in the amount of the submitted material. According to the instructions, the expert must, if possible, conduct an examination in the amount of the submitted material in accordance with clause 8 of the instructions. The voices of the defendants were determined by listening to their testimony given during the trial. During the examination, a method based on format analysis was used. This method allows you to work in the absence of linguistic comparability, by instantaneous articulations of the local tract and regardless of what language is spoken. During the examination, the experts selected the method of identification research, which makes it possible to compare the articulations of the local tract for each person: Adiatulin, Sultanov, Shynybekov, Saitbekov. The experts pointed out that the articulation of the local tract, neuro-diagnostic stereotypes: breathing, nerves from the brain, which control the voice and are not controlled by humans. A separate identification study was carried out for each

vote, the probability of coincidences overall for Adiatulin is 0.865 or 86.5%, the individuality share in the voice 99.5%. Shinybekov has 0.873, the individuality share in the voice 0.893, format analysis of 10-8 degrees. The experts identified 12, 15 sites at Adiatulin, Shinybekov, Sultanov, 9, 11 10-8 at Saitbekov. In the conclusions, the link was made only to file 01, and there is no reference to 02 due to a technical error, but the conclusions are not erroneous. The experts did not resolve the issue whether the original or a copy of the CDs presented for the study. Also, the issue of installation was not resolved. Whether read from sight or spoke in fluent words, it does not affect the determination of the belonging of the voice. Each person has an individual voice, there are no similar voices.

Forensic expert Dzhumaev K.N. gave a similar testimony to the court.

The guilt of the defendants is also confirmed by the initial testimony of the defendants Sultanov D., Saitbekov D., materials of special operational measures, confrontation protocols, money transfer, transcripts of conversations, which confirm the facts of violation of private life and secrecy of telephone conversations of Mamedov M. and other materials of the criminal case.

In the initial testimony in the presence of lawyers, the defendants Sultanov D., Saitbekov D. described in detail the sequence of their crimes - violation of privacy, illegal violation of the secrecy of telephone conversations, giving and receiving a bribe, in particular Sultanov D. testified that at the request of Adiatulin R. and Shinybekov N. turned to his relative Saitbekov D. with a request to find a person to spy on Mamedov M.B. and subsequently, through Shinybekov N., they received from Adiatulin R. monetary funds in the amount of 100,000 tenge per 1 day of surveillance, of which 60,000 tenge were transferred to Saitbekov D., and 40,000 tenge was shared with Shinybekov N. For the entire time of surveillance until January 2011 Saitbekov D. gave him 2 mini-cassettes and after the new year, surveillance continued and three discs were transmitted, for the results of which received money from Adiatulin R.R. and shared as before.

Saitbekov D., confirming the testimony of Sultanov D. regarding illegal surveillance of Mamedov M. and complicity in receiving a bribe, explained that at the request of Sultanov D.A. turned to Bastaubayev R., who agreed to his request to carry out surveillance for a monetary reward of 400 US dollars per day and after surveillance gave him 2 mini-cassettes until January 2011 and after the new year 3 discs with a recording, for which Bastaubayev R. received money through it at the rate of 400 US dollars per day, in total received 2,000 US dollars.

At the hearing, Bastaubayev R. also confirmed the implementation of secret surveillance over Mamedov M.B., but completely denied receiving the money.

In addition, according to the response to the request to the HR division of DEPARTMENT FOR COMBATING ECONOMIC AND CORRUPTION CRIME in Almaty from 27.09.2012, Bastaubayev R.A. in the period from 30.10.2010 to 06.11.2010, as well as in the period from 06.01.2011 to 15.01.2011, was on sick leave, i.e. was absent in the building of DEPARTMENT FOR COMBATING ECONOMIC AND CORRUPTION CRIME, which indicates the presence of free time and the possibility of secret surveillance on his part over Mamedov M.B.

Bastaubayev R. on January 19, 2011 appeared to the victim with a confession statement.

In accordance with the letter of "GSM Kazakhstan" LLP on October 15, 2010, o/u OKP of Enbekshikazakh District Department of Internal Affairs Salykov E.Kh. on the basis of the decision of the investigator of the Department of Internal Affairs of the Department of Internal Affairs of the Enbekshikazakh region Zhumakhmet A.Zh. the details of telephone conversations of subscriber No. 87017553168 were extracted.

The interrogated authorized operative of the Organized Crime Control Department of the Department of Internal Affairs of the Almaty Region Tulegenov D.S., confirmed that in mid-March 2011, having received from the authorized operative of the Organized Crime Control Department of the Department of Internal Affairs of the Almaty region Narymbayev E.M. the message that the accused Zhexembekov uses the telephone number 87017553168 in the criminal case he is investigating, on March 30, 2011 issued a decision to wiretap and record telephone conversations of subscriber number 87017553168, which was sanctioned by the prosecutor's office of the Almaty region.

The investigation established that the telephone number 87017553168 was used by the victim Mamedov M.B.

On April 20, 2011 from Shymkent to the name of Shinybekov N.N. through the bureau of transfers "Western union" a money transfer was carried out on behalf of Bikmetov R.Sh. in the amount of 4,000 US dollars, which Bikmetov R.Sh. confirmed that he did it at the request of Adiatulin R.

To the testimony of Shinybekov N. in the court that these funds were sent to pay for the services of the bodyguard Latyev I., the court gives a critical assessment, since during repeated interrogations at the preliminary investigation Shinybekov N. testified that this amount was sent by Adiatulin R.R. for payment for wiretapping M.B. Mamedov's telephone, that is, for giving a bribe.

The court has reliably established that Adiatulin R.R. appealed to Shinybekov N.I. and Sultanov D.A. with a request to carry out surveillance and wiretapping of the victim's telephone conversations of Mamedov M.B. for a bribe and passed it through Shinybekov N.N. for submitted surveillance tapes and wiretapping.

Shinybekov N.N., being an accomplice in giving a bribe, subsequently after receiving the recording of surveillance and wiretapping, knowing that these actions were illegal, transferred the bribe to the police officer, that is, to the official Sultanov D.A.

Sultanov D.A., being a police officer, that is, an official, having received a bribe, being an accomplice, later transferred the bribe to Saitbekov D.M.

Saitbekov D.M., being a police officer, that is, an official, having received a bribe, being an accomplice, handed over to the police officer Bastaubayev R.

Bastaubayev R., being an official, having received a bribe for illegal actions, transferred to Saitbekov D. the results of the surveillance.

Sultanov D. and Shinybekov I., having received the results of wiretapping of the victim's phone from an unidentified person for a bribe, handed to Adiatulin R.R.

According to clause 5 of the Normative Resolution of the Supreme Court of the Republic of Kazakhstan "On the practice of the courts' application of legislative liability for bribery", the person specified in the notes to Article 307 of the Criminal Code of the Republic of Kazakhstan, or another person who organized the giving or receiving of a bribe, incited to this or was an accomplice of giving or receiving a bribe and at the same time performing intermediary functions is responsible for complicity in giving or receiving a bribe.

Analyzing the evidence obtained in their totality, the court considers the guilt of the defendants Adiatulin R.R. and Bastaubayev R. in the charges brought against them as proved, the qualification of the actions of Adiatulin R.R. under Article 312 part 4 paragraph "a", 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan. Bastaubayev R. under Art. 311-part 4 p. "b", 142 part 1 of the Criminal Code of the Republic of Kazakhstan is correct.

The court considers Shinybekov N.N.'s actions as appropriate to be qualified under Art. 312, part 4, paragraph "a" of the Criminal Code of the Republic of Kazakhstan through Article 28, part 5 of the Criminal Code of the Republic of Kazakhstan, since he was an accomplice in giving a bribe. His actions under Articles 142, part 1, 143 p.1 of the Criminal Code of the Republic of Kazakhstan are qualified correctly.

Actions of Saitbekov D.M., Sultanov D. are also subject to qualification under Art. 311 part 4 p. "B" through art. 28 part 5 of the Criminal Code of the Republic of Kazakhstan, since they were also accomplices in taking bribes. Actions of Sultanov D.A. according to Articles 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan are qualified correctly. Also, the actions of Saitbekov S.M. are qualified correctly under Art. 142 part 1 of the Criminal Code of the Republic of Kazakhstan.

In addition, there is no sign of repetition in the actions of the defendants when receiving and giving a bribe.

According to clause 7 of the Normative Decree of the Supreme Court of the Republic of Kazakhstan "On the practice of the courts' application of legislative liability for bribery," giving

or receiving a bribe in several stages for performing or not performing actions that ensure the desired result for the bribe giver, as well as giving a bribe to a group of bribe-taking subjects who have committed a crime by previous concert between themselves, or mediation under the specified circumstances cannot be considered as a crime committed repeatedly.

In this connection, it is necessary to exclude the sign of repetition from the charges against the defendants.

The materials of the criminal case included CDs in the amount of 3 pieces, where identical video recordings with the movements of the car were captured, Mamedov M.B.'s departure from the Nurly-Tau business center.

The court established that these recordings were taken after Bastaubayev R. made a confessionary statement to the law enforcement agencies with the participation of operational workers for transferring the surveillance to the "customers".

In court, the prosecutor said that imitation of surveillance was captured on these CDs. These CDs during the Investigative Operational-Search Activities were transferred at the request of police officers by Bastaubayev R., to Saitbekov D.

Bastaubayev R. testified in court that in January 2011, having learned about the criminal attempt on Mamedov M.B. via the Internet, got scared and after a few days comprehending, subsequently on January 19, 2011 went to Mamedov M.B. to tell about what had been accomplished. He gave Saitbekov D. the CDs, which had been handed over to him by the police officers.

Also, defendant Saitbekov D. testified in court that in January 2011 Bastaubayev R. said that he had been spying on Mamedov M.B. on his own without their request. and offered him recorded discs.

In this connection, the court considers it necessary to recognize three CDs with video recording as inadmissible evidence, which were filmed with the participation of Bastaubayev R. after his confession.

Subject to exclusion from the charges against Shinybekov N.N. is the transfer of color photography of Mamedov M.B. and CDN over Mamedov M.B. to Adiatulin R., since this accusation is based only on the testimony of Shinybekov N., given by him as a witness, has not been confirmed by other reliable evidence.

According to article 19, part 3.4 of the Code of Criminal Procedure of the Republic of Kazakhstan, irrepressible doubts about the guilt of the accused are interpreted in his favor. A conviction cannot be based on assumptions and must be supported by sufficient body of evidence.

The testimony of the defendants Bastaubayev R. and Shinybekov N., given during the investigation as witnesses, cannot be accepted by the court as the basis of the verdict, according to Article 116, part 3 of the Code of Criminal Procedure of the Republic of Kazakhstan.

According to the decision of the investigator, the materials of the criminal case against I. Latyev, Paragulgov, Narymbayev, Bayzullayev, Blalov were separated into a separate proceeding under Articles 24, part 3, 28, part 3, 96, part 2, paragraphs "g, z", 142, 143, 307, 308 of the Criminal Code of the Republic of Kazakhstan.

In court, the defendants Saitbekov D., Shinybekov N.N. filed a petition for the recognition of the expert opinion No. 44 dated 11.01.2013 as inadmissible evidence, the lawyer Akhetova A. stated a motion to declare evidence the protocols of procedural actions drawn up by the investigator Sagimbayev R. as inadmissible, which the court considers not subject to satisfaction. Art. 116 Part 1 of the Code of Criminal Procedure of the Republic of Kazakhstan provides grounds for recognizing factual data as inadmissible evidence. Such grounds for recognizing the expert opinion and the protocols of investigative actions drawn up by the investigator Sagimbayev R. were not established as inadmissible evidence.

Defendant Sultanov D.A. filed a petition to declare the protocol of his interrogation as a suspect and an accused inadmissible, since psychological and physical pressure was exerted on him, which is confirmed by a certificate from the TCC (Temporary Containment Cell), from

which it is clear that he has bodily injuries. The court found that according to the TCC certificate on the body of Sultanov D.A. there were indeed bodily injuries. However, he gave evidence in the presence of a lawyer and did not declare these facts in his presence.

When determining the type and amount of punishment, the court takes into account the nature and degree of public danger of the committed act, the personality of the defendants. The defendants have not previously been convicted, the moral damage caused to the victim was compensated in full, Shinybekov N., Adiatulin R. have young children dependent on them, Shinybekov N. and Bastaubayev R. contributed to the uncovering of the crime.

Taking into account the personality of the defendants and all the circumstances in the case, the court considers it possible to impose on the defendants the minimum punishment provided for by the sanction of articles.

Based on the foregoing and guided by Articles 368-371, 373-375, 377-380, 383, of the Criminal Procedure Code of the Republic of Kazakhstan, the Court

SENTENCED:

Adiatulin Radion Rafaelevich was found guilty of committing crimes under Article 312, part 4, paragraph "a", 142, part 1, 143, part.1 of the Criminal Code of the Republic of Kazakhstan, and sentenced under Article 312, part 4, paragraph "a" in the form of imprisonment for a period of 7 (seven) years with confiscation of property, according to Article 142, part 1 of the Criminal Code of the Republic of Kazakhstan, to impose a punishment in the form of involvement in community service for a period of 180 (one hundred and eighty) hours, according to Art. 143 part 1 of the Criminal Code of the Republic of Kazakhstan to impose a punishment in the form of involvement in community service for a period of 120 (one hundred twenty) hours.

On the basis of Article 58 part 3 of the Criminal Code of the Republic of Kazakhstan, by incorporating a less severe punishment into a more severe one, Adiatulin Radion Rafaelevich was finally sentenced for 7 (seven) years in prison with confiscation of personally owned property with serving the sentence in a general regime penal colony.

The measure of restraint for Adiatulin Radion Rafaelevich - arrest - should be left unchanged.

The term of serving the sentence shall be calculated from 21.06.2011.

Shinybekov Nurzhan Nurlanovich was found guilty of committing crimes under Articles 28 p.5-312, part 4, paragraph "a", 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan, and sentenced under Article 28 p.5-312, part 4, paragraph "a" in the form of imprisonment for a period of 7 (seven) years with confiscation of property, under Article 142, part 1 of the Criminal Code of the Republic of Kazakhstan, impose a punishment in the form of involvement in community service for a period of 180 (one hundred eighty) hours, under Art. 143 part 1 of the Criminal Code of the Republic of Kazakhstan to impose a punishment in the form of involvement in community service for a period of 120 (one hundred twenty) hours.

On the basis of Article 58, Part 3 of the Criminal Code of the Republic of Kazakhstan, by incorporating a less severe punishment into a more severe one, Shinybekov Nurzhan Nurlanovich was finally sentenced for 7 (seven) years of imprisonment with confiscation of personally owned property with serving the sentence in a general regime penal colony.

The measure of restraint for Shinybekov Nurzhan Nurlanovich - arrest - should be left unchanged.

The term of serving the sentence shall be calculated from 18.09.2012.

Sultanov Dinmukhammed Akhmedovich was found guilty of committing crimes under Articles 28, part 5-311, part 4, paragraph "b", 142 part 1, 143 part 1 of the Criminal Code of the Republic of Kazakhstan, and sentenced under Art.28 p.5-311 part 4 paragraph "b" in the form of imprisonment for a period of 7 (seven) years with confiscation of property, under Art. 142 part 1 of the Criminal Code of the Republic of Kazakhstan to impose a punishment in the form of involvement in community service for a period of 180 (one hundred and eighty) hours, according

to Art. 143 part 1 of the Criminal Code of the Republic of Kazakhstan to impose a punishment in the form of involvement in community service for a period of 120 (one hundred twenty) hours.

On the basis of Article 58, Part 3 of the Criminal Code of the Republic of Kazakhstan, by incorporating a less severe punishment with more severe ones, Sultanov Dinmukhammed Akhmedovich was finally sentenced for 7 (seven) years in prison with confiscation of personally owned property and serving the sentence in a general regime penal colony.

The measure of restraint for Sultanov Dinmukhammed Akhmedovich - arrest - should be left unchanged.

The term of serving the sentence shall be calculated from 06.06.2011.

Saitbekov Daniyar Mutalikovich was found guilty of committing crimes under Articles 28 p.5-311, part 4, paragraph "b", 142, part 1 of the Criminal Code of the Republic of Kazakhstan, and sentenced under Article 28 p.5-311 part. 4 p. "B" in the form of imprisonment for a period of 7 (seven) years with confiscation of property, under Art. 142 part 1 of the Criminal Code of the Republic of Kazakhstan to impose a punishment in the form of involvement in community service for a period of 180 (one hundred and eighty) hours.

On the basis of Article 58, Part 3 of the Criminal Code of the Republic of Kazakhstan, by incorporating a less severe punishment into a more severe one, Saitbekov Daniyar Mutalikovich was finally sentenced for 7 (seven) years in prison with confiscation of personally owned property and serving his sentence in a general regime penal colony.

The measure of restraint for Saitbekov Daniyar Mutalikovich - arrest - should be left unchanged.

The term of serving the sentence shall be calculated from 27.06.2011.

Bastaubayev Ruslan Abdualievich was found guilty of committing crimes under Article 3.11, part 4, paragraph "b", 142, part 1 of the Criminal Code of the Republic of Kazakhstan, and sentenced under Article 311, part 4, paragraph "b" in the form imprisonment for a period of 7 (seven) years with confiscation of property, under Article 142, part 1 of the Criminal Code of the Republic of Kazakhstan, to impose a punishment in the form of involvement in community service for a period of 180 (one hundred and eighty) hours.

On the basis of Article 58, Part 3 of the Criminal Code of the Republic of Kazakhstan, by incorporating a less severe punishment into more severe ones, Bastaubayev Ruslan Abdualievich was finally sentenced for 7 (seven) years in prison with confiscation of personally owned property with serving the sentence in a general regime penal colony.

The measure of restraint for Bastaubayev Ruslan Abdualievich - arrest - should be left unchanged.

The term of serving the sentence shall be calculated from 18.09.2012.

The verdict can be appealed and protested within 15 days from the date of its proclamation, and convicts can make their appeals from the date of delivery of a copy of the verdict, to the Collegium for Criminal Cases of the Almaty City Court by filing an appeal and bringing an appeal through the Almalinskyi District Court of the city of Almaty.

Judge (signed)

Chinibekova G.D.

True copy
Judge (signed)
G.D.

True copy
Judge (signed) Chinibekova G.D.

Chinibekova

By the decision of the Court of Appeal of the Almaty City Court dated 02.07.2013, the verdict of the Almalinskyi District Court of Almaty city dated February 18, 2013 against Adiatulin R.R., Shinybekov N.N., Sultanov D.A., Saitbekov D.M., Bastaubayev A.R. changed:

- the actions of Adiatulin Radion Rafaelevich have been re-qualified from Art. 312 p.4, p. "a", to Art. 28 p.5 art. 308, part 4, paragraph "c" of the Criminal Code of the Republic of Kazakhstan, according to which 5 (five) years of imprisonment with confiscation of property, with serving the sentence in a general regime penal colony was appointed. Art. 142 p.1, 143 p.1 of the Criminal Code of the Republic of Kazakhstan were excluded as excessively presented, the application of Art. 58 p.3 of the Criminal Code of the Republic of Kazakhstan was excluded.

- the actions of Shinybekov Nurzhan Nurlanovich were re-qualified from Art. 28 p. 5, 312 p. 4 p. "A" of the Criminal Code of the Republic of Kazakhstan to Art. 28 p. 5, art. 308 p. 4 p. "c" of the Criminal Code of the Republic of Kazakhstan, according to which 5 (five) years of imprisonment with confiscation of property, with serving the sentence in a general regime penal colony was appointed. Art. 142 p. 1, 143 p. 1 of the Criminal Code of the Republic of Kazakhstan were excluded as excessively presented, the application of Art. 58 p. 3 of the Criminal Code of the Republic of Kazakhstan, was excluded.

-the actions of Sultanov Dinmukhammed Akhmedovich were re-qualified from Art. 28 p. 5, 311 p. 4 p "b" of the Criminal Code of the Republic of Kazakhstan to art. 28 p. 5, art. 308 p. 4 p "c" of the Criminal Code of the Republic of Kazakhstan. according to which 5 (five) years of imprisonment was assigned with confiscation of property, with serving the sentence in a general regime penal colony. Art. 142 p. 1, 143 p. 1 of the Criminal Code of the Republic of Kazakhstan were excluded as excessively presented, the application of Art. 58 p. 3 of the Criminal Code of the Republic of Kazakhstan was excluded.

- the actions of Saitbekov Daniyar Mutalikovich have been re-qualified from Art. 28 p. 5, 311 p. 4 p "b" of the Criminal Code of the Republic of Kazakhstan to Art. 28 p. 5, art. 308 p. 4 p "c" of the Criminal Code of the Republic of Kazakhstan, according to which 5 (five) years of imprisonment with confiscation of property and serving the sentence in a general regime correctional colony was appointed. Art. 142 part 1 of the Criminal Code of the Republic of Kazakhstan was excluded as excessively presented, the application of Art. 58 p. 3 of the Criminal Code of the Republic of Kazakhstan was excluded.

- the actions of Bastaubayev Ruslan Abdualievich have been re-qualified from Art. 311 p. 4 p "b" of the Criminal Code of the Republic of Kazakhstan to art. 308 p. 4 p. "c" of the Criminal Code of the Republic of Kazakhstan, according to which 5 (five) years of imprisonment with confiscation of property, with serving the sentence in a general regime penal colony was appointed, Art. 142 p. 1 of the Criminal Code of the Republic of Kazakhstan was excluded as excessively presented, the application of Art. 58 p. 3 of the Criminal Code of the Republic of Kazakhstan was excluded.

The verdict entered into force on **02.07.2013**

Judge (signed)

Round seal

Almalinskyi District Court
of Almaty

Chinibekova G.D.